

CITY OF MILFORD
COUNCIL MEETING MINUTES
September 12, 2022

The City Council of the City of Milford met in Regular Session on Monday, September 12, 2022.

PRESIDING: Mayor Archie Campbell

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

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

COUNSEL: Scott Wilcox, 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 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

Following the Pledge of Allegiance, an invocation was given by Councilmember Wilson.

Proclamation 2022-15/Suicide Prevention Awareness

APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the August 8, 2022, and August 22, 2022, Council Meetings. Motion to approve made by Councilmember Fulton, seconded by Councilmember Baer. Motion carried.

RECOGNITION

Acting City Solicitor

City Clerk Hudson introduced Moore and Rutt Attorney Scott Wilcox who was in attendance on behalf of Solicitor David Rutt.

Introduction/New City Employees

City Manager Whitfield introduced Bill Pettigrew, the Interim IT Director, and is coming from Brandywine Technology with an extensive background in Window services, cloud networking, and other similar areas.

Economic Development and Community Engagement Administrator introduced the city's new videography and photography intern Kent Milligan, a 2022 graduate of Delaware State University where he studied mass communication.

Proclamation 2022-15/Suicide Prevention Awareness

Suicide Prevention Awareness Month

WHEREAS, September is Suicide Prevention Awareness Month — a time to raise awareness of this stigmatized, and often taboo topic; and

WHEREAS, we use this month to shift public perception, spread hope, and share vital information to people affected by suicide; and

WHEREAS, after years of advocacy and preparation, 988 is now available nationwide as the new number to contact for mental health, substance use and suicide crises - a simple, easy-to-remember way for people to get help, regardless of where they live; and

WHEREAS, Suicide is the 2nd leading cause of death among people aged 10 – 34 and the 10th leading cause of death overall in the U.S, increasing by 35% since 1999; and

WHEREAS, Suicide has now become the number one killer of police officers in the United States and today is more than triple that of officers fatally injured in the line of duty, according to Blue H.E.L.P., a nonprofit group that is educating police departments and advocating for benefits for officers suffering from post-traumatic stress; and

WHEREAS, Suicide rates among active-duty military members are presently at an all-time high since recordkeeping began after 9/11, with some branches of the Armed Forces experiencing the highest rate of suicides since before World War II; and

WHEREAS, Suicidal thoughts, much like mental health conditions, can affect anyone regardless of age, gender, or background and are often the result of an untreated mental health condition; and

WHEREAS, Suicidal thoughts, although common, should not be considered normal and often indicate more serious issues; and

WHEREAS, while suicide prevention is important to address year-round, Suicide Prevention Awareness Month provides a dedicated time to come together with collective passion and strength to address this difficult topic because just one conversation can change a life.

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, do hereby proclaim September 2022 as Suicide Prevention Awareness Month in the City of Milford

and ask our citizens to recognize that taking care of ourselves and others includes taking care of mental health; and

I FURTHER encourage all residents to take the time to check-in with family, friends, neighbors, and coworkers regularly and to communicate their appreciation for their existence by any gesture they deem appropriate--a simple phone call, message, handshake, or hug can go a long way towards helping someone realize that Suicide is not the answer.

STAFF REPORTS

Monthly Police Report

Acting Police Chief Huey referenced the letter regarding the take-home care program. Ford Motor Company informed them they were unable to obtain the 2022 Hybrid Police Vehicles, though they had warned them this was a possibility at the time they were ordered. However, because they were unable to honor the state contract pricing, which results in another \$7,600 per vehicle. It was determined that a new state contract under Winner Ford and though slightly higher by \$2,657 per vehicle, Two replacement budget Dodge Durango vehicles were purchased from Hertrich Motors for a savings of \$2,800 per vehicle, though they are not the hybrid model.

He then discussed the report that was included in the packet.

Councilmember Boyle asked that the report contains many acronyms and suggested that the first time it is used, to please spell it out.

The Behavioral Health Unit was then discussed by Councilmember Boyle and James. Acting Chief Huey plans to transition the Behavioral Health Unit Clinician to victim services as well.

The Acting Chief also talked about her involvement in an agreement for some partial funding to help develop best practices for starting a unit for agencies across the United States. She was being paid additional funding through a grant that was reimbursed to the City. The HR Department advised because she is an exempt employee, she could not be paid anything above her normal 40 hours and are now at risk of losing that grant because she is not permitted to perform that function when working her normal duty hours.

Mayor Campbell recommends this be discussed in a separate meeting with Acting Chief Huey, City Manager Whitfield, Councilmember James, and himself.

The Acting Chief confirmed there are two parttime employees, in addition to Clinician Jenna Haines whose hours are very limited. If increased, they would work toward providing that service around the clock. He noted that in one day, there were four overdoses, and extending that program to provide more treatments and referrals, he would hope to reduce the addiction problem in Milford.

It was agreed to discuss the payroll issue previously discussed in a Council workshop with all members present.

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

City Clerk

The City Clerk provide a very brief overview of the monthly activities in her office. The full report was included in the packet.

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

Monthly City Manager Report:

Public Works Department

Electric Department

Planning & Zoning Department

Parks & Recreation Department

Human Resources

Economic Development & Community Engagement

IT Department

Finance Department

Full versions of the City Manager and department reports were included in packet. City Manager Whitfield, Public Works Director Mike Svaby, Electric Director Tony Chipola, Planning Director Rob Pierce, Human Resources Director Jamesha Williams, Economic Development and Community Engagement Administrator Sara Bluhm, and Finance Director Lou Vitola provided brief highlights. Parks & Recreation Director Brad Dennehy was on leave and IT Director Bill Pettigrew being new to the City, will start reporting in October.

Councilman Boyle pointed out the Milford Corporate Center was funded to bring jobs to the City. An interested business that will use a number of acres, with very few employees, he would recommend considering that before signing off on a sale in that situation.

Councilman James moved to accept the City Manager reports, as presented, seconded by Councilman Fulton. Motion carried.

COMMUNICATIONS & CORRESPONDENCE

Councilwoman Wilson reported that she has had a number of constituents approach her regarding the individuals who are asking for assistance at every intersection in Milford. This is occurring not only during the day, but now into the evening. This is creating a lot of discomfort for our residents, though she understands it is a nationwide problem.

Acting Chief Huey shared the Attorney General's office has declared Delaware's loitering statute is unconstitutional. The department has been trying to use a Title 21 offense that if the person steps off that curb into the street to retrieve that money, and it's witnessed by the police, a ticket will be issued. But the Attorney General's office has provided specific directions to prohibit any attempt to have them along.

Councilman Culotta's prefers something in place and recommends using Seaford's ordinance that prohibits standing in the median or in between lanes to panhandle.

Councilman James agreed, adding that if it can be demonstrated especially when standing in the median becomes a safety issue. It puts the driver at risk of potentially hitting the person, and because of the close proximity, something as a minor as a mirror may hit them. He has also spoken about this various people in the City, and one is a representative of realtors who when showing properties and encouraging people to move to and invest in Milford, one of the complaints is the number of panhandlers on the highways and intersections. This is impacting economic growth as a result.

Councilman Baer confirmed the problem is mainly along US Route 113 and that if a donation is being provided by the driver on the opposite side of the highway, they will access that roadway which is a very dangerous situation, and it creates a number of emotions as a result.

Councilwoman Samaroo stated she has received a few emails from constituents saying they recommend some of the housing programs for low-income families. One of those programs, they were not qualified based on the criteria and the other program had a very long waiting list. She asked if the tiny homes are still being considered.

The City Manager said this has been added to Wednesday's Council Workshop and can be discussed at that time.

Councilman Baer reported there are a number of sidewalk pavers across from La Hacienda, on the east side of Walnut Street that have sunk and are created a major trip zone. City Manager Whitfield stated there was a bid award to a contractor who will be making those repairs.

Councilman James commented that there are questions about vehicles being parked on lawns surrounding homes, many with multiple vehicles. It appears there are multiple families living in such homes in the Fourth Ward. He hopes Code Enforcement is aware and addressing those issues.

Councilman Culotta said he was invited to a ribbon cutting on a Wednesday at BrightBloom Centers, which is an organization that took over a doctor's office at 1 Sussex Avenue at 11:00 a.m.

It was confirmed that Perdue will be presenting a check at that time.

Councilman Culotta asked that any invite Mayor Campbell receives should be forward to all City Councilmembers.

Councilmember James pointed out that the Chamber of Commerce advertise these events and suggests that other Councilmembers request being added to their email list.

Councilmember Fulton referenced a route problem for solid waste collections in Ward Two. He appreciates it being addresses and the delays taken care of.

UNFINISHED BUSINESS

Appointment & Reappointments/Parks & Recreation Advisory Board

Parks and Recreation Director Brad Dennehy referenced a number of applications to fill all vacant positions. For the Parks and Recreation Advisory Board, the recommendation is to appoint the following persons:

Bill Shupe-Ward 1 to fill a term to expire 08/31/2023. Bill is retired from Seaford School district, is a former volunteer coach for Milford Parks and Recreation and an avid user of the Riverwalk and Dog Park

Darron Johnson-Ward 1 to fill a term to expire 08/31/2023.

The following individuals will be reappointed:

Ronny Baltazar-Lopez-term to expire 08/31/2025.
Nicholas Brannon-Ward 1-term to expire 08/31/2023.
Anne Villalobos -Ward 1-term to expire 08/31/2023.

Councilmember Boyle moved to approve the two new appointees and three reappointments, as submitted, seconded by Councilmember James. Motion carried.

Appointment/City Tree Preservation and Advisory Commission

City Manager reminded Council this commission is part of a code that was adopted many years ago. This will activate that committee and is pleased with the degree of expertise of the applicants in landscaping and landscaping architecture. Initial appointments are staggered terms, and once completed, will be eligible for three-year terms.

The following individuals are being recommended for appointment:

Timothy Metzner-Ward 1 for a three-year term.
Leigh Muldrow-Ward 2 for a two-year term.
Eric Wahl-Ward 1 for a two-year term.
Holly Heverly-Ward 2 for a one-year term.
Fatima Woodard-Ward 4 for a one-year terms.

Councilmember Fulton moved to appoint the five individuals presented to the Tree Preservation and Advisory Commission, seconded by Councilmember Wilson. Motion carried.

NEW BUSINESS

Adoption/Resolution 2022-11/Halloween Trick or Treat Date & Time

After the presentation of the date and time for trick or treating in the City, the floor was opened for public comment. No one responded and the floor was closed.

Councilmember Boyle moved to adopt Resolution 2022-11, seconded by Councilmember Wilson:

HALLOWEEN TRICK OR TREAT

WHEREAS, the children of Milford are free to enjoy the fun and festivity associated with the observance of the Halloween Trick-or-Treat custom of traveling with friends and family, going door to door in their neighborhoods, displaying their costumes and gathering treats; and

WHEREAS, parents are urged to join in the festivities by accompanying their children throughout their journeys in celebrating Halloween Trick-or-Treat; and

WHEREAS, residents are requested to indicate their willingness to welcome children by keeping their porch or exterior lights on and that youngsters call only on homes so lighted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council, that the Halloween Trick-or-Treat observance be held in an orderly manner on Monday, October 31, 2022, between the hours of 6:00 P.M. and 8:00 P.M. in the City of Milford.

AND BE IT FURTHER RESOLVED THAT:

*Costumed celebrants will be permitted to engage in Trick-or-Treat.

*All celebrants are to refrain from committing acts of vandalism or destruction.

*Motorists are asked to be ever watchful of our youngsters making these annual rounds.

Motion carried.

Adoption/Resolution 2022-12/City of Milford 2023 Holidays

A list of holidays for City, Police and Dispatchers were presented.

The floor was opened for public comment and with no one responding, the floor was closed.

Councilmember Boyle moved to adopt Resolution 2022-12 approving the 2023 City Holiday Schedule, seconded by Councilmember James:

APPROVAL OF 2023 HOLIDAY SCHEDULE

WHEREAS, Chapter 55 of the City of Milford Code governs personnel policies for all City of Milford employees and is intended to inform employees with important information about the City’s rules, policies, practices, and procedures, as well as educate them on their own privileges and responsibilities; and

WHEREAS, Section 7.3 of Chapter 55 of the City Code, entitled Holidays, currently states the City will grant holiday time off to all employees on all legal holidays, officially adopted and approved by the Milford City Council each calendar year and that all City offices shall be closed during designated City holidays; and

WHEREAS, City employees shall be granted holiday pay, or accrual time, in accordance with Chapter 55, or their respective collective bargaining agreements.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Milford, during a lawful session duly assembled on the 12th day of September 2022, by a favorable majority vote, authorize the following holidays be observed beginning January 1, 2023:

HOLIDAY	<i>City Hall & City Administrative Staff, Non-Union Employees, IBEW Union</i>	<i>Police Officers & Police Dispatchers Teamsters Union</i>
	DATE OBSERVED	DATE OBSERVED
New Year’s Day	01/02/2023	01/01/2023
MLK Jr. Birthday	01/16/2023	01/16/2023
Presidents Day	02/20/2023	02/20/2023
Good Friday	04/07/2023	04/07/2023
Memorial Day	05/29/2023	05/29/2023
Juneteenth	06/19/2023	06/19/2023
Independence Day	07/04/2023	07/04/2023
Labor Day	09/04/2023	09/04/2023
Veterans Day	11/10/2023	11/11/2023
Thanksgiving Day	11/23/2023	11/23/2023
Thanksgiving Friday	11/24/2023	11/24/2023
Christmas Eve	12/22/2023	12/24/2023

Christmas	12/25/2023		12/25/2023
New Years	01/01/2024		01/01/2024

Motion carried.

Introduction/Ordinance 2022-33/Chapter 204 Article I Property Tax Relief-Seniors Citizens

The City Manager introduced the proposed ordinance increasing the current threshold for the senior citizen exemption on real property tax. The last change occurred in 2011. He recommends the following update:

Every person 65 or more years of age having an income not in excess of ~~\$15,000~~ 20,000 per year, exclusive of social security and railroad pensions, and residing in a dwelling owned by him or her which is a part of his or her real property shall be entitled, on proper claim being made thereof, to exemption from taxation on \$40,000 of assessed valuation of such real property, in the aggregate, and in the case of jointly owned property or property owned by husband and wife, such exemption shall be granted where the income of both does not exceed ~~\$25,500~~ 34,000 per year, exclusive of social security and railroad pensions.

Dates :

Introduction: September 12, 2022

Public Comment/Review: September 26, 2022

Introduction Ordinance 2022-34/Chapter 55/Personnel Code/Section 11.3/Political Participation

Mayor Campbell introduced Ordinance 2022-34 and deferred to Human Resources Manager Jamesha Williams. Ms. Williams reviewed the proposal:

The purpose of this memorandum is to outline the recent review of the City's personnel policies and regulations and recommend a revision to Section 11.3 Participation in Political Activity. The revisions will address common issues and frequently asked questions that usually arise before elections.

Employees may not engage in political activity during working times. Political activities include:

- Solicitation, distribution, or receipt of any assessment, subscription or contribution for any political party or cause; and
- Campaigning for any candidate or issue, including posting, wearing, or distributing political material of any kind.

Proposed Revised Language:

Prohibited Political Activities:

Employees may not engage in political activity during working hours while on duty, wearing a uniform and/or while displaying the official logo/seal of the city.

Prohibited political activities include:

1. Solicitation, distribution, or receipt of any assessment, subscription, or contribution for any political party or cause; and
2. Campaigning for any candidate or issue, including posting, wearing, or distributing
3. political material of any kind on City property or in City vehicles.
4. No employee or group of employees, representing themselves as City employees, shall campaign for or against any political candidate, group, or ballot measure. City resources may be used to analyze and provide information about the effects of proposed ballot measures on City operations if the analysis is objective.
5. Use official authority to interfere with an election or while engaged in political activity.
6. Invite subordinate employees to political events or otherwise suggest that they engage in political activity.

Permitted Political Activities:

1. **Employees can personally support or oppose any candidate for public office during off-duty hours as private community members only.**

This is scheduled for public comments and review by Council at the September 26th Council Meeting.

Dates

Introduction: September 12, 2022

Public Comment/Review: September 26, 2022

Update/Economic Development

Economic Development and Community Engagement Administrator Sara Bluhm reported it has been a year since she last provided an update to City Council.

She reported the following:

Confirmed economic development includes Milford Corporate Center (Fry Farm). One hundred thousand dollars was secured in site readiness funds. The concept plan is prepared that will be presented at the Community Workshop at the end of this month.

There is a primary care office that opened in the old day Bayhealth Walk-In Clinic on Jefferson Avenue. A ribbon cutting is planned for the second week of October.

My Sister's Fault was an Edge Grant recipient in 2022 and are purchasing the building they are currently in. They will expand to include more cold storage with their grant money.

The Milford Public Library's commercial rental (former LifeCycle) has been brought up to market rent rate after their previous tenants moved out. That involves a three-year tiered plan to bring that rent up to a market rent.

The 2021 State Planning Annual report indicates that Milford ranks third in non-residential square footage constructed, only behind Newark and Wilmington.

The Grown Milford website was launched in May. Starting September 15th, the City will have an electronic billboard on Route 1 at Frederica, in the southbound lane, until a static board becomes available. It is predicated the electronic billboard will be used about three months and then as a static board the following nine months.

Sixteen ribbons cuttings have occurred this past year.

Last week, an application for the Transportation and Infrastructure Investment Fund (TIFF) for the entire amount of the cost to create the entrance to the Milford Corporate Center.

In addition, an application to the Site Readiness Fund. The deadline is September 16th and the outcome should be reported sometime in October.

The Milford Wellness Village still has about forty thousand square feet left. Any business interested in Milford she is sending to them.

A downtown retail is looking at the old Milford Chronicle building that has been vacant for a while. The Code Officials and Ms. Bluhm are working with the landlord to bring the building to code.

The facility the Food Bank of Delaware is vacating has been for sale for several months. There are several interested parties as she tries to find a potential buyer.

She then reviewed the Economic Development Incentive Programs within the City Code that Council reviewed over the years. They include the Greater Milford Business Complex program, the Downtown Development District, and the Citywide Job Creating and Capital Investment program. Nine businesses have utilized the program(s) since 2019 and the projective capital investment is over \$60 million dollars. The max projected job creation is 359 and the max impact fees waved is a little over \$610,000.

Over the last year, the Downtown Banner Project has been established with Downtown Milford (DMI), the My Milford app, the Community Calendar, Bucky the chat bot and the Community Cleanup events.

The Customer Resource webpage was established at the request of Councilman Baer and signs promoting the Keep Kids Alive Drive 25 campaign can be seen throughout the City. The E-Newsletter distribution has grown thanks to the assistance of the Customer Service Department.

In addition, positive growth continues in social media—including Facebook, Twitter, and Instagram.

Ms. Bluhm confirmed there are no immediate plans for the lot on South Walnut Street that was purchased by My Sister's Fault.

When asked about shopping centers with open retail spaces and whether their owners/managers have contacted Ms. Bluhm for assistance in filling those vacant storefronts, she indicated they are more silent and do not reach out for help. However, she does recommend those areas when someone is searching. She had one successful meeting with a potential tenant who was interested in the Redner's Shopping Center. However, they are hard sells based on the lease requirements, which includes rent, lease term, and other conditions.

She does reach out to commercial and highway retail, and also works with R&R Realty who has a lot of the commercial listings in Milford.

It was noted that Furniture & Mor is closed, though she is unable to provide information on the new tenant at this time. Aldi Food Store is deep in construction though the opening date is currently unknown.

Strategic Plan Update

Local Government Fellow Melody Barger stated the City has contracted with the University of Delaware's Institute for Public Administration to assist with the Strategic Plan. He met with them last week and created a schedule of events.

Ms. Barger noted the last strategic plan was adopted in 2017. Most of the priorities have been completed. They include, among others, the industrial park whose plans are currently underway, the new police station of which site work has been started, and the sidewalk program and the street program.

Councils' advice and desire is needed on how they would like the city to change and grow. But we also need resident input, which was the purpose of the National Community Survey.

To move forward, the City has contracted with the University of Delaware's Institute of Public Administration to facilitate a Council Retreat to set priorities. Community Conversations will also occur and provide Councilmembers an opportunity to facilitate coffee conversations. That is a brief, four question meeting with constituents that can be done on Council's own time to informally gather information.

A draft strategic plan update will be done, after which Council and public comments will be taken. A final public hearing will be held after which the adoption will occur.

A timeline was then presented (see packet).

Council Retreat Date

A date for the 2022 Council Retreat was discussed. Originally, it was planned for October 22, but Bill McGowan is not available that date. There is a need to pick a Saturday on October 1st, 8th, or the 15th.

After a short discussion, Council agreed to hold the retreat on October 15, 2022.

Update/FY21 City of Milford Audit

Finance Director Lou Vitola stated the updated third draft of the financials starts on page 89 of the Council packet. He is already starting the fourth draft with some very minor changes.

Between the June draft and the third draft, the change in net position in the governmental funds was \$91,000 to the better. There are no substantial changes happening in the back and forth with the auditors, and really where individual lines are being mapped, and how they are presented between the two different types of financials, the two different categories of financials--the Enterprise Funds versus the governmental funds, and where everything flows.

The august draft was some number that rounded up to \$200,000 lower, and now we are back up to a higher number.

Very few of the remaining items to be done belong to the Finance Director. There is some minimal testing left by the auditors who will go back and look at minutes and packets for potential subsequent event disclosures. They will update the legal confirmations, again for the subsequent events and possibly for disclosure items and need to prepare the management representative letter and opinion letter.

It was a really strong year financially. The proprietary fund number have not changed at all and is governmental funds that are shifting around.

The Finance Staff has the ability to digest the closing, reporting, and audit processes completely and on time in a normal year. Unfortunately, this was not a normal year.

The auditors are incredibly thorough, and technically sound. What they don't have is the tacit knowledge of Milford that they will gain after a few years of working with us. They hit a roadblock every time they see something that doesn't flow the way they expect it to flow, or something that doesn't tie out the way they expect it to tie out. Then they cannot go further until a review is done. They have asked for support in detail that has not been required previously.

The auditing firm has also had some turnover of their own and lost one of the two staff accountants on the Milford audit team in the spring. He believes that person has been replaced but are trying to pull in resources from the bench and their headquarters is in Pennsylvania.

There is nothing that can be done, other than waiting for them to get through everything needed and understand what is need in order to produce their findings.

He asked Council to let him know if there are any questions as they review this latest update.

Though Fiscal Year 2021 was not an exciting year, it was a strong year and best year in the past three years.

Mr. Vitola expects an issue date of September 2021 and will be back on September 26th for the formal approval by Council.

After a very in-depth synopsis of allocations, governmentals and proprietary funds, the Finance Director discussed the nature of what he hopes is the very last change on the financials. The numbers will almost all be the same, with the exception of the government-wide income statement that shows program revenues and program expenses, or governmentals and proprietary funds on the same page, That will change in how the net position of the internal service funds is shown on the governmentals.

He reported the first draft of the financials was March 22nd. Compared to fiscal year 20, it was about four to five weeks behind. Having that done in mid-February is already late. But because of the turnover and other issues, he said they felt were about four weeks behind. That has ballooned because of what has to happen for the auditors to be comfortable after that point.

The auditors had the trial balance sometime around January but had trouble making sense of the trial balance because it is very large and involves many accounts. He had the same problem in early FY21. Now the scope of the follow-up testing is wider as we get later with a somewhat domino effect, after the initial delay.

They also saw drafts in June, and again on July 12th.

He added they are a very good audit firm and are incredibly thorough, which is what he wants.

When asked the projection for the FY2 year end, the Finance Director said we have to have it done in nine months, or at least have certain disclosures done which was done, even though the audit is not nailed down. For the infrastructure grant for the Milford Corporate Center, they want to see audited financials at the end of eight months, which leaves thirty fewer days. In the meantime, he has learned his lesson in over promising and under delivering,

He continued stating that at the Council meeting before that eighth month expires, is the goal, or the second meeting of February 2023 is the absolute deadline for the FY22.

Then questioned about what would be done to bifurcate this engagement and find the critical path and get there in a quicker manner without sacrificing any quality, Mr. Vitola stated most importantly, he has another year of doing this same work. The same is true for his staff.

Some things they were only wrapping up last week in terms of AR/AP (accounts receivable/payable) reconciliations or routine items is already done for FY22. The auditors will not look at it until a draft of 22 is done. The other auditors would ask for critical mass such as utility AR support and an excel file for miscellaneous AR which covers eighty percent of the critical mass. Our new auditors are extending AR across seven to eight reportable funds of forty-one funds. AP may be off \$806 which is a 0.05% variance.

The other auditors had the knowledge to look in the files for the reports, get the reasonableness test, and move one. Now that he knows their style and preferences, they will be prepared.

If relying on staff to do this internally again, but if an employee leaves again, that will put them in the same situation as this year. His thought was to have an engagement prepared so that a firm could prepare the financial statement production. His staff would continue to do the management discussion and analysis (MD&A), the transmittal letter, and would tie out the financials.

The same firm could do and maintain independence if they bifurcate it and do it on different sides of the house.

Councilman James asked that Director Vitola keep Council updated on the pursuit of that option, because it will be wise for the City, should any staff turnover occur.

When asked the City Manager's opinion, Mr. Whitfield stated that he has discussed with Director Vitola that as the department director, he needs to provide recommendations, in terms of consulting services or additional staff. In the most recent budget, there was money put aside for a consultant that could turn into an additional staff member if needed. He has faith in the Finance Director to provide the correct direction to keep this from happening again.

Authorization/DelDOT Contract T201820001/NE Front Street TAP Project & Match Funding

City Manager Whitfield explained this involves a DelDOT contract for the Northeast Front Street TAP project and matching funds. As previously mentioned, this came in well under what was budgeted, which he believes was \$800,000. DelDOT's percentage is 20% which bring the City's total to about \$429,000.

The actual costs will be determined by the bids when received, but this is good news, and he recommends Council authorize the execution of the agreement by Mayor Campbell.

Councilmember James moved to authorize Contract T201820001 be signed by Mayor Campbell, seconded by Councilmember Culotta. Motion carried.

Authorization/DelDOT Contract T201904201/US 113 & SR 14 Intersection Improvements

City Manager Whited explained this contract addressed improvements to the intersection at US 113 and SR 14 and is primarily making the City aware DelDOT will be doing the work. There is no cost to the City for this work, though the municipality must provide consent, approval and waiver as required by Title 17.

Councilman James moved to authorize Mayor Campbell to sign Contract T201904201 for the improvements on US Route 113 and State Route 14 as presented in the contract, seconded by Councilmember Boyle. Motion carried.

Authorization/DelDOT Support/US Route 113 Milford Bypass

Planning Director Rob Pierce read the following memo which was also included in the packet requesting City Council support the re-initiation of the US 113 North/South Study:

During the early 2000's, the State of Delaware, Department of Transportation initiated a US113 North/South Study to identify an alignment for a continuous limited access roadway from the Maryland state line to the SR1 interchange in Milford. See the below link for more information regarding the study.

See <https://deldot.gov/projects/Studies/us113/index.shtml> for more detailed and accurate information.

The purpose of the study was to identify, select and protect a limited access alignment to meet existing and future traffic demands.

DelDOT and the Federal Highway Administration split the planning study into four separate but interrelated geographic areas that includes the Milford Area, the Ellendale Area, the Georgetown Area and the Millsboro-South Area.

A working group for the Milford Area met seventeen times between 2004 and 2007, gathering input from the public and reviewing alignment alternatives. The result of the working group and public outreach effort ended with the adoption of Senate Bill 155 by the General Assembly in 2007. The Bill prohibited DelDOT from proceeding with the US113 North/South Improvements Project in the Lincoln and Milford Area.

As a result, the US113 North/South Study planning effort continued to move forward for the Ellendale, Georgetown, Millsboro, Dagsboro, Frankford, and Selbyville areas. No progress has been made in the Milford area since July 2007. Staff recommends authorizing the Mayor to sign the enclosed letter urging DelDOT to renew the US113 North/South Study with the goal of establishing a preferred alignment for the Milford area.

Manager Whitfield explained that the concern is that everything south of Milford to the Maryland line is now being addressed. But there is no plan from south of Milford to north of Milford and that is what is being suggested. Though they do not know the answer but feel it should be considered.

This also came up with the City Manager met with Carlisle Fire Company due to problems their firefighters experience when responding during some the high-traffic time periods.

He noted it is only going to get worse and with no plan in the horizon, they believe it is prudent that Council understands the need to consider this.

When asked if there is a change of heart since the State Legislators passed a bill to not allow this several years ago, Director Pierce said the Legislators may still feel this way.

It was noted that a tie in to the business parks could be considered.

Councilman Boyle moved to authorize Mayor Campbell to sign the request letter, seconded by Councilmember Wilson. Motion carried.

DelDOT Contract T202107601/Bridge 2-021A Maintenance/Rehoboth Boulevard

City Manager Whitfield noted this is only included on tonight's meeting for information purposes only.

It relates to the agreement for DelDOT notifying us that they will be doing work on the Mispillion Drawbridge beginning later this month and commencing sometime in December. It includes the detour patterns while the work is being completed and will follow the State roadways into the City and will impact traffic while the detour is in place.

EXECUTIVE SESSION

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

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 8:16 p.m. for the purpose permitted by the Delaware Freedom of Information Act.

Return to Open Session

Councilmember Wilson moved to go back into regular session, seconded by Councilmember Fulton. Motion carried.

Council returned to Open Session at 9:09 p.m.

Councilman Fulton moved to authorize the City Manager to contract with Moore and Rutt Law Firm for the purpose of the litigation as discussed in Executive Session, seconded by Councilmember Boyle. Motion carried with no one opposed.

Councilman Fulton moved to authorize the City Manager to negotiate with a potential developer, seconded by Councilman Baer. Motion carried with no one opposed.

Councilman Fulton moved to deny the offer of donation of inaccessible land to the City, seconded by Councilmember Wilson. Motion carried.

Councilman Fulton moved to authorize the City Manager to continue negotiations for land procurement, seconded by Councilmember Baer. Motion carried.

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 9:11 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder