

CITY OF MILFORD
COUNCIL MEETING MINUTES
August 8, 2022

The City Council of the City of Milford met in Regular Session on Monday, August 8, 2022

PRESIDING: Mayor Archie Campbell

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

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

COUNSEL: Solicitor David Rutt, Esquire

ABSENT: Councilmembers Nirmala Samaroo and 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 6:05 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 July 6, 2022 Council Workshop Session, July 11, 2022, and July 25, 2022 Council Meetings. Motion to approve made by Councilmember Fulton, seconded by Councilmember Baer. Motion carried.

RECOGNITION

Parks and Recreation Director Brad Dennehy welcomed Cody Lahman to our team. He comes from the State of Delaware where he was a Conservation Technician III and was hired to fill the new position of Arborist Groundkeeper.

STAFF REPORTS

Monthly Police Report

Acting Police Chief Huey referenced the police report in the packet. He spoke about an anticipated increase in traffic arrests due to the Office of Highway Safety Campaigns restarting after a month's hiatus. He also shared then spoke about officer/employee mental health training and SRO/Community Officers relationships with various apartment complexes.

Mayor Campbell recognized National Night Out and the great job the Police Department did this past Tuesday.

Councilmember Boyle moved to accept the Police Report, seconded by Councilmember James. Motion carried.

City Clerk then presented her report, also included in the packet, noting the increase in Special Events in Milford, as well as FOIA requests.

Councilmember James moved to accept the City Clerk's report, seconded by Councilmember Baer. Motion carried.

Please see packet for City Manager and associated reports. City Manager Whitfield, Public Works Director Mike Svaby, Electric Director Tony Chipola, 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.

City Manager recognized the work of Public Works Director Mike Svaby and City Engineer James Puddicombe for their work in completing the Northeast Front Street project, in addition to Solicitor Rutt's assistance.

Councilmember James mentioned the work that has been done at the North and Church Street intersection. City Manager Whitfield then reported the findings of the Statewide Coordinator that reviews all ADA ramps and criteria who commended the City Manager, but to install stanchions and the addition of a centerline stripping to ensure correct vehicle positions at the intersection. Councilmember James expressed concerns it will continue to be hit.

Councilmember James also thanked City Manager Whitfield for the continued work and partnership with Carlisle Fire Company.

Electric Director Chipola also commended Steve Porter on his leadership abilities and his recent promotion to Crew Leader in the Division.

Finance Director Vitola also shared information about the recent insurance increase and the FY21 audit.

No additional information has been received regarding the Indian River Power Plant.

A synopsis of a recent code enforcement complaint posted on social media was provided by the City Manager.

When asked about the loitering problems in the area of the Farmer's Market, it was determined by the Acting Police Chief that the police have not received related complaints at the time of their occurrence, and that the officers have not observed any disturbing behavior. They will continue to monitor the situation. Councilman Fulton asked that foot patrol be increased as a result and hopes that Council discussing the matter will provide some relief as well.

Councilmember Baer commended and thanked Eagle Scout Logan Huey for his efforts with his hydrant painting project.

WARD REPORTS & COMMUNICATIONS

Addressed during the Staff report review. Nothing additional to report.

CORRESPONDENCE

Included in packet.

UNFINISHED BUSINESS

Appointment/Tree Commission Members

Appointment/P&R Advisory Board

Both items postponed until the August 22, 2022 Council meeting.

NEW BUSINESS

Appointment/Milford Community Cemetery Board

Mayor Campbell appointed Councilmember Baer to the Milford Community Cemetery Board.

SE&SW Front/Walnut/Causey Intersection

City Manager Whitfield shared information regarding the bridge issue on Southwest Front Street that has a three-ton weight limit. As was previously reported, trucks turning off Walnut Street find there is no exit because it becomes one-way at the beginning of the parking lot to South Walnut Street.

Manager Whitfield contacted Secretary Majeski to consider some solutions to address the safety issue with the bridge. The bridge will hopefully within the next couple of years, will be replaced. When that occurs, there is still the problem of getting vehicles in and out.

City Engineer Puddicombe reported that Century Engineering was hired to do an evaluation of that and two other intersections, with the key intersection being Southwest Front and South Walnut, due to the issues the City Manager alluded to. Their evaluation essentially showed that the intersections don't actually meet signal requirements. Except for a line-of-sight issue, they will be eligible for a conversion to four way stops.

Between Century Engineering and DelDOT, their recommendation is to temporarily turn the lights to flashing red and convert that intersection at Southwest Front and Walnut Streets to a four way stop and return Southwest Front Street to two-way traffic. It would then be evaluated for stacking and other issues as well as traffic incidents.

It was confirmed that the signalization at South Front Street and Walnut Streets was also included in the evaluation and it was determined that no signal is required there. However, at this time, the focus is to temporarily change Southwest Front and Walnut to alleviate some of the issues. The long-term plan may include changes at the Causey and South Walnut Street as well.

If all goes well, the long-term plan would be to permanently convert to a four way stop intersection.

DelDOT has suggested the signals remain and if this does not work, it is only a matter of removing several stop signs and the reactivation of the signals according to the City Manager. This will eliminate a major safety concern with the bridge.

Engineer Puddicombe confirmed it will take approximately a month to install stop signs, informational signs the traffic pattern is changing, and to receive DelDOT's authorization of the redesign.

Councilmember Baer asked if there is an interest in a rotary for that intersection and it appeared there was some related discussion; Engineer Puddicombe explained the long-term plan will consider alternatives to signalization to include traffic or oblong circles and the reason a final determination has not been made.

Councilmember Marabello confirmed that Southwest Front Street would become two-way traffic to avoid the large trucks from using the Southwest Front Street bridge. He asked where the turn would occur, and the City Engineer said the two large parking lots on the north side of the street would be utilized. Councilmember Marabello expressed concern regarding the lack of space in the City parking lot to turn and referenced the number of damaged curbs in that area. He suggested eliminating two parking spaces to allow a wider area at the end adjacent to the theater.

DelDOT Request/NE Front Street Easement

City Engineer Puddicombe reported that DelDOT reached out regarding the signal conversion and handover to them. Some of the older equipment needs upgrading at the Walnut and North Front Streets intersection. In order to do that, they have to come onto the parking lot area. As a result, they are requesting a permanent easement within that parking lot.

The City Engineer does not see a problem as it is not a large area and there is some heavy electrical equipment in that same space, and nothing would be constructing that would prohibit access or similar activity. This would occur at the front corner closest to the signal.

Councilmember James moved to grant an easement on Tax Parcel 5-16-18310-03-8000-00001 (City parking lot) to the State of Delaware Department of Transportation, as previously described, seconded by Councilmember Fulton. Motion carried with no one opposed.

Bid Award/2020 Sidewalk Program Project

City Engineer reported his team went out and inventoried the remaining roads throughout the City to incorporate the remaining four ward streets, not included in the first year of the Sidewalk Program.

After the announcement of the proposal, three bids were received for the 2020 Sidewalk Program Project as follows:

Tru Grit LLC:	\$896,500.00
Mitten Construction Co:	\$412,670.00
Jaquez Concrete LLC:	\$380,760.00

Mitten Construction did the work on the previous Sidewalk Program and Jaquez Concrete handled the 2020 Street Sidewalk project. Both bids were within 50 cents per square foot and monetarily as expected considering the inflation rises in prices.

The recommendation is to award the contract to Jaquez Concrete a Limited Liability Company in the amount of \$380,760 as the apparent low bidder. The bid solicitation included the private component of \$289,000 for the Sidewalk Program and the City’s contribution of \$91,760. The recommended funding for this contract follows:

City Contribution – Realty Transfer Taxes/RTT:	\$ 91,760
Private Component – RTT & Sidewalk Funds:	\$289,000 (breakdown below)
Total Contract:	\$380,760

RTT funding was used in the first round of the Sidewalk Program, with an additional \$140,000 reserved for the current round. Of the \$211,510 billed to property owners in round one, \$104,591 has been paid back to the City with \$106,920 having been paid monthly over a five-year term, those collections averaging about \$750 per month.

The City’s Sidewalk Program can be characterized as a revolving fund with recurring rounds of advance funding and a mix of repayments. The recommended funding for the 2020 Sidewalk Program Project follows:

Sidewalk Fund Repayments Available from Round One:	\$104,591
Sidewalk Funding Reserved for Round Two (RTT):	\$140,000
Advance Funding for Round Two (RTT):	\$ 44,410
Subtotal – Private Component	\$289,000
City Component – RTT Funding	\$ 91,760
Grand Total – Contract Funding	\$380,760

Finance Director Vitola confirmed the funding, as described, does not create any deficits and instead are solid and solvent.

Councilmember Boyle moved to authorize the award of the current contract of the 2020 Sidewalk Program project to Jaquez Concrete a Limited Liability Company in the amount of \$380,760.00, to be funded with a combination of \$104,591 in Sidewalk Funds available and \$276,170 in Realty Transfer Taxes. Of that amount, \$289,000 will be subject to repayment by property owners. Motion seconded by Councilmember James and carried with no one opposed.

Ordinance Introductions:

Mayor Campbell introduced the following ordinances and Planning Director Rob Pierce provided a brief narrative:

Ordinance 2022-28/Feebs Distilling Conditional Use

Application of Feebs Distilling Co on behalf of S & P Holdings LLC for an Amended Conditional Use

2.19 +/- acres of land located along the east side of McColley Street between Delaware Avenue and McCoy Street.
Addressed: 733 McColley Street, Milford, Delaware.
Comprehensive Plan Designation: Industrial
Zoning District: I-1 (Limited Industrial District)
Present use: Distillery with Tasting Room
Proposed Use: Distillery with Tasting Room and Outdoor Seating
Tax Parcel: 3-30-11.09-015.00

Ordinance 2022-29/PAM Conditional Use

Application of PAM Milford on behalf of CAH Development, LLC for a Preliminary Conditional Use

128.87 +/- acres of land located along the south side of Wilkins Road, east of Elks Lodge Road and west of Cedar Creek Road, part of the Sussex Health Campus.
Comprehensive Plan Designation: Employment
Zoning District: IS (Institutional Service District)
Present use: Health Campus
Proposed Use: Health Campus with Additional Medical Office Building
Tax Parcel: 3-30-15.00-058.05 (portion of)

The items will be reviewed by the Planning Commission on August 16 and will be back before City Council on August 22nd for final action.

City Manager Whitfield introduced the following three ordinances, with a recommendation to delete each chapter from the Code of Ordinances.

Ordinance 2022-30/Chapter 41/Meetings

Rescind in its entirety.

Ordinance 2022-31/Chapter 45/Milford Parking Authority

Rescind in its entirety.

Ordinance 2022-32/Chapter 54/Partnership of Greater Milford

Rescind in its entirety.

Public comments will be taken at the August 22nd meeting with a final determination to be made at that time.

Review/Proposed Redistricting Maps

City Manager referred to the review of the proposed redistricting maps. These maps were created by DBF at the request of staff after the Mayor had assigned the task in January based on that criterion in the Charter.

Mayor Campbell then introduced the newly appointed President of DBF Professional Engineer Ring Lardner.

PE Lardner stated that DBF was asked to review the ward maps based on the recent Census data in preparation for future elections. He referenced the two maps presented. The first map shows the current boundaries, and the second map is the recommended map.

The wards increased in size and in 2010, ward one had a population of 2,442 and in 2020, that population increased to 3,207. Ward two increased from 2,331 to 2,895; ward three went from 2,368 to 2,468, and ward four went from 2,418 to 2,634. As expected, ward one and ward two had the most growth and is where the majority of development occurred since 2010. That generates the population in 2020 to be 11,204 residents.

The charter directs the four wards to be as close as possible in number and there is a variation. That numbers equals 2,801 and the lowest ward is required to be within 10% of the other wards. In reviewing that number, it was determined the ward maps from 2010 no longer met those requirements and thus, the need to redistrict.

The wards end up with the following numbers:

Ward One 2,823
Ward Two 2,727
Ward Three 2,725
Ward Four 2,933

PE Lardner explained that ward four grows the largest from the redistricting, though there is not a lot of growth expected over the next ten years. This allows the other wards to grow and hopefully remain within the 10% balance.

Residents cannot be allocated, but growth areas considered and the purpose of letting ward four grow naturally thus becoming the largest ward.

It was determined that a portion of ward three in the downtown area is now ward four. City Manager Whitfield explained that the goal was to stay with main roads as boundaries. In the past, there were some lines that went through the rear of properties.

Councilmember James said he is appreciative of the forecast planning in an attempt to reduce the impact in 2030. It also follows natural boundaries of the roads, instead of cutting through properties.

It was noted by PE Lardner that this is the fourth iteration. Each was different based on streets and properties. It was determined this was the most balanced of the boundaries and made the most sense when looking at using streets as a natural dividing line versus previous boundaries that sliced through properties. This made the most sense mathematically as well.

The ordinance will have to be approved within six months of the next general election in April 2023, which allows another month to meet the requirement. The maps and legal descriptions need to be advertised one month prior to the election. If there are any questions, PE Lardner will come back and answer those questions.

He can also provide another map showing what moved where, etc.

Solicitor Rutt explained this has to go through the ordinance process, including public comments. It also has to be advertised in two newspapers of general circulation. That has to include not only the written description of the proposed wards, but also the maps. It also needs to be posted on the City's website. That is how the public is made aware of the changes.

It was agreed it has to be enacted by October 22, 2022, because the next election is April 23, 2023.

Councilmember Boyle asked that the final map contain a more current map with correct street names, as the street names in some developments are incorrect. PE Lardner confirmed that will be verified.

City Clerk Hudson asked that by September 1, 2022, Council provide any questions or concerns in order to proceed with the ordinance process to ensure this is in place, as was explained by Solicitor Rutt, by no later than October 2023.

Milford Corporate Center/Preliminary Plans

City Manager Whitfield presented the preliminary plans for the new Milford Corporate Center. He introduced Becker Morgan Group's Principal Mike Riemann, PE and Chad Carter, Land Planner/Landscape Architect, who have been working with staff, as well as Tsionas and Emory Hill in developing the master plan for the former Fry Farm, now known as the Milford Corporate Center.

Mr. Riemann reported work began a couple months ago to put some concepts behind the business park. They started at a

very high level before surveys have been done. But really to see how the plan should come together.

They had some design objectives that have come out is a plan that is flexible that supports small and large users in the campus. It would also take advantage of the Route 15 and Route 14 corridors and visibility, and include some public amenities and walking trails in a phased approach obviously minimizing off site costs as much as possible,

He referred to the master concept plan with 182 acres. The property is split zoned with the majority of the property I1 (industrial). The frontage on Route 14 and part of Route 15, is a BP (business park) zoning district. They anticipate the accesses to Routes 15 and 14. The access on 15 is aligned with Airport Road and is showing a roundabout in that location and was conceived a number of years ago, as part of the original development plan that was included in the traffic study that was done at the time.

The thought process between the layout is to look at a range of lot sizes from approximately four to twelve acres, though they can be combined. The idea being that some of the parcels, depending on the type of tenant. Anticipated is a range of users in these campuses and the goal was to develop something so the lots could be combined.

A boulevard is shown coming through the middle of the site, connecting Route 15 over Route 14. Stormwater is shown north and is based on GIS topo as it does appear that the drainage pattern is in that direction. A drainage feature is located at the corner of Routes 15 and 14 that could create a nice attractive accent to that major intersection and the business campus.

A couple of acres are also reserved for a future water tower and well site.

Though the concept shows 27 parcels, Mr. Reimann explained smaller parcels on the bottom that fronts on Route 14 are four to five acres. Being smaller, they favor more office users or a similar use because of the visibility. The center portion shows larger lots and a little more than five acres. Though smaller individual users, they could also be combined into a possible larger unit.

The largest parcel is approximately twelve acres.

He then showed a concept on a four-acre parcel, with a two-story 25,500 square foot office building and associated parking to provide a sense of what the lot could be.

In more of the middle section, where the parcels are five to six acres, an increase in more of a 75,000 square foot space, maybe office flex, warehouse user with parking in the front and loading in the rear. Those are showing two individual users. With a 150,000 square foot user, the lots would be combined.

Planning for the smaller and the ability to combine, builds that flexibility into the plan and is a much simpler process to go back and combine lots.

Mr. Riemann then presented a very early sketch and in the one section with six lots, they can be combined into 27 acres roughly and achieve a potential 500,000 square foot user.

He shared they are seeing a range in the market. On the larger end, there are 300,000 to 500,000 square foot range. In the 75,000 to 150,000 range is where they are seeing the smaller users. The office users would be separated from that.

The next step is the PLUS process and are scheduling meetings with DeIDOT to talk about access. Some traffic counting has been completed and have reviewed the old traffic studies from this area. One of the off-site improvements that was anticipated for this property, as part of the original traffic studies, is a DeIDOT project that is being implemented at Route 113 and 14 to add some additional lanes.

They are also starting to discuss the steps for public outreach.

When questioned, Mr. Riemann noted that Route 15 is built to major collector standards. Though it is only two lanes, it should be sufficient. The lanes are twelve foot wide with eight-foot shoulders, those are actually. There is no anticipation of widening those lanes.

Councilman James said conceptually, we anticipate anywhere from 75,000 square feet, but more likely a 150,000 to the 500,000 square foot warehouse. Considering the number of vehicles of varying sizes that will be added, and the existing housing on Route 14 and the potential impact that Council hears from concerned citizens, he recommends working with DelDOT closely to make sure that we will have sufficient shoulders, lanes, and flow of traffic.

He likes the concept and feels it will be a good attraction for Milford.

Mr. Riemann added that they looked at the old traffic study compared to the buildout of a facility like this, which of course is based on projections, though they believe it may generate less traffic depending on how much office, warehouse, flex space, light manufacturing, etc. They think it is in line with the original traffic study that was done and some of the improvements that were being implemented as part of that.

The meeting with DelDOT is being scheduled, along with a lot more work yet to be done.

When questioned about no access from Church Hill Road, Mr. Reimann added that they discussed it and don't show it. With Church Hill really just connecting Routes 15 and 14 at each end, they did not see a lot of benefit to the site. That would put some traffic on Church Hill that is not needed. Church Hill is not up to those standards and Church Hill would end up having some significant upgrades as part of the project.

When asked about the parcels on the backside and having to drive through the entire complex before hitting their businesses, Mr. Riemann said those lots are a little larger on that side and are not the type of users that are looking for highway business.

The City Manager pointed out the walking trail on the entire outer boundary can be used in terms of a buffer for those residences along the property, as well as employees who have the opportunity to go out at lunchtime and use the path.

He also reported a water tank, as well as a potential well field, are also planned for that area as well.

When asked about the entrances, Mr. Carter said that two access points were planned. With Route 14 being a major collector and an east/west route, it made sense to have access to Route 14.

There being no further questions, the presentation concluded.

EXECUTIVE SESSION

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

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)(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 7:52 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

The meeting was then temporarily adjourned.

Return to Open Session

Councilmember Boyle moved to go back into open session, seconded by Councilmember Marabello. Motion carried.

Council returned to Open Session at 8:21 p.m.

Personnel Matter

Councilmember James moved to approve Captain Edward Huey as the Department's Acting Police Chief and that a 5% increase be granted while in the capacity of Acting Police Chief, as of this date, seconded by Councilmember Marabello. Motion carried by a unanimous voice call vote.

It was noted he has the support of Council and to let them know what he needs.

No other action was required on the other items discussed in Executive Session.

ADJOURNMENT

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

The Council Meeting adjourned at 8:23 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder