

CITY OF MILFORD  
COUNCIL MEETING MINUTES  
July 11, 2022

The City Council of the City of Milford met in Regular Session on Monday, July 11, 2022.

PRESIDING: Mayor Archie Campbell

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

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

COUNSEL: Solicitor David Rutt, Esquire

ABSENT: Councilmember Katrina Wilson

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 are held in the Council Chambers at City Hall with attendees able to participate remotely as well.

#### CALL TO ORDER

Mayor Campbell called the meeting to order at 6:03 p.m.

#### INVOCATION AND PLEDGE

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

#### ROLL CALL

All members present with the exception of Councilmember Wilson.

#### APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the May 23, 2022 Council Meeting, June 6, 2022 Council Workshop, and June 13 and 27, 2022 Council Meetings. Motion to approve made by Councilmember Fulton, seconded by Councilmember Baer. Motion carried.

#### RECOGNITION

None.

#### STAFF REPORTS

##### *Monthly Police Report*

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

Chief Brown pointed out the decrease in arrests is because of the shortage in manpower and the number of vacations that are being taken right now during the summer. Both issues should eventually resolve themselves.

Councilmember Fulton moved to accept the Police Report, seconded by Councilmember Baer. Motion carried.

Please see packet for staff reports. City Clerk Hudson, City Manager Whitfield, Public Works Director Mike Svaby, Electric Director Tony Chipola, Planning Director Rob Pierce, 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/divisions.

Parks and Recreation Director Dennehy was out of town on vacation though his complete report was included for review.

Motion made by Councilmember Boyle, seconded by Councilmember Baer, to accept the City Clerk report. Motion carried.

Motion that the City Manager reports are accepted made by Councilmember James, seconded by Councilmember Boyle. Motion carried.

#### WARD REPORTS & COMMUNICATIONS

##### *City Award*

Councilmember Boyle reported that he along, with the City Manager and Councilmember Marabello, attended the Delaware Employer Support of the Guard and Reserve Awards Ceremony in Maryland. The City of Dover and the City of Milford were the only two municipalities in the State of Delaware to receive the Above and Beyond Award for their support of the members of the National Guard and the Army Reserve.

##### *Ward Two*

Councilmember Fulton reported he received concerns about some property maintenance issues in the Franklin Street area. He directed the matter to the City Manager who informed the City Planner. He believes that the recent problems with the Solid Waste equipment could play into the problem with trash on that street.

##### *Royal Farms*

The Mayor had a complaint about Royal Farms that he spoke with their manager and owner about yesterday. All the workers walked out on them of the store which left only one employee.

##### *Ward Four*

Councilmember James continues to receive complaints about the trees and bushes growing over the sidewalks which is causing residents to walk in the roadway. He hopes it will be addressed in a timely manner as it was last year.

##### *My Sister's Fault*

Mayor Campbell announced that Governor John Carney will be at My Sister's Fault on Southwest Front Street on July 21<sup>st</sup> at 1:30 p.m. to provide them with a Division of Small Business Grant. He encouraged Council to attend.

#### UNFINISHED BUSINESS

##### *Ratification/IBEW Local Wage Agreement*

A copy of the IBEW wage reopener agreement is included in the packet. The original agreement executed on July 23, 2020, included a wage reopener for the period of July 1, 2022 to June 30, 2024. The new agreement includes a 6% increase for electric employees for both FY23 and FY24.

There is one employee eligible for a 1.5% merit increase out of the nine IBEW employees. Everyone else has a fixed wage.

Councilmember Boyle moved to ratify the wage agreement and authorize Mayor Campbell to sign the agreement between IBEW Local 126 and the City of Milford, seconded by Councilmember Baer. Motion carried.

##### *Appointment/Reappointment Parks & Recreation Advisory Board*

Postponed until July 25, 2022. Applications are still being accepted for the Parks and Recreation Advisory Board and the Tree Preservation and Advisory Council.

##### *Recommended Changes/Building Code/Chapter 88*

City Manager Whitfield recalled action on this matter being postponed at the last Council meeting. Tonight, it is staff's recommendation that Council adopt the new building codes without the sprinkler requirement. Also, that the sprinkler requirement continues to be worked on in the near future.

However, it is critical that the new building codes are adopted to remain in line and consistent with both Sussex County and Kent County building codes.

The Planning Director suggested the language be made optional for sprinklers in the IBC18 or IRC18 and not deleted in its entirety. Then Council can address it at a later date.

The City Manager reiterated the new building codes need to be adopted, minus the mandatory sprinkler issue.

Councilmember Culotta agrees the sprinklers should be left as an option.

It was noted that in building code, Section R313.1 states an automatic residential fire sprinkler system shall be installed in townhouses. The recommendation is the word 'shall' be replaced with 'may'. In that manner, should someone elect to install a sprinkler system within the town house, the code will still provide provisions for its proper installation. Removing that requirement completely eliminates the guidance of its installation.

The same applies to R313.2 relating to one- and two-family dwellings with the 'shall' being replaced with 'may'.

Councilmember Boyle asked this be addressed within the next quarter of the year.

Councilmember Fulton moved to adopt Ordinance 2022-19, adopting the 2018 International Residential Code (IRC) and the 2018 International Building Code (IBC), and the 2018 International Swimming Pool and Spa Code (ISPSC), including the adoption of the automatic fire sprinkler system as an optional requirement for townhomes and one- and two-family dwellings, seconded by Councilmember James. Motion carried with no one opposed.

#### *Recommended Changes/Bicycles, Skateboards, and Other Conveyances/Chapter 84*

City Manager Whitfield stated that if Council agrees, staff recommends the removal of any prohibitions on skateboards and that the entire chapter be removed.

Captain Huey informed him that everything addressed in the Milford code is already in the State Law. If people use skateboards that would create damage or harm of some kind to a property, that is considered criminal mischief which can be handled, and action taken by Milford Police Department.

He had Local Government Fellow Barger do some checking on how other towns handle. She learned that Milford is only one of two municipalities within the State of Delaware that has a bicycle ordinance. The other is Rehoboth Beach and their ordinance addressed bicycles being prohibited on the boardwalk during specific times. All other municipalities use the State Code.

Councilmember James recalled a conversation that most people using skateboards in the City of Milford are adults. He has been observing since, and he has seen no kids on skateboards and only adults. Councilmember Fulton agreed that the people who grew up with the skateboards are now in their 30's.

Councilmember Fulton moved to rescind Chapter 84 of the Code and instead follow the applicable State law, seconded by Councilmember James. Motion carried.

#### *2022 Edward Byrne Memorial Justice Assistance Grant (JAG) Application*

Chief Brown stated he wanted to give notice of the EBMJA grant they have applied for this year. It is a disparate grant that is usually done with a couple other agencies in Sussex County. This year, Milford Police's portion is \$17,215 for eight Striker Lidar Units which will be put in the new take-home vehicles.

NEW BUSINESS

The following two ordinances were introduced by Mayor Campbell:

Introduction/ORDINANCE 2022-26

Application of Cypress Hall – Residential – Phase I & II on behalf of Shawnee Farm, LLC for the Final Major Subdivision (Phase I Only) of 91.69 +/- acres of land, in an R-3 (Garden Apartment & Townhouse) Zoning District to be known as Cypress Hall. Property is located on the west side of US Route 113 approximately 3,100 feet south of the Shawnee Road intersection Milford, Delaware. Present Use: Vacant; Proposed Use: Planned Unit Development. Tax Map: 1-30-3.00-261.01, 1-30-3.00-562.00 thru 659.00

Introduction/ORDINANCE 2022-27

Application of Wickersham on behalf of CCM-Koelig, LLC for the Revised Final Major Subdivision of 39.015 +/- acres of land, in an R-3 (Garden Apartment & Townhouse) Zoning District to be known as Wickersham. Property is located along the north side of Johnson Road adjacent to SR1, Milford, Delaware. Present Use: Vacant; Proposed Use: Townhouse Subdivision. Tax Map: 3-30-16.00-005.00, 3-30-16.00-269.00 through 475.00

Public hearings are scheduled for the next Council Meeting on July 25<sup>th</sup>.

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 7:00 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder