

CITY OF MILFORD
COUNCIL WORKSHOP MINUTES
January 24, 2022

The City Council of the City of Milford convened in a virtual Workshop Session on Monday, January 24, 2022 at 6:40 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

Tiny Homes Presentation

In attendance were Positive Points Program Director Sylvia Carson, Vice President Tim Lombardo who is also Vice President of Arbor Management and Maintenance Specialist Joe Hill.

Ms. Carson had given a presentation to other Councilmembers and tonight she will present to the full Council.

She then presented an overlook of the Positive Points Program that included participating properties throughout Delaware and the various services and activities offered. They serve 17 family properties and children from age four to 19. They also work with senior properties.

The program serves almost 1,800 children today. The kids are learning, are eager and every year go higher and higher in the program. This year, they decided to do tiny homes to help the homeless. After seeing the presentation at a prior event, Vice Mayor James approached her stating he was interested in some of the things they were doing.

Ms. Carson referenced section four of the packet that shows a number of the activities the children will be doing with the tiny house program, which is the focus tonight. They want to expose the children to the building process and plan to bus them to the job sites so they can work with the contractors.

Mr. Lombardo stated they do a variety of programs and this year, wanted to get back to the roots of what Leon N. Weiner and Associates do which is building. With the help of Mr. Hill and their vendors, they are presently building two tiny homes in New Castle County.

Mr. Hill then spoke about the building process and through the assistance of their partners donate materials, labor, or some type of related service. One of their partners is New Castle County Code Enforcement and even though these homes do not fall under their code, they will be doing site visits and inspections throughout the process to ensure they are built to today's codes.

The program provides the ability to introduce the building trade to the younger folks. Those do not find college in the future, may want to come out and be exposed to this trade. That provides them the ability to understand there are other professions and jobs that make a great living while teaching them along the way.

Their partners also participate in the education component, so they learn about roofing, carpentry, plumbing, electricity, etc.

They hope is that when the homes are completed, they will bring all the children together in Milford to see them being donated to the City for some useful purpose. Perhaps it can be given to someone who doesn't have a home or who needs a roof over their head.

Ms. Carson noted that these tiny houses will be turnkey and completely furnished with dishes, pots, pans, and bathroom items. Everything but the food. They will be ready for someone to walk in with a suitcase and make themselves at home.

Councilman James then pointed out that while these tiny homes are and useful in many ways, there were some concerns expressed by Councilmembers who felt they do not fit anywhere in the Milford code. Councilmembers had some questions and concerns which was the reason the representatives were asked to be present.

Mr. Lombardo then explained that these tiny homes are titled as trailers, which allows them to be moved around. However, they are building them as modular homes. They are going to stub out the plumbing, electrical and anything that needs to be hooked up. In some jurisdictions, the tires are being removed and they are being placed on a small foundation.

Tonight, they are here to ask Council for consideration to partner with the City. They are willing to work with the City to accomplish what is needed, though the value of these trailers is approximately \$50,000 each which is certainly a nice donation. The hope is the City of Milford will be willing to assist them so they can be donated to the City to be utilized for any sort of needs. But ultimately, they are being built as modular homes.

The one-story homes are 30 feet long, 8½ feet wide and about 285 square feet. They cannot be taller than 13 feet, 6 inches and are designed to go underneath the standard highway bridge.

Because the structure is not permanent, the homes are not taxable.

Currently Arbor Management owns the trailer, and they are titled under the Education Foundation because they are insured. They will remain that way because they are a trailer. If they are donated, they will work out how to donate them meaning they will no longer be the owners.

When asked if they are designed to be transitional home for homeless people, Mr. Lombardo shared they have one-bedroom and will be ADA compliant if a ramp needs to be built. Ultimately, they have grab bars and are designed so that mobility-impaired individuals can certainly utilize them.

He further stated they could be used as transitional homes and will have a kitchen, stove, microwave, fully furnished with a bed, closets, and a functional bathroom. It is a small home that could be potentially a staging or transitional home if that were chosen.

Mr. Lombardo also explained they will be secured to the trailers all the time and believes that is where the challenge is. Though they can be put on a foundation, if the tires are removed, and skirting added like a modular.

Ms. Carson noted that though they could be used for the homeless, though there are people that are not homeless that need homes. Once they are received, the City would make that determination of how to utilize the tiny homes. Whether they are rented, given to the homeless, or used as a transitional home.

Councilman Fulton noted that he is aware of tiny homes being used by veterans in transition. Also, new teachers have used them when locating to a new area because of the costs associated with today's housing compared to a teacher's salary.

Councilmember Wilson spoke about the transitional housing currently offered by Milford Housing ranging from six months to two years. She also noted there are many levels of homelessness that could be considered.

She also noted the City of Milford has a few homes that were transported here on wheels. The ones that exist today had a foundation built before the home was set at the site. Her preference is to place them on a foundation and to remove the wheels.

Councilman Culotta stated that while it is good in theory to provide homeless and transitional housing, there is a need to consider the side effects of the related issues that occur with those uses. He pointed out this discussion relates to the accessory dwelling unit. He said these homes are shipping container homes that can be placed on a foundation or kept on wheels like a mobile home. It is up to Council to decide the minimum size that will be permitted on a foundation.

It was agreed by Council this is very preliminary and the code will need to be amended before the homes could be accepted.

Councilmember Wilson said she understands, but she does not want that to be a deterrent. The homelessness around Milford is not going away. The City has done nothing to help that situation in a grand way like so many other municipalities around Milford have done. Milford does not even have a homeless shelter though we have a lot of homeless families in several places. She hopes all the possibilities are discussed, but asked Council to keep in mind the real intent of this program is to provide shelter for those less fortunate folks.

Councilman Boyle agreed, and stressed that he is not opposed, but some thought is needed because the homeless situation is critical in Milford and needs to be addressed. Unfortunately, the City does not have the infrastructure to support it right now. Tonight, Council will be considering some major changes to the zoning ordinance and that includes the foundation for the auxiliary living units which these could fall under.

Planning Director Rob Pierce then stated there are two aspects to tiny homes. The building code and the zoning code. The building code states how a tiny house can be built and the International Code Council update includes a section on tiny houses. It allows a reduced footprint of building construction and reduces the minimum room sizes and some egress requirements.

The harder part will be the zoning ordinance. A tiny house would be considered a mobile home because it has a registration and it's on an axle and can be transported. If the tiny houses were constructed to the building code and placed on permanent concrete or block foundations and anchored down appropriately, it would be treated like an accessory dwelling unit or a single-family dwelling of some sort.

Mr. Pierce said the bigger question is where they can be placed and whether that should be in an apartment complex, on City property or on lots with other homes.

In addition, other partners, such as Milford Housing Development Cooperation, should be asked to partner in the program as well.

Mr. Lombardo said he understands there are a lot of dynamics, but they are very appreciative of the City's time regardless of the decision. They want to stay with Milford and want to help in whatever way the City finds it feasible. The homes will be finished in August, weatherproofed, and ready to go. Even if the City is not quite ready, the tiny homes can sit for a short period as these matters are worked out.

Ms. Carson encouraged the Mayor, Vice Mayor, and Councilmembers to contact them with any questions or concerns.

Council thanked them for their information.

The Workshop concluded at 7:12 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

CITY OF MILFORD
COUNCIL MEETING MINUTES
January 24, 2022

The City Council of the City of Milford met virtually in Regular Session on Monday, January 24, 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 7:15 p.m.

INVOCATION AND PLEDGE

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

PUBLIC HEARINGS

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

Planning Director Rob Pierce read the report included in the Council packet and referred to the associated documents. The Planning Commission recommended approval of the Conditional Use by a vote of 6-0 at their January meeting.

Thomas Schreier of Hill Crest Associates then presented the plan on behalf of the applicant. Also in attendance was Helmick Milford LLC, the current owner of 997 North DuPont Boulevard, located at the intersection of Warner Road/Route 406 and North Dupont Boulevard/US Route 113, the site of the former Wendy's Restaurant.

He provided the following statement:

The applicant is seeking conditional use approval from Section 230-45 which states '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.'

Our current proposal is to redevelop the approximate one-acre property with two tenants in a single-story commercial building of approximately 4800 square feet. Proposed uses will be a fast-food restaurant and a separate drive thru, of which both are permitted within the zoning district. We intend to utilize the limits of the existing payment and access ways that were once associated with the former use. Additional on-site landscaping will be added as part of the

redevelopment to provide shade to the parking areas and block any headlights passing onto adjacent roadways and properties. At this time, as the tenant is not defined, and we have limited information pertaining to signage, hours of operation, number of employees, etc. However, it is our assumption, based upon other similar uses, the signage will be placed on the building facades facing onto road frontage, in addition to a free-standing sign along the corridor of Route 113. Typical hours of operation for similar uses are 10 am to 10 pm with approximately eight employees on the largest shift.

In reading the purpose of conditional uses, the main goal is to ensure the proposed use fits in with the adjoining parcels and that no adverse impacts would be created. We feel that this is a proper use of an underutilized piece of property along the main corridor and the application can meet the area in bulk requirements, including required parking.

Looking at the composition of the Route 113 corridor, there are several existing buildings and new redevelopment projects very similar in nature also with multiple uses. This project aligns with the joining properties and growth patterns seen within the City.

When asked if this is two separate restaurants, Mr. Schreier verified there will be two separate tenants. One would have a drive thru and the other would be a dine-in or take out but are separate operations.

He then explained the location is adjacent to Helmick's other Milford investment which is the Milford Movies 9.

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

Council agreed it was an ideal location in a commercial area and provides two additional restaurant choices.

Property Owner Arthur Helmick then commented that the two proposed tenants are not local to the market but are national tenants. They are very close to finishing the one on the south side and it is a name everyone will recognize and welcome.

He added that the adjacent property, which is also a Harrington property, is in a multi-use building as well.

Councilman Marabello moved to adopt Ordinance 2022-01 authorizing the Conditional Use as presented, seconded by Councilmember Culotta. Motion carried by the following unanimous roll call vote:

Marabello—yes, it's replacing what that was already a restaurant and will have no adverse effect on the area.

Boyle—vote yes, as previously stated, it fulfills a need right now by offering more choices for residents and utilizes a lot that is an odd shape and strange position that will benefit everyone.

Fulton—I vote yes, this will give more choices for eateries, especially since they're from out of town. I enjoy that and it has complied with the condition use for voting yes.

Culotta—I vote yes and looks forward to the fact that Wendy's will be replaced by more options and now dual options for residents of Milford and given that Mr. Helmick that he just disclosed he owns the property next to it and he looks forward to him being back here soon to talk about what he is going to do with that.

Samaroo—I vote yes, because it creates more job opportunities for individuals and a better experience for new and different food choices.

Baer—I vote yes, and with the Planning Commission supporting it 6-0 and the additional restaurant options for Milford will be a big win.

James—I vote yes, it satisfies the wishes and desires of the citizens that are looking for additional opportunities and different options for their eating choices.

Wilson—I vote yes, based on all the reasons before me and I'm excited that we are going to have another choice for the City of Milford.

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

Planning Director Rob Pierce read the report included in the Council packet and referred to the associated documents. At their January meeting, the Planning Commission recommended approval of the Conditional Use by a vote of 6-0. This is the former M&T Bank building, and the applicant is seeking permission to convert it into a two-unit commercial building for use as an office and a church. The parking lot surrounding the building is owned by the City of Milford.

The Planning Commission voted 6-0 to recommend approval at its January meeting.

Owner Zack King shared that they also have Easy Speak and the Penny Square Building in Milford and recently purchased the old bank building.

He explained the proposed conditional use change is mainly for temporary usage. They have a church tenant and some office tenants across the street in Penny Square who need to be temporarily relocated to allow the finishing work to be completed in Penny Square. The proposed use for the bank building long term in the next two to three years is a wedding venue/events space/concert hall type plan.

In the meantime, they need to relocate their tenants. The proposal tonight for the change in the conditional use will mainly provide the option to potentially put two tenants in that space for a period of a year to a year and a half maximum. The process of working with historical buildings takes quite a while and he expects at least a year to get major construction underway. The whole building must come under fire suppression and new water lines are needed, in addition to the architectural and engineering plans which will take some time.

That is the reason they prefer to move those tenants to the bank building which would allow the work to be completed at Penny Square and give them a home for at least another year.

Because the plan for the bank building is a venue and event space, they think it will be a great addition to Milford and a great use for the building. The capacity is going to be rather high so bringing that many people to Milford on a regular basis on weekends for weddings, events, shows, concerts, etc. will be a huge uptick in localized tourism for Milford.

They do not need approval tonight to move the church to the bank building, but instead are only asking for the ability to split that building into two temporary tenant spaces. It is already zoned for the church to occupy for a short period of time and reemphasized the goal is for that to be temporary.

When asked for the end date for the conditional use, Mr. King said he would be fine with taking a conditional use with a time dated on it. He feels that two years is needed to be safe though he hopes it is only year, depending on a lot of factors that were previously mentioned.

While the church is in that space, along with the other potential tenant, they will be working on the bank building. Exterior work can be done, and there are no plans to occupy the basement or the second floor at this time.

They anticipate the full venue being open within three years and prefer to work as quick as possible. Their architectural drawings are underway, and several contractors have already provided quotes on various jobs, so they are not sitting idle.

When discussing the time frame for the conditional use, Councilman Culotta suggested approving it without a temporary deadline so that if the plans change for the event space, they can still have two tenants. Mr. King pointed out that they have made several improvements to the town, and everything they have presented has come to fruition, so he does not see a problem. Only thing that could delay the work may be something like an unexpected fire marshal requirement, for example, but he is not concerned with that as of this time.

Solicitor Rutt explained that when a conditional use is approved, the conditional stays with the land and continues based upon the approval given. However, at some point in the future, if the plan changes and/or the conditional is changed or abandoned, the conditional use is voided and goes away.

Councilman James shared that he never remembers any time frame being included in a conditional use application. His understanding is the conditional use goes with the land even if the property ownership changes and he prefers to exclude any time frame.

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

Councilmember Marabello stated that he favors a conditional use with a time frame, but not because he does not believe Mr. King will do what he says, but because Council must protect the city and its residents. Moving forward, he does not believe that a church would be the best use of that property nor is that a goal of the City. However, he is willing to provide a two- or three-year period which as the applicant stated, provides enough time to get the work completed.

Mr. Pierce stated the church is a permitted use in the C-2 zoning district. If the applicant used the bank building for a church with no approval from Council.

When questioned, Mr. King explained the church was always aware their location at Penny Square was a temporary space and the move to the bank is an extension of the temporary tenancy. They are building a restaurant in Penny Square with the intent to open in less than a year. As a result, the church is aware they are unable to move back to Penny Square and from the time they signed the lease, they understood it was never a permanent home.

There being no further questions, Councilmember Fulton moved to adopt Ordinance 2022-02 for a conditional use for a multi-use building, seconded by Councilmember Boyle. Motion carried by the following 7-1 roll call vote:

Marabello-votes no for the reasons he stated and though he has no objections, he would rather have a three-year time frame or whatever he needs, but he does not like the idea of it being open ended.

Boyle-Votes yes. Mr. King has always stayed with his plan and executed the plan accordingly. I think it will be a great addition to the downtown and the venue will bring a lot of people downtown or for any other use.

Fulton-Votes yes and this allows the Penny Square area to be rehabbed which allows businesses to be moved over to the M&T Bank on a temporary basis. But the length of time for construction and the like is up in the air now so I vote yes.

Culotta-I vote yes. The Kings have been great and have added a lot to our communities as far as dining options. I look forward to their plans with the Penny Square building and along with that, their decision to purchase the bank which we've struggled with selling for many years now and especially with what happened with the last owner and proposed use. I vote yes.

Samaroo-I vote yes based on the Planning Commission recommendation and I especially like maintaining the historic character of the building.

Baer- I vote yes as well based on the Planning Commission recommendation of 6-0 and I also think it is another great thing to have new businesses in our downtown area.

James-I vote yes, because the move of the church to the building does not need approval and I also want to grant the conditional use to allow a multi-tenant building with a church and office space. That does not present any underlying issues with the City. I also think it is good for the church that they have been given an extension of time to find another

home, since they will not be at Penny Square, and this provides a temporary home while they find their new resting place.

Wilson-I vote yes and am very excited about the former bank location being rehabbed and used for events and whatever it becomes. It is wonderful and I am very happy about that. There is no doubt this owner is straight with their intent. But it is sad the church must relocate, but at the same time, am happy you are working with them. That previous church had been there for a very, very long time and I do appreciate that. I also think it's wonderful that any enhancements will benefit the whole entire city and that is a bonus.

Ordinance 2022-03

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

Ordinance 2022-04

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

Ordinance 2022-05

Amendment to City of Milford Code

Chapter 200/Subdivision Code

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

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

Director Pierce explained that Ordinances 2022-03, 2202-04, 2202-05 and 2202-06 all pertain to the Zoning and Subdivision Code update that the Planning Commission, City Solicitor, and staff have worked on for the past year.

He again reviewed the process related to the amendments and read the January 18, 2022, memo into the record stating:

Over the past several months, the Planning Commission, City Solicitor, and Planning Director have reviewed Chapter 230 Zoning and Chapter 200 Subdivision of Land to address the following:

- Implement the goals and recommendations from the 2018 Comprehensive Plan update.
- Reduce the number of Board of Adjustment applications that are being reviewed and approved.
- Standardize Site Plan, Subdivision and Conditional Use application review procedures and expiration provisions; and,
- Eliminate contradictory statements, address erroneous or missing language, and address items that cause confusion in the administration of the code:

Refer to memo for additional information.

The Director also reminded Council the draft of the subdivision and zoning code changes were discussed in a Council workshop in October and has since been amended to keep mobile home parks an option within the R3 and R8 zoning district. Originally, that language was being deleted, but has been restored.

Also, the architectural requirements in the business park zone were removed, but that language will also need to be restored as well.

The super majority requirement for zoning amendments was also removed in the latter section of the ordinance.

The packet includes all ordinances and associated amendments. In addition, Chapters 100 Car Washes will be removed and Chapter 182 Satellite Dishes due to violating federal telecommunications requirements.

After a review by the Planning Commission, they recommended approval by a vote of 6-0 of all four ordinances.

Mayor Campbell opened the floor to public comment on Ordinances 2022-03, 2022-04, 2022-05, and 2202-06. There were no responses, and the floor was closed.

Councilmember Boyle expressed concern about HOAs considering there are eleven large HOAs in Milford, of which six are in Ward 1. He wants to make sure the City maintains the strong support for HOAs. Some of the amendments appear to be in violation of some HOA restrictions. He does not want to cause any unnecessary grief among residents and HOAs when the impression is given that the City code preempts HOA restrictions. The City has always taken the position that the HOA regulations can be stricter, but never more lenient than the City codes.

Solicitor Rutt noted that HOA's and condo associations are all regulated under Delaware Code Title 25. Under the preemption doctrine, federal law preempts state law and state law preempts municipal law and municipal law preempts HOAs. The HOA declaration is a contract and does not have the force of law other than as a contract between the developer and the homeowners. It does not have anything that preempts what the City enacts by way of ordinance. As a result, it needs to be clear and should include a policy related to this.

According to Solicitor Rutt, if it comes down to a question of controls, the HOA is at the bottom of the list.

Mr. Pierce said he still requires a copy of the HOA restrictions be included with building permits that involve exterior improvements.

A discussion followed about responsibility of HOAs.

Councilmember Boyle moved to adopt Ordinance 2022-03 deleting Chapter 100, seconded by Councilmember Wilson. Motion carried with no one opposed.

Councilmember Boyle moved to adopt Ordinance 2022-04 deleting Chapter 180, seconded by Councilmember Wilson. Motion carried with no one opposed.

Councilmember Boyle moved to adopt Ordinance 2022-05 amending Sections 200-3, 200-4, and 200-8 of the Subdivision Code, seconded by Councilmember Wilson. Motion carried with no one opposed.

When questioned, Mr. Pierce talked about the conflicting definition of building coverage versus lot coverage. The intent of the 20% in the R3 zone was for building coverage. For apartment complexes, he believes 80% lot coverage is more in line with other municipalities.

Councilmember Boyle moved to adopt Ordinance 2022-06 amending Chapter 230 and the sections included on the agenda, seconded by Councilmember Baer. Motion carried by voice vote with no one opposed.

COMMUNICATIONS & CORRESPONDENCE

Councilman Boyle referenced the email from the City Manager to all Councilmembers regarding the status of the assignments given during the Council Retreat and the conflict with FOIA. He asked that be discussed in a future workshop.

Councilman Marabello announced that Second Street Players is having its first live show after the Covid pandemic over the next two weekends.

Councilman James received correspondence about the corner of Seabury and Route 113 regarding an uncovered ditch and asked that be checked out.

Councilmember Wilson reported she continues to receive complaints about the paving issues and large potholes in the Food Lion Shopping Center. Planning Director Pierce said he will contact Mr. Helmick though he has already sent a violation notice to the property owner which is the owner of the Movie Theater property.

Councilmember James asked that a large snowbank be addressed. He explained that when leaving the Walmart parking lot traveling and traveling onto Airport Road, it impedes traffic by blocking more than a lane of traffic. City Manager Whitfield stated that Mr. Pierce had turned that over to Code Enforcement.

Councilmember Fulton spoke about the donation bins in the Walmart Shopping Center on the southside of the parking lot and the growing number of clothing items left outside. That is causing that area to be extremely unsightly and has the appearance of a dumpster. City Manager Whitfield will have Code Enforcement issue a remediation letter to the property owner.

MONTHLY FINANCE REPORT

City Manager Whitfield noted that the Rules adopted by City Council in 2018 need to be changed to allow this report to be addressed at the second meeting of the month, which will provide more updated information. A related resolution will be created.

He also shared that a Capital Improvement Update, included in tonight's packet, will be addressed at the Workshop on Wednesday.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Bid Authorization/Recommendation/Riverwalk Playground Design

Parks and Recreation Director said there are two items on the agenda that are both capital projects.

The first is the Mispillion Riverwalk lighting. The guardrail behind the Santa house is being replaced with a new lighted handrail system. It is being removed and replaced with a new, updated lighted handrail system.

The matter was before the Parks & Recreation Advisory Board and public input was taken on the matter last week as well.

This has been narrowed down to two options. One is a vertical type of structure and the least favorite.

The preferred option is a stainless-steel type of structure with a cabling type of guardrail and will potentially prevent kids from falling onto the river or sports balls from going into the river. It is also more aesthetically pleasing because you can view the river through the guardrail.

The City has received grant funding and there is already city funding earmarked for the project. It will need to go through the competitive bid process as outlined by the State.

Tonight, he is looking for final authorization to move forward with design documents and to proceed with the bid.

While he received some suggestions that solar lighting be used, other residents commented that the City should use its own electric company and that electricity already exists there. As a result, he will use a low voltage LED lighting system.

When asked the length, Mr. Dennehy said this will involve the section between Walnut and Washington Streets, with the next phase extending across Walnut Street toward Second Street Players.

Councilmember Boyle moved to endorse the stainless-steel cabling guardrail and proceed with the bids, as presented, seconded by Councilmember James. Motion carried.

The next item to be voted on is a concept plan for Memorial Park. A lot of the items have been identified as part of the capital plan and with public input. He emphasized nothing is set in stone and he is presenting this as a phased type of project. He already has funding from the State and matching CIP funds for the playground and pickleball courts.

He presented a concept plan with several potential activities and structures.

He emphasized he does not just want to add a playground and pickleball court but wants to present a cohesive plan to know how to move forward.

Councilmember Culotta made a motion to move forward with the playground and the pickle courts, prepare the design documents and the bid the project, seconded by Councilmember James. Motion carried.

Adopt/Resolution 2022-01/Adopt ADA Transition Plan

Public Works Director Mike Svaby shared that In March of 2021, the Public Works Department, and its contractor Disability Access Consultants (DAC) announced to Council they were preparing an internal and external ADA questionnaire, along with site surveys of City-owned properties for the purpose of producing a transition plan toward full compliance.

By the end of the 2021 summer, all site surveys were completed, and findings documented. DAC continued their work and produced a Draft Transition Plan. In Fall of 2021, after review of the draft plan, it was made available for public comment. The comment period closed on December 30, 2021. The document will be finalized and published by the end of January 2022 and utilized when moving forward in the City's annual budget process. Compliance issues will be addressed directly through the City's annual ADA Compliance commitment and indirectly when ADA provisions are triggered through road, sidewalk, and utility projects. Projects completed through both avenues will be recorded in the DACTrak System.

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

Councilmember Boyle moved to adopt Resolution 2022-01 and authorize the Mayor to sign the following resolution, seconded by Councilmember Baer:

RESOLUTION 2022-01 Adoption of the ADA Self-Assessment & Transition Plan

Whereas, the City of Milford is required under Federal Law to comply with the standards of the Americans with Disabilities Act of 1900, as amended by the ADA Amendments Act of 2008; and

Whereas, the City of Milford Department of Public Works is engendered with the work of maintaining and constructing public infrastructure within the City of Milford, including, but not limited to sidewalks, roadways, and parking lots and in carrying out such work until it becomes the arm of the City's ability to comply with the noted Act above; and

Whereas, the Department of Public Works has successfully conducted a Self-Assessment and produced an ADA Transition Plan and has properly noticed this document, inviting, and considering public comment toward its final production for a period of no less than 60 days.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council hereby adopt the ADA Self-Assessment and Transition Plan for the City of Milford.

Motion carried.

Introduction/Ordinance 2022-10/Chapter 68/Voter Registration Code Update

Mayor Campbell introduced Ordinance 2022-10.

City Clerk Terri Hudson explained that this will change the maintenance and use of Milford's voter registration rolls. This ordinance will allow the transfer to the State election lists, though there will still require qualified nonresidents to register and her office to maintain and update that list. The main purpose is to allow anyone registered in the State with an in-city address, will be eligible to vote in City elections beginning with the April 2022 election.

Public comments will be heard at the next Council meeting, after which Council will have the ability to adopt the new process.

ADJOURNMENT

Councilman James moved to adjourn, seconded by Councilmember Culotta. Motion carried.

The Council meeting adjourned at 8:42 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder