

CITY OF MILFORD
COUNCIL MEETING MINUTES
May 9, 2022

The City Council of the City of Milford met in Regular Session on Monday, May 9, 2022.

PRESIDING: Mayor Archie Campbell

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

STAFF: City Manager Mark Whitfield, Deputy Chief Edward Huey, and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

Per the Limited Public Health Emergency Declaration issued by Governor John Carney on March 1, 2022, and the virtual meeting provisions provided in Senate Bill 94, Milford City Council Meetings and Workshops were held in the Council Chambers at City Hall with attendees able to participate virtually as well.

CALL TO ORDER

Mayor Campbell called the meeting to order at 6:02 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 March 28, 2022, April 11, 2022, and April 20, 2022 Council Meetings; April 20, 2022 Workshop, May 2, 2022 Organizational Meeting and the April 23, 2022 Board of Election Meeting. A motion to approve was made by Councilmember Boyle, seconded by Councilmember Baer. Motion carried.

RECOGNITION

Introduction/New Employees

Jay Clark comes to the City Electric Department from Utility Lines Construction Services where he was a foreman. His first day as an Electric Ground Technician was Monday, April 18, 2022.

Joe Balog began his employment on Monday, April 4, 2022, with the Parks and Recreation Department as an Arborist/Urban Forestry Coordinator. He has experience through the State of Delaware and has met with a number of citizens who were very impressed with his knowledge.

Proclamation 2202-09/Economic Development Week May 9-13, 2022

Mayor Campbell proclaimed the week beginning May 9, 2022, as Economic Development Week in the City of Milford and asked that people recognize the contributions of our Economic Development and Community Engagement Coordinator and our affiliations:

PROCLAMATION 2022-09
Economic Development Week May 9-13, 2022

WHEREAS, economic development is a process that is supported by the collaborations between economic development professionals and local government leadership to promote a shared vision for developing resilient communities; and

WHEREAS, economic developers work with industries, brokers, educators, and other key allies to foster an effective business climate and meet the increasingly critical need for a skilled and competitive workforce; and

WHEREAS, economic developers are engaged in a wide variety of settings including rural and urban, local, state, provincial, and federal governments, public-private partnerships, chambers of commerce, universities, and a variety of other institutions; and

WHEREAS, economic developers stimulate and incubate entrepreneurship in order to help establish the next generation of new businesses, which is the hallmark of the American economy; and

WHEREAS, the economic development entities throughout Delaware work to strengthen our state's economy by unifying organizations involved in economic development, fostering the exchange of ideas, insights, and best practices for economic developers; and

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, Delaware, do hereby proclaim May 9 to 13, 2022 as "National Economic Development Week" and recognize the contributions of our Economic Development and Community Engagement Coordinator and our affiliations, including Downtown Milford, Inc. and the Chamber of Commerce for Greater Milford, and remind community members and business persons of the importance of this community celebration that supports expanding career opportunities and improving the quality of life.

Proclamation 2022-10/National Public Works Week May 15-21, 2022

National Public Works Week was proclaimed from May 15 to 21, 2022 and Mayor Campbell asked our citizens to pay tribute to our public works professionals:

PROCLAMATION 2022-10
National Public Works Week May 15–21, 2022

WHEREAS, Public Works professionals focus on infrastructure, facilities, emergency management, and services that are of vital importance to sustainable and resilient communities and the public health, high quality of life, and well-being of the people of the City of Milford, Delaware; and,

WHEREAS, these infrastructures, facilities, and services could not be provided without the dedicated efforts of Public Works professionals, who are federally mandated first responders, and the engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in the City of Milford to gain knowledge and maintain ongoing interest and understanding of the importance of Public Works first responders and Public Works programs in their respective communities; and,

WHEREAS, the Year 2022 marks the 62nd annual National Public Works Week sponsored by the American Public Works Association.

THEREFORE, BE IT RESOLVED, that I, Arthur J. Campbell, Mayor of the City of Milford, do hereby designate the week May 15–21, 2022 as National Public Works Week; I further urge all citizens to join with representatives of the American Public Works Association and government agencies to pay tribute to our public works professionals, engineers, managers, and

employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

STAFF REPORTS

IIMC Local Fellow Melody Barger/National Citizen Survey Report

Fellow Barger provided a review of the recent National Citizen Survey completed in March 2022:

The National Community Survey (NCS) is a nationally benchmark survey provided to residents of localities across the nation to determine satisfaction with municipal services and what they would like the City to work on. It measures two things—both how you match up against the national standard, and also how you match up against your past standard.

NCS is used to provide information about the City's strategic plan and are preparing to do an update in the fall to get a feel for what the residents felt was important to prioritize. A random sample of 2,400 households in all four wards was mailed a survey. A household would receive one mailing with a postcard, and either received a second mailing with a postcard or a second mailing with a paper copy to be filled out and mailed back in.

A total of 432 responses were received, or a response rate of 19% with a 5% margin of error. The ideal response rate is around 15% and the margin of error is typically between 4 and 6%, so this was much better than that. Of those mailed, 3% were returned because of vacant households or the inability to deliver by the post office.

NCS covers 10 factors, and all questions are designed to fit into the 10 factors. Unfortunately, almost all responses were a slight downturn from 2019 to 2022. The good news is the national benchmark appears to be a slight downturn from 2019 probably because of the pandemic compared to before.

Some key aspects of the current strategic plan and the success and failure in those items will be presented.

In terms of public safety and preparedness, the overall feeling of safety in the community was below the benchmark at 63%. The strategic goal of creating reciprocal and trusting relationships between Milford residents and police officers who are consistently proactive with visible policing throughout the city was met fairly well, but not quite what we were looking for according to the benchmark. While 70% rated police services as good or excellent, which is down from 82% in 2019.

The strategic goal of proactively planning for emergency events through regular meetings between all city departments and state, regional and local agencies to ensure up to date plans and compatible plans are reviewed and 67% rated community emergency preparedness as good or excellent.

Another 68% rated fire prevention and education as good or excellent which are slightly down from 75% in 2019. Also, 88% rated fire services as good or excellent, which is down from 94% in 2019.

The strategic goal of making a meaningful reduction in violent crime in the City of Milford is measured with 61% rating crime prevention as good or excellent, which is down from 65% in 2019; 67% felt very or somewhat safe from violent crime which is below the benchmark. And 89% felt very safe or somewhat safe in their neighborhood during the day which is down from 93% and 84% felt that it was very or somewhat safe in the Milford downtown commercial area during the day, which is down from 87%.

In terms of economic health and development, the overall economic health was rated good or excellent by 46% which was similar to the benchmark and down from 51% in 2019.

The strategic goals to enable growth of existing businesses and to foster the establishment of new businesses as a place to work Milford was rated as good or excellent by 57%, up from 55% in 2019. The economic development was rated as

good or excellent by 43%, which is down from 49% in 2019. The economic impact in the future was considered to be somewhat or very positive by 24%, which is down from 30%.

Employment opportunities were considered very good or excellent by 43%, which is up from 34%. The overall quality of business and service establishments were considered good or excellent by 55% which is slightly down from 57% in 2019. A variety of service and business establishments were considered good or excellent by 43%, which is a little lower than the benchmark.

In terms of mobility and infrastructure, the strategic goal is to proactively maintain our utility infrastructure and address future growth by proactively making improvements to infrastructure. Overall utility infrastructure was considered good by 46%, which is lower than the benchmark.

The following were considered good or excellent: garbage collection at 74%, affordable, high speed internet access at 43%, drinking water at 50% which is up from 45%, but below the benchmark, which is better locally, but still not up to the national standard. Sewer was at 75%, stormwater management at 62% and power at 66%.

The strategic goal to improve traffic management throughout the city, continue to develop a multi-modal pedestrian friendly framework throughout the city and proactively maintain streets was also measured. The overall quality of the transportation system was considered good or excellent by 48% though there was no benchmark from 2019.

Ease of walking was considered good or excellent by 61%, down from 65%. Travel by car was considered good excellent by 76%; traffic flow on major streets was considered good or excellent by 67% which is up from 65%. Fewer people walk or bike or use public transportation than the benchmark as well though streets, snow and sidewalk services were all rated close to the benchmark.

In terms of neighborhoods and community services, the strategic goal is to preserve and enhance the property values and quality of our neighborhoods and encourage a balanced range of housing types and homeownership opportunities for existing and future residents.

The overall design or layout of residential and commercial areas was considered good or excellent by 52%, also down from 55% in 2019. A neighborhood is a place to live are considered good or excellent by 78% which is up from 76% in 2019. The variety of housing options were considered good or excellent by 38%, down from 42%.

Availability of affordable housing was at 31%, down from 44% and overall quality of new development was at 44%, down from 57%. Well-designed neighborhoods were considered good or excellent by 44%, which was lower than the benchmark.

The strategic goal of promoting a healthy community with recreational activities provided by the city and community partners and to promote more tourism in Milford was considered. Public places where people want to spend time were considered good or excellent by 39%, down from 51% in 2019 and below the benchmark. Overall quality of the natural environment was considered good or excellent by 67%, down from 70% in 2019 and below the benchmark.

The overall quality of parks and recreation opportunities was considered good or excellent by 56% which was lower than the benchmark. Fitness opportunities, recreation opportunities city parks, recreation programs and classes, recreation centers or facilities were all significantly down from 2019 and below the benchmark.

Availability of paths and walking trails was at 60%, up from 50% and overall quality of health and wellness opportunities were at 65%, up from 61%.

In terms of fiscal responsibility and public engagement, there are not a lot that measures fiscal responsibility, so the focus was on public engagement. The strategic goal was to operate in an efficient and responsible manner and review manner

sorry and review and update the strategic plan. Resident connection and engagement within the community was rated as good or excellent by 46% and the sense of community was considered good or excellent by 59%, down from 62%.

Residents' participation levels were generally down from 2019, but similar to the benchmark. The number of people who voted in the most recent election was 58% which is lower than the benchmark.

A couple of custom questions were also included that were discussed among staff and Council. Interest in additional recreation access points along the Mispillion River were considered essential or very important by 65%. More outdoor public events and festivals were considered essential by 72% and organized nature tours, such as bike tours and birding, by 47%. Shuttles to Slaughter Beach by 41%, additional bike lanes by 52% and quality of parks and recreation opportunities was 73%.

When the residents were asked how they felt about public art, most liked it and wanted more.

The residents were asked how important parks and playgrounds are in Milford, 81% said they were essential or very important. Bike trails and pedestrian paths by 74%, hardcore sports by 57%, turf and soft court sports by 52%, swimming pool and splash pad by 57% , indoor recreation by 78%, skatepark by 38% and amphitheater by 52%.

Asked how they would support a historic preservation ordinance, 95% strongly or somewhat supported the ordinance.

That completes the study, though the full report is in the Council packet.

It was confirmed that the national benchmarks also dropped down which many attribute to Covid and the economy.

Ms. Barger confirmed that the survey was distributed evenly in all four wards, though the open participation survey was very biased by one ward. However, she recalls the survey was evenly spread throughout the city.

There was concern expressed that in lieu of the 11,000 plus residents, Council is only aware of the opinions of the 432 who responded. The breakdown of wards is on page 65 of the packet.

In 2019, 457 households responded.

Mr. Whitfield added that one of the next steps will be community conversations that will occur in each of the wards with everyone invited to attend.

Monthly Police Report

Councilman Boyle provided the monthly police statistics on behalf of Chief Brown.

City Clerk Report

Monthly City Manager Report:

Public Works Department

Planning & Zoning Department

Parks & Recreation Department

Human Resources

Economic Development & Community Engagement

IT Department

Finance Department

Monthly reports were provided by City Clerk Hudson, City Manager Whitfield, Public Works Director Mike Svaby, Planning Director Rob Pierce, Parks and Recreation Director Brad Dennehy, HR Director Jamesha Williams, Economic Development

and Community Engagement Administrator Sara Bluhm, IT Director Dale Matthews and Finance Director Lou Vitola provided monthly updates for each of their departments.

City Engineer James Puddicombe participated in a conversation related to sewer transfers and water treatment statistics. He agreed there has been a good drop in the I&I numbers though the weather was about 94% of average for rainfall.

Finance Director Lou Vitola confirmed I&I has been low though he agrees with the City Engineer that it can be attributed to less rainfall. Specific measures being taken by the public works crews are helping, though it can not be deciphered by weather or virtue of the projects.

Councilmember Boyle moved to accept the Staff Reports presented, seconded by Councilman Fulton. Motion carried.

WARD REPORTS & COMMUNICATIONS

The upcoming budget workshops have been scheduled to begin at 6:00 pm on Monday, May 16th, Wednesday, May 18th, and Thursday, May 19th.

North Church & North Street Intersection

Fourth Ward Council Representative Wilson asked for an explanation regarding the Church and North Street Extended intersection and the reasons for the changes in the design. It was noted that before the curbs were poured, Councilmember James contacted the City Manager and City Engineer expressing his concerns about the corners extending more than normal. The City Engineer met him at the site to review the width and ability to access the intersections and make turns safely. It remains very tight when turning from any direction and both Councilmembers believe more work is needed.

Mr. Puddicombe explained that the school had complaints that the width of the intersection was excessive, and the crossing guard had difficulty controlling traffic and was almost struck several times. The crossing for the school children is right in front of Banneker Elementary School. It exceeded the walking time that would normally be expected in a DelDOT standard. The intersection was actually shrunk, and it appears to be a lot. There was about 100 foot of intersection that was taken down to 50 feet, or almost in half. The remaining road widths were left at 25 foot which is pretty standard, which is about a foot larger than what the AASHTO or NACTO standards are, which is around 24 feet.

He said that crossings and ADA paths were added, which reduces the amount of time a person will be in the intersection.

Part of the issue with the redesign of that intersection is that the city does not own all the land and had to stay within the confines of the intersection as it existed prior to starting construction. Otherwise, taking land from neighboring properties or acquire land through purchase or other means would be necessary.

A couple of options were considered. One was to make slight adjustments to the curb line, which is essentially what was done, and extending them out and narrowing the intersection that way, with a slight realignment on the roads to bring them closer to 90 degrees at the intersection. The other would have been to do something like a traffic circle, but the space limitations prohibited that especially with school buses being able to make all of the turns they needed to make. The other would have been to make two small slightly off-set intersections which would have complicated traffic control for the crossing guard.

The goal of the redesign was to slow traffic, ensure folks are stopping at the Stop signs and several were not previously. Also work with the school district to ensure buses could make all of the appropriate bus turns. The corner in question, which is on the northwest corner of that intersection, is one of the tighter ones. The other one is on the south end of the intersection, which would be a right turn from the wrong way on a one-way to the wrong way on one-way, and that is the reason that was not considered.

Mr. Puddicombe went to the one in question with the school transportation official and observed a total of three buses that make that turn. All three buses were able to make the turn. However, one of them struck the edge of the curb and he marked where it struck and pulled the curb back to allow for those buses to make that turn without having to hit the curb.

He also has some one-second interval recordings of the intersection during school drop off and pickups.

The City Engineer was there today, and there were vehicles parking right at the entrance, at the narrowest area, with cars making right hand turns without any issues.

He added there is no striping right now, and makes it look narrow, though there is eight feet of parking on the right side as you approach the intersection. That would actually shift cars to the left a little more and in line with the intersection.

The City Engineer encouraged Councilmembers Wilson and James to have anyone that struck the curb to contact him so he can determine the conditions and how it occurred. But currently, the intersection meets all the standards with the exception of the northwest area which has been pulled back and extended a little to align with the far side curb to prevent vehicles from coming on one side and going straight toward the curb.

Making a right turn is about an 11-foot radius and in order to strike the curb with a car would require a sharper turn than the 14.5-foot radius that most vehicles have. They are observing it and will continue as they have a few weeks before final pavement. The last thing they want to do is make a curb adjustment and make it worse or not fully fix an issue if there is an issue out there. He also asked the school transportation official to forward any complaints from the busing agencies, or any parents or other drivers.

Mr. Puddicombe will then make every effort to address any complaints.

Some curb adjustments were made after meeting with the City Manager, Councilmember James and two area residents and he believes it has been mostly resolved. Just today, they were finishing concrete work, so they have not had enough time to observe traffic in a natural condition without cones out. He cannot say 100% there is not an issue and will address it prior to doing final paving.

Councilmember Wilson explained that when she enters the intersection from North Street Extended every morning, in order to go straight, it is very difficult to know how people are going to navigate around her because of the bump out. In order to go straight, she has to go around the curve to go straight. If a car is coming, she now waits for the vehicle to pass her before she can go around the curve to go straight.

Councilmember James feels there is a problem when at the intersection. While at the intersection, there is no way two cars can function at the same time. He feels the intersections are too narrow for two cars to function normally to get through them. Even in a regular sedan, he cannot make the turn and will hit the vehicle.

City Engineer Puddicombe stated they are continuing to observe the intersection. The stop sign is also not in its permanent location and will be moved back. When finalized, the vehicle will be out of the narrow portion of the intersection and will not be in the way. There are about three to four telephone poles on that corner, where you can see directly to the stop signs, which is necessary at a four-way intersection.

They agreed to provide Mr. Puddicombe with a list of the residents who expressed concerns. A time will be scheduled when Councilmembers Wilson and James, along with the school crossing guard or anyone else with concerns, can meet at the location with the City Engineer.

Milford Commons Shopping Center Parking Lot Issues

It was reported the entryway into this shopping center is extremely dangerous and has the ability to cause a lot of damage to vehicles. Planner Pierce said it has been addressed throughout the winter temporarily. Now that the weather is better, the owner is planning to work on it tomorrow with the correct materials and provide more permanent repairs.

Hardees Shopping Center

There are problems in this area with cars running across the backside. There is no traffic control and drivers enter at your own risk according to Councilmember Fulton. The speeding mainly occurs behind Hardees, Applebee's and Chick Filet and vehicles are turning and exiting the individual commercial sites. This should be addressed before the new grocery store opens with an increase in traffic.

UNFINISHED BUSINESS

Review/Council Meeting Rules & Procedures Update

Solicitor Rutt explained that this item came out of a recent Council Workshop. The primary changes involve the order of business for the meetings. The public hearings will be on the fourth Monday, the finance report has been moved to the second Monday. It includes the breakdown of the different reports with ward reports on the second Monday only.

Following is the order of business for the workshops, the order of business for the executive sessions.

It includes the public hearing procedures with the major change there is that the City Solicitor will be conducting the hearing. He suggests the applicants should be informed that their presentation should not go above fifteen minutes. The hearing at the last meeting was very complex and took longer than normal. But most should not take fifteen minutes and that should be a maximum time.

Solicitor Rutt has a concern about #3 under public comment procedures and states that public comment will follow any staff report in any discussion by the City Council. In his opinion, that could apply to every staff report, or every discussion there is public comment.

He recommends that it be changed to 'that all staff reports and City Council discussion will occur prior to any public comment'.

Solicitor Rutt said this does set forth the guidelines for public comment which should be made known to the public.

The additional procedures relate to the FOIA requirements that must be addressed as part of the meeting agendas.

Councilman Fulton asked if the public comment procedures can be added to the bill packets to inform residents of how public comments take place at City Council meetings. City Manager Whitfield said he can add it as part of the monthly newsletter.

It was confirmed that during the open comment session, it must apply to an agenda item and not a free flow comment and no longer than three minutes.

Solicitor Rutt also talked about the use of a consent agenda. Consent agendas include items that are not controversial and are routine in nature. A vote is required to approve the items included in the consent agenda, which will shorten the meetings considerably. Any topic that needs to be discussed, can be removed from the consent agenda and placed on the regular agenda.

He confirmed the executive session will remain as it currently exists. There will be a motion to go into executive session and will be behind closed doors. FOIA must be followed as to the topic discussed. Once the discussion takes place, there

is no vote. But once the executive session concludes, the motion is then made to return to open session and any votes needed as a result of the executive session discussion, is then taken.

This normally occurs at the end of the meeting, and a motion to adjourn then follows and the meeting is over.

Councilman Baer questioned the ward reports only being on the second Monday. If someone has an issue, that person should not have to wait two additional weeks.

It was agreed to add ward reports to both Monday meetings.

Mayor Campbell suggested not recording executive sessions noting that another Mayor is up for election this year and he was told by that Mayor not to record the executive sessions.

Ms. Hudson explained that the problem is Council meetings in executive session occur for sometimes, an hour. When Council returns to open sessions, a motion is made 'based on the conversation in executive session'. There could be a number of opinions expressed and no direction of what the vote should be.

Solicitor Rutt agreed that the motions should be more defined and not as generic and provided examples. Rephrasing the motion can address both issues and more than generic without being specific.

It was agreed to leave the recording process as it currently exists, while Ms. Hudson invited Mayor Campbell to transcribe the minutes with her. It can then be discussed at a future date should it become a problem.

NEW BUSINESS

Authorization/Moore & Rutt Proposal/Professional Services

A proposed agreement was submitted by Solicitor Rutt for Council review and authorization.

City Manager Whitfield explained that this has been reviewed by the finance staff and what this new agreement equates to about \$260 an hour at the \$90,000 flat fee being proposed.

In his opinion, it will provide a more freedom to ensure we get the information we receive and prevent someone from calling because of the billing repercussions. At the same time, Mr. Rutt has not had an increase since his original agreement authorized in 2011.

In comparison, the City is paying our specialty labor attorneys over \$400 an hour. Therefore, what is being proposed is more than fair and will resolve a number of issues that we've had internally and contacting him. Though we do not want to abuse him, we also want to use him when we feel the necessity to do so/

The costs will be allocated over the different departments, based on historical data over the past five years.

Councilmember Fulton moved to authorize the annual retainer of \$90,000 for the legal services of Moore and Rutt and Solicitor David Rutt. Motion seconded by Councilmember Wilson. Motion carried.

Mayor Campbell introduced the following ordinances. Planner Pierce provided a brief synopsis of each:

Introduction/ORDINANCE 2022-20

Application of 1018 Properties, LLC for a Conditional Use Permit

1.084 +/- acres located along the east side of N. Walnut Street approximately 300 feet south of the N. Rehoboth Boulevard intersection

Address: 909 N. Walnut Street, Milford, DE
 Comprehensive Plan Designation: Commercial
 Zoning District: C-3 (Highway Commercial District)
 Present Use: Former Florist Shop
 Proposed Use: Contractors' Establishment
 Tax Parcel: MD-16-174.18-02-02.00
 Comp Plan Amendments

Introduction/ORDINANCE 2022-21

*AMENDING AND ADOPTING BY ORDINANCE THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
 Amendment #10*

DEEP BRANCH & HERRING BRANCH GREENWAY

3-30-11.00-002.00	3-30-11.00-039.00	3-30-11.13-001.00
3-30-11.00-002.03	3-30-11.00-039.07	3-30-11.13-002.00
3-30-11.00-002.05	3-30-11.00-039.09	3-30-11.13-003.00
3-30-11.00-008.00 (portion)	3-30-11.00-039.11	3-30-11.13-004.00
3-30-11.00-350.00 (portion)	3-30-11.13-004.01	

Introduction/ORDINANCE 2022-22

*Amending and Adopting by Ordinance the 2018 City of Milford Comprehensive Plan
 Amendment #11*

TRANSPORTATION CHAPTER TEXT AMENDMENT

Introduction/ORDINANCE 2022-23

*Amending and Adopting by Ordinance the 2018 City of Milford Comprehensive Plan
 Amendment #12*

COUNTRY LIFE HOMES, INC.

3-30-11.00-070.00

Introduction/ORDINANCE 2022-24

*Amending and Adopting by Ordinance the 2018 City of Milford Comprehensive Plan
 Amendment #13*

MR. WIGGLES, LLC

3-30-11.00-056.00

*Introduction/ORDINANCE 2022-25/Chapter 84 Bicycles, Skateboards, and Other Conveyances/
 Article II/Bicycle Registration*

Local Fellow Barger provided the title noting that the intent is to remove the registration of bicycles in the City of Milford and clarifies some language in the ordinance.

All six ordinances will be on the May 23rd Council agenda for a public hearing and final determination.

Adoption/Resolution 2022-04/Updating Citywide FOIA Policy @

City Clerk Hudson reported this is an updated modification to our current FOIA policies. The big change is the addition of the fees the police department has been assessing over the years. Those fees were never included in our FOIA policy previously.

Ms. Hudson work with the Records Specialist Ruth Barkley who provided her with a list of the fees they charge.

She feels the FOIA policy has been updated appropriately and is complete and recommends its adoption.

Mayor Campbell then opened the floor to the public for any comments. No one responded and the floor was closed.

Councilmember Boyle moved to adopt the following resolution, seconded by Councilmember Wilson:

RESOLUTION 2022-04
ADOPTION OF THE FREEDOM OF INFORMATION ACT (FOIA) POLICY IN REGARD TO
OPEN RECORDS REQUIREMENTS FOR THE CITY OF MILFORD, DELAWARE

WHEREAS, in 2012, the Delaware State Legislature adopted, and the Governor signed into law amendments to the State of Delaware's Freedom of Information Act (FOIA); and

WHEREAS, since the passage of said amendments, the City of Milford has been abiding by the open records policies as laid out in 29 Del. C. §10003 and City of Milford Resolutions 2012-05 and 2013-26; and

WHEREAS, in the interest of clarifying the FOIA policy of the City of Milford, Delaware for its citizens, the Council wishes to incorporate said policies into this resolution.

NOW, THEREFORE, BE IT RESOLVED by the City of Milford that the following FOIA policy is hereby approved and adopted for the City of Milford (see packet for complete resolution).

Effective May 9, 2022

Motion carried.

Appointment/Planning Commission Vacancy

Mayor Campbell is recommending that David Sauls be appointed to fill the current vacancy on the Commission. He feels Mr. Sauls is an excellent candidate and is very interested in the position and the overall city.

Mr. Pierce met with Mr. Sauls this afternoon and provided him with related information.

Councilman Fulton moved to appoint David Sauls of Ward Three as a Planning Commissioner, seconded by Councilmember Wilson. Motion carried.

EXECUTIVE SESSION

Councilmember Fulton moved to go into Executive Session reference the below statutes, seconded by Councilmember James:

Pursuant to 29 Del. C. §10004(b)(6) Discussion of the content of documents, excluded from the definition of "public record" in § 10002 of this title where such discussion may disclose the contents of such documents

Pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements, or sales or leases of real property

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 7:59 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

Return to Open Session

Councilman Boyle moved to return to Open Session, seconded by Councilmember Culotta. Motion carried.

Council returned to Open Session at 8:35 pm.

Potential Vote/Authorization/Extension of Pay

Councilman Fulton moved to extend the salary benefits to Officer Webb in accordance with the MOU with the Teamsters Union, seconded by Councilmember James. Motion carried.

Potential Vote/Potential Property Purchase

Councilman Fulton moved to authorize the City Manager continue research into the land acquisition, seconded by Councilman James. Motion carried.

Potential Vote/Teamsters Negotiations

No action needed.

ADJOURNMENT

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

The Council Meeting adjourned at 8:37 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder