

CITY OF MILFORD  
COUNCIL WORKSHOP MINUTES  
February 14, 2022

The City Council of the City of Milford convened in a virtual Workshop Session on Monday, February 14, 2022 beginning at 6:33 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 and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

*Council Liaisons/Three + Councilmembers*

City Manager Whitfield presented the Council Liaison appointments:

<u>Departments</u>	<u>Staff</u>	<u>Councilmembers</u>
Public Works	Mike Svaby	Jason J, Dan M
Planning/Zoning/Code Enforce	Rob Pierce	Mike B, Andy F
Police	Kenneth Brown	Mike B, Andy F
Finance & Budget	Lou Vitola	Jason J, Dan M
Community & Econ. Dev	Sara Pletcher	Brian B, Andy F
DMI & Chamber of Com.	Sara Pletcher	Todd C, Nirmala S
Parks & Recreation	Brad Dennehy	Brian B, Katrina W
Information Technology	Dale Matthews	Todd C, Nirmala S
Annexation Committee	Mark W & Rob P	Mike B, Katrina W, Todd C.
Executive	Mark W & Terri H	Archie C, Jason J
Cemetery	Mark W & Brad D	Archie C, Brian B

Mayor Campbell shared that with doing away with committees, the liaisons would be assigned to staff members to work with. The City Manager said the plan is to have those Councilmembers meet with the staff members, as noted, on various matters they would bring back to City Council for later action.

When asked the protocol, City Manager Whitfield explained that when department heads have items they want to bring forward to Council for action, they would ask for the liaisons feedback prior to it being placed on a Council agenda. They will initiate the contact and if a councilmember has an issue, they want the department head to address, he prefers it go through the City Manager. However, a meeting can be arranged with staff to discuss those items.

*FOIA Requirements*

The City Manager noted that the second item on the agenda has to do with FOIA requirements and came out of a request when Councilmembers were given follow up assignments at the Council retreat. There were several groups formed at the retreat to address unresolved items and were given homework on how to accomplish. When these follow-up informal meetings were being scheduled, Solicitor Rutt raised some concern that three or more councilmembers meeting to discuss City business becomes an official meeting under the FOIA statute and agendas, minutes must be prepared, in addition to the public invited to oversee what occurs.

Solicitor Rutt said the issue is what constitutes a quorum when reviewing 29 Del Code §1002(J). Under the Milford Charter, a quorum of council is five members. If five members are present, three would constitute a quorum. When three people meet with the intent to discuss a problem or how to resolve something, that becomes an informal meeting, and three

members make a quorum under the charter. Two people cannot transact business, but three would be transacting public business. That requires the notice requirements, recording/minutes, etc. is required and it becomes a public meeting.

In terms of the homework assignment, there is a need to be careful and it appears to fall under FOIA.

It was explained that councilmembers and the City Manager and City Clerk were separated into groups of three and given different topics of interest to the City. The groups then met and were directed to come with strategy on how to accomplish it. The homework portion involved a 30-day window follow-up, and then a 90-day completion period.

Solicitor Rutt said the homework assignment involved an ad hoc or informal committee to investigate a certain matter. In that situation, an agenda needs to be posted, minutes kept, and the meeting must be open to the public. It is the same scenario as a special committee of citizens assigned to a specific purpose, such as the group who worked on the bicycle master plan. Regardless of whether it is three councilmembers or two councilmembers and a staff member, or all residents, they still have a mission or are given a task, and the group becomes an ad hoc committee, and it falls under FOIA.

The agenda, whether it is a council meeting or workshop, needs to include the items that will be discussed so the public is provided the information in advance.

He emphasized that a group discussing public business, for the benefit of the City or to be brought back to Council for later action, needs to be considered a committee. A committee of one person is the only exception. A committee of two persons meeting to discuss public business that will have a result is considered a committee under FOIA.

The Solicitor suggests erring on the side of complying with FOIA whenever public business is gathered or decisions are made and to prepare under FOIA.

Councilman James suggests revisiting the liaison situation, as he believes that is the same situation in his opinion. The liaisons are going to be meeting with staff, discussing items that will be brought back to council.

Solicitor Rutt noted there are numerous Attorney General opinions regarding various FOIA scenarios, and he will create a memo to Council about what can and cannot be done.

Councilmembers James and Fulton both agree there is nothing with complying with FOIA and they would rather be legal, then later find out there has been a mistake made.

It was agreed that any tasks given at a future workshop/retreat, will need to be determined in that public setting on the same day.

In addition, the format that has been used in retreats will need to be changed to ensure compliance with FOIA.

### *Council Rules of Procedure*

City Manager Whitfield explained that the packet includes a proposal for an amendment to Councils' Rules of Procedures to move the monthly finance report from the first meeting to the second meeting of the month. It also provided an opportunity to look at some additional items that may need to be changed.

Under the executive session, there is the word deliberations which needs to be stricken from workshops and executive sessions descriptions.

An additional item states committee chairs can place items on the agenda. With committees being eliminated, that language can be removed as well.

Another matter to be discussed is public hearings. Mr. Whitfield shared that a lot of municipalities turn public hearings over to the Solicitor to run rather than the Mayor or the President of the Council. That is something Council may want to consider because it is a judicial procedure and having the Solicitor run the hearings might be advantageous to make sure we stay within legal boundaries.

A few councilmembers have also referenced public comments and whether a public comment period should be added to the Council agendas. He is aware that previous Councils have discussed this at length, but it has not been discussed in a while and may need to be considered, including hearing public comments on items that are not on the agenda.

Councilmember James prefers getting an opinion back from Solicitor Rutt before any of these decisions are made. Councilmember Boyle recommends waiting until these changes can be thoroughly reviewed first, in addition to the other rules currently in place.

It was agreed to add the procedural rules to a future workshop agenda.

There being no additional items on the agenda, the Workshop concluded at 7:07 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

CITY OF MILFORD  
COUNCIL MEETING MINUTES  
February 14, 2022

The City Council of the City of Milford met virtually in Regular Session on Monday, February 14, 2022.

PRESIDING: Mayor Archie Campbell

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

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

COUNSEL: Solicitor David Rutt, Esquire

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

#### CALL TO ORDER

Mayor Campbell called the meeting to order at 7:08 p.m.

#### INVOCATION AND PLEDGE

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

#### APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the November 8, 2021 Finance Committee and Council Meeting, November 22, 2021 Workshop, December 13, 2021 Workshop Session and Council Meeting. With a minor name change, motion made by Councilmember Boyle, seconded by Councilmember Fulton. Motion carried.

#### RECOGNITION

##### *Introduction/New Employees*

Public Works Director Mike Svaby introduced two new employees hired on January 17, 2022.

Brian Jester lives in Milford. He came to us from DeIDOT and will fill the equipment operator in the Streets and Utility Divisions. Billy Proctor from Felton was hired as an equipment operator in the Solid Waste Division.

#### STAFF REPORTS

##### *Monthly Police Report*

Councilman Boyle provided the Police Report on behalf of Chief Brown:

Chief Brown added that on January 21, 2022, he promoted Lieutenant Edward Huey to Captain, Sergeant Dwight Young to Lieutenant, and Senior/Corporal Shawn Brittingham to Sergeant. He said it was a smooth transition for all three and his employees seemed very pleased with those changes.

Mayor Campbell suggested that Chief Brown have something for Retired Gary Bailey because of the number of years he spent in Milford. He recommends that Council attend and provide their gratitude for his service.

Councilmember Wilson reported that she has been contacted by a group who wish to provide some assistance to the homeless in Milford. She informed them she would provide Chief Brown with the information to obtain some assistance from the police should he feel that would be appropriate.

She also received some information about some potential drug sales at a new location that she will provide Chief Brown. Councilmember James commented on the Behavior Health Unit adding that the cumulative report that was added provides a bigger story. The diversions from arrest and from having our officers spend hours in the emergency are huge because these people are now getting the proper help and not applying a criminal charge to someone that needs help regardless of it is mental or some form of addiction.

Mayor Campbell noted that Chief Brown gives out items to the homeless people to help them. Chief Brown reported that the Behavior Health employees have been a great help with the homeless and are overseeing those services.

Councilmember Boyle suggested contacting the Brandywine Counseling who provide meals and items for the homeless. Councilmember Wilson agreed adding that the focus is on the hours that Brandywine is closed each night and on weekends.

Councilmember Boyle moved to accept the Police Report as presented, seconded by Councilmember Wilson. Motion carried.

### *Monthly City Manager Report*

- Public Works and Parks & Recreation crews were busy with two major storms that hit Milford during January – Monday January 3 and Saturday January 29. Crews finally were able to use the large snowplow trucks purchased over the last three year. We received a few complaints regarding missed streets, and had several power outages during the January 3 storm, but overall, crews were able to keep streets and roads passable during the storm, and had streets cleared within a day or two after the storm.
- The January 3 storm was particularly difficult due to the change over from rain to snow. It was nearly impossible to apply deicing materials prior to the snow since the rain would wash it away before it could be activated. This caused a hard pack to form on the roadways, that became nearly impossible to remove. Both the City and the State had the same issues. Additionally, staff shortages (Covid and vacancies) coupled with multiple power outages that took people away from snow removal, challenged crews throughout the day. We attempted to collect Friday's refuse route on Monday (due to the NYD holiday on Friday), however, after one truck slide into a mailbox, it was decided to suspend service due to safety concerns. The containers were collected on Tuesday. Then, to make matters worse, we had to sewer pump failures at the Washington Street pump station around 7pm Monday night. By noon on Wednesday, most all snow removal had been completed, including City sidewalks, and all other issues had been resolved.
- Melody Barger did an excellent job filling in for Sara Pletcher with various social media posts regarding the loss of power and the snowstorm as well as refuse collection issues during the January 3 storm. Despite having a vacation day on Monday, Melody jumped in and helped where she could.
- We received word that Sussex County will be providing a grant from their RTT monies to the City. The grant will be for \$500,000 and must be a matching grant. State Law subjects the use of RTT monies for certain things, which we will need to comply with.
- I attended a DEMEC workshop on electric rate design.
- Staff continues to meet regarding the sidewalk master plan. We will present to Council this Spring.
- We are altering our Sick Leave Policy to give employees with less than 2 years with the City, the ability to use sick time advanced to them. The sick time will be "paid back" as they earn in the future. We have several new employees hit by COVID that have been affected by extended time off.
- The new Council chairs are to be delivered in early February
- Jamesha Williams is now on maternity leave. During her absence, Jon McDowell will be filling in. Jon is a retired HR professional who previously worked for the State of Delaware and Bayhealth.
- I attended the monthly Executive Board meeting of the Chamber of Commerce
- Brad, Rob and I met with Matt Spong regarding his work on the Deep Branch Greenway.
- Rob, Sara and I met regarding the Industrial Park.
- I attended the Delaware Chapter of APWA meeting via Zoom.
- Mayor Campbell, Brad Dennehy and I attended the Milford Community Cemetery Board meeting.
- 207 South Walnut Street (the former DMI House) has been deeded from the City to David Mills, the new owner.

- We continue to struggle with staffing issues due to the Covid outbreak. The outbreak has hit vaccinated personnel as well as unvaccinated.
- We closed the buildings to the public for the month of January and February, primarily due to the Covid surge. Employees who can work from home can do so.
- Jamesha and I met with our labor attorney on a personnel issue.
- Most of Council, the Mayor, and numerous staff attended the SCAT dinner at Benvenuto. Kudos to the Mayor, Terri and Katrina for putting on a very successful event.
- The Mayor, Vice Mayor, Mike Svaby, Chief Brown, Lou Vitola, and I met with Becker Morgan and Robert Y Johnson regarding the Police Station project.
- Councilman James, Lou Vitola, and I met to review the monthly Finance Report.
- The Mayor, Councilman Boyle, Mike Svaby, and I attended the Police Citizen's Advisory Committee meeting.

### *Public Works Department*

#### Director's Office

1. Attended monthly Kent County Sewer Advisory Board Budget Subcommittee Meeting
2. Worked with Becker Morgan Group and RY Johnson with prep for Police Building Bid Advertisement and attended Citizens Advisory Council Meeting for PD Building
3. Participated in interviews for Arborist (2 candidates)
4. Participated in TMC and County Bridge calls in prep
5. Conducted Sexual Harassment Prevention Training in participation with DeIDOT
6. Met twice in planning for EV Charging Station buildout for weather readiness and snow removal
7. Attended ICMA Leadership Training

#### Engineering Division

1. Completed Stormwater install on Fisher Ave
2. Began test pitting on NE 2nd and North Street for Lead Service Removal
3. Completed water main pressure testing at Cypress Hall and Deep Branch Commercial
4. Issued Sidewalk Notices and are continuing to follow up with owners and
5. Completed initial draft of as-built submittal checklist for conditional acceptance

#### Public Services Division - Streets/ Utilities/Water/Sewer/Solid Waste Section

1. Prepped equipment for snow removal
2. Cleared streets and sidewalks during and 3 days after both storms
3. Repaired water leak on Roosa Road.
4. Prepared Annual 2021 water reports for Delaware River Basin Commission and DNREC and submitted them electronically

#### Electric Division/Tech Services

1. Repaired fiber line on site at Bayhealth and billed Bayhealth for cost of repairs.
2. Finalized testing and formalized promotion recommendation from Ground Tech to Line Tech, 3rd Class for Landon Werner.
3. Reviewed plans for Front Street Streetscape project and undergrounding of utilities
4. Prepared consolidated report and analysis of existing Photovoltaic System inventory

### *Planning & Zoning Department*

- During the first month of the 2022 calendar year, the City issued 4 new residential construction permits. The total construction investment in Milford for January 2022 based on issued building permits was \$960,139.
- The City of Milford has seen 111 projects with a committed investment of over \$24.7 million within the Downtown Development District (DDD) area since September 2016 (based on permit valuations from submitted applications). The State of Delaware has committed or awarded over \$2.64 million in grant funds for both large and small commercial and residential projects in Milford. The City has waived over \$515,000 in permit fees and taxes associated with these projects in accordance with Chapter 19 Economic Development and Redevelopment and DDD program guidelines.

- The Planning Commission will review two conditional use site plan applications and a standalone conditional use application at the February meeting. First Baptist Church of Milford has submitted for an amendment to their site plan for the expansion of the parking lot area and William Allen Property Management has submitted a preliminary application for the construction of two commercial buildings on a vacant lot along the east side of Silicato Parkway. The standalone conditional use application is for a professional home occupation for lands of Shelley Maloney on E. Clarke Ave.
- The Board of Adjustment will review two variance requests at the February meeting. The first is related to an exceedance of the allowable fence height and the second is in regards to allowing loading operations in the front yard area of a commercial property currently used for warehousing.
- Staff submitted the 2022 Amendment to the 2018 Comprehensive Plan to the State of Delaware Office of State Planning Coordination. The Preliminary Land Use Service (PLUS) meeting is scheduled for later in February. Public meetings will be held in the future once comments are received from the State.
- The City provided plan review comments for the resubmission for the preliminary site plan application for the redevelopment of the Buccaneer Carwash site on N. Dupont Boulevard.
- The City provided the findings of the utility feasibility study request for 1018 Properties, LLC for the redevelopment of
- Staff reviewed and approved several minor subdivision or lot line adjustment applications during the month of January.
- The City provided plan review comments for the resubmission for the Cypress Hall Phase III Preliminary Major Subdivision and revised Planned Unit Development applications.
- Staff received a preliminary site plan application for Cascades – Phase II for the construction of 66 apartment units.
- Staff received a preliminary major subdivision application for Red Cedar Farms located east of Bucks Road for the construction of 200 single-family detached dwellings.
- Staff received a final site plan application for the Milford Police Station.
- A workshop will be held with City Council on February 23, 2022 to continue the discussion of a proposed building code update from the 2012 IRC/IBC to the 2018 version, including the potential requirement for residential sprinklers in new construction. Staff has invited representatives from the Carlisle Fire Company, Delaware Sprinkler Coalition, State Fire Marshal's Office and the Delaware Homebuilders Association.
- The Planning Director and City Engineer are working on compiling information related to the sidewalk master plan and will present material to City Council at the February 23, 2022 workshop.
- Rental, contractor's and business license renewals continue to be processed for the 2022 calendar year.
- Code Enforcement Officials completed their annual reports showing the code cases closed during the 2021 calendar year. A copy of the report is in the City Council packet and on the City's code enforcement website.
- Staff continues to work towards implementing the goals and objects of the 2018 Comprehensive Plan, SE Master Plan, Downtown Development District (DDD) application, Rivertown Rebirth Master Plan and Strategic Plan.

#### Parks & Recreation Department

- The Department continued with Covid-19 precautions with social distancing, mask wearing and enforcing non-vaccinated staff get weekly testing.
- Weekly trash pick-up continued through January of all municipal owned trash receptacles by Park staff.
- Preparations were made for two large snowstorms including getting snowplows and snow removal equipment ready for the areas Parks and Recreation maintains during snow events.
- Two considerable snow events occurred during January, which resulted in park staff working both after hours and at the weekends, during the storms and the resulting clean up afterwards.
- As a result of a citizen concern regarding pedestrian bridges being slippery in the first snowstorm, in the second snow as a precaution all the pedestrian bridges were closed.
- Following the second snowstorm all the pedestrian bridges were cleared of snow with small equipment.
- Three vehicles were sent to the mechanic during January for servicing.
- Basketball goals were transferred over to the Boys and Girls Club, in preparation for instructional basketball. Soccer goals were transported to the Boys and Girls club for indoor soccer.
- Park Superintendent Ralph "RJ" Skinner volunteered to assist with the coaching of instructional basketball. "RJ" has assisted before with our basketball program, and it is good to see him helping again to develop the next generation.
- All the holiday greenery and garland were removed by park staff.
- Christmas lights and decorations were removed from the downtown and put back in storage.

- The small white lights will remain in the trees on Walnut street in the downtown until the time change occurs in the spring.
- There were several tree limbs which fell during the storms, and park staff removed 6 small dump truck loads out of City Parks.
- An inventory of coconut liners for the lampposts was conducted and additional liners were ordered for the spring planting.
- Snowstorms meant basketball and soccer games had to be cancelled, but those games will be made up.
- Current recreational activities include youth basketball practices and games, indoor soccer, instructional wrestling, and an adult open gym for basketball. COVID continued in January to dictate the wearing of masks for all players, coaches, and spectators.
- There is full registration for Taekwondo which will begin in February.
- A community survey was emailed to families and placed on social media to gather information about our programs. We want to continue to provide relevant recreational opportunities to our community. We have got some good and helpful feedback from our survey.
- Recreational staff are looking towards the spring in developing new programs.
- Director met with City Manager, City Planner, and landscape design architect to review the Deep Creek/Herring Branch greenway.
- Director participated in interviews for the arborist position, an offer was made to one candidate, but it was declined by the candidate. The position continues to be vacant and we continue to seek a suitable candidate.
- Director hosted a public input session to gain public feedback on the downtown playground, pickleball courts, and lighted handrail. This was also presented to Council for approval in January.
- Director attended the quarterly Milford Community Cemetery meeting.
- Director met with potential new contractors for the Milford Community cemetery grass cutting which will be put out to bid in February.
- Director attended the monthly and weekly WIIN collation meetings.
- Director attended a meeting with the potential owner of the old Fire house to discuss potential improvements to the Riverwalk.

#### *Human Resources*

HR Administrator Jamesha Williams is still out on leave. Jon McDowell continues to fill in for her and is addressing items as needed.

#### *Economic Development & Community Engagement*

##### *Economic Development*

- Continuing to finalize the growinmilford.com economic development website. March 1 launch date.
- Attended Delaware Site Readiness Fund Information Session and completed Level 1 application draft. Deadline is Feb. 18 for up to \$100,000 grant for Industrial Park planning.
- Met with Linda Parkowski and Planning Director for newly established quarterly KEP & COM meetings
- Met with City Manager and Planning Director to discuss industrial park master plan
- UD DATI Office is leased and renovating at Milford Wellness Village
- Met with Milford Public Library Board regarding potential downtown investment and DDD funding
- Met with City Manager, Planning Director, City Solicitor, and potential industrial park partners

##### *Community Engagement*

- SeeClickFix (MyMilford) web portal launched on Jan. 20. Eight citizen reports through the end of January. App will launch in February. Concept to fruition in five months at Council's direction to find a community engagement tool sooner than the Tyler ERP implementation.
- Attended Parks & Recreation Public Input Session regarding Riverwalk lighting and playground
- Winter Storm planning (Jan. 28-29) and communication

##### *Meetings/Trainings*

- Attended DMI Economic Vitality Committee monthly meeting
- Attended HBA Nuts & Bolts Meeting

- Met with Public Works and Planning teams to discuss public EV Charging Stations – potential locations and funding sources
- Attended Kent County Tourism Board Meeting
- Attended two WIIN meetings – one with the small planning group and one with the full Coalition
- Attended monthly SEDAC meeting

#### Social Media/Website

- January 2022 Insights:
  - City of Milford Facebook: 68 new likes (total: 2,441); 22,757 reached; 1,301 post engagement
  - Parks & Rec Facebook: 18 new likes (total: 2,553); 12,494 reached; 443 post engagement
  - Instagram: 53 new likes (total: 891); 619 accounts reached; 49 accounts engaged
  - Twitter: 8 tweets, 1,619 impressions, 556 profile visits, 2 mention, 1,329 followers
  - Website: 92,922 users; 98,844 sessions; 32,703 pageviews (25,773 last month)
  - Note: CivicPlus changed analytic providers from Piwik to Google Analytics on Jan. 1, so descriptor names changed and comparative #s from Dec. are not available
  - ChatBot: 89 self-service resolutions; 61.8% self-service resolution rate; \$445 cost savings
  - MyMilford: 13 issues created; 10 issues closed; Average Days to Close: 2.2

#### Email Campaigns

- Jan. utility newsletter to customers who receive e-bills (3,670): 46.2% open
- Jan. business newsletter (audience: business license holders, 608): 35.1% open

#### Press Releases & Coverage

- City of Milford Residents to Receive Survey (Jan. 21)
  - MilfordLIVE: City of Milford Residents to Receive Survey (Jan. 21)
  - DE State News: Milford to survey residents on improving quality of life (Feb. 2)
- City of Milford Preps for Winter Storm (Jan. 28)
  - DE State News: City of Milford crews prepare for Friday and Saturday snowstorm (Jan. 28)
  - MilfordLIVE: City of Milford provides tips for winter storm (Jan. 29)

#### *IT Department*

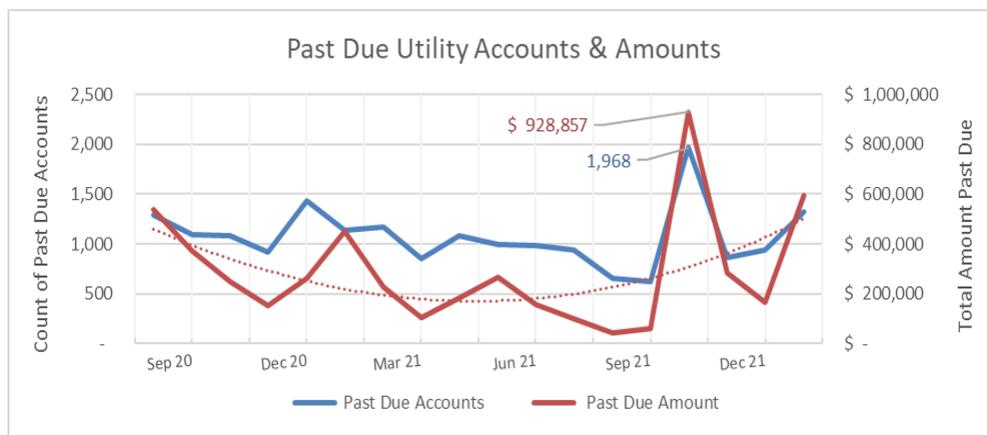
- Security:
  - Two-factor authentication has been implemented, and the related policy has been reviewed and approved.
  - Phishing tests are scheduled. Individuals who fail the tests will be prompted to complete additional training.
- M365 and Cloud:
  - Now that we have migrated our shared files and email, we will focus on providing training to end-users and improving processes.
- Council Livestreaming:
  - Network upgrades have begun, and we are identifying hosting options for livestreaming and council video archives.
- Policies and Procedures:
  - Update: additional policies are under review (Acceptable Use, Use of Data). We are expanding this project to ensure we cover a broader scope of policies. Rather than declare completion, we will provide links to policies and procedures as they are approved.
- ERP Implementation:
  - The ERP kick-off has been moved to March, starting with Finance.
- Network:
  - Due to vendor resource and scheduling issues, Comcast had to push the fiber upgrade back to February. In addition to the fiber upgrade, we are redesigning the network topology. This redesign will improve network performance and reliability.

#### *Finance Department*

- Monthly Financial Reporting (*Starting in 2022, Reports will be Posted the Immediately Following Month*)
  - The Finance Report for the period ended 12/31/21 was distributed to Council the second Council meeting in January, though Council approval is required in February

- The Finance Report for January will be distributed with the packet materials for the second Council meeting in February pending updated Council procedural guidelines
- Training and Improvement Efforts
  - Sandra Peck attended training related to the US Treasury’s ARPA Final Rule
  - Katti Murphy completed Payroll & Human Resources Training through the DE Pension Office
  - Suzannah Frederick worked with AMP (American Municipal Power, the City’s AMI Contractor) to improve the leak detection and reporting processes. While we have improved in 2021, we have room for improvement, especially in the areas of automatic notification and false positive commercial leak detection
  - Several staff participated in SeeClickFix training as we prepared for the launch
  - The City Manager and supervisors of customer-facing departments met to discuss process improvement initiatives
- Workshops and Council Presentations
  - Suzannah Frederick presented a Customer Service Operations Update to Council on 1/26/22
  - We look forward to updating Council with similar workshops at least annually to expand on the statistical reporting included in this report each month
- Staffing
  - Last month, I was happy to report that the Customer Service Team reached full staffing
  - Unfortunately, we are once again recruiting for a recently vacated position in Customer Service
- Police Facility Project – Planning and Design
  - The USDA Financing Application Process remains underway
    - Becker Morgan is preparing segments of the application related to environmental, architectural and design components, with staff support
    - The Public Works and Finance teams are coordinating efforts to comply with project inspection, construction manager engagement review and long-term budgeting requirements of the application
- FY21 Audit Process
  - Having fallen behind on the audit process due to staffing challenges, we continue working on the audit requirements and look forward to completing and publishing a successful audit, which has emerged as the department’s highest priority
  - We plan on presenting a draft of the financial statements and reporting package to Council on 2/23/2022
- EfficiencySMART (Another AMP Offering through DEMEC)
  - The City renewed its engagement with EfficiencySMART last March for a three-year period
  - Finance Staff Reports will include periodic updates on the progress in Milford (enclosed)
- Billing & Customer Service Department
 

The graph below exhibits past due accounts and balances over the last six quarters:



- We lost ground in January following two months of improvements:
  - January’s regression was attributable entirely to cold weather throughout
  - The dollar amount past due (solid orange line) is higher than the average for graphed periods and higher than last January

- The count of accounts having any amount past due (blue line) is likewise higher than the average over all periods but lower than last January
- A breakdown of property taxes outstanding follows below with differentiation between the current tax levy and previous tax levies.
- The past due amounts compare favorably in total to the past due amounts reported one year ago :

Property Tax Levy	Past Due (\$000) as of:			
	11/1/21	12/1/21	1/3/22	2/1/22
2021 (FY22)	\$279	\$189	\$145	\$131
2020 & Prior	\$213	\$185	\$173	\$172
<b>Total</b>	<b>\$491</b>	<b>\$374</b>	<b>\$319</b>	<b>\$303</b>

Property Tax Levy	Past Due (\$000) as of:			
	11/5/20	12/11/20	1/8/21	2/1/21
2020 (FY21)	\$229	\$133	\$108	\$102
2019 & Prior	\$250	\$230	\$221	\$218
<b>Total</b>	<b>\$479</b>	<b>\$362</b>	<b>\$329</b>	<b>\$321</b>

The \$172,000 reported in the FY22 (Maroon) table in the “2020 & Prior” row as of 2/1/22 excludes \$21,560 in code enforcement amounts transferred to the property tax system during January 2022 to retain comparability by showing only property tax levies

Councilmember Wilson moved to accept the Monthly City Manager and Staff reports, seconded by Councilmember Boyle. Motion carried.

Councilmember James suggested the City Clerk be given the opportunity to report on her department each month. He said Council does not afford the same opportunity to the City Clerk as the Police Chief and the City Manager.

City Clerk Hudson agrees with Councilmember James stating she is very happy to provide information on what her office has done throughout the month.

**WARD REPORTS & COMMUNICATIONS**

**Fourth Ward**

Councilmember Wilson again asked if something can be done with the condition of the Food Lion Shopping Center because of the damage and problems it is creating for customers. She noted that it is getting worse and is dangerous to pedestrians and vehicles. Other councilmembers agreed and asked that it be addressed.

Planning Director Pierce said it is owned by the Milford Movie Theater and he has organized the other properties the financial plan to make those repairs. He is trying to hire some contractors though they are having problems because of the cold temperatures.

**CORRESPONDENCE**

Mayor Campbell said he is getting a lot of compliments about the SCAT dinner and how it was one of the nicest dinners the other Mayors and Councilmembers have attended.

**UNFINISHED BUSINESS**

*Re-Introduction/Ordinance 2021-27/City Code Part II-General Legislative/Chapter 230 Zoning Code/ Article VII-Board of Adjustment*

Planning Director Pierce introduced the ordinance that is an amendment to the Zoning Chapter adjusting the Board Members' compensation. It was introduced a couple months ago, though Planning Commission must review and make a recommendation to Council who will hold a public hearing on February 28, 2022.

*Adoption/Ordinance 2022-10/Chapter 68/Voter Registration Code Update*

City Clerk Hudson reported this ordinance will amend the Chapter 68 of the City Code Voter Registration. As has been discussed, Milford has maintained its own voter registration roles for the past many decades and before she was hired as the City Clerk. There have been many discussions about an easier process for our residents.

She has been working with several vendors and reviewed a number of software programs, have worked with the Department of Elections and the State Election Commissioner, as well as Sussex County Election Office. There have been changes in the administrative positions in both the Department and County Office. There has also been upgrades to electronic equipment over the past couple of years.

It is finally at the point, where transferring over to the State registration lists can be done. With the help of City Engineer James Puddicombe and GIS Analyst Zach Lawson, it is going to come to fruition. They have accepted the task and have given her the impression that it is going to be a much easier process than was originally thought.

She thanked Mr. Puddicombe and Mr. Lawson who are already working and are at the point where the list of voters is now being divided into ward. That means they have already gone beyond the separation point of residents and nonresidents. Though this appears to be a very simple ordinance, she hopes it has a big impact on future elections and in particular, voter turnout.

Councilmember Fulton thanked Mrs. Hudson for her hard work and appreciates what has been done.

Mayor Campbell opened the floor to public comment; the floor was then closed.

It was noted the final version of the ordinance was not included in the packet and Section 68-7 was updated, as was requested by the City Clerk during the final review. Councilmember Fulton moved to approve the amendment, seconded by Councilmember James. Motion carried.

Councilmember Marabello moved to adopt the final version of Ordinance 2202-10, as amended, seconded by Councilmember James, which reads as follows:

ORDINANCE 2022-10  
Chapter 68 VOTER REGISTRATION

WHEREAS:

The Code of the City of Milford is hereby amended to rescind Chapter 68 Voter Registration in its entirety;  
This will eliminate the need for qualified residents to register at Milford City Hall and will updated the registration process to align with Delaware Code Title 15-Elections Chapter 75 Municipal Elections;  
Delaware Code Title 22-Municipalities Chapter 8 home Rule, enacted in December 1961, prohibits a municipality that permits nonresident persons to vote in a municipal election from eliminating or limiting the right of nonresident persons to vote;  
This ordinance will incorporate the desire of the City Council to utilize the Delaware Department of Elections' voter registration system, beginning with the Annual 2022 Municipal Election and continue with a separate registration for qualified non-resident property owners as was ratified in July 2010.  
The language that currently exists in Chapter 68 will be rescinded (strikethrough) and replaced with the new text shown in italics.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MILFORD:  
Section 1.

## Amends Chapter 68 Voter Registration

## Section 68-1. Registration.

Except as provided in the City of Milford Charter and Chapter 68 of the City of Milford Code, the registration of voters in the city shall be governed by and conducted in accordance with the provisions of Title 15 of the Delaware Code.

## Section 68-2. Qualifications.

## A. Resident of the City

A resident of the City of Milford, to qualify to register, shall be a citizen of the United States, shall have been a resident of the city for a period of 30 days prior to the registration deadline and shall be 18 years of age or older prior to the date of election.

## B. Non-Resident of the City

A non-resident of the City of Milford, to qualify to register, shall be a citizen of the United States, shall own real property within the City of Milford at least 30 days prior to the registration deadline and shall be 18 years of age or older prior to the date of the election.

## C. Legally Created Entities

A Corporation, Partnership, Limited Partnership, or other legally created entity is prohibited from registering and voting as a non-resident property owner unless the property within the City is titled in an individual name.

## Section 68-3. Procedure.

The City of Milford Annual Municipal Election must be conducted under Subchapters IV and V, Chapter 75 of Title 15 of the Delaware Code.

## Section 68-4. Requirements.

No person shall vote, or be allowed to vote, in any City of Milford Municipal or Special Election to fill the vacancy of an elected official, or at a referendum, unless such person is properly registered to vote for state elections in accordance with Title 15 of the Delaware Code, remains a permanent resident within the jurisdiction of the City of Milford (15 Del. C. § 1101 et seq.), or is otherwise qualified to vote as required in Article I and Article II of the City of Milford Charter.

## Section 68-5. Voter Identification and Signature.

Persons appearing to vote shall present proof of identity and address. Once determined eligible, voter shall print their legal name, address, ward number and record their signature on the appropriate election document prior to voting.

## Section 68-6. Transfer of registration records.

A. When the boundaries of an election ward are changed, the City Clerk shall cause to have transferred the permanent registration records of registered voters whose voting wards have been changed into the appropriate election ward record. Each registrant shall be notified of the transfer by regular mail.

B. The registration of any voter shall not be invalidated nor shall the right of any registered voter to vote be prejudiced by any error in making transfers of the registration records.

## Section 68-7. Registration deadlines.

A. In accordance with 15 Del. C. § 7550(d) the City Clerk shall close all registration records 30 days prior to the date of the regular election. Resident voters defined in Section 68-2(A) shall be required to have properly registered with the Department of Elections to be permitted to vote at the following regular election. Non-resident voters as defined in Section 68-2(B) shall be required to have registered with the City Clerk of the City of Milford to vote at the following regular election.

B. Special elections. In accordance with 15 Del. C. § 2037 and § 7550(d), the city clerk shall close the registration records 10 days prior to the date of a special election and only those voters properly registered at that time shall be entitled to vote at the following special election. If the deadline falls on a Saturday, Sunday or holiday, the deadline shall be the next day that is not a Saturday, Sunday, or holiday.

C. The registration records of the city shall remain closed until the day after the regular or special election.

## Section 68-8. Custodian of registration records.

The City Clerk shall be the custodian of the permanent registration records. The removal of registration records from City Hall shall be done only with the express consent of the City Clerk.

Section 2.

Dates.

Introduction: January 24, 2022

Adoption: February 14, 2022

Effective: February 24, 2022

Motion carried by unanimous vote with no one opposed.

*Adoption/Resolution 2022-02/Amended Council Rules of Procedure*

City Manager referenced the resolution to amend the Council Rules of Procedure to move the Finance Report to the second meeting of the month. That will provide a more updated report, based on the last month.

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

Councilmember Marabello moved to adopt Resolution 2022-02, seconded by Councilmember James:

RESOLUTION 2022-02  
AMENDING MILFORD CITY COUNCIL RULES OF PROCEDURE

WHEREAS, Resolution 2018-01 was approved on February 12, 2018, adopting the Milford City Council Rules of Procedure, and

WHEREAS, Council has requested the Finance Director to provide the most up to date Financial Report, and

WHEREAS, the Finance Director can produce a Finance Report for the immediately preceding month by the fourth Monday of the month.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Milford, during a lawful session duly assembled on the 14th day of February 2022, by a favorable majority vote adopt the Procedural Rules hereto attached as Exhibit A, as amended, are hereby adopted.

Motion carried.

NEW BUSINESS

*Authorization/Delaware Mosquito Control Spraying Policy*

Next item is the authorization of the annual agreement with a Delaware Mosquito Control to spray within the city boundaries.

Councilmember Boyle moved to authorize the execution of the Mosquito Control Spray Policy, seconded by Councilmember James. Motion carried with no one opposed.

*MOU/Tsionas & Emory Hill/Industrial Park*

The Memorandum of Understanding with Tsionas Hill to provide professional services for the new industrial park. There have been a number of parties involved in the process of the development of the industrial park on the Fry Farm. This will be a partnership with a developer for guidance and industrial development expertise.

After evaluating several, Tsionas Management of Newark and Emory Hill of New Castle, DE were selected.

Deborah Tomasi and John Work from Tsionas and Clay Hill and Neil Kilian from Emory Hill were present.

Ms. Tomasi then reinforced the lease with Aldi is now fully executed and they anticipate Sherwin Williams being in their new space at the Plaza at Milford by the end of the year.

She then talked about Tsionas' background and their vast experience and marketing and development portfolio.

Following, Mr. Hill stated they are very excited and honored to be a partner in this exciting project. He also recognized Mr. Kilian who has been Emory Hill's Brokerage Director for the past 25 years, who then provided a history of the company and shared information on several past and current projects.

The MOU has two phases. Phase I consists of an evaluation of cost and feasibility of purpose including the development of the concept master plan and evaluation of off-site improvements. Phase II involves the master development agreement, site preparation, marketing, management and maintenance, and takedown of lots.

City Manager Whitfield confirmed that Phase II would involve their brokerage fees related to the sale of lots. They would be brokers on those property sales and will be based on the marketability of the site.

Councilmember Boyle moved to authorize the execution of the Memorandum of Understanding with Tsionas Management Co., Inc. and NAI Emory Hill Real Estate Services, Inc. for the development of the Milford Industrial Park, seconded by Councilmember Wilson. Motion carried with no one opposed.

Mayor Campbell introduced the following three ordinances on behalf of Planner Pierce, who read a portion of the application into the record:

*Introduction/Ordinance 2022-07*

*First Baptist Church for an Amended Conditional Use in an R1 Zoning District*

*Located along the west side of Old Shawnee Road.*

*Present & Proposed Use: Church*

*Tax Map 3-30-3.06-127.00*

*Introduction/Ordinance 2022-08*

*William Allen Property Management, LLC – Conditional Use*

*2.59 +/- acres of land located along the east side of Silicato Parkway*

*Address: 104 Silicato Parkway*

*Comprehensive Plan Designation: Commercial*

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

*Present Use: Vacant Proposed Use: Restaurant and Retail*

*Tax Parcel: MD-16-174.15-01-01.03*

*Introduction/Ordinance 2022-09*

*Lands of Shelley Maloney – Conditional Use*

*0.754 +/- acres located on the south side of East Clarke Avenue approximately 260 feet east of South Walnut Street*

*Address: 8 E. Clarke Avenue*

*Comprehensive Plan Designation: Low Density Residential*

*Zoning District: R-1 (Single-family Residential District)*

*Present Use: Single-family Detached Dwelling*

*Proposed Single-family Detached Dwelling with Professional Home Occupation*

*Tax Parcel: 3-30-10.08-004.00*

All three are scheduled for public hearings before the Planning Commission tomorrow evening and will return for hearings before Council on February 28th and which final action will occur.

EXECUTIVE SESSION

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

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

Pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on-site Acquisitions for any Publicly Funded Capital Improvements, or Sales or Leases of real property

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:44 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 Wilson. Motion carried.

Council returned to Open Session at 9:34 p.m.

Potential Vote/Personnel Matter

Potential Vote/Property Matter

No action was needed on the items discussed in Executive Session.

ADJOURNMENT

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

The Council Meeting adjourned at 9:42 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder