

CITY OF MILFORD
COUNCIL MEETING MINUTES
January 9, 2023

The City Council of the City of Milford met in Regular Session on Monday, January 9, 2023, in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Archie Campbell

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

STAFF: City Manager Mark Whitfield, Police Captain Edward Huey, and Deputy City Clerk Katrina White

COUNSEL: Solicitor David Rutt, Esquire

Per the Limited Public Health Emergency Declaration issued by Governor John Carney on March 1, 2022, and the virtual meeting provisions provided in Senate Bill 94, Milford City Council Meetings and Workshops are being held in the Council Chambers at City Hall, with attendees also participating virtually.

PUBLIC COMMENT PERIOD PRIOR TO MEETING

The Public Comment session commenced at 6:02 p.m.

An individual who signed up to speak about speed enforcement (inaudible) on South Walnut Street was denied due to item not being on agenda.

Martha Gery of 13 Mill Street, Milford, representing Milford Advocacy for the Homeless read a letter into record thanking the Mayor and Vice Mayor, and the Milford Police Officers who assisted with opening and manning the Public Works Facility for seventeen displaced persons over the past weekend and asked the city to continue this service as a partnership.

Matthew Sacks also thanked the city for providing this service for the homeless and to continue this service.

Jenn and Larry Lint (inaudible conversation).

Planner Rob Pierce gave an update on the South Walnut Street traffic study.

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 6:12 p.m.

INVOCATION AND PLEDGE

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

ROLL CALL

All members in attendance.

APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the October 15, 2022 Council Retreat, November 16, 2022 Special Council Meeting, November 28, 2022 and December 12, 2022 Council Meetings, and December 19, 2022 Special Council Meeting. Motion made to approve by Councilmember Boyle, seconded by Councilmember Baer. Motion carried.

RECOGNITION

IT Director Bill Pettigrew introduced his newest employee Michael Smith as a member of the IT Team as a Technical Support Specialist I-Police.

Later during the meeting, Acting Chief Edward Huey introduced Daniel Burgos as the newest member of the Milford Police Department. Most recently he was employed by the Seaford Police Department though he started his career as a Seasonal Officer in Rehoboth Beach.

STAFF REPORTS

Complete reports were included in the packet for Council and public review.

Police

Acting Police Chief Edward Huey provided some highlights in his report. He also spoke several proactive efforts planned for the Behavioral Health Unit Specialists and hopes to acquire some additional grant funding that will be available for this purpose.

Councilmember Boyle moved to accept the monthly police report, seconded by Councilmember James. Motion carried.

City Clerk

Acting City Clerk Katrina White presented the City Clerk report highlighting the work being done to prepare for the upcoming election in April.

Councilmember Boyle moved to accept the monthly city clerk report, seconded by Councilmember James. Motion carried.

City Manager

The City Manager reviewed several items in his report, also mentioned in his departmental reports. He recognized Charlie Nordberg and Brian Jester for their work over the weekend at public works.

Councilwoman Wilson asked that she be informed of any future collaborations that are being done with the homeless, noting that she has been their face at the city for several years and is glad to see that a plan was finally put together to benefit that population. However, she was very disappointed she was unable to assist in the endeavor.

Public Works

Public Works Director Mike Svaby also provided a brief synopsis of his report and spoke about the changes at the intersection of South Walnut and Southeast Front Street to a four-way stop.

Also included is an update on the construction of the police department facility.

Electric

Electric Director Tony Chipola updated Council on several ongoing projects occurring in his department.

He also reported on some recent power outages and updates to the infrastructure to correct those issues.

Director Chipola also assessed the city facilities in hopes of preventing any security or cyber-attacks on the electric system.

Planning Department

Planner Rob Pierce gave an overview of the yearly activity in his department, noting that the statistics have decreased.

He also spoke about amendments to the Comprehensive Plan that have been submitted to the Office of State Planning for their consideration.

When questioned who is responsible for issuing parking violations when vehicles are habitually parking on private parking lawns, it was confirmed that his department addresses those items, though many involve parking on the grass and street which is overseen by the police department.

Councilman James asked how long a property owner is given to clean up a property that has been demolished and referenced the property on Church Street at one of the entrances into the city; Mr. Pierce said a permit is good for twelve months though he believes they are in the process of cleaning the property as there are dumpsters on the property. Councilman Culotta said there are also safety issues that need to be addressed quickly and most municipalities ensure those sites are cleaned up promptly.

Human Resources

HR Director Jamesha Williams acknowledged the recent Holiday Party at the Milford Senior Center that she oversaw. She also recognized Kent Milligan who received the 'Rooster' for several successful videos and professional-grade photos he has taken since he was hired as a part-time employee this past year.

Parks & Recreation

Parks & Recreation Director Brad Dennehy recognized the new City Arborist who after six months continues to be extremely busy working with the utility and public works departments.

A brick pavers project is underway to determine the issues that are causing and as a prevention effort to some unsafe sidewalk problems.

He was also asked to check out some loose railing on the Riverwalk that appears to have been part of some work that was recently completed in that area.

A status report of the pickleball project was also provided.

The lighted railing project has been awarded and the materials have been ordered with the start date contingent upon the receipt of those materials.

Economic Development & Community Engagement

ED & CE Administrator Sara Bluhm reported on several projects that included Videographer Kent Milligan before and after photos of the Penney Square building.

A video of Senior Corporal Timothy Webb's walk out was created by him and was viewed by almost 380,000 views last month.

When asked about a potential clothing store coming to Milford, she did contact a broker that does work with clothing brands and retailers throughout the country though there was no site suitable in the area.

Ms. Bluhm also reported that Harbor Freight is under construction in a portion of the old Gordmans/Peebles building.

Informational Technology

IT Director Pettigrew reported the new IT Tech met earlier started on December 20th after his clearance by DELJIS. Though his primary duties will be at the police department, he will be assisting in other duties.

The ERP Tyler project is continuing with the training of city staff ongoing.

He also spoke about the progress of the PBX Cloud system implementation and recent testing as part of the final preparation steps.

Finance

The USDA financing application for the new police facility was formally approved last month by Council with the funding commitment and terms locked in.

The spending at the new facility will continue to be reported in his report. All but three of the seventeen contracts continue to be active. Additional detail will follow.

Past due utility accounts spiked at the end of December. That was a mix of the holiday schedule and some colder weather getting in the way of collection efforts.

When asked the timeline of the rate study, Director Vitola confirmed the electric rate study is the only active rate study as those rates were in effect for three years beginning in FY 21. Solid waste, water and sewer are five-year studies and will start sometime in FY24 to FY25.

He hopes to have the study complete as soon as possible to be able to provide those updates as the budget process begins this spring.

Councilmember Wilson moved to accept the City Manager reports, seconded by Councilmember Boyle. Motion carried.

MONTHLY FINANCE REPORT-November 2022

Director Vitola presented the Financial Reporting Package for the FYTD period ended November 30, 2022, as follows:

The executive summary below highlights this month's notable developments. The "Quick Reference" section of this memo recaps key financial highlights and changes made in FY23 to help shorten the executive summaries. So far, the only change made in FY23 is the August addition of a second appendix to report the progress on the new Police Facility Construction Project in terms of the final budget versus actual spending. In this month's report, the appendix is found on page 7, following the existing appendix (ARPA).

As we approach the halfway mark, the utility funds continue to exceed expectations with strong results against the seasonalized FY23 budget. All four utility funds are exceeding the YTD budget in terms of net surplus in dollars while exceeding budgeted net surplus by 6.4% in total. Gross margin across all utilities is 2.0% lower than the same period last year, but operating income was 1.5% higher to trim the negative variance in net surplus to 0.5% versus the YTD results through November 2022. To be clear, utility revenue is up across the board – for all four major utility funds, driven by higher volumes and rates – but expenses are increasing at nearly the same rate, which preserves gross margin on a dollar basis, but which erodes gross margin as a percentage. Gross margin was almost \$0.2 million higher this period versus last period. Operating expenses are lower versus the budget and prior year for all four utilities, but sewer operating expenses are particularly lower, in part to the continued trend of low inflow and infiltration costs.

The results in the general fund are less positive than the enterprise funds, as YTD November results fall short of the seasonalized FYTD budget in total and across all but one department, while performance lags in total and in each departmental group compared to the same period last year. With December's report coming on the heels of the November report due to the holiday, additional analysis will be provided based on more current

information for the first half year of general fund operations.

General fund operating cash receipts lagged disbursements in November which, combined with ARPA funding, contributed to net cash outflows in November. The police facility construction continues to move well; expenditures are being met primarily with the Bond Anticipation Note (BAN), as summarized in the Appendix tracking project expenditures versus budget.

The complete report can be found in the Council packet.

Councilman James pointed out that he and Director Vitola has been working constantly on providing transparency of information to the public and for Council to use for decision making. In particular, pages 1, 2, and 3 provide a great picture of where the city stands as far as cash available, and project, plans and monies remaining. He thanked the Director for turning that information to be read easily by our taxpayers.

Director Vitola also briefed Council on ARPA funding. The second tranche was received which will be spent pursuant to ARPA regulations. There was a \$250,000 in November that utilized ARPA funding. There was another project related to audio visual equipment in the Council Chambers at a cost of \$50,000 to be paid with ARPA funds, though the additional CARES Act provided some additional funding and because that project was eligible, it freed up another \$50,000 for ARPA projects.

It was also noted that property tax collections started high with a jump in August which is much earlier than in the past. There was a slight falloff in November, and we are currently at 96 to 97% collected which is not as high as last year.

Councilmember James moved to accept the November 2022 finance report, seconded by Councilmember Boyle. Motion carried.

COMMUNICATIONS & CORRESPONDENCE

All communications are included in the packet including meeting invite notices.

Councilmember Baer reported there has been a release of air pollution and odor in the third ward and asked if Code Enforcement can address it. Director Pierce will contact Seawatch though he is willing to contact DNREC about the air pollution though he can reach out to other state environmentalists as well.

Councilmember James said this has been addressed by Seawatch previously and he assumes it was not a danger though there can be an odor problem. He does not recall who was in touch with Seawatch though there was communication with them.

Councilmember Wilson said one of our former Councilmembers was an employee at Seawatch and would handle these complaints in the past. She suggests the City Manager contact them and inform them of the public's complaints. Mr. Whitfield said they are required to change out the biofilters from time to time and sometimes need reminders which he will do.

UNFINISHED BUSINESS

Discussion/Options for Displaced Persons

Mayor Campbell provided a synopsis of a recent meeting regarding the homeless.

He also noted that because of the pallet city in Georgetown, everyone is expecting them to take all the homeless population in this area. Unfortunately, they are only qualified to take forty or so people and there are a lot of restrictions and rules in place.

Inaudible conversation taking place.

Ms. Gery then spoke about the program and provided an update of what she is continuing to do and the relationship with the police department. She added there are going to be some issues because some people do not want to come in and many have mental issues. She appreciates the city's help and the fact that because this is always being talked about, there is a plan, and she continues to work with Brandywine every day.

Unfortunately, the same people that were serviced that night at public works are going to be displaced, and they want nothing to do with the police because they know they are squatting.

Councilman James then spoke stating that not everyone is homeless because they choose to be. Some are victims of circumstances. Anything this municipality can do would be helpful. He has been examining other municipalities and it appears there has been a partnership between the nonprofit group, a for-profit enterprise, and the municipality. None have been able to do it alone and he does not expect it to be different for the City of Milford.

Councilman Culotta said this is a bigger conversation. He agrees multiple partners are needed to make it work. There are a lot of programs in place that needs to be considered and these people need to be aware of those programs. He does understand there are some gaps in the system. There is a misconception that the homeless choose that lifestyle which is not always the case.

However, he does not want to enable the situation either. He thinks that there may be some short-term programs, whether it's a year or six months, and believes there are things in place that can help these people get on their feet or be self-supportive.

The Councilman does think the use of the public works facility as a heating center over the holidays was a good one. The Public Works Building serves the purpose of the public works offices, and this use was a nice way to accomplish this service as a city. This can be talked about and what can be done in similar circumstances when the temperatures get too cold and not as an everyday use.

He is willing to help but also does not want to enable the situation either which is his concern.

Councilmember James said that Milford is looking at the model in Georgetown though he does not want to misrepresent this. In many people's mind, they think that the Town of Georgetown is administering this. Instead, there is an organization called Springboard LLC that is the umbrella who is administering pallet city, per say, along with First State Community Action, that has the wraparound services for case management including feeding, etc. As a result, the nonprofit is administering the functions and the case management and taking the people through the programs to get them into the program. There are a number of steps along the way and are assessed for 45 to 90 days to evaluate the progress

If they find a job, they then can pay rent. And now they can be reintroduced back into society on a path to independent living and that is the goal.

Discussion continued with the public/private partnership being the preferred method of aiding this population.

Mayor Campbell said the entire State of Delaware is watching what occurs in Georgetown to see how this pans out as Milford will do as well.

NEW BUSINESS

Authorization/City Solicitor/Moore & Rutt Agreement

City Manager Whitfield referenced the retainer agreement with Moore and Rutt included in the packet indicating it was discussed this past May when the agreement was awarded to David Rutt, and this memorializes that agreement.

Councilmember Fulton moved to authorize City retain Moore & Rutt and/or Rutt for an annual sum of \$90,000.00 to be paid by City monthly at the rate of \$7,500.00 for the upcoming year, plus any direct costs incurred by Rutt or Moore & Rutt in its representation of the City and to enter into separate Retainer Agreements with Rutt and Moore & Rutt for duties performed for the purchase or sale of real property, and for any litigation matters for which Rutt

or Moore & Rutt will be required to enter an appearance as counsel for the City with a State or Federal Court sitting in the State of Delaware. Motion seconded by Councilmember Culotta. Motion carried.

Authorization/Budget Adjustment IT/Virtualization Efforts

Finance Director Vitola recommends City Council reallocate \$70,000 of the \$75,000 authorized in the FY23-27 CIP for cabling upgrades to ongoing virtualization efforts. IT Director Pettigrew has completed an initial review of the City's most pressing technology needs vis a vis the current budget and has determined that the City's critical operations would benefit more by redirecting the funding authorized for the cabling project toward server virtualization.

The FY23-27 CIP includes \$75,000 for cabling upgrades. Department-level budget notes suggest that the funding was requested to allow for cabling upgrades should a planned review of infrastructure reveal that one or more of the City's facilities revealed cabling problems. However, only minor needs have materialized, and the majority of funding would be better served if redirected to more critical operations.

IT is recommending City Council reallocate \$70,000 authorized in the FY23-27 CIP for cabling upgrades to ongoing virtualization efforts.

Councilmember James moved to reallocate \$70,000 in the FY23-27 CIIP for cabling upgrades to ongoing virtualization efforts, as requested, seconded by Councilmember Wilson. Motion carried.

Authorization/Budget Adjustment/Electric/Transformer Maintenance

As discussed in his monthly report, Electric Director Chipola is requesting the authorization of an adjustment to the FY23 operating budget of \$60,000 to support the cost of materials, parts, and contract services to address deficiencies identified during a recent visual inspection and oil analysis. Sufficient reserves are available in the electric fund.

Recent chemical analyses at Delivery 1 Substation identified four (4) pieces of oil filled equipment with unacceptable results:

- T1 showed signs of insulating oil degradation resulting in unacceptable power factor ratings, and interfacial tension.
- Inhibitor content was also lower than then accepted concentration levels.
- Three (3) Voltage Regulators also exhibited signs of oil degradation and increased levels of contaminates.
- T2 Filter press valve needs to be replaced as there was indication of it not being fully sealed and showing signs of weeping.

Councilmember James moved to authorize an adjustment to the FY23 operating budget of \$60,000 from electric fund reserves for materials, parts, and contract services to remedy the identified deficiencies and avoid potential equipment damage and electrical outages, seconded by Councilmember Baer. Motion carried.

When asked about the transformer supply chain, Director Chipola provided Council with information on various manufacturers concluding that the time frame has improved.

Authorization/Budget Adjustment/Electric CIP/Broadband Feasibility Study

The following request was submitted for Council consideration as discussed by Finance Director Vitola:

The FY23 Operating Budget authorized \$35,000 for the City's Strategic Plan Update (the "Update") and \$50,000 from the approved FY23-27 CIP for a Broadband Feasibility Study (the "Study"). Expenses related to the Update are expected to be under budget by \$15,000. While the Study itself was under budget by \$1,300, additional costs related to market research totaled \$12,092, requiring additional funds netting to \$10,792. Because the two initiatives

are inter-related and the total amount authorized across the budget lines are sufficient to meet the total costs for both projects, staff recommend a budget transfer of \$10,792 from the Update to the Study.

	Strategic Plan Update	Broadband Feasibility Study
Budget	\$35,000	\$50,000
Estimated Actual Costs	\$20,000	\$60,792
Under (Over) Budget	\$15,000	(\$10,792)
Recommended Transfer	(\$10,792)	\$10,792
Under (Over) Budget	\$ 4,208	\$ 0

Councilmember James moved to authorize a transfer of \$10,792 from the Strategic Planning line budget to the Broadband Feasibility Study Project in the FY23 CIP Plan, seconded by Councilmember Baer. Motion carried.

*Introduction/Ordinance 2023-01
Code of the City of Milford/Chapter 55
Personnel Code Amendment
Police Special Duty*

City Manager Whitfield introduced Ordinance 2023-01 related to the Milford Police Departments’ Lieutenant working and payment for special duty events.

Mayor Campbell introduced the following ordinances, after which Planner Pierce provided a brief review of each:

*Introduction/Ordinance 2023-02 - Conditional Use
Application of Collins Bowers Investments, LLC
0.40 +/- acres located along the east side of Lakeview Avenue between Kings Highway and Sussex Avenue
Comprehensive Plan Designation: Low Density Residential
Zoning District: R-1 (Single-family Residential District)
Present Use: Single-family Detached Dwelling
Proposed Use: Single-family Detached Dwelling with an Accessory Dwelling Unit
Tax Parcel: 1-30-3.08-008.00*

*Introduction/Ordinance 2023-03 - Change of Zone
Application of Growmark FS, Inc.
4.865 +/- acres of land located along the south side of NE Front Street between NE Fourth & East Streets
Comprehensive Plan Designation: Commercial
Present Zoning District: I-2 (General Industrial District)
Proposed Zoning District: C-3 (Highway Commercial District)
Present Use: Office Proposed Use: Office and Vacant Lot
Tax Parcel: MD-16-183.10-04-27.00*

*Introduction/Ordinance 2023-04 - Preliminary Conditional Use
Application of Masten Circle, LLC
2.39 +/- acres of land located along the east side of E. Masten Circle
Comprehensive Plan Designation: Industrial
Zoning District: I-1 (Limited Industrial District)
Present Use: Vacant Proposed Use: Flex Office/Warehouse
Tax Parcel: MD-16-183.00-01-08.00*

*Introduction/Ordinance 2023-05 – Amended Conditional Use
Application of Milford Mini-Storage, Inc.
5.38 +/- acres of land located along the east side of Marshall Street approximately 1,025 feet north of the McCoy Street intersection
Comprehensive Plan Designation: Industrial
Zoning District: I-1 (Limited Industrial District)*

*Present Use: Self Storage and Vacant Lot Proposed Use: Self Storage
Address: 609 & 615 Marshall Street
Tax Parcel: 3-30-11.09-029.01, 029.02 and 029.07*

Authorization to Proceed/City of Milford Comprehensive Plan Amendments:

According to Planner Pierce, he is reporting the submission of the following applications to the Office of State Planning for PLUS review:

*Amendment #1 – Southern States
Kent County Tax Parcel MD-16-182.00-01-03.00
Milford-Harrington Highway & Parcel Consolidation
Change of Future Land Use from I-1 Limited Industrial to Commercial (C-3 Highway Commercial)*

*Amendment #2 – Milford Mini Storage, Incorporated
Sussex County Tax Parcel 3-30-11.09-134.00
Marshall & South Washington Street(s) Area
Change of Future Land Use from Moderate Density Residential to Industrial (I-1 Limited Industrial)*

EXECUTIVE SESSION

Councilmember Marabello moved to go into Executive Session reference the below statutes, seconded by Councilmember Culotta:

Personnel Discussion-

Pursuant to 29 Del. C. §10004(b)(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed

Property Sale/Lease-

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 7:48 p.m. for the purposes as are permitted by the Delaware Freedom of Information Act.

At 8:53 p.m., Councilmember Boyle moved to return to Open Session, seconded by Councilmember Baer. Motion carried.

Potential Vote/Personnel/Chief of Police

Potential Vote/Land Acquisition

Potential Vote/Land Sale

No other action taken.

Councilwoman Wilson moved to authorize the City Manager negotiate the purchase of property for potential parkland, seconded by Councilmember James. Motion carried.

ADJOURNMENT

Councilmember James moved to adjourn the meeting, seconded by Councilmember Wilson. Motion carried.

The Council Meeting adjourned at 8:55 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Transcriptionist