

CITY OF MILFORD
COUNCIL WORKSHOP MINUTES
July 6, 2022

The City Council of the City of Milford convened in a Workshop Session on Wednesday, July 6, 2022, beginning at 6:05 p.m.

PRESIDING: Mayor Archie Campbell

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

STAFF: City Manager Mark Whitfield and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

ABSENT: Councilperson Brian Baer

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 though attendees were able to participate virtually.

Downtown Density

City Manager Whitfield opened the meeting by reporting that work is being done in relation to the density within our downtown area with the possibility of increased density on larger parcels. Those two-plus acres, come with a hefty price but the return investment is often not there in order to meet the City's zoning code. In addition, if the parcel is in the floodplain, the first level of space, that either has to be parking or flood resistant, knowing it has the potential for flooding. The density/zoning is something Council may want to consider in order to make it work.

Ben Muldrow is a principal of Arnett Muldrow of Greenville, South Carolina introduced himself to Council. He purchased a home on West Clarke Avenue a few years ago and now calls Milford his home. Ben has worked on a number of projects throughout the United States and specializes in the development of city and neighborhood identities, wayfinding strategies, and promotional marketing material. In 2015, he helped lead the team that developed the Rivertown Rebirth Plan.

He stated that when someone looks at Milford's downtown, the first thing they notice is the preservation historic character. The downtown is the birthplace of the community and its character (the way it looks and feels, the way it is built) is unique to Milford, Delaware. This does not occur in the commercial districts, but that true uniqueness, true connection only happens in the downtown.

Mr. Muldrow asked Council to think about that unique combination of downtown development and what density is appropriate, how to decide to regulate height, and whether it is a certain number of feet, a story, or is it an orientation or relation to the height of other precedent buildings that exist on Milford's skyline and whether a building should not be taller than the tallest building in the downtown. In Milford, there is a unit per acre density maximum, layered on top of a minimum parking standard creates the business model. If Council wants to explore the potential to redevelop alongside the river front, most of the times those development sites are going to be within the floodplain and that will limit that first-floor use. It will require a specific first floor use—parking or flood treated retail space and finding renters for that would be difficult. That is a risk.

One of the things that needs to be understood, speaking from the Rivertown Rebirth plan, is the idea of mixed use along the river. And there was some interest from the private sector to do a project, but they needed to make it work didn't seem to fit into the character of the community. He applauds Council for making that hard decision. It is like if we grant this variance, it just does not feel right. Being able to think through a situation where our rules, our codes, and ordinances and if they are business friendly and are they set up to be able to create a good quality development.

He is only talking about the importance of achieving that density in the downtown. Because it creates customers, it creates more eyes on the street, it changes the dynamics of the market. It creates more viability for retail downtown, for an extended

lifespan in terms of a downtown that may be alive 6 to 8 hours day into a downtown that may be alive 12 to 14 hours a day. That then enhances our quality of life.

Mr. Muldrow said Council is the stewards of community character and asked the thoughts on how to prime Milford for potential development and what are the thoughts on height and density so he can provide additional information.

Councilmember James said parking was a concern and unique parking is a possible solution. With the available space, that will most likely be the first floor of some structure. Milford does have a height issue otherwise it affects density and a reason a business is unable to get the return on density. Those are the two things that work in tandem. Council has been talking about the rebirth of downtown forever. Unless density and foot traffic and attracting more people occurs, they will just continue to talk about it. He feels there is a need for a paradigm shift and Council changes its minds about what happens downtown.

Mr. Muldrow said in general, Milford has a requirement for mixed use. The theory of mixed use in the downtown in theory is a really good thing. Along Walnut Street, he would hate the idea of someone creating a brand-new structure and have first floor residential. That would be an odd dynamic and does not seem to jive and breaks up the continuity of the streetscape and retail experience.

But there are also certain sites, the forced mixed use might come into conflict with the development in our floodplain. If only able to use the first floor for parking, are we now considering some sort of second floor office to meet the mixed-use qualification. Or are we able to confidently look at changing the development model to make these projects work.

Mr. Muldrow is most excited about the future of Milford is some of the obvious potential to develop alongside the river. Whether that involves huge opportunities for the reuse of the police station, to the vacant property east of Gromark, the Lockwood property east of the shipyard, but there is tremendous potential right in the core of the community.

In addition, there is underutilized property along the waterfront as well.

One of the biggest trends across America, when looking at ways communities are handling downtown parking, and if they are starting to abandon minimum parking standards. There is a really important lesson at the base of that and that is a lesson in the trust of the developer. If a developer is developing a residential development, the parking available to those residents is going to be a huge selling point. If they don't have an appropriate amount of parking to satisfy their own customers, there will constantly be unrest amount the residents. There must be a certain amount of trust that a developer understands what his residents are going to need. In that case, achieving a 2.5 space per unit may not be able to be met, and perhaps a lower variance can be considered.

Councilmember Culotta thinks that the City seems to be harder on developers about parking. In the age of more people using Uber and more people not owning cars, and the fact that downtown was built before cars were invented, which has made parking an issue in the downtown. He asked if Council needs to be so hung up on this requirement and instead offer one or two spaces per unit but if not, most residents may understand it and know whether parking is available or not and whether they may need a car or not. He feels that limits the City from attracting investors to these historic areas.

Mr. Muldrow said an overall trend across the county in that most communities are starting to move toward a peripheral base parking strategy. Cities are leading the charge for acquisition of surface lots as Milford did when it acquired the lot surrounding the old M&T building when it was being bought and changing the value of the building and the parking.

He has seen communities getting savvy when they work with developers and tell them we can look at giving a difference variance and essentially providing access to some municipal parking. Most municipal parking is seen as being used during the business day. So, there can be some double uses of municipal lot infrastructure to serve residential needs as well. Instead of forcing the developers to acquire new property and demolish buildings to meet a parking capacity, there are now more people interested in being downtown by refocusing more on the quality-of-life things that will make people more apt to walk from an apartment to a store or to a restaurant and they don't need that car anymore.

After recalling the developer's plan for a four-story mixed-use structure was denied by Council, Mr. Muldrow said the general straw poll of citizens were against four stories because there is an offensive amount of height or against it because four stories imply a larger number of people, or because four stories sound scary because they don't know if it will be subsidized housing. That is very loaded in terms of what is this community's temperature toward density.

He feels there are a lot of different places in town where the height of the building is so responsive to the place it is designed. He noted that the old Masonic temple is a really tall structure. In addition to the elevation, there is some dipping around it and the berming at Silver Lakes that creates a height difference. Driving by the berm makes you feel low.

He said to ask people how tall Silver Lake Apartments are and most people have no idea because of the grade along the northern side of Silver Lake. One of the best things a community can do is give itself permission to be responsive to these possibilities and just because we said four floors wasn't right at that location, does not mean that four floors isn't right for another location. There is a need to be sensitive and to understand that every site is not the same. We don't want to pain ourselves into a corner, but there seems to be a precedent where Council is allowed to look at things on a case-by-case basis and that variance becomes solely contained with that development proposal as it stands.

Having that overall desire, Council need to show a continuing investment in the downtown, but there is a need to achieve that customer/people warm body density in order to take the market to the next step.

Mr. Muldrow then talked about the Seaford residential/townhome project that was built on the waterfront and the increased density compared to Milford's requirement. It was noted it is a very beautiful project and appropriate for the area. The ordinance was not modified to meet the increase in density to 36 units per acre, though a variance was granted for that development.

Also, the mixed-use residential and retail complex on West Lookerman Street and South Governors Avenue in downtown Dover was also discussed. Councilman Fulton pointed out that while it is an attractive addition downtown, it also created a density issue in that area. When asked about the balancing between urban blite and proper density, Mr. Muldrow said when looking at the deepest core of downtown, the goal as a community is to create a market demand for market rate dense housing. Being able to achieve that means there is a need who are making a quality-of-life decision to locate in the downtown district.

He added that Dover was probably putting a little too much pressure on that project to think it was a transformative project. They did not have the market to back up the perceived experience.

Councilmember Culotta added there is a need to protect that kind of blite, but the local economy is going to dictate the quality of housing and the rents that are charged that is outside of Council.

Mr. Muldrow then talked about incremental development which he supports. That is based on the concept of some of the best communities in America where residents have been able to become small incremental developers of their own place. The idea of waiting for an external development savior to come in and fix everything, instead Council needs to make sure the codes, access funding and overall desire and flavor of culture is trying to grow these small passion-driven developers who love Milford and want to make it better, because Milford is their home.

Councilmember Wilson pointed out that Milford has grown and expanded, but now there is a need to keep up with that development. There is a need to keep up with the growth and bring back the adult children and grandchildren to live and work here. She feels a high-rise downtown would work and young people want that today

She remembers when Milford did not want any development, but Council fought for new development, and it has grown to where it is today.

Mr. Muldrow noted the brand-new development, which is a mid-development, that is checking off all the boxes. It is actually below the maximum density allowed. The market is stepping up to the plate, but they have done an excellent job of nestling it back in the woods. It is a large development but does not feel like it is squashing anyone or pushed up by other homes. But at the same time, that look does not need to be transplanted into Milford's downtown.

Milford has a unique opportunity to have a market-proven, private sector investment that is currently in process, layered with incentives like the DDD that helps change the dynamics. With those type ingredients, Council should say our residents deserve a nice downtown development.

Councilmember Boyle said Council needs to be careful and make sure that what is going there is a good quality development. This is our town and if a mistake is made, it is possibly 100 years before that building goes away.

Councilmember Fulton noted that Milford is presently focused on healthcare. With healthcare comes rehab and places for adult daycare and assisted living. We have a hub already where we can develop off of that in a larger manner.

Councilmember James talked about the walkable communities where a lot of these younger adults from Milford are moving to. He agrees we need an imaginable developer who can see into the future.

Mr. Muldrow said the best way to become a community attractive to retirees and aging care with all those amenities, is a place where grandkids grow up. If Council wants that, he suggested not referring to Milford as a place where kids can grow up, but instead a place where grandkids can grow up. That means a magnetic force is being created that is drawing people to this community not just for things that benefit them but benefit three-generations. Keeping that focus on three generations builds economic sustainability.

Councilmember Marabello recalled when the Fisherhawk Development was being considered. He also suggests that anything downtown the design is key and that it blends in properly with the other structures. Referencing the development Mr. Muldrow talked about early, he feels there is a problem there with the small setbacks. He noted the single-family residential homes that back up to three story condo buildings which in his opinion does not blend in with the neighborhood.

Councilmember Marabello is also unsure about the reduction in parking and referenced major cities where people walk a half mile to their vehicle. Mr. Muldrow agreed stating that is usually handled through a fee in lieu of parking. The City then accepts a lower number of on-site parking capacity and takes a fee from the developer to invest in other properties.

Mr. Pierce then talked about the traditional C2 zoning district which covers the majority of downtown. There are no parking requirements in that district. A C2A was added for riverfront redevelopment and was in concert with the Washington Street project. Both districts permit mixed-use projects. The C2A gives flexibility to the Planning Commission and Council for parking.

The major hurdles are the cap of 16 units per acre and the requirement for a mixed-use project. A straight apartment complex is not permitted in either. That hinders interest when a builder considers a development downtown.

Following an in-depth conversation regarding the manner of how a new downtown zoning district should be created, using information that has already been developed.

Council thanked Mr. Muldrow for the helpful information he has provided.

Police Chief Recruitment

City Manager Whitfield introduced Jon Fehlman from GovHR USA who will be overseeing the search process for the new Police Chief.

He then reviewed the process for the Mayor and Council. He will begin by finding out the culture of the police department, as well as the department's standing in the community. The stakeholders he is reaching out to are very diverse, a broad spectrum, city employees and community members.

He met with the City Manager and HR Director and is currently developing the advertisement for the position and the brochure. The ad is the hook and where police chief candidates will look and consider if it is a job appropriate for them.

He explained a typical recruitment and selection process takes approximately 90 to 120 days to conduct. A large part is administrative, which includes advertisement placement, reference interviews, and due diligence on candidates. He believes their experience and ability to professionally administer Milford's recruitment will provide Milford with a diverse pool of highly qualified candidates. However, Mr. Fehlman explained that the time line is a living document and will most likely need to be adjusted as needed. He does not want anyone to get the impression they are rushing to fill the position.

He emphasized the Mayor and Council will be informed of the progress throughout the entire process. He can always be reached by mobile phone or email should someone have a question or need information about the recruitment.

Councilman James feels we don't want to rush because he wants the best, but if a candidate comes along earlier in the process that checks all the boxes, that can work as well. He then talked about the brochure adding that is what will convince them they want the job.

Mr. Fehlman explained the spot for having the recruitment open, which is the day the ad is approved by Council, they work on a four-to-five-week period to keep that window open, while a lot of work is being done behind the scenes. Council has the ability to inform him that they wish to skip one of the steps, if that is fitting, noting that the time is Milford's to manipulate. He understands the need to fill the position and will work with Milford to get this accomplished as quickly as possible.

Mr. Fehlman, who was a police chief and taught around the country, reported that GovHR USA has a portfolio of around 7,000 people who've applied for police chief jobs around the country. Not knowing all of them, he does plan to reach out to 400 to 500. But one of the things that comes up is that you have candidates that want the job for the prestige. But instead, he wants those that are a fit for the community. There have been chiefs in small communities that have successfully become large city chiefs. In this case, Milford could have a whole crew of them applying for this job as it will be announced nationwide.

The goal is to not have any lag times during the process though once the announcement is completed, they will complete the recruitment brochure.

Mr. Fehlman handles the initial interview of the candidates. That is based on their resume and job history.

He then explained the procedure that will be followed as well as the background checks that will be completed and the potential timeline.

City Manager Whitfield reminded Council that Mr. Fehlman had sent a document with traits and experience and asked that Council review and provide him with any suggestions.

Mr. Fehlman will follow up with the pay scale and additional information.

Contract Refuse Services

City Manager Whitfield said Council is familiar with the challenges facing the Solid Waste Department, including personnel and most recently vehicle maintenance issues.

Public Works Director Mike Svaby recalled that last fall, he addressed Council about the problems they were facing in Solid Waste. He stated that Milford's level of service is a good one compared to most of the other municipalities in Delaware even though it is a small operation. He struggles with keeping the four solid waste equipment operators filled. The job is still getting done though they have become the master of temporary fixes. Sustainably speaking the department is not doing well. In order to fill the four positions, they need four qualified CDL operators.

The other issue it is keeping the four trucks available. They range in age from 2017 to 2020 and not really that old. Typically, in this industry they take a beating. They run somewhere between 8 to 12 hours a day, five days a week and are a very complicated system.

They were approved to buy a new trash truck in the capital budget. They are running in excess of \$400,000.

He met with several private collectors last fall and talked about how they do their business. When asked about pricing, they had a little bit of sticker shock. While the City was not ready to sign a contract, some of the prices provided were much higher than the cost to continue trash service. Some companies would not even offer a price because it would only have been a temporary solution.

Director Svaby feels that if the city offered a long-term contract through an RFP, the pricing could be better. Over the next few weeks, he is planning to prepare an official RFP and go out to the market for consideration of Milford as one single account.

He noted that currently the City has a schedule the constituency understands, and he hopes not to change. We also have a fee schedule that has been approved. The goal is to function within those parameters to see if a competitive environment will come back with a price that gets our trash service into an operation of scale. When looking at the bigger private companies, they have a yard full of trucks. If three trucks are not working that day, those operators will simply hop into another truck and get the job done. If two out of ten people don't show up, they pull from another area to cover those absences. There is a need to expose this to a larger scale of resources and determine how that will impact the services that need to get done.

Director Svaby stated that the week before the workshop, there was a pretty big setback when the city was down to one operating trash truck. That meant that everything except refuse had to be put on hold, to prevent accumulating trash from becoming a potential health issue. The employees worked a full day on Saturday after the second truck was made available, but only until the 2:30 pm transfer station closing time. The third truck is now operational, but it will take some time before the schedule is back to normal.

With trash being the first and foremost matter, the trash schedule is behind, and it will take some time to catch up. They discontinued recycling after a half day into last Wednesday. But once trash is caught up, the recycling service will resume. He is hoping for a full catchup will be end of day Monday. If they receive better news from the private sector, they will most likely go in that direction.

The new truck that was approved, with the amenities needed to provide full services, is estimated at \$425,000. Council authorized \$400,000 so he will most likely be coming back before Council with a budget adjustment request. The other problem is the new truck will not be available for another eighteen months.

To help solve these problems with temporary fixes, they looked at some of Milford's colleague cities. After a dozen or so phone calls, the Director spoke to the City of Wilmington's Public Work Division who has extra trucks available. He believes they may be willing to lend or lease one of their trucks to Milford on a temporary basis.

He also has a quote for a minimum one-year lease on a rear loader trash truck was \$6,500 a month. The City would be responsible for all basic maintenance and parts. A month-to-month lease increases the monthly payment to \$7,700.

Director Svaby hopes to work out a better plan with the City of Wilmington and either carry that relationship through until something can be worked out with a private collector or hit the arrival date of the new trash truck.

City Manager Whitfield shared that Middletown went with a private service contractor and their trash costs are less than what the City is currently charging. When the prices were requested last fall, it was a band-aid approach and not with a three-year commitment. With a commitment, a much better price will be received.

The City Manager asked Council to keep an open mind while they continue to look for solutions. The CDL law now involves a six to eight school before the CDL can be issued. Trying to find a CDL driver at the rate Milford is paying is almost impossible. They can go to Amazon and make three times the amount as a driver.

When asked about the hiring a second mechanic to assist with the trucks, Director Svaby explained the plan was to wait until the new police vehicles came in because that is when the workload will surge. He added that the main problem is the

supply chain and the lack of parts, not having only one mechanic. In addition, there are out of house repairs required as well.

Councilman James asked that cost comparisons be provided before a decision is made. For example, lease versus buy, an outside maintenance vendor, besides the one or two in house mechanics, and the cost of the three-year RFP commitment. He does not want to get stuck on the supply chain issue because hopefully that will not continue forever.

Mr. Whitfield said they will bring back the information, but from an employee standpoint, he does not see this getting better considering they have dealt with the for the last sixteen months.

There being no further business, the Workshop concluded at 8:00 pm.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder