

CITY OF MILFORD
COUNCIL WORKSHOP MINUTES
February 28, 2022

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 met virtually in Regular Session on Monday, February 28, 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 and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Campbell called the meeting to order at 7:05 p.m.

INVOCATION AND PLEDGE

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

PUBLIC HEARINGS

Planning Director Rob Piece read into record the reports included in the Council packet on the following ordinances:

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

The amendment to the Zoning Ordinance would increase the compensation of Board Members per meeting from \$50 per meeting to \$75 per meeting and is consistent with other action Council had taken a few months ago in relation to compensation of the Planning Commission.

Because it was omitted from the Planning Commission agenda in January, it was republished the second time in the Milford Beacon on January 26, 2022. The Planning Commission recommended approval on a vote of five to zero at the February 15 meeting with one amendment. This should amend Section 230-35, and not 38(5) due to other zoning code amendments that have taken place in the interim.

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

Councilmember Fulton moved to adopt Ordinance 2021-27, amending Chapter 230 Section 230-25 and effective January 1, 2023, seconded by Councilmember Culotta. Motion carried by the following unanimous roll call vote:

Yes
Marabello
Boyle
Fulton
Culotta
Samaroo
Baer

James
Wilson

Adoption/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, Milford, Delaware.

Present & Proposed Use: Church

Tax Map 3-30-3.06-127.00

The First Baptist Church submitted an amended conditional use application and had their final site plan reviewed by the Planning Commission at their February 2021 meeting. The applicant is proposing to expand the church parking lot on the church parcel as shown on the final site plan included in the packet. The expansion would provide an additional 87 parking spaces along the northeast side of the church property. The site work will require the construction of stormwater management pond due to the increased amount of impervious surface on the property. Other agency approval has been received, as well as the City Engineer.

The church is a residential and bound on all sides by residential uses. The notice was properly published and all property owners within 200 feet mailed a copy of the notice. The Planning Commission recommended approval by a vote of five to zero without any additional conditions.

Applicant Eric Heishman, representing the church at 6062 Old Shawnee Road, the spoke noting that Pastor David Perdue is also in attendance. He stated that following their change in service schedules, migrating from a two-morning worship services to a single service, additional parking was needed following the consolidation of services. Currently, there are 97 parking spaces and are requesting the addition of 87 spaces.

They have considered the necessary buffering from adjacent neighbors, thus having a minimum six-foot vinyl fence installed, as shown on the drawing, protecting them from both headlights and any increased noise from vehicles or pedestrians making their way to the church.

Also considered is the lighting impact of neighbors and their engineers subsequently designed a parking area light not to impede our neighboring properties, so that it only lights the necessary area within the parking structure.

When asked about landscaping, Mr. Heishman explained that based on the structures, including curbing, there could be something small added, but was not planned.

Mayor Campbell opened the floor to the public.

Linda Bretzer of 106 Manor Lane asked if this is approved, when will the project be started; Mr. Heishman explained they have been planning the project for three years, but as soon as possible, and are in discussions with the site engineer and hopes to start by possibly early spring.

No other persons responded, and the floor was closed.

Councilmember Boyle moved to adopt Ordinance 2022-07, seconded by Councilmember Wilson. Motion carried by the following unanimous roll call vote:

Marabello: Yes, because it does not have any opposition from the neighborhood, and it was approved by the Planning Commission by a vote of five to zero.

Boyle: Yes, it was approved by unanimous vote of the Planning Commission and seems amenable to the residents.

Fulton: Yes, with the decrease in the number of services, the increase in parking spaces is needed to satisfy the needs of the community.

Culotta: Yes, it is much needed and based on the Planning Commission.

Samaroo: Yes, based on the benefit of the people in the Community attending the services and based on the Planning Commission approval.

Baer: Yes, based on the Planning Commission and it fits in fine with the neighborhood and it is good for the church.

James: Yes, there seems to be no negative effect on the adjoining neighbors and based on the recommendation of the Planning Commission.

Wilson: Yes, based on the Planning Commission and the benefit to the church.

Adoption/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

Planning Director Pierce reviewed the staff report for Ordinance 2202-08 and Conditional Use and Preliminary Site Plan reviewed by the Planning Commission on February 15, 2022.

This involves the one remaining lot on Silicato Parkway situated between the existing Grottos and the Microtel Hotel on Route 1. The applicant is proposing to construct a 5,022 square foot restaurant and a 4,000 square foot retail building. Chapter 230-45 requires multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements.

The application complies with the City's Zoning and Subdivision codes. The packet includes comments related to the Planning Commission's review of the site plan.

The notice was published in the Milford Beacon on January 19, 2022, and all owners of properties within 200 feet of the subject parcel were mailed a copy of the public notice. Planning Commission recommended approval by a vote of five to zero.

PE & DBF Associate Cliff Mumford of 1 Park Avenue stated Owner and Developer Steve Wheat was also in attendance. Mr. Mumford agrees with the Planner's findings and facts in the staff report, particularly items A through F, based on the criteria found under Chapter 230-48 Conditional Uses. He asked that he staff report be made part of the record (see packet).

The conditional use will allow for two permitted uses to be located on Lot three of the Silicato-Woods Development, per Chapter 230-45 of the City of Milford Code, multiple permitted uses on one parcel requires a conditional use. Both proposed uses are permitted within the Highway Commercial Zoning C-3. The applicant is unable to subdivide the parcel as the parcels would be too small to construct when considering setbacks, parking, and bulk and area requirements.

Mr. Mumford shared the application is similar to recently approved conditional uses, including one on the old Wendy's site and the M&T Bank building. The proposed uses include a high turnover restaurant, and the second use potentially as a liquor store and are compatible with the adjacent uses and will not negatively affect the surrounding parcels.

They believe the application makes efficient use of the land by allowing two buildings on one parcel and believe the conditional use should be approved, due to the reason stated in the staff report and this presentation.

According to Owner Mr. Wheat, the restaurant is Buffalo Wild Wings and will be 4,500 square feet of restaurant with the balance being patio space. Presently, there is no name or operator for the retail building though the intent is a liquor store. He confirmed the businesses are side by side and not connected for ease of separate users.

He added they hope to start the site work the end of spring/early summer, pending materials, completion of utility and building plans and the contractor's schedule.

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

Councilmember Marabello moved to adopt Ordinance 2022-08, seconded by Councilmember Baer. Motion carried by the following unanimous roll call vote:

Marabello: Yes, as approved by the Planning Commission and there is no adverse effect to the surrounding areas.

Boyle: Yes, it is consistent with the zoning and approved by the Planning Commission.

Fulton: Yes, it is acceptable to the Planning Commission and fits into the business environment of the area.

Culotta: Yes, it is consistent with the area, and he looks forward to another dining option in Milford and are excited they announced what will go there.

Samaroo: Yes, based on Planning Commission approval and the five to zero vote and it gives a variety of restaurant options for the community.

Baer: Yes, supports the restaurant and retail, based on the Planning Commission, and believes it will be a great addition to the City of Milford.

James: Yes, it fits this area and will satisfy the desire of additional choices for eating for our citizens.

Wilson: Yes, based on the Planning Commission and the anticipation to continue developing that area.

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

Solicitor David Rutt announced that Councilmembers Fulton and Culotta should not participate in this matter because they had family members who testified at the Planning Commission meeting.

Councilmember Fulton asked if because he is unable to participate as a Councilmember, is he able to participate as a member of the public. Solicitor Rutt stated no, that by being elected as a Councilmember, he waived that right so he may not. Councilmember Fulton stated for the record that all Ward Two have been excluded from the voting process, which is the ward this is located.

Solicitor Rutt explained that he did not exclude the two councilmembers, but the family members excluded them because of the testimony they presented at the previous public hearing. It comes with the territory.

The Solicitor then explained this is a situation where the Planning Commission recommended not approving the application, under Chapter 230-58(D), in the case of an unfavorable report or recommendation of denial by the Planning Commission, any amendment or change of zone or conditional use could not be reversed, except by a favorable vote of three quarters of the City Council. That means that six members, since Council is comprised of eight members, six members would have to vote to reverse the recommendation.

He stated to the two councilmembers they may be excluded. The applicant has a high hill to climb but that's the procedure, that's the law that you have a conflict of interest, due to family members having testified before. Their testimony is part of the record and there is a letter, that is part of the package, he believes, from Councilman Fulton's wife, and he would anticipate there will be some other testimony possibly from Mr. Culotta's family and possibly from Councilmember Fulton's wife if she is going to be on the line so.

He asked Councilmember Fulton to accept the fact that they need to be refused.

Councilmember Fulton responded by stating he accepts the fact he is recused.

Councilmember Culotta said he is comfortable with and that that's fine.

Planning Director Pierce referenced Ordinance 2022-09 Lands of Shelly Maloney that is a standalone conditional use application for a property zoned R-1, which is single family residential district. He then read the staff report into record

stating the current use is a single-family dwelling and the proposed use is for a single family detached dwelling with a professional home occupation at 8 East Clark Avenue.

The applicant is proposing to use a portion of the residential dwelling on Clark Avenue as a professional home occupation for a bail bonds company. The owner of the property would be the only employee of the bail bonds company which operates 24 hours a day, seven days a week, according to the application. Additionally, the proposed use according to the applicant, will not generate any additional traffic and clients would not be coming to the property for any services. Title 18 of the Delaware Code requires a physical location to register the bail bonds agent with the State of Delaware. The applicant also states the site would only be used to store files. The Delaware code also requires the placement of the sign in front of the yard identifying the business, which would be required to comply with any city sign regulations if approved by city council.

Chapter 230-9(C)(5) states professional occupation restricted to the owner occupant requires a conditional use approval from City Council and is subject to the conditions that are outlined in section two of the staff report.

Planner Pierce then continued reading several excerpts of the Code.

Bail bond agents are governed by Title 18 of the Delaware Code entitled Insurance Code, he felt that they were similar to insurance agents with regards to state regulations that would fall under that professional home occupation definition in our Zoning Code.

Planner Pierce has given the applicant an opportunity to state their response in writing, and they can confirm as part of their testimony, to clarify any of those statements.

He also referred to a location and zoning map showing the property being midblock of the dead-end street of East Clarke Avenue, east of South Walnut Street. Other documents submitted by the applicant were also described by Mr. Pierce.

The applicant identified a section on the right side of the house that will be used to store the files for the home occupation as shown on the floor plan, along with a couple pictures supplied by the applicant as to the portion of the building that would be used.

Three written public comments were received prior to the meeting and are included in the packet for Council review.

The public notice was published in the Milford Beacon on January 19, 2022, and owners of all properties within 200 feet of the subject parcel were mailed a copy. The Planning Commission reviewed this application at the February 15, 2022, meeting and recommended denial of the conditional use application by a vote of five to zero.

Applicant Shelley Maloney stated this is it basically self-explanatory. I just want to be within the compliance. I have a business license for Milford and Kent County, Dover, and Georgetown, of course where the courts are at that she writes for. She said she doesn't bring people to my home and doesn't want people at my home. She must have a secure facility to keep my files and she deals with a lot of people's personal information, such as social security numbers and that type of stuff. Because she is located between Milford and Dover and Georgetown, she mostly meets people at the courthouse or out in another public location. She goes to their homes and does not bring anybody home. She just needs to be compliant.

The sign would sit in front of that portion of the house so it's not visible from the road and would not cause any extra or undue traffic via cars or people or anything like that. It is just for appearance purposes according to Ms. Maloney.

Ms. Maloney had no further comments.

Mayor Campbell opened the floor for public comments.

Niecy Roberts stated she is on the line with her husband Craig of 10 East Clarke Avenue, which is immediately adjacent to this property, asked if she needs to put her comments in the Q&A or does she need to verbalize them. Solicitor Rutt stated that she needs to state her comments for the record.

Ms. Roberts stated she was reviewing the requirements for the State of Delaware for a bail bond agent, which states that every bail bond agent should maintain a principal business accessible to the public identified clearly by a sign visible to the

public. Then under item B, it says when a license bail bond agent must post their fees charged for services rendered conspicuously and displayed in the principal place of business in an area customarily open to the public.

Ms. Roberts' concern is that the request from the applicant is compliant with the State of Delaware requirements, and she believes the intention of the State is to require a place of business that is accessible to the public and that kind of contradicts the statement that the storefront she's maintaining is superficial. There is no way to guarantee that there will be no pedestrian or vehicular traffic. That is her first point.

Her second point would be that in her documentation she says she handles a lot of money at times. and Ms. Roberts thinks that that could make her a target for robbery. So, it's just the kind of business the neighbors feel uncomfortable having in a residential area. While they have no problem with Ms. Maloney and her being on the street, the business is the issue, the kind of business.

Lastly, Ms. Roberts said the sign that she would like to place outside advertises a 24/7 business of a bail bondsman and they just believe that would have an adverse impact on our adjacent property values.

That is her three main points.

Ashley Venett of 509 South Walnut Street said she seconds what Niecy's comments were and she also opposes the type of business that is being proposed within 200 feet of her residence. As it's required to be accessible to the public by the Delaware Code. It just doesn't need to be in an R-1 zoning district.

Kerry Fry of 501 South Walnut Street, two doors down from the applicant property, said he has some concerns about the potential bail bonds business that going to be located two doors down. He said if you were to research already, it is already showing that this bail bonds business is up and running at this location. If you were to go on and Google Absolute Bail Bonds, right now, it will give you an address of 8 East Clarke Avenue and it says it's open. Those are some of my concerns that we have already started a pattern of going ahead and doing our own thing before we go through an approval.

My issue would be also, like Niecy and Ashley had spoken, the signage issue with having a sign out there and not being able to control, who will be coming and going from that business. She might not meet a lot of people at that business at that location, but there's always the potential for people to be there, because that is the address that is stated, and it is stated it is open 24 hours. There will also be cash and other property that's kept there that goes along with the bail bonds business.

For the safety of our area and our children that are around here, Mr. Fry does not think it's a great location for a dead-end street to have a bail bonds business. He also stated that it does not fall under what the State's guidelines are for this business and that's why they would have guidelines for a better use for this business.

Those are Mr. Fry's concerns and then the safety side and then also with the home value side. Obviously, if any Councilmembers were to have a home that was next to a business like that, it could potentially take down your home value, even though there could be no problem. There are somewhat ifs with this, but is an unknown of what will happen, and for that he gives his concerns.

Rick Sherwood of 13 East Clarke Avenue, directly across the street from the property in question, said he would like to echo Niecy and Kerry's comments that we don't feel that this is a business that is appropriate for a residential neighborhood. There are risks involved with this business, and we feel that the risk of having people come and go, as the State would require them to be able to do, and that is why the sign is there in the first place. We feel the risk of that is unacceptable to us in the neighborhood.

Sandy Culotta of 6 East Clarke Avenue, on the west side of the property in question. The office door and sign are less than 20 feet from their front door. Her biggest concern is a guarantee that people wanting to have her business, don't mix up their front door with Ms. Maloney's office. There is a fence between the two homes, but she just needs a guarantee that we cannot have the people she serves, and she is glad she serves as people because they need some support.

Ms. Culotta said in their neighborhood with the children and grandchildren on a dead-end street, a lot of times they are out in the road playing or are walking. That is her biggest concern, and she agrees with the rest of her neighbors that if the state

says it needs to be open to the public, how can someone guarantee that people won't be coming here to this neighborhood. Thank you.

There being no one else wishing to speak, Mayor Campbell closed the floor.

Councilmembers then asked a couple questions regarding previous conversations. Mr. Pierce was asked if he was aware of the accessibility requirements by clients and his response was the evaluation was based on the information provided by the applicant and her statements that no one would be coming to her home.

When asked is having this address is only to comply to have a legal address for the business, Ms. Maloney stated yes, sir.

She was then asked where these type businesses are located and if they were in people's homes or in a strip center; Ms. Maloney stated there are some that have them at their homes and there are some that have separate office spaces. There are 13 or 14 companies, she believes, in the entire State of Delaware.

Ms. Maloney said she had an office in Dover a couple of years ago, and her landlord, who was elderly, had passed away. Her heirs sold her properties, and she has basically been doing everything out of her vehicle and meeting people out in public, at homes and at the courts. The same thing was doing paperwork. When she gets paid for her services, she goes directly to the bank and does not hold money at her house.

Ms. Maloney also stated she is a registered gun owner. She has never had any problem in eleven years with anybody breaking into my things or my properties. Even in downtown Dover, where it's bad, she was located between Queen Street and Capital Green. There are a lot of gang wars and stuff going on out there. Never had an incident and I am very conscientious of how I do my business. She would never put anybody in any kind of harm's way. She is very observant of her surroundings constantly and the people that she deals with, not so much the criminals themselves, or the defendants, it is mostly their family members. In their business, they like to call it the circle of love.

The only time she deals with the defendants is in court.

It was also pointed out the license states it was only valid from January 1, 2015 to December 31, 2017, Absolute Bail Bond for a business address of 104 Kings Highway, Milford and asked where that location is; Ms. Maloney stated it is by the old hospital and that is where all her comes. She didn't want to have more than one address all her paperwork, so that she positively gets her mail. She gets served notices, sometimes by the Sheriff's Office and she gets notices for her clients when they have to appear in court. She doesn't want her mail going to an office somewhere that somebody else could have access.

Councilmember Samaroo asked if this is just a temporary address that is being used for the business; Ms. Maloney said that is where she lived for 10 years and just moved to this residence in October when her father passed away November 2020.

Councilmember Wilson said she has talked to a couple of people, and their first response is that normally, a person would call a bail bonds person if you needed their services. Ms. Maloney said that is correct and their work is done over the phone, yes, other than doing the actual contracts and going to the courthouse. For instance, as an example, today she got a call from a mother whose child was in Stevenson House. She met her at family court and did the paperwork, the money exchange, posted the bond. She went her way and Ms. Maloney went her way. Boom done. That's it.

When asked if not in a home, is it prohibitively expensive just to maintain an address, Ms. Maloney explained she has been checking around for the last couple of years, since she lost her office in Dover when her landlord passed away. It is \$2,100 a month for an area that's way too big for a space out in Milford Commons, the place where Food Lion is. She has checked the other two shopping centers and they are well over \$1,000. She also checked with the Masonic Building who had one office available for \$800 a month. The problem is it is just like a bedroom door and is not a very secure door. So, anybody could break in there. There is a barbershop across the drive there that has had issues there quite often. There are other places within that area in that building and anybody could come in there. It is not very private or secure. She deals with people's sensitive information and does not want that leaked out or gotten ahold of. She would expect the same done for her if she were to do something like that and is how she does her business.

All her business is through phones. Somebody will call and she will meet them someplace and then go through the process and go from there.

Councilmember Boyle pointed out that Planner Pierce said that a bail bondsman business is not listed in the residential code and asked if it is addressed in any of the commercial or industrial codes; Mr. Pierce shared that if it were in a commercial zone, it would just be considered an office or professional office. Sometimes he has to link a general use in with other uses of similar character. In the zoning code definition that's listed in the staff report, it says or similar professional activity. When conferring with the City Solicitor, they decided that bail bonds would be close to an insurance agent.

Solicitor Rutt said before a motion is made, it may benefit Council what Delaware Code requires. He referenced Title 18 Section 4346 entitled Bail Agent, Place of Business, Display of License and Fees Charged, Retention of Records at Place of Business. Subsection A reads 'every bail agent shall have and maintain in this State, a principal place of business accessible to the public and identified by a sign clearly visible to the public. The address of this principal place of business must appear upon the application for a license and upon the license when issued. And the licensee shall notify the department in writing of any change in that address within 30 days of such change. This subsection does not prohibit a licensee from conducting business from a residence in the State if it meets all other requirements applicable to offices of bail agents.'

Subsection B: 'The licenses of the designated bail agent, and of those bail agents employed or authorized by the designated bail agent and the fees charged for services rendered, must be conspicuously displayed in the principal place of business, in a place or area customarily open to the public.'

Subsection C: 'The designated bail agent and those bail agents employed or authorized to operate under the designated bail agents' auspices shall maintain all of their business records at the principal place of business identified in the license issued by the department.'

The Solicitor concluded by saying that is the extent of the Delaware Code on that point, though, they also are required to comply with the local zoning ordinances and zoning codes.

When asked for a motion, Councilmember Boyle moved to deny approval of Ordinance 2022-09, seconded by Councilmember Marabello. Motion carried by the following unanimous 6-0 roll call vote (Councilmembers Fulton and Culotta were recused):

Marabello: Yes, to deny the application and thinks it is inconsistent with the residential neighborhood and there are a lot of unknowns and the perception of fear, and it is just not appropriate for a residential area, and he recognized the need for a bailman but does not think that is an appropriate place to have it.

Boyle: Yes, to deny for the same reason. It is just not a consistent activity for a residential zone and in a R-1 residential zone.

Samaroo: She votes yes, the same as Councilmembers Marabello and Boyle, to deny the application based on the type of bail bond job in the residential area and votes no based on the Delaware State Code requirements for that type of business to be in the residential area.

Baer: Yes, and he is going to take the recommendation of the Planning Commission since they voted 5-0 to deny. Hearing from the public in that neighborhood is his other reason to vote yes on the denial.

James: Yes, on the motion to deny based on the comments from the surrounding neighbors and on the interpretation of Delaware Title 18 and the requirements, as read by Solicitor Rutt.

Wilson: Yes, to deny basically based on the State Code. She went back and forth because she believes that most of the business is by phone, but and because there is a 'but', it is causing her to have questions and safety is an issue and availability for a business is an issue. Because that type of business or any type of business must be available. If that is your place of business, there is always a chance that people will come to your place of business, and she does not understand why they wouldn't and votes yes to deny unfortunately at this time.

Mayor Campbell informed Ms. Maloney that the vote of 6-0 means she is denied the conditional use for the business.

RECOGNITION

Introduction/City Employees

Public Works Director Mike Svaby welcomed his newest employee Benjamin Lewis, who came from the City of Lewes, where he was employed as a Junior Lineman for 2 1/2 years. He was hired by the City as a Line Tech Third Class on February 1, 2022, and recently relocated to Ellendale.

Proclamation 2022-03/Endometriosis Awareness Month

Mayor Campbell presented below Proclamation declaring March as the Endometriosis Awareness Month in the City of Milford:

PROCLAMATION 2022-03

ENDOMETRIOSIS AWARENESS MONTH

WHEREAS, endometriosis, a condition that happens when tissue similar to the lining of a women's uterus (womb) grows outside of the uterus, is one of the most common gynecological diseases and affects 200 million worldwide and about 1 in 10 women in the United States; and

WHEREAS, endometriosis is often misdiagnosed or missed altogether due to lack of education and awareness, as well as significant demand for greater understanding, especially when it comes to diagnosis and treatment options; and

WHEREAS, because endometriosis can have a devastating effect on the quality of life due to its very painful symptoms that oftentimes requires multiple surgeries as well as being the biggest cause of infertility in women, it is imperative that awareness is spread so that the proper diagnosis can occur at the earliest stage possible as well as the importance of proper education of the debilitating disease so that the proper treatment can begin before ever reaching a critical point:

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, Delaware, proclaim March 2022

ENDOMETRIOSIS AWARENESS MONTH

in Milford to help highlight the importance of education, early diagnosis, and support of women with lived experience of this disease.

Proclamation 2022-04/National Engineers Week

The following proclamation honors James Puddicombe for National Engineer Week observed from February 20-26, 2022. Public Works Director Svaby commented that he and his staff are joining Mayor Campbell in that recognition and to comment Mr. Puddicombe for his dedication and commitment to his profession.

PROCLAMATION 2022-04
NATIONAL ENGINEERS WEEK

WHEREAS, engineers use their scientific skills and specialized knowledge and skills in creative and innovative ways to fulfill society's needs; and

WHEREAS, engineers help solve major technological challenges of our time - from designing efficient building systems to rebuilding towns devastated by natural disasters; and

WHEREAS, engineering has been called the invisible or stealth profession, because all around us are things we use every day that have been engineered in some way, yet we may not see the engineers behind the scenes or know much about engineering; and

WHEREAS, founded in 1951, National Engineers Week is dedicated to ensuring a diverse and well-educated future engineering workforce by increasing understanding of, and interest in, engineering and technology careers; and,

WHEREAS, National Engineers Week is a formal coalition of more than 70 engineering, education and cultural societies, with more than 50 corporations and government agencies dedicated to raising public awareness of engineers' positive contributions to the quality of our lives; and

WHEREAS, National Engineers Week promotes recognition among parents, teachers, and students of the importance of a technical education and a high level of math, science, and technology literacy, and motivates youth to pursue engineering careers to provide a diverse and vigorous engineering workforce.

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, Delaware, by virtue of the authority vested in me by the laws of the City of Milford and the State of Delaware, do hereby proclaim February 20-26, 2022, as

NATIONAL ENGINEERS WEEK

and urge all members of our City to pay tribute to

CITY ENGINEER JAMES PUDDICOMBE

who in the fulfillment of his duty assignments through the City Public Works Department performs with honesty, impartiality, fairness, and equity and is dedicated to the protections of the public health, safety, welfare, and conduct associated with the Professional Code of Ethics under the Delaware Association of Professional Engineers (DAPE); and

I, FURTHER, CELEBRATE all engineers that live and/or work in our community for their groundbreaking contributions to our residents and businesses, all of whom deserve special recognition.

COMMUNICATIONS & CORRESPONDENCE

Councilmember Marabello reported that Milford Central Academy will be performing Aladdin Jr on March 1st and March 2nd at 6:30 pm.

He also was contacted by Milford Billiards next to Gigante Food Store who is having a significant billiards competition and wanted information on advertising.

Councilmember Baer thanked Mr. Whitfield for taking care of the dead tree threatening the cable line across the street from his neighborhood in the 3rd Ward.

MONTHLY FINANCE REPORT-DECEMBER 2021 & JANUARY 2022

Finance Director Lou Vitola provided a brief synopsis of the following two monthly Finance Reports:

December 2021

The Financial Reporting Package for the fiscal year through December 2021 (FY22 YTD) is included in the packet. The following executive summary highlights this month's notable developments and recaps any changes to the report. The "Quick Reference" section of this memo recaps important financial highlights and modifications made in FY22 to help shorten the executive summaries.

YTD results continue to exceed budget expectations through the first half of the fiscal year. Operating expenditures remain below even the seasonalized budget across funds for the sixth consecutive month. While understaffing results in unintended savings, we welcome the recent improvement in staffing levels and look forward to stability the second half of this fiscal year. Results in the electric fund rebounded in December, as timing issues between wholesale and retail electric sales continue to drive artificially choppy results on a month-to-month basis. The water fund, while still behind compared to the first half of FY21, has improved in December as well; the new water fund transfer to the general fund represents the only variance. Cash balances were drawn during December, as expected, primarily due to the closing of two property purchases, but in part due to a busy month for capital projects and purchases.

Quick Reference for FY22 Financial Developments and Report Upgrades
Recap FY22 Financial Highlights

Summary of FY22 Modifications (no changes this month)

- P.1 – Cash Roll forward

- o New Solid Waste Reserves Acct created by FY22 Water Fund interfund loan forgiveness, new variance indicators
- P.2 – Restricted Cash Reserves Report
- o The MSA and RTT reserves were combined into one shared summary to make room for Solid Waste Fund
- o Lines 3 & 17 added to show additions & interest earnings in the capital reserve accounts
- o Lines 12, 13, 24 & 25 feature updated MCR & ERR calculations for FY22 pursuant to cash reserve policy
- P.3 – The Enterprise Funds “P&L Style” Report features a new comparative column and four new rows
- o The rightmost column compares current vs prior FYTD periods by revenue and expense lines and subtotals
- o Rows 16 & 17 compare current & prior FYTD periods net surplus by fund
- o Rows 18 & 19 compare actual surplus vs seasonalized budget surplus for the current FYTD period
- o Variance indicators added for quick reference to both P&L reports; refined in October 2021
- P.4 – The General Fund “P&L Style” Report was created to complement the existing Enterprise Funds P&L Report
- o The new statement presents the same general fund financial performance available in the legacy Revenue and Expenditure Reports in a one-page consolidated executive summary
- o The scaled, common-size columns at right match the prior year comparability goals featured in the Enterprise Fund version of the report, while also putting general fund revenues and expenses in context for the first time in the monthly financial reporting package
- o Rows 19 & 20 allow for a comparison of the current and prior year FYTD periods by major function
- o Rows 21-22 show comparison of actual surplus vs seasonalized budget surplus for the current FYTD period
- P.5 (previous p.10) – Planned Use of ARPA Funding by Category compared to Actual Spending added in Sept 2021
- P.6-10 – Revenue (p.6) & Expenditure/Inter-dept Reports (p.7-10) will be produced indefinitely as “legacy” reports

See packet for Financial Reporting Package As of and For the Period Ending December 31, 2021.

January 2022

The Financial Reporting Package for the fiscal year through January 2022 (FY22 YTD) is included in packet. The following executive summary highlights this month’s notable developments and recaps any changes to the report. The “Quick Reference” section of this memo recaps important financial highlights and modifications made in FY22 to help shorten the executive summaries.

YTD results continue to exceed budget expectations through the first half of the fiscal year. Operating expenditures remain below even the seasonalized budget across funds for the seventh consecutive month. Electric Fund margins fell in January on higher wholesale power costs and higher distribution losses as timing issues between wholesale and retail electric sales continue to drive artificially choppy results on a month-to-month basis. The water fund, while still behind compared to the first half of FY21, has improved in each of the last two months; the new water fund transfer to the general fund represents the only variance, and is partially offset by otherwise stronger year-over-year results. Strong results in the sewer fund through December were tempered in January due to debt service payments. Operating cash balances in the enterprise funds were drawn in January due to receivable growth and timing issues but are expected to reverse by March depending on billing cycles.

Quick Reference for FY22 Financial Developments and Report Upgrades

Recap FY22 Financial Highlights

Summary of FY22 Modifications (no changes this month)

- P.1 – Cash Roll forward
- o New Solid Waste Reserves Acct created by FY22 Water Fund interfund loan forgiveness, new variance indicators
- P.2 – Restricted Cash Reserves Report
- o The MSA and RTT reserves were combined into one shared summary to make room for Solid Waste Fund
- o Lines 3 & 17 added to show additions & interest earnings in the capital reserve accounts
- o Lines 12, 13, 24 & 25 feature updated MCR & ERR calculations for FY22 pursuant to cash reserve policy
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See packet for Financial Reporting Package As of and For the Period Ending January 31, 2022 .

Councilman James stated that when looking at reserves and the amounts that are remaining after minimum cash requirements, what we don't focus on a lot of times is the operating cash which is on the top part of page one. That is the report they plan to enhance to show what obligations have been made against that portion of the financial statement to give a true picture.

Finance Director Vitola confirmed we are still a Double A rated general obligation bond issuer though he has not heard from any agencies about any potential reviews. Should that happen, he will make Council aware.

Councilmember Marabello moved to accept the December 2021 and January 2022 Finance Reports as presented, seconded by Councilmember James. Motion carried.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Authorization/Preliminary Extension #2/Request/Milford Marina Enterprises LLC/Knight's Crossing

Councilmember Boyle made a motion to move above item to the March 28, 2022 agenda, seconded by Councilmember Culotta. Motion carried.

Authorization/Service Contract/Engineering/Industrial Park

Planner Pierce read the memo that was included in the Council packet:

On February 14, 2022, City Council authorized the execution of a Memorandum of Understanding (MOU) with Tsionas Management Company, Inc and NAI Emory Hill Real Estate Services, Inc. for the development of the Milford Industrial Park located on the Fry property. Phase I of the MOU includes professional assistance with the development of a concept master plan and evaluation of off-site improvements. Over the past few weeks, the development team evaluated multiple engineering consulting firms that specialize in industrial and large-scale commercial development in the region. As a result, the team recommends selecting Becker Morgan Group of Dover, DE for the concept planning and engineering services.

The scope of work includes facilitating several public outreach meetings, the development of a concept site master plan based on stakeholder feedback and preliminary traffic analysis that will provide answers needed to proceed with formal engineering site design and will inform language in Phase II of the MOU.

On February 16, 2022, the City submitted a Level 1 Site Readiness Fund application to the Delaware Economic Development Authority. If awarded, the City would receive up to a \$100,000 matching grant for preliminary studies and

engineering. The City intends to submit a Level 2 application next year for the remaining engineering services and construction activities.

Councilmember Fulton moved to authorize the Mayor to execute the proposal with Becker Morgan Group in the amount of \$110,000 for concept master planning and preliminary engineering services for the Milford Industrial Park to be paid from water reserves, seconded by Councilmember Baer. Motion carried.

When asked if adequate funds exist to withdraw these funds, Finance Director Vitola stated yes and referenced the related page in the Finance Report. It is also possible to use the water fund operating cash and Councilmember James suggested replenishing the water reserve with funds from the water fund operating cash. The Finance Director noted we are ahead in water versus the budget even if a transfer to the general fund is needed, as reported thru January 2021.

Councilmember James said he would have recommended a better funding source.

EXECUTIVE SESSION

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

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:40 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 Baer. Motion carried.

Council returned to Open Session at 9:19 p.m.

Vote/Personnel Matter

Councilmember James moved to afford the City Clerk a 1.5% bonus and a Cost-of-Living increase, seconded by Councilmember Wilson. Motion carried.

Councilmember James moved to the change the language as proposed by the City Manager in his contract be accepted by Council and amend Article 10 and to make the contract effective on a year-to-year basis, seconded by Councilmember Wilson. Motion carried.

Councilmember James moved that Council accept the City Manager's recommendation for a salary increase as requested by the City Manager and a Cost-of-Living increase, seconded by Councilmember Wilson.

When asked if the percentage of the City Manager's increase needs to be included in the motion, Solicitor Rutt said it was the amount stated in the City Manager's letter.

Motion carried.

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 9:22 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder