

CITY OF MILFORD
COUNCIL WORKSHOP MINUTES
September 27, 2021

The City Council of the City of Milford convened in a Workshop Session in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, on Monday, August 23, 2021 beginning at 6:09 p.m.

PRESIDING: Mayor Archie Campbell

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

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

COUNSEL: Solicitor David Rutt, Esquire

Per the Limited Public Health Emergency Declaration issued by Governor John Carney on March 1, 2022, and the virtual meeting provisions provided in Senate Bill 94, Milford City Council and participants met in a hybrid format.

Police Staffing Update

Mayor Campbell shared that he has a meeting during the week, and he prefers the update be provided at the next meeting.

Economic Development Update

Economic Development & Community Engagement Administrator Sara Pletcher provided Council with an update since she started this past May.

Starting with economic development, some confirmed businesses that have opened or are in the process, since she started. But with the creation of her department, the city will be able to be involved and help businesses expand or open. Just for general knowledge, she feels it is beneficial to business.

Ms. Pletcher provided updates on the following businesses:

- Euphoric Herbals expanding warehouse in Business Park
- Bayside Gymnastics opening in Riverwalk Plaza
- Esthetician opening in new construction multi-use building on North Washington Street
- Giant Grocery Store chain leasing warehouse space for home delivery

Six ribbon cuttings:

- La Vaquita Butcher Shop on Walnut Street
- Village Café in Milford Wellness Village
- GlassHowes next to Not Too Shabby on Northwest Front Street
- Cookie's Paper Petals expanded on Southwest Front Street
- Euphoric Herbals Apothecary opened a smoothie and tea bar
- Next Level Nutrition in the Airport Plaza

Promising businesses:

- Henlopen Sea Salt looking for production space
- Chef Bill Clifton interested in opening a restaurant in Downtown Milford
- UD DATI Office looking at Milford Wellness Village
- Food Bank looking to split up operation during construction

- Axe throwing company eyeing Milford for brick & mortar
- Retail developer interested in Milford commercial zones
- Site Readiness Funds

- Monthly e-newsletter
- Milford Advantages flyer
- Signed contract with Accrisoft for economic development-specific website – growinmilford.com
- Building inventory knowledge
- Connected to county & state tourism & economic development groups
- DPP, KEP, Chamber Task Force, Kent County Tourism, SEDAC
- New employee orientation presentations
- DEMEC & UD Trainings
- Key Account Program Manager

Community Engagement

- Vaccine pop-up clinic (mid-June to mid-August)
 - Riverwalk Farmers Market
 - Community gift cards
- Utility bill newsletter (e-newsletter)
- Budget Newsletter
- Press Releases – Newsroom webpage
- National Citizen Survey
- Downtown Milford, Inc.

Ms. Pletcher then provided some social media website activity since May and the overall growth in our mediate followers. She noted that the city didn't have Instagram until she started. Website visits have also increased, which coincides with the growth that is happening with users.

She will continue to encourage people to sign up for e-notifications to take some stress off our customer service in general. The idea is for it to be used as a source of news.

The city remains active on NextDoor and LinkedIn. We have a You Tube channel, and she will continue to add videos. And some other city social channels that we have that I just didn't include in the growth.

In addition, Parks and Recreation and the Police have their own Facebook page, though that is managed by their employees.

The City Manager informed Council that a colleague he dealt with for twenty years in Pennsylvania and saw that Mr. Whitfield in the city manager. He contacted him and there is a lot of interest in doing something in Milford.

Councilman Baer asked about what has been occurring at the Plaza Shopping Center at Routes 113 and 14. She shared that there is a rumor that a realtor Milford was anticipating is not coming. She is meeting with the landlord at which time she will obtain an update.

She confirmed that she is plugging the music school, public library and the community theater. She adds 'River Town, Art Town, Home Town' on everything and when branding uses "We are Milford".

ADA Transition Plan Update

Public Works Director Mike Svaby provided the following update:

In Fall of 2020, Disability Access Consultants, LLC (DAC) was contracted to conduct a comprehensive review of City programs, services, activities, policies, buildings, parks, accessible on-street parking and public rights-of-way. These

findings, along with a review of accessibility to the City's programs and activities will form to serve as the impetus to build the City of Milford's ADA Transition Plan.

As the project was kicked off in early Spring of 2021, to glean a baseline of program readiness and awareness, surveys were taken from both the Public (Individuals and Organizations) and Employees of the City of Milford.

Collecting and compiling the public and employee surveys, tabulating the physical property reviews, and evaluating public access to programs and activities along with effectiveness of the media that supports this access, DAC completed their first draft of the ADA Transition Plan for the City of Milford. This draft will be made available for public review and comment on October 15, 2021 through the City's website and by reference in the City's established social media outlets for a period of 45 days.

The transition document soliciting input for the ADA Transition Plan beginning on October 15, 2021 includes the following elements:

1. A review of all physical attributes in the City's Rights of Way and Buildings, along with a review of access (physical and virtual) - by persons with disabilities - to programs and activities that occur in the City's facilities.
2. A detailed outline of the methods to be utilized to remove these barriers and make the facilities, buildings, and programs accessible.
3. A schedule for taking the necessary steps to achieve compliance with Title II of the ADA and the interim steps that will be taken during each year of the transition period.
4. The formal identification of the designated person (s) responsible for the plan's implementation (usually referred to as the ADA Coordinator and/or ADA/504 Coordinator).

After the public comment period has concluded at end of business day on Tuesday, November 30, 2021, input and changes received during the comment period will be taken into consideration and ultimately incorporated into the transition plan which will be finalized and published for public review at any time via the City's website or in person at City Hall. Each forthcoming year and on an ongoing basis, after conclusion and Council ratification of the annual budget process, the Transition Plan document will be updated to record the level of completion of those activities that had been specifically planned for the previous year along with additions to the Plan to be achieved for the forthcoming year. The additions for the forthcoming year will then be made available for Public input and comment for a period of 30 days. After the comment period, input received will be considered and where appropriate included in next year's Transition Plan document. This final document will then serve as the annual Transition Plan manifest for the remainder of that budget year.

We have a line item in our capital budget as it is right now, so that we can accommodate some of those changes.

When questioned about the 3,000 attributes, Councilman James asked the major groupings of those attributes; Director Svaby explained that most people encounter things that involve intersections, curbs and sidewalks. There may be some input that we encounter from those that are disabled, that involve presence to this meeting, presence to access it, hearing it, and participating in it. The same applies to other programs offered by the city. Those things are at a minimum. The primary input he has received is about intersections, curbs, sidewalks, and things of that nature.

Councilmember Wilson asked if a business is found in violation, and does the city work with that business to correct it or is it the responsibility of the business. Director Svaby talked about the responsibility of the property owner within the city's sidewalk program. If a site is identified at a business, the city would make that the highest priority and work with them to correct.

When asked if all the subdivisions are required to conform to ADA guidelines, Director Svaby said this study involved city property and private property is separate. They do have requirements and if the city receives a complaint that should be investigated.

ADA is a federal civil rights act and is enforced by the Department of Justice. The municipality's responsibility is to comply with those requirements. If the city has a transition plan and is working toward those accomplishments, protects the city from lawsuits.

There being no further business, the Workshop Session concluded at 6:44 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 27, 2021

The City Council of the City of Milford convened their regular meeting by way of a video conferencing website on Monday, September 27, 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, Jason James Sr. and Katrina Wilson

STAFF: City Manager Mark Whitfield, Police Chief Kenneth Brown and Deputy City Clerk Katrina White

UNSEL: Solicitor David Rutt, Esquire

CALLED TO ORDER

Mayor Campbell called the meeting to order at 7:02 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance led by Senior Patrol Leader Paul Huett of Boy Scout Troop 186, followed the invocation given by Councilmember Wilson.

RECOGNITION

Milford Police Senior/Corporal – US Marshal Warrant Officer Timothy J. Webb

Chief Brown said he is going to present an award to the most deserving officer. The award comes from the American Police Hall of Fame and Museum to Senior Corporal Timothy Webb. After being in the drug unit, in 2019, he began working with the US Marshal's Task Force. During an assignment on December 10, 2020, while serving a warrant in Rehoboth Beach as part of the task force, Senior Corporal Webb was shot multiple times and was eventually flown to Christiana Hospital where he was stabilized. He spent a week in the hospital, two weeks in a rehabilitation hospital, and since then has made a remarkable recovery. He continues to have some hand problems, but he will fully recuperate.

Chief Brown then read the following letter:

Dear Senior Corporal Webb:

It is my honor to inform you that you have been awarded the Law Enforcement Purple Heart Award of the National Awards Program of the American Police Hall of Fame. Our staff members join me commending you for your valor and service and your dedication to duty without thought of your safety demonstrates your commitment to serve the public as a law enforcement officer. Your bravery and resulting sacrifice as a reminder of the dangers the officers face daily.

We sincerely regret that you sustained this injury in line of duty.

Again, please accept our award with the knowledge that we appreciate your service. The staff of the American Police Hall of Fame wishes you the very best in the future.

Chief Brown then presented the Purple Heart Plaque and the Purple Heart Metal to Senior Corporal Webb in recognition of the injuries he sustained while In performance of duty as a law enforcement officer.

Senior Corporal Webb then addressed Council. He thanked everyone for attending tonight's meeting and how much it means to him and his family. During this journey, a lot of people asked him what his motivation was, and he said he could

sum it up in one word---and that is family. He is proud to be a police officer, but he finds a lot more drive in being a husband and a father. He emphasized those are the two things that push him to be better every day and that he tries to instill into his son. Without his wife and son, he would not be where he is today.

He knows everyone has dark moments, and when you find yourself in that place, and feel there is no escape, the only thing to do is to keep driving forward. One step in front of the other, one small go after the next, one tiny change in your mindset. And remember that you are never without a fight.

He concluded by expressing his gratitude and blessings to those in attendance.

New Employees Introduction

Planning Director Rob Pierce said he didn't invite him to the meeting, but he hired Fred Coppock as the city's newest building official.

Mayor Campbell then acknowledged the following three proclamations.

Proclamation 2021-16/National Customer Service Week

PROCLAMATION 2021-16 National Customer Service Week

WHEREAS, National Customer Service Week was first championed by the International Customer Service Association in 1084, proclaimed a National Event by Congress in 1992, and is now celebrated the first full week of October every year; and

WHEREAS, Customer Service Professionals work the front lines and are often the first to meet new customers and make a positive impact on behalf of the City; and

WHEREAS, Through the use of responsive policies and procedures, and by demonstrating simple courtesy, Customer Service Professionals go a long way toward ensuring customer satisfaction; and

WHEREAS, Having the passion to serve Milford's customers by supporting the City's efforts to deliver safe and reliable power, clean drinking water, sanitary wastewater and solid waste collection and disposal by maintaining a positive attitude when facing adversity, are personal goals of every Customer Service Professional in the City of Milford; and

WHEREAS, We celebrate National Customer Service Week to recognize the phenomenal job that our Customer Service Professionals do fifty-two weeks a year and because they understand their significance to the City of Milford; and

WHEREAS, The theme of this year's National Customer Service Week is "The Power of Service" to recognize the difference our customer service professionals made in the lives of the people they serve by overcoming the operational challenges presented by the COVID-19 pandemic, and especially by becoming that reassuring and comforting voice to customers facing adversity, and

WHEREAS, We applaud the value of the friendly, face-to-face, personal service our Customer Service Professionals eagerly provide to residents, property owners, businesses, and industries within our City by constantly looking for ways to assist and improve.

NOW, THEREFORE, BE IT RESOLVED, I, Arthur J. Campbell, Mayor of the City of Milford, by the power vested in me, do hereby proclaim October 4-8, 2021 to be National Customer Service Week in the City of Milford.

Proclamation 2021-17/Dysautonomia Awareness Month

PROCLAMATION 2021-17
Dysautonomia Awareness Month

- WHEREAS, Dysautonomia is a group of medical conditions that result in a malfunction of the autonomic nervous system, which is responsible for "automatic" bodily functions such as respiration, heart rate, blood pressure, digestion, temperature control and more;
- WHEREAS, Dysautonomia impacts over 70 million people around the world, and includes conditions such as Diabetic Autonomic Neuropathy, Vasovagal Syncope, Pure Autonomic Failure, and Postural Orthostatic Tachycardia Syndrome;
- WHEREAS, Dysautonomia impacts people of any age, gender, race or background, including many individuals living in the City of Milford, Delaware;
- WHEREAS, Dysautonomia can be very disabling and this disability can result in social isolation, stress on the families of those impacted, and financial hardship;
- WHEREAS, Some forms of Dysautonomia can result in death, causing tremendous pain and suffering for those impacted and their loved ones;
- WHEREAS, Increased awareness about Dysautonomia will help patients get diagnosed and treated earlier, save lives, and foster support for individuals and families coping with Dysautonomia in our community;
- WHEREAS, Dysautonomia International, a 501(c)(3) nonprofit organization that advocates on behalf of patients living with Dysautonomia, encourages communities to celebrate Dysautonomia Awareness Month each October around the world;
- WHEREAS, We seek to recognize the contributions of medical professionals, patients and family members who are working to educate our citizenry about Dysautonomia in the City of Milford.

NOW, THEREFORE, BE IT RESOLVED, I, Arthur J. Campbell, Mayor of the City of Milford, by the power vested in me, do hereby proclaim the month of October 2021 to be Dysautonomia Awareness Month in the City of Milford.

Proclamation 2021-18/Public Power Week

PROCLAMATION 2021-18
Public Power Week

- WHEREAS, we, the citizens of the City of Milford, place high value on local choice over community services and therefore have chosen to operate a community-owned, not-for-profit electric utility and, as customers and owners of our electric utility, have a direct say in utility operations and policies; and
- WHEREAS, the City of Milford Electric Division provides our homes, businesses, schools, and social service and local government agencies with reliable, efficient, and safe electricity employing sound business practices designed to ensure the best possible service at not-for-profit rates; and
- WHEREAS, the Electric Division is a valuable community asset that contributes to the well-being of local citizens through energy efficiency, customer service, environmental protection, economic development, and safety awareness; and
- WHEREAS, the Electric Division is dependable and trustworthy whose local operation provides many consumer protections and continues to make our community a better place to live and work and contributes to protecting the global environment.

NOW, THEREFORE, BE IT RESOLVED, I, Arthur J. Campbell, Mayor of the City of Milford, by the power vested in me, do hereby proclaim the week of October 3-9, 2021, be designated Public Power Week to recognize the Electric Division for its contributions to the community and to educate consumer-owners, policy makers, and employees on the benefits of public power; and

BE IT FURTHER RESOLVED: that the City of Milford Electric Division will continue to work to bring lower-cost, safe, reliable electricity to community homes and businesses just as it has since the utility was created to serve all

residents of the City of Milford; and

BE IT FURTHER RESOLVED: that our community joins hands with more than 2,000 other public power systems in the United States in this celebration of public power and the best practices for consumers, business, the community, and the nation.

PUBLIC HEARING/FINAL DETERMINATION

Planning Director Pierce reported that the first four ordinances are proposed comprehensive plan future land use map amendments. Those land uses allow certain zoning changes to comply with the zoning maps of the city. Those maps are also reviewed once a year, which gives the public an opportunity to submit written requests for changes to their properties either in town or targeted annexation area.

The PLUS (preliminary land new service) is also in the packet for the four comprehensive plan amendments. Any type of comprehensive plan adoption or amendment to our comprehensive plan requires review by the Office of State Planning Coordination.

Three of the requests involve lands within the city jurisdiction, or in the annexation area, and provide more opportunity for future industrial lands within the City of Milford. The fourth amendment request is change to open space east of Route 1 to low density residential.

ORDINANCE 2021-19

Amending and Adoption of the 2018 City of Milford Comprehensive Plan

Future Land Use Designation Change

John R. Lynch – New Wharf Road

MD-00-174.00-02-64.01

This ordinance is a proposed amendment for lands of John R. Lynch, east of State Route 1, and south of New Wharf Road near the new Northeast Front Street State Route 1 grade separated interchange. The location map was then presented.

The proposal is to change this tract of land from future open space to low density residential as shown on Exhibit D in the packet. The property owner was working with a developer who submitted a written request to subdivide the property for the low-density residential development. Doing that requires comprehensive future land use.

They had reached out to Kent County to develop but thought it was worthwhile to bring before City Council.

Reviewed by the Planning Commission at the September 21, 2021 meeting, Commissioners recommended approval by a vote of four to zero. The public notice was advertised in the Milford Beacon on August 25, 2021.

It was confirmed it was their intention to be annexed into the city. They could develop in Kent County but would be limited to two units an acre. Annexing into the city will allow four units to an acre which is advantageous to the property owner and developer. If annexed, they would be required to connect to public water and sewer.

When asked how this matches with the adjacent Woodshaven Development, Director Pierce believes those lots are half acre lots.

Because the land was originally planned as open space, Planner Pierce said if you look at the map north of Milford towards Lighthouse Estates, most of that area is open space. He believes there were access issues with this site until the overpass was built.

When asked if approximately 280 homes would be built there, the Planner explained that only about 75% of that land is developable. Hypothetically, that may be possible, but it would depend on the site development plan.

Right now, the request before Council is to change the comprehensive plan to allow the low residential zone and allow a future annexation request. He added that until a couple of years ago, it was very difficult to make that that connectivity from in town to the other side of the highway.

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

Councilmember Wilson moved to approve the Comprehensive Plan amendment as recommended by the Planning Commission, seconded by Councilmember Culotta. Motion carried by the following seven to zero roll call vote:

Marabello-votes yes as approved by the Planning and Zoning Commission.
Culotta-I vote yes, based on the Planning Commission recommendation.
Fulton-I votes yes, based on the low-density request.
Boyle-I vote yes given the recommendation of the Planning and Zoning Commission.
Baer-I vote yes based on the Planning Commission recommendation.
James-I votes yes based on the recommendation of the Planning Commission.
Wilson-I vote yes based on the recommendation of the Planning and Zoning Commission.

ORDINANCE 2021-20

Amending and Adoption of the 2018 City of Milford Comprehensive Plan

Future Land Use Designation Change

Joel F. Blessing - Holly Hill Road

MD-00-173.00-02-83.00

Planner Pierce presented the amendment to the future land use request. This is being proposed by the City of Milford and is related to future industrial land. This is for a farm on Holly Hill Road owned by Joel Blessing that is currently outside of the City of Milford. Included in the packet is the current future land use exhibit which shows a little over half of the property currently future industrial. It involves the section of the property that abuts the existing railroad easement to the south.

The main change would be taking the rest of the farm and changing it from low density residential to industrial which would allow for a larger industrial user to go on that property.

This was also submitted to the Office of State Planning and the PLUS comments are included in the packet. It was also reviewed by the Planning Commission on their September 21, 2021 meeting where approval was recommended by a vote of five to zero.

This ordinance was advertised in the Milford Beacon on August 25, 2021. There is no pending land use application on this site, and it does fall under Kent County's jurisdiction.

Any future annexation would come back before City Council.

Planner Pierce confirmed the property to the west is now NutrienAg and used to be Crop Production Services that was originally on Rehoboth Boulevard. Baltimore Air Coil is further west at the end of Holly Hill Road. Heading east on Williamsville Road is US Cold Storage, Growmark, and Southern States.

It has been noted that a lot of government entities are hoping to take advantage of the exiting railroad and instead of building homes again it, providing an opportunity for industrial uses.

It was confirmed the entire property consists of 132 to 133 acres. However, what is being changed is approximately half.

The floor was open to public comment. No one responded and the floor was closed.

Councilmember Wilson moved to adopt Ordinance 2021-20, seconded by Councilmember Culotta. Motion carried by the following seven to zero roll call vote:

Marabello-votes yes based on the recommendation of the Planning Commission.

Culotta-votes yes and looks forward to the future possibilities there.

Fulton-votes yes and it fits the industry in that area.

Boyle-votes yes based on the recommendation of the Planning Commission.

Baer-votes yes based on the Planning Commission.

James-votes yes, it is an appropriate change to the surrounding businesses and based on the recommendation of the Planning Commission.

Wilson-votes yes based on the Planning and Zoning Commission, and it is smart to be proactive.

ORDINANCE 2021-21

Amending and Adoption of the 2018 City of Milford Comprehensive Plan

Future Land Use Designation Change

Blessing/Prisco – Milford Harrington Highway

MD-00-173.00-02-32.00 & MD-00-173.00-02-32.04

Planner Pierce explained this is another future land use amendment to the 2018 Comprehensive Plan. This would change two parcels of land from low density residential to commercial. The parcels are located along Route 14 and abut the exiting Independence Commons Business Park.

The current maps designate the frontage along Route 14 as commercial with existing businesses there including an RV Dealer, a tax business and other commercial uses along that stretch within Kent County.

This would fill in the low-density residential area to the rear with commercial and close that gap. The thought would be if there ever was a time that potentially the Independence Commons Business Park could be expanded on to those lands. Even the commercial development on Route 14 could be expanded if that were to happen privately. Currently it makes no sense to leave that with a low-density donut hole there between Route 14 and the business part.

This was also submitted to the Office of State Planning and the PLUS comments are included in the packet. It was also reviewed by the Planning Commission at their September 21, 2021 where approval was recommended by a vote of five to zero.

The property is not within the city limits and there is no pending land use application. If annexed, the recommendation would be business park or commercial zoning of some type.

This ordinance was properly advertised in the Milford Beacon on August 25, 2021.

The floor was open to the public. No one responded and the floor was closed.

Councilmember Wilson moved to adopt Ordinance 2021-21, seconded by Councilmember Marabello. Motion carried by the following seven to zero roll call vote:

Marabello-votes yes as approved by the Planning Commission five to zero.

Culotta-votes yes based on Planning's recommendation.

Fulton-votes yes as it fits the land use.

Boyle-votes yes based on the approval of the Planning and Zoning.

Baer-votes yes based on the Planning Commission.

James-votes yes, it is compatible land use already present and based on the recommendation of Planning and Zoning.

Wilson-votes yes based on the recommendation of Planning and Zoning Commission.

ORDINANCE 2021-22

Amending and Adoption of the 2018 City of Milford Comprehensive Plan

Future Land Use Designation Change

R&C Fry Farm – Milford-Harrington Highway & Canterbury Road

MD-16-173.00-01-01.00 & MD-00-173.00-01-49.00

Planner Pierce stated this is the final Comprehensive Plan Future Land Use Land Amendment request. This is for the R&C Fry Farm which is 182 acres of land located northwest of the intersection of Route 15/Canterbury road and Route 14/Milford-Harrington Highway and is also bound to the north and west by Church Hill Road.

This property currently has a designation of modern density residential and commercial in our comprehensive plan. It is currently zoned R-3 with a small piece of highway commercial zoning near the former proposed entrance to the Homestead Development on Route 14. The proposed revision would change the future land use of the property from that moderate density of residential and highway commercial to future industrial. It would expand the commercial along Routes 14 and 15. There is a corresponding ordinance following this for rezoning hearing to change to I-1 for the industrial area and B-P business park for areas along the frontage. The depth along the frontage is around 300 feet off the main roads.

This was also submitted to the Office of State Planning and the PLUS comments are included in the packet. It was also reviewed by the Planning Commission at their September 21, 2021 where approval was recommended by a vote of five to zero.

This ordinance was properly advertised in the Milford Beacon on August 25, 2021.

For disclosure, the city has this property under contract for purchase pending the change of zone and is the applicant. Moving forward, there will be additional public hearings related to the development of the property.

The floor was then open to the public.

Planner Pierce then read an email he received into the record, noting that it also applies to the next application and asked that it be considered for both applications.

The email states:

I am unable to attend this September 27, 2021 meeting due to a disability. I ask that my comments be entered into the record. I am the owner of the property at 1776 Milford Harrington Highway which abuts directly to the Fry property that is under consideration this evening by the Council for rezoning and development into an industrial business park. Having owned and lived in my home for 45 years, I have grave concerns about the development of the Fry property since the previous zoning did not ultimately result in the development. The rural landscape has continued to be preserved. Does this new project would mark a significant and historic change for the West Milford area, one that merits sober reflection by both the Council and the Greater Milford Community. I recognize and appreciate the city's desire to generate tax revenue and create employment opportunities. Likewise, Council members have a duty to weigh the detrimental effects of such a project, certainly on the neighbors, many of whom have lived in their homes for decades, but also on the community as a whole which benefits economically and otherwise from the preservation of Milford's natural resources and beauty, as well as its small-town rural ethos. All that disappeared in neighboring states due to overdevelopment. Moreover, while the benefits of the project remain uncertain, whether such a project will ultimately yield quality jobs remains unknown, the impacts to quality of life and the land itself are a short imminent and likely irreversible. As such, I would urge the Council to carefully study the potential environmental impacts of the project in terms of pollution, including light and noise pollution, increased flood risks to the surrounding properties and greater area, increased traffic, rising temperatures that accompany paving and sprawl, destruction of wildlife habitat, water supply and safety, etc., prior to moving forward. I would also request that the city disclose any proposed private investment in the project to the public. Such possible private investment has been mentioned in multiple City of Milford press releases. Finally, given the ongoing battle against Covid 19, I would ask that the city reserve final action for approval on this measure for the time being. The city runs the risk of disenfranchising stakeholders at this moment, when people are rightfully concerned about organizing and attending public meetings and when their attentions are necessarily focused elsewhere. I humbly thank Councilmembers for their time consideration and service. I very much hope we can all work together to make a better future for Milford and all its citizens.

Respectfully,
Judy Knutstad
1776 Milford-Harrington Highway

Planner Pierce confirmed that property is abutting the west side, where the commercial would end. There is a little small pierce there as shown on the map.

Someone in the audience asked if he was able to distribute documents to Councilmembers. Solicitor Rutt explained that under the rules of Council adopted in September 2017, any documents that were to be distributed had to be in Council Chambers by last Wednesday at noon and, specifically, no items can be distributed during any meetings. So, no documentation can be accepted tonight. He also noted that comments are limited to three minutes per person.

Carl Hardman of 688 Church Hill Road, that adjoins the Fry Farm, stated that he received this letter from the City of Milford on September 10, 2021. The correspondence from the City of Milford, if I send some correspondence, using work days, not counting weekends has been twelve days. In the Charter 230, the Code of Ordinances 230-58 and 230-59 states that at least fifteen days are required. And this has only been twelve. I bought this property in 1986 and moved to his home in 1987. The remaining property was farmland annexed into the City of Milford and rezoned to R-3 Garden Apartments/Townhouse/C-3 Highway Commercial. Tax map MD-16-173.00.01-01.00.000 which is the Fry Farm.

When the property was annexed, when was it rezoned and when was it annexed. He went back to the tax records, and it stopped in 1992. I didn't find where any taxes were paid on the assessed value of \$2,923,500 for this property. It is also registered its property use as residential.

September 10 2021 is the first time that I have been notified of any of the prior changes made to these properties by the City of Milford as required by Chapter 230-59. The City of Milford sent me this notice, which I received on September 10, 2021.

He said he is a property owner that borders the lands of RC Fry Farms. The first order of business is that he likes to change. He supports growth, structured development, but he does not support dawn crap against the wall to see what sticks.

For those that don't know or understand sustainability, means meeting our needs without compromising the ability of future generations to meet their own goals.

After receiving this letter on the 10th of September 2021 with postage stamps of 3 September 2021, and 7 September 2021 from the City of Milford, upon opening this letter, it appeared to be a will with six references to, whereas. The letter stating whereas the City of Milford Planning Commission considered application during their meeting on Tuesday September 21, 2021, at which time interested parties publicly commented on the application, allowing an informed recommendation to be followed by the City Council, and whereas, Milford City Council held a public meeting on September the 27th to allow for additional public comment and further review of the application after which a final decision was made. He pointed out the 27th is today. He said you told him in the letter the decision had already been made.

He continued whereas required by chapter 230, the public notice was published in the Milford Beacon on August 25, 2021, and provided property owners within 200 feet of the subject parcel.

Mr. Hardman said he received nothing before this letter stating again anything about said lands being rezoned or otherwise.

By the appearance of the contents of this letter, a decision was made prior to executing any comments or excluding any comments from the public. Post dating appears throughout that letter contained in the highlights above.

Those that don't understand, along with changes comes planning, logistics, infrastructure, and support. Planning is a process of thinking about the activities required to achieve a desired goal. Logistics is the desired coordination of complex operations involving many people facilities and supplies. Infrastructure is the social infrastructure, which includes schools, affordable housing, and hospitals. Economic infrastructure, which includes roads communication sewer water airports and power. Support is not just for those on this board to commit to. But also, the people in the town and the surrounding community accept corporations. All he hears about is global warming and sustainable development, but the towns are taking more lands for corporate use. Predictions that coastal low-lying states will be underwater in the future and Delaware being one of those states, is developing at a breakneck pace. So, who is telling the truth? Milford has lost Acme, Super Fresh, Leggetts, Ames, Roses, Long John Silver, Wendy's, Bob Evans, and Sears, while smiting Mom and Pop businesses, just to name a few. Who on this council has tried to help Dan White with his establishment before he went out of business? Did

anyone try to help him? Quote from Associated Press 'Delaware officials awarded \$4.5 million grant of taxpayer money to retail giant Amazon' last year to build and staff a distribution facility, but the company still isn't satisfied. Are you kidding me? It appears that the states have more money than those that control the money have brains. Over the 30 years all I've heard during the elections from school tax referendums that the people were there. He wants his grandchildren to have a nice school education, not realizing that they are putting a tax burden on their grandchildren, while giving the corporation's millions of dollars in grants, along with tax free incentives, to come to your community while their billion-dollar corporation profits, make the CEOs multimillionaires. And the workers of these new facilities are making minimum wages to support their communities. It's a good scam if you can keep it up, but rest assured it's not a perpetual machine. The madness can't continue. I recall and 91, thirty years ago, a doctor was the President of Milford City Council telling me that he wanted to place for his son to be able to work and become the CEO, when they approved the Airport Road Industrial Park, only to leave Milford two years later, moving back to Vermont if I remember correctly.

Mayor Campbell stopped Mr. Hardman noting that he way over three minutes. The Mayor then asked what point Mr. Hardman was making.

His point is that he has lived there and when he moved to that house, he built that home as an investment. Now the city wants to put an industrial park in his backyard. It's not only him but the surrounding people in the neighborhood. Because he went to every home that he could possibly go to and knocked on the doors and asked people what they would like to do. But they are afraid to come out because of all this Covid, and the city is shoving it down their neck. That is the point that he wants to make. They don't want an industrial park in their backyard either. But he has news. He was never notified when all this other stuff to place. He has an attorney that is working on it and in Milford's own charter in Chapter 230, it states that I was to be notified anytime that land was rezoned, or anything is done to it. And he wasn't. This is the only time he has ever received a notice.

Mayor Campbell argued Mr. Hardman is talking thirty years ago.

Mr. Hardman said no! He is talking just now.

Solicitor Rutt asked to address that. Mr. Hardman said he doesn't want you to address anything. If you don't want his papers and don't want to read what he has to say, he doesn't want anything from you.

Councilman James asked Solicitor Rutt to address 230-58 and 230-59 for council.

Mr. Hardman said he will let his attorney handle it for him.

Mr. Rutt said the 15-day notice, and he is going to reference a Superior Court rule, in case that is where it goes. Under Superior Court Rule 6(a), if it is less than eleven days, you don't count the weekends and holidays. But if more than eleven days, weekends and holidays. Mr. Hardman interrupted by saying show me in your statute and in your chapter what you are telling him.

Solicitor Rutt said he is advising council and if it is more than eleven days, you do count your holidays.

The other question is if the wording the notice that was sent and explained that the notice says there would be a hearing tonight at which time council may adopt the following ordinance. That ordinance contains whereas clauses, including the fact that after the hearing tonight, council has the ability to adopt this ordinance 2021-21. This is just a publication of what the ordinance would be if adopted tonight. And those present have heard Mr. Hardman's comments and asked if there is anyone that wishes to speak.

Planner Pierce clarified that the 15-day requirement is for the publication in the newspaper. The notices are sent out about two weeks prior to the meeting. It was properly advertised in the Milford Beacon on August 25th.

When asked if anyone else wishes to speak.

Donald Smith of 458 Canterbury Road stated he has some serious concerns regarding this and will go through some very quick bullet points. Infrastructure. Existing roadways are currently stressed at points in time during the day. While one could say we could build additional infrastructure. But at what cost to the surrounding community and property owners?

He also stated that he agrees with the previous statements and previous email that was read in the record. Noise and light pollution or certainly a concern with any industrial park. He has serious concerns about the detriment to surrounding property values. He would like to know if the City of Milford has considered other alternatives which have better infrastructure than this particular land. The roadways, as mentioned earlier, are stressed at this point in time. Approximately one month ago, there was a meeting held with DelDOT talking about placing four-way stops at the corner of Canterbury and Church Hill Roads because of the number of accidents that are happening there. And the city is going to add an additional industrial park to roadways that can't facilitate traffic as it stands. So, he is against the adoption of this ordinance. Thank you.

Renee Smith of 458 Canterbury Road stated we back up to the Independence Commons Business Park. They are also adjacent to the solar farm. And now the city wants to put a business park across the street. Part of her concern is Independence Business Park is supposed to be for businesses and it has just been rezoned for light industrial so that the Food Bank could come in behind them. And the fitness center that wants to come in behind them. Now, an industrial park is being put across the street from them with commercial on the front Route and down part of Canterbury Road. At what point do you change zoning again when you see someone wants to come in but it is not zoned for that specific item. They will then be back here again like she has been two or three times with the Independent Commons Park. She does not want to development in Milford if it is calling for it. But she does not see how this piece of land is going to make or break the City of Milford. They have already increased the number of businesses and types of businesses that can go into Independence Commons. They are going to be surrounded on three sides by business parks. She does not think that is fair. She is a homeowner that has enjoyed living in Milford and has been here a long time. She grew up in Milford and doesn't think that they should be surrounded by a business park to be happy living here.

No one else responded when asked if anyone else wished to speak. The Mayor then closed the floor to public comments.

Solicitor Rutt reminded Council this is for an amendment of the future land use map.

Councilmember Wilson said she has been here a long time, and this piece of property has come to Council many times. The first time she believed it was for high density residential. She didn't hear a lot about that as far as how it would affect the neighborhood. She was very excited to have this opportunity to have another industrial park in the City of Milford and supports that. She supports it because they try to listen to the residents of Milford, and one of the things that Milford's younger working families are asking for is industry and that Council help create jobs. They are working hard to do that and that is why the ordinance was created. She wants the people to know that Council does consider the residents and how they live and where they live and what is around them. But they must consider the entire city as they make these decisions. She still believes this is something positive.

Councilman Culotta said he believes Mr. Rutt addressed the time for notice and it was adequate. The traffic's concerns are always a consideration amongst any type of development. But it was already slated for townhouses and apartments that are higher density, which would result in a lot more traffic than I believe in industrial park would be.

He agrees there is always a balance between where we can place these, where we can grow, and how it will impact local residents and that's something that each Councilmember takes very seriously. He thinks they are all concerned with that as Council people in the city. However, they must look out for the growth of Milford, job creation and what it means to the life blood of the city and its growth. It cannot just be simply a retirement community and can't be simply industrial or a combination. We are the City of Milford and in cities, there are different uses for land. It is not like this is taken lightly and not like Council is in the pockets of big developers or corporations. But they are looking forward to the growth of Milford from an economic vitality standpoint.

Councilmember Marabello appreciates what they have said about the value of their properties. He recommends moving forward considering better buffers when industrial is surrounding residential properties. There is no reason why the buffer zone cannot be enhanced to prevent it from being right in their backyard. Councilwoman Wilson stressed that can still be done.

Solicitor Rutt again reminded Council this is a vote about the amendment to the map and is not a vote on the land use or a site plan or what may go there.

Councilmember Culotta confirmed that would have to come back to Council.

Planner Pierce announced that if this is approved, there will be additional public hearings and public advertising sent to the residents within 200 feet of the parcel. There can be additional participation in the process.

Someone from the audience reported that people that lived within 200 feet did not receive a public notice.

Councilmember Wilson moved to adopt Ordinance 2021-22, amending and adopting the future land use maps in the City of Milford, seconded by Councilmember Boyle. Motion carried by the following seven to zero roll call vote:

Marabello-I vote yes based on the Planning Board approval.

Culotta-I vote yes based on the Planning Commission approval and the future vision for the area.

Fulton-I vote yes based on the plans for future development.

Boyle-I vote yes in accordance with the approval of the Planning and Zoning and the fact that it will enhance the future job base and, hopefully, will provide futures for the young people instead of them leaving town.

Baer-I vote yes based on Planning Commission and look forward to working with the community to make this industrial park that everyone can agree it is an advantage for the city.

James-I vote yes in light of the due diligence that the Council has done in selecting this property as the ideal location for a future industrial park. And also based on the recommendation of the Planning and Zoning after their adherence to due diligence.

Wilson-I vote yes based on everyone's comments before her and the Planning Commission's recommendation.

ORDINANCE 2021-15

Legal Owner R&C Fry Farms, LP on behalf of Equitable Owner City of Milford for a Change of Zone from R-3 Garden Apartment/Townhouse) & C-3 (Highway Commercial) to I-1 (Limited Industrial) and B-P (Business Park) on 182 +/- acres of land located at the northwest corner of Milford-Harrington Highway and Canterbury Road.

Present Use Vacant Land; Proposed Use Industrial Park-Corporate Center

Tax Map & Parcel MD-16-173.00-01-01.00

Planner Pierce explained the next ordinance is the change of zone on the Fry Farm. Since the last application only changed the future land use and this application would review the change of zone for the Fry Farm again, which is 182 acres of land, currently vacant and is the same described in the previous ordinance at the intersection of Routes 14 and 15 and on the north and west by Church Hill Road. The current zoning is R-3/garden apartment and townhouse district, and C-3 highway commercial. The proposed zoning would be I-1/limited industrial and B-P/Business Park.

He reviewed the documents included in the packet including a map showing all existing zonings that surround this property. Independence Commons Business Park is zoned OC-1 and the Greater Milford Business Park is zoned B-P to the east. Some residential single-family parcels developed in the county along Route 15 and some along Church Hill Road and some along Church Hill Road and Route 14 to the north and west.

It is also adjacent to the Hickory Glen Subdivision south of the Fry Farm which has 399 proposed combinations of townhouses and apartments.

He also noted the previous ordinance adopted the future land use exhibit change. Ordinance 2021-15 would rezone the area shown as commercial to B-P/Business Park and the area shown as industrial to I-1/Limited Industrial. The property is not within the city limits and there is no pending land use application. If annexed, the recommendation would be business park or commercial zoning of some type.

This ordinance was properly advertised in the Milford Beacon on August 25, 2021. All owners of properties within 200 feet were mailed a copy of the public notice for tonight's meeting.

Mayor Campbell then opened the floor to public comment.

Solicitor Rutt asked Planner Pierce if he wanted to read a comment during the last ordinance review. Director Pierce asked that the previous statement from Judy Knutstad be added to this record. See previous record for complete statement.

The floor was opened for public comment. No one responded and the floor was closed.

The lighting requirements were then discussed with Planner Pierce confirming that lighting plans are required for commercial or industrial properties.

With that clarified, Councilmember Fulton moved to adopt Ordinance 2021-15 for rezoning the Fry Farm, seconded by Councilmember James. Motion carried by the following seven to zero roll call vote:

Marabello-votes yes as approved by the Planning Board.

Culotta-votes yes as approved by the Planning Board.

Fulton-votes yes noting that adequate measures will be taken to forestall any inconvenience to the residents nearby and he is sure the city will take extra measures.

Boyle-I vote yes as approved by Planning and Zoning.

Baer-I vote yes as approved by Planning.

James-I vote yes as approved by Planning and Zoning and concur with comments by Councilman Fulton.

Wilson-I vote yes based on the approval of Planning and Zoning Commission.

ORDINANCE 2021-13

Jaasiel, LLC

0.304 +/- acres of land located at the Northwest corner of the NE Front Street and East Street intersection

Address: 115 NE Front Street Application Type: Conditional Use

Comprehensive Plan Designation: Commercial Zoning District: C-2 (Central Business District)

Present Use Single-Occupancy Retail

Proposed Use Mixed Use – (3) Commercial Tenant Spaces and (10) Apartments

Tax Parcel: MD-16-183.10-03-68.00

Planner Pierce explained this is a conditional use application for 115 Northeast Front Street which is zoned C-2/central business district. It is the site of the former Rite-Aid Pharmacy and is a single occupancy retail building currently on the site. The applicant is proposing to convert the one -story commercial building into a two-story mixed-use structure containing three commercial tenant spaces on the first floor, and then residential apartments on the second floor.

Chapter 230-13(c)(10) states that all dwellings, other than single family, with a maximum density of 12 units per acre, in conjunction with the nonresidential use may be permitted, subject to receiving a conditional use approval by the City Council.

Chapter 230-45 also states in any and all zoning districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements.

He then reviewed the documents included in the packet.

The applicant seeks a variance from the Board of Adjustment for the twelve units per acre limitation on the residential density. The board reviewed and approved the request to increase the density from twelve units per acre to thirty-three units per acre at the September 9, 2021 Board of Adjustment hearing.

The property abuts East Street to the east. It also has a cross-access easement with the property to the west that somewhat wraps around the north and west side of the building. A copy of the easement/right-of-way agreement was also included.

There is shared parking in the amount of eleven or twelve stalls along the west side of the building. It is also abutted to the east by property or land zoned C-3/highway commercial that contain a couple professional office and the Riverwalk Shopping Center. To the south is the city parking lot in front of Arena's and to the southwest is Milford Senior Center.

An aerial map was presented showing the shared parking to its west and its proximity to city parking lots.

The packet includes a written narrative for the conditional use application submitted by the applicant, along with copies of the architectural floor plans showing the three tenant spaces, and the ten apartments on the second floor.

The ordinance was properly advertised in the Milford Beacon on August 25, 2021 and all owners of properties within 200 feet were mail copies of the public hearings.

The Planning Commission reviewed the application at their September 21, 2021 meeting and recommended approval by a vote of 3-1-1. One commissioner abstained due to a conflict of interest. The one dissenting vote was the result of parking concerns in the area.

He noted the applicant was in attendance.

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

Veronica Nunez stated she is the owner of the property. When asked if anything needs to be added to the comments of the City's Planning Director. Ms. Nunez stated their main goal is to go ahead and provide something workable for their tenants and their commercial tenants. They did something similar in Georgetown which she said is very beautiful building where the community can walk to places and enjoy what they did.

The business will be a laundromat and have retail space for a total of three commercial spaces.

Ms. Nunez confirmed there will also be ten residential uses consisting of five one-bedroom apartments and five two-bedroom apartments. They actually have to lift and elevate the second floor. Currently it is not occupiable so modifications will be made to the building to elevate the roof.

Councilman Fulton asked if the applicant was aware that the variance board stated if this was approved by the Planning Commission and Council, they would have to maintain the historic character of the building and work with the State of Delaware Division of Cultural Affairs and local resource to maintain the appearance consistent with the historic downtown area; Ms. Nunez said they would love to do that and what they did in Georgetown.

Councilmember Boyle confirmed that elevating the first floor was the result of the flooding in that area.

Councilmember Baer recalled approving a previous laundromat on the west side of the city.

Planner Pierce confirmed a conditional use was approved for Wash It LLC on Route 14 west of the Route 113 intersection. Preliminary site plan was also received from the Planning Commission, though final site plan approval is still needed once all agency and engineering approvals were obtained.

Councilmember Baer further confirmed there is another laundromat in the Riverwalk Shopping Center. Ms. Nunez confirmed that is hers and is another Splash Laundromat.

Planner Pierce added that as part of the Planning Commission presentation, it was mentioned that there is an accessibility ramp in the front and that it would hopefully be protected from vehicles moving forward.

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

Councilmember Boyle stated this is third applicant that is adding apartments downtown. Each indicated their tenants would be using the public parking lots for a total of approximately twenty apartments. He is afraid it will result in over twenty cars and is concerned about the impact on downtown merchants.

Secondly, he is unsure if laundromats are the best use to help develop the downtown district.

He also noted that of the five or so ordinances tonight, when it went before the Planning Commission, it was not a full house, and as few as four in attendance. He recommends looking into the attendance of the Commissioners and taking the appropriate action.

Councilmember Culotta stated that there are always concerns about parking, but downtown is becoming a livable walkable space. He can see in this layout, while the apartments may be one-bedroom, they are going to cater to a person that is looking for a small, affordable footprint. He does not want to assume everyone will have a vehicle. He also comments on Ms. Nunez for her comments about running a successful business already and now adding to our business environment. The improvements to this building will have a major impact on our downtown. He thinks there is a need to appreciate the investment required for this building, which has been empty for several years. It is unfortunate to leave downtown and go out to the highway, but that is situation we are in with the current economy. If a laundromat is needed in Milford from a business standpoint, it is what it is.

Councilmember Fulton moved to adopt Ordinance 2021-13, with the requirements they maintain a historic character of the building and work with the State of Delaware Division of Cultural Affairs and local resources to maintain an appearance consistent with the historic downtown area, seconded by Councilmember Wilson. Motion carried by the following seven to zero roll call vote.

Marabello-I vote yes because I think it is important to have more activity downtown and the more people living there the safer it will be. He is concerned with parking, which will need to be addressed down the line.

Culotta-I vote yes for the reasons he previously stated and the Planning Commission's recommendation.

Fulton-I vote yes though not everyone needs a large house and some of our younger people need an apartment like this as they are starting their lives and getting out on their own. Thank you very much for having that available for people. James-I vote yes. The improvements to the building are very welcoming and the applicant is deciding to grow and to stay in Milford. I think the shopping center near this business will provide and help alleviate some of the parkin concerns. He does concur with the vote of the Planning Commission.

Wilson-I vote yes based on the Planning Commission's recommendation and she agrees with the way we live is changing. That is why we have public transportation now in the city which supports the change in the lifestyles of people. It is all coming together and comment the applicants on their current business and the new business. She thinks it will only benefit our town.

Boyle-I vote yes based on the approval of the Planning Commission.

Baer-I also vote yes but he has concerns about having too many laundromats in the city. He votes yes because of the additional housing downtown which is a really good deal and positive overall.

COMMUNICATIONS & CORRESPONDENCE

The City Manager asked the Finance Director to provide Council with an update, noting that we are having problems with the company that handles the mailing of our bills. They were bought out by another company and are in the process of moving. What they have found is several utility bills for customers have been sent late. Some are extremely late.

He has waived any late fees, and it will continue to waive late fees through the month of October to get this new company up to speed.

One of the other issues is that we mail the newsletter and unfortunately only one week of newsletter has been mailed out in the entire month of September. That means one of the flyers mailed is for contributions for the Community Parade.

They continue to work with Pinnacle.

Solicitor Rutt pointed out this item is not on the agenda. Mr. Whitfield said he wanted to give Council an update under communications. Solicitor Rutt said it would fit if it were noted under communications. The update is outside the agenda.

Councilman Fulton read an email from Jack and Carolyn Price concerning Milford's state roadways. They are looking for stop signs on Seabury and are concerned about the heavy truck traffic and the speeders along Seabury Avenue. He will forward the email and it should be received now. It was noted the same email was received last week and the City Engineer is working on a proposal for Council at the next meeting.

Councilman James said he was asked by a constituent to thank the city for placing trash cans along the Penn Fountain Walkway to try to eliminate the trash being thrown in that area.

NEW BUSINESS

Agreement Approval/Sprint Spectrum LLC/Washington Water Tower

Public Works Director Svaby referenced the information in the packet regarding the Washington Street Tower Agreement.

T-Mobile, a regional service provider of cellular service and current occupant of one of the City's Water Towers located at 106 South Washington Street has an existing lease with the City of Milford extending from February of 2006 to 12/31/25. The Provider recently requested additional space to support an equipment upgrade at this location. The request from T-Mobile identified all the equipment removal and replacement in accordance with the attached Sprint drawing. The net space occupation was taken into account and a new lease price per month was negotiated and settled increasing the monthly rent \$505.68 per month from \$1,514.32 to \$2,020 per month effective October 1, 2021.

Councilmember Culotta moved to authorize the lease agreement with Sprint Spectrum LLC for the Washington Street Tower raising the monthly lease price from \$1,514.32 to \$2,020 through the end of the existing term date 12/31/25, seconded by Councilmember James. Motion carried with no one opposed.

Award/Project Manager/City ERP Project

Finance Director Vitola explained that now that the Tyler Technology contract has been awarded, they now need to hire a project manager to oversee the ERP implementation. He recalled that Tyler Technologies to replace the City's current ERP software based on the ERP selection committee's recommendation following an exhaustive search. With project kick-off approaching, now is the time to engage an independent Project Manager (PM) to lead phasing and scheduling activities, coordinate critical path items and interdependent project deliverables with Tyler and City staff, ensure the City receives the implementation services and support promised by Tyler, evaluate and make recommendations regarding process alternatives, and to lead the City's change management efforts.

A subset of the ERP selection committee joined with the Town of Smyrna to streamline the PM solicitation process. We reviewed vendors on the State Contract Award list [Diamond Technologies (Diamond) and Computer Aid, Inc (CAI)], while Smyrna solicited proposals from Diamond, Brandywine Technologies (Brandywine), and Vtech Solutions (VTS). Diamond and Brandywine emerged as the City's two finalists based in part on our preference for a Delaware technology firm (thereby excluding CAI and VTS), and in part based on the results of Smyrna's vendor evaluation process, which likewise resulted in finalists Diamond and Brandywine. We reviewed resumes and interviewed personnel recommended for assignment by the vendors following introductory meetings with leadership of each firm. We recommend that the Council engage Brandywine for the City's ERP PM role due to the strength and composition of their recommended staff, the flexible, no-minimum fee structure, and the competitive rate structure.

The table in the packet recaps the PM cost estimates developed during the initial vendor search, during the CIP development and review process, and following receipt of proposals. Plante Moran, the City's ERP vendor selection consultants, estimated PM costs with 80-120 hours of pre-implementation time and 8-12 hours per week at prevailing rates of \$225 per hour, representing total costs of \$298,800 to \$448,200 over the course of the three-year implementation. The ERP budget line in the FY22-26 Approved CIP contemplated a far lower range of \$141,000 to \$227,700 based on the same range of hours, but for only the first two years of the project before hours sharply tailed off in the final year, and at significantly lower hourly rates. Diamond's fee structure, which incorporates a monthly retainer, would result in PM fees of approximately \$196,000 to \$252,000. Brandywine's PM fees, while not to exceed \$159 per hour, are expected to average \$116 per hour with a total cost of \$126,360 to \$213,840.

When asked if the project manager will also serve as the implementation partner, Finance Director Vitola confirmed they will serve as the implementation partner and the liaison between Tyler Technologies and staff in terms of managing the timelines and making sure Tyler is providing the deliverables it is promising. They will also make sure that staff are holding their end of the bargain as well.

Councilmember Fulton moved to approve the Brandywine Technologies proposal to staff the City's ERP Project Manager responsibilities on an hours-worked basis not to exceed \$159/hour and not to exceed a total of \$213,840, seconded by Councilmember Culotta. Motion carried with no one opposed.

EXECUTIVE SESSION

Councilmember Wilson 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

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:52 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

Return to Open Session

Councilmember Fulton moved to return to Open Session, seconded by Councilmember Marabello. Motion carried.

Council returned to Open Session at 9:22 p.m.

Potential Vote/Ratification/Police Teamsters Contract

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

ADJOURNMENT

Mayor Campbell adjourned the Council Meeting at 9:23 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder