

CITY OF MILFORD
COUNCIL MEETING MINUTES
March 27, 2023

The City Council of the City of Milford met in Regular Session on Monday, March 27, 2023.

PRESIDING: Vice Mayor Jason James Sr.

IN ATTENDANCE: Councilmembers Daniel Marabello, Mike Boyle, Andrew Fulton, Todd Culotta, Nirmala Samaroo, Brian Baer, and Katrina Wilson

STAFF: City Manager Mark Whitfield, Police Chief Cecilia Ashe, 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

Vice Mayor Jason James Sr. presided over the meeting due to Mayor Arthur Campbell being out of state at a Congressional Conference.

Vice Mayor James confirmed that no one was signed up to comment prior to the start of the meeting.

CALL TO ORDER

Vice Mayor James then called the meeting to order at 6:03 p.m.

INVOCATION AND PLEDGE

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

PUBLIC HEARING/PUBLIC COMMENTS/ORDINANCE ACTION

*Adoption/Ordinance 2023-09 - Conditional Use
Application of Bay to Beach Builders, Inc.
0.172 +/- acres of land located along the north side of
SE Second Street between Montgomery Street and Franklin Street
Comprehensive Plan Designation: Low Density Residential
Zoning District: R-2 (Residential District)
Present Use: Vacant
Proposed Use: Single-family Semi-detached
Tax Parcel: 3-30-7.17-118.00*

Solicitor Rutt announced that he has a conflict of interest related to this application and will not participate and remained at the Council dais.

Planning Director Rob Pierce read portion of the applicant packet into recording noting this is a conditional use application from Bay to Beach Builders, Incorporated for a property zoned R-2 residential district. The property at the northwest corner of Franklin Street and Southeast Second Street is currently vacant and the proposed use is a single-family semi-detached dwelling/duplex.

He read various excerpts from the zoning code related to conditional uses and the need for approval from City Council. Also referenced was the city staff's analysis of the conditional use application.

A copy of the location and zoning map, survey, zoning code and public notice were included in the packet. The notice was published in the Delaware State News on March 5, 2023, and mailed to all owners of properties with 200 feet of the parcel. The site was also posted with a public notice sign.

The Planning Commission reviewed the application at their last meeting and recommended approval of the conditional use by a vote of five to zero.

Bay to Beach Builders Representative John Zotcavage of PO Box 209 Greenwood, Delaware addressed Council.

He stated that the design complements the area, and blends well with the other existing structures in the vicinity. They are confident that the design of this structure and quality will become an asset to the community.

Vice Mayor James opened the floor to public comment. There was no indication that anyone wished to speak for or against the application.

Councilmember Fulton moved to adopt Ordinance 2023-09 conditional use for the single-family semi-detached duplex, seconded by Councilmember Culotta. Motion carried by the following unanimous roll call vote:

Samaroo: Votes yes, based on its compliance with Chapter 230 and because it meets the front setback of 30 feet, the maximum allowed lot coverage of 40%, and the requirement to construct new sidewalk on the entire frontage, or replace sidewalks based on the failing condition to issuance of the Certificate of Occupancy.

Baer: supports the proposition, and I am in favor of the general upgrading of the third ward, by improving the housing stock. I think this is a great additive bonus to the third ward.

Wilson: Votes yes, based on it meeting all the conditions and standards within our codes, and is an enhancement to the neighborhood and the City of Milford.

Marabello: Votes yes, it's consistent with the all the conditions that are required and is also similar to what's going on presently. We have more affordable housing, and it's an improvement of that vacant land.

Boyle: I vote yes, in favor of the motion. The proposal is consistent with a conditional use in an R-3. The site is currently surrounded by multiple semi-detached units. I also would like to remind them of the conditional use that was approved by the Planning Commission for the sidewalks should be in effect.

Fulton: I vote yes, it is in accordance with the comprehensive plan and meets the requirements of Chapter 230, and welcome to the city.

Culotta: I vote yes, it's a good use of the piece of property, and the duplex is always good for affordable housing.

James: I, as a Councilman, votes yes, it does fit similar uses in the area, and does help add to the housing stock that is needed in the City of Milford.

Adoption/Ordinance 2023-10 - Conditional Use

Application of Jaasiel, LLC

*0.304 +/- acres of land located at the northwest corner
of the NE Front Street and East Street intersection*

Comprehensive Plan Designation: Commercial

Zoning District: C-2 (Central Business District)

Present Use: Single-Occupancy Retail

Proposed Use: Mixed Use – (3) Commercial Tenant Spaces and (10) Apartments

Tax Parcel: MD-16-183.10-03-68.00

Planner Pierce stated the application is for Jaasiel, LLC for a conditional use application for a property at 115 Northeast Front Street in the C-2 central business district. Present use is a vacant single occupancy retail, and it is proposed as a mixed-use structure with three commercial tenant spaces on the first floor and ten residential apartments on the second floor. This property is located at 115 Northeast Front Street

In September 2021, Council approved a similar application to convert the building into a two-story structure, with the commercial spaces on the first floor and residential units on the second floor. Since the applicant did not obtain a building permit prior to September 2022, the conditional use approval expired and the reason the applicant has returned for reapproval.

He referred to excerpts of the zoning code stating that all dwellings other than single family, with a maximum density of twelve units, along with non-residential use, must receive approval of a conditional use permit by Council.

The Planner also read from the zone requirements related to multiple permitted uses or mixed use of a property require a conditional use, subject to special requirements.

It was also noted this is the site of the former Rite Aid Pharmacy/Store.

He reviewed the staff analysis, aerial photograph, survey, proposed floor plan, elevation drawings and the narrative provided by the applicant.

The public notice was published in the Delaware State News on March 5, 2023, mailed to all owners of properties within 200 feet of the parcel, and a hearing sign was posted at the site.

The Planning Commission reviewed the application at their last meeting, recommending approval by a vote of five to zero.

It was noted that a variance was approved by the Board of Adjustment in September 2021, and there was no expiration date at that time, so Mr. Pierce allowed the approval to stand.

Representing the owners/applicant was Cameron Llewellyn of 57 Castle Pines Court, Wyoming, who works for Tidemark Construction from Dover. He stated that Mr. Pierce explained the project which was seen by Council previously. They ran into an affordability issue with the escalation of material costs. Since, the market has stabilized, and they are moving forward with the project.

When asked if the main tenant will be a laundromat and asked if that is a different owner from the one next to Gigante Market; Mr. Llewellyn confirmed this is an additional laundromat.

Councilmember Marabello expressed concern about parking and referenced the waiver from next door to share the eleven spots. His concern is the increasing number of food stores and apartments, and that having ten tenants could be a problem. When asked if the applicant feels this is sufficient parking, with increased development, and the parking needed by others if these spaces are used by these tenants.

Mr. Llewellyn confirmed the design was based on the comprehensive plan for walking communities. A number of younger folks today do not own an automobile and do not have the related expenses. He pointed out these are small town-style apartments and those residents typically live downtown and use public transportation to get to doctor appointments but walk to other stores and service facilities.

He believes that downtown Milford can now sustain that.

A facility like this exists in Georgetown and all the doors are power operated with motion sensors, because they typically have two laundry baskets in their possession which is the reason for the powered door. The goal is to serve the downtown Milford community with a walkable style facility both for the folks that live upstairs, and those that work downstairs who will be part of that downtown fabric.

It was confirmed the lot across the street is a public parking lot and will be available, in addition to the ten parking spaces they will provide immediately next to the building.

Solicitor Rutt pointed out that C-2 zone has no parking requirements.

Councilmember Boyle noted that several parking spaces were approved for the other apartment building. They already take up a great deal of the parking lot across the street. The argument then was the same in that Milford is a walkable community.

He added that Milford may be at a crunch time where the parking study needs to be reinvigorated as he expects more development and renovation of the downtown facilities.

The floor was then opened for public comment. No one responded and the floor was closed.

Councilman Fulton then moved to adopt Ordinance 2023-10 authorizing the conditional use application of Jaasiel, LLC, seconded by Councilmember Baer. Motion carried by the following roll call vote:

Culotta: I vote yes. It was approved once already and nothing much has changed. I know there is a concern about parking every time we look at one of these. But downtown is still growing and people living downtown is a good thing. There is plenty of parking in the area and we own a parking lot not a block to the left that is not always full. I believe we cannot just keep looking at everything from a parking standpoint. This is a historic city and was built long before cars and if we are going to allow multi-use downtown, we must allow that.

Fulton: I vote yes, and it falls within the comprehensive plan, it was previously approved by this same council and the variance is still active. So, in that case yes.

Boyle: I vote yes. The project meets the requirements of Chapter 230(13)(c)(10) for conditional use in the downtown business district.

Marabello: I vote yes. It meets all the requirements of the conditional use. I'm hoping everything works out as far as parking, and I welcome the fact that we'll have more people living downtown to patronize all the new places going up—eateries, etc.

Wilson: I vote yes based on its previous approval by this Council. Also, it was reviewed by the Board of Adjustment. There are similar uses with other properties along Walnut and Front Street, so it meets within our comp plan.

Baer: I vote yes, I still support the building here, and I think it's a great way to have more people downtown and revitalize our downtown development district.

Samaroo: I vote yes, based on the compliance to maintain the appearance with the historic downtown area and having a mixed-use downtown will be great for the community and downtown.

James: I vote yes. This does help foster our idea of having multi-use dwellings downtown with the commercial at the bottom, and residential up top. This is a desired project for this area.

Adoption/Ordinance 2023-11 - Conditional Use

Application of Patricia Persia

0.238 +/- acres located along the north side

of School Place between Lakeview Avenue and Seabury 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: 1-30-3.08-028.00

Planner Pierce reviewed the packet in the packet noting this is another conditional use request for an R-1/single family residential zone at 129 School Place. The property currently contains a single family detached dwelling, and the applicant is proposing to convert a 20 x 26 garage into an accessory (cottage) dwelling unit (ADU).

He read the associated section, conditions, and definitions from the zoning code that allows accessory buildings with conditional use approval by Council.

The Planner continued reading the criteria for a dwelling unit from the enclosed staff report.

The application meets the off-street parking requirements.

A location and zoning map, survey, a simple floor plan of the cottage, and narrative from the applicant were included in the packet.

The ordinance was published in the Delaware State News on March 5, 2023, and all owners of properties within 200 feet were mailed a notice. In addition, a public notice sign was posted on the site.

The Planning Commission reviewed the application at their March meeting, and recommended approval by a vote of five to zero.

It was confirmed that with an accessory dwelling unit, one of the units must remain owner-occupied and an associated deed restriction be recorded.

Ms. Persia addressed Council stating that the garage is never used for vehicles and when she learned of a recent accessory dwelling unit that was approved, she applied with the intent to turn the garage into an apartment. The goal is to primarily make income from it. But for now, she would also like to have the opportunity that if one of her children wants to come home, they would have a place to stay.

She lives in the main house, which is very close to the garage, as can be seen from the survey.

Noting that the property backs up to Caulk, and if there is an issue with noise, she will be the first to hear it as she also works from home.

Though the ADU would provide income, there may also come a point where Ms. Persia no longer needs a huge home and would have this as an option. Regardless, she will live in one of the two units on the property.

The floor was opened for public comment, and no one responded. The floor was closed to comments.

Councilmember Marabello moved to adopt Ordinance 2023-11 to allow an accessory dwelling unit, seconded by Councilmember Boyle. Motion carried by the following roll call vote:

Wilson: I vote yes, based on it meeting the requirements and it is a good idea as well. Meets the requirements of our conditional uses. I was concerned about the setbacks, and there was a variance that was approved. I'm trying to think in my mind on this square footage of those units, and how we need more housing in Milford. And it is a very livable appropriate space for individuals.

Baer: I vote yes. I think it is a great way to allow the owner additional flexibility and it's nice to have another potential apartment spot that is close to downtown.

Samaroo: I vote yes based on its compliance with Chapter 230 and with the information provided by Planning Commission, it complies with adequate space within the existing driveway to accommodate four vehicles.

Culotta: I vote yes. I think this is our third ADU for possibly being approved. It's great for Milford and great for affordable housing. To Councilmember Wilson's point about the size—at about 520 square feet, this might be a little bigger than some garages that would be converted. One thing I think we need to look at is the cost of doing this just to get to the starting line of this approval process here with impact fees, with Board of Adjustment fees, and things like that. It is a big chunk of money that goes against our philosophy of affordable housing. The reason I'm making this point is if this was a 2,000 square foot house, fine. But it's not. It's an accessory dwelling unit and is usually much smaller than the primary unit, and we require the homeowner to live in one of the two. With all of that, we should consider all those fees and especially the impact fees. Some the city cannot control because they are passed through to the state, but some we can. For future discussion, these higher fees need to be looked at.

Fulton: I vote yes, this is a great thing to be done and is the third one that has been approved. He is a big fan of ADUs, and some people have built them so that they can rehab their primary, and then still have the other. Some have done that, and they have an office which they turned into a small business. I think it's great, and I think having a place for your kids to come back to, if it's not being rented out, is a wonderful idea so they have their own place, as young adults. It does comply with Chapter 230, and it does not have to match the original dwelling, because it's being built in an existing building, which is one of the key points of this already existing building.

Boyle: I will vote yes for this too, as it does meet the accessory dwelling requirements of Chapter 230(9)(c)(5) as a conditional use. It just meets all the requirements that we established when we went into establishing the accessory dwelling units as an alternate means of housing in Milford.

Marabello: I vote yes because it does increase affordable housing for a single bedroom. I like the way she has the parking. It's very adequate in the back there and the fact that we're having a new school opening nearby, I don't think you'll have any trouble renting it if your children don't come with you. But I welcome it.

James: I vote yes. It does meet all the requirements of accessory dwelling units, and this is in what the city had in mind to help per Councilman Fulton's comments of when you may have someone moving back home. You may have a need to support your parents. It does satisfy a need within the city.

*Adoption/Ordinance 2023-13/City of Milford Comprehensive Plan Amendments:
Amending and Adopting the 2018 City of Milford Comprehensive Plan Amendment #15
Milford Mini Storage
3-30-11.09-134.00
Future Land Use Designation Change*

*Adoption/Ordinance 2023-15 – Change of Zone
Application of Milford Mini-Storage, Inc.
0.08 +/- acres of land located along the south of
Industrial Boulevard and Watergate Boulevard North
Comprehensive Plan Designation: Industrial
Present Zoning: R-3 (Garden Apartment & Townhouse)
Proposed Zoning: I-1 (Limited Industrial)
Present Use: Vacant
Proposed Use: Self-Storage
Tax Map & Parcel 3-30-11.09-134.00*

Solicitor Rutt explained the next ordinance amends the comprehensive plan and the second ordinance involve the same parcel. They will be considered together in terms of the testimony and the record.

Planner Pierce explained the first ordinance is a comprehensive plan future land use amendment. The second is the subsequent change of zone because of the comp plan ordinance amendment is adopted.

The first is a future land use map amendment to change a property from modern density residential to industrial. The city received a request from the property owner for the modification. Comprehensive plan amendments are permitted once a year for review by the Planning Commission and City Council.

Once compiled, the requests are presented to Council for informational purposes before they are submitted to the State planning office for preliminary land use review.

Tonight's amendments were previously reviewed by City Council on January 9, 2023. The PLUS meeting for this request was held on January 25, 2023, and a copy of those comments are in the Council packet.

The property is part of the recorded Watergate Subdivision and was left as a small parcel of open space. It was exchanged as a part of a legal settlement for access to the Industrial Boulevard between Milford Mini Storage, Incorporated and Watergate Liborio LLC. The comprehensive plan future land use map is consistent with the terms of that legal settlement.

The staff report includes future land use comments. If the future land use map is approved, the property owner has requested in Ordinance 2023-15 from R-3 garden apartment/townhouse district to I-1 limited industrial. That property would then be combined with the adjacent property.

The packet contains the future land use map and shows the irregularly shaped parcel that abuts the industrial land.

A copy of the zoning map, Watergate development record plan, comprehensive plan documents, and the public notices are included in the packet.

Both notices were advertised in the Delaware State News on March 5, 2023, and mailed to owners of properties within 200 feet. A public notice sign was posted at the site.

The Planning Commission reviewed both ordinances at their March 21, 2023, meeting and recommended approval of each by a vote of five to zero. The Commission added a condition to the change of zone approval that the lot be combined with the adjacent industrial property.

When asked about Ordinance 2023-12, Planner Pierce stated that the conditional use is not contingent upon this vote and is an unrelated application for Mr. Wiley.

Milford Mini Storage Owner Joseph Wiley, who resides at 202 Lakeview Avenue, Milford, stated that the application was explained by the Planner. Looking at the original lot, the industrial use initially ran with the face of that property. When that development was built, the roadway was deterred away from the face of the property. What is being requested is to reestablish the frontage with the same zoning as the remainder of the property.

The floor was open to public comment. No one responded and the floor was closed for public comments.

Councilmember Fulton moved to adopt Ordinance 2023-13 amending the future land use designation, seconded by Councilmember Baer. Motion carried by the following roll call vote:

Marabello: I vote yes for the approval, and it does not have any adverse effect in the area by changing the designation to industrial.

Boyle: I vote yes for the request, and it makes sense for the area.

Fulton: I vote yes. It is suitable for the area, no matter where you want the line. Moving the line over one property is perfectly fine for them to have a successful business.

Culotta: I vote yes, it is being put what it should be and takes out any gray area.

Samaroo: I vote yes, based on the same reasons that were mentioned.

Baer: I vote yes, as this is just a cleanup of land owned by a Milford Mini Storage.

Wilson: I vote yes based on the state-level comprehensive office signing off on it, and it makes sense for the City of Milford.

James: I vote yes. I agree with this does right it based on the surrounding area. And he also agrees it is a cleanup.

Councilmember Fulton moved to adopt Ordinance 2023-15 for the change of zone from R-3 to I-1, seconded by Councilmember Baer. Motion carried by the following roll call vote:

Culotta: I vote yes, for the same reasons stated earlier.

Fulton: I vote yes, and this is a definitely a cleanup job.

Boyle: I vote yes as it will be used for what is intended to be used for.

Marabello: I vote yes, it is just a small parcel and not to change it.

Wilson: I vote yes based on all the reasons stated before.

Baer: I vote yes based on my earlier comments.

Samaroo: I vote yes, it is consistent with adopted and amended 2018 comprehensive plan future land use map.

James: I vote yes for the same reasons I stated for the adoption of Ordinance 2023-13.

Adoption/Ordinance 2023-12 - Conditional Use

Application of Milford Mini-Storage, Inc.

1.82 +/- 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: Vacant Lot

Proposed Use: Outdoor Storage

Tax Parcel: 3-30-11.09-029.01

Planner Pierce stated this is a conditional use application for 1.82 acres addressed as 609 Marshall Street that is

currently zoned I-1, limited industrial. The proposed use is outdoor storage and is adjacent to an existing self-storage facility with no interconnection between the two properties.

The applicant proposes to utilize the vacant parcel located at the southeast corner of Marshall Street and Industrial Boulevard. The proposed use would have access through an existing gate and entrance along the Industrial Boulevard area.

The Planner then read the section of the zoning code related to mini warehouses and public storage facilities requiring a conditional use subject to special requirements set forth by the City Council.

The staff report, location and zoning map, survey and related exhibits, applicant narrative requesting to store recreational vehicles, campers, other vehicles, portable storage units, equipment, and other outdoor items, were included in the Council packet.

The public notice was published in the Delaware State News on March 5, 2023, mailed to owners of properties within 200 feet of the parcel, and a public notice sign posted at the site.

The Planning Commission reviewed this conditional use application at their March meeting, and recommended approval upon a vote of five to zero.

Council asked if the property was already being used for this purpose and then ceased. The Planner responded by stating some materials, including mulch and stone and similar items, were on the property, but he could not find any conditional use approval.

When asked if the vehicles and recreational vehicles be covered in some manner, Mr. Wiley explained that he would like all the Planner's comments adopted into the record as far as his intent is concerned, though he welcomes any questions.

Councilmember Fulton asked what security measures are in place, Mr. Wiley explained that currently anyone entering access through the regular gate with a security camera that records license plates and driver photos. When the updated process is in place, access will only be permitted from Industrial Boulevard. A new camera system will be installed at the new gate and access will be through a code box initially.

Councilmember Wilson then questioned if future plans include a car port or something similar that will allow the vehicles and RVs to be stored inside, Mr. Wiley stated not at this time. A staff member is attending an upcoming inside self-storage show and will be educated in the newest technology in this field, which could be considered later.

Mr. Wiley also shared that he has no plans to install a privacy fence when Councilmember Baer inquired about the possibility of hindering someone's vision from Marshall Street. He added there is presently a six-foot chain-link fence around the parcel and no buffer is planned mainly because his property faces other industrial use properties.

The floor was opened for public comment; no one responded, and the public hearing session was closed.

Councilmember moved to adopt Ordinance 2023-12 with all 'preexisting conditions imposed by the Planning Commission', seconded by Councilmember Boyle.

Motion carried by the following roll call vote:

Marabello: I vote yes, changing it from industrial to limited industrial is not a significant change and does not adversely affect anyone around it.

Boyle: I vote yes, the proposed use is consistent with the land use in accordance with the comprehensive plan.

Fulton: I vote yes, this conditional use does fall within the guidelines for the I-1 limited industrial district.

Culotta: I vote yes, believe it or not, RV storage is in short supply in Sussex County, and this is a good thing to have an option especially for people that live in HOAs that are not allowed to store their RV in their yard. This is great for Milford.

Samaroo: I vote yes. There is a need for the use in the area and as proposed as established by the Comprehensive Plan

Baer: I vote yes. I think it is a good thing to have additional RV storage.

Wilson: I vote yes. It meets the I-1 code and we need more storage for large vehicles in our city.

James: I vote yes. It does meet the I-1 requirements, and there is a growing need for this type of business in the City of Milford.

*Adoption/Ordinance 2023-14/City of Milford Comprehensive Plan Amendments:
Amending and Adopting the 2018 City of Milford Comprehensive Plan
Amendment #14
Southern States Milford Cooperative, Inc.
MD-16-182.00-01-03.00
Future Land Use Designation Change*

*Adoption/Ordinance 2023-16 – Change of Zone
Application of Southern States Milford Coop, Inc.
4.959 +/- acres of land located along the north side of
Milford-Harrington Highway at the intersection of Williamsville Road
Present Zoning: I-1 (Limited Industrial)
Proposed Zoning: C-3 (Highway Commercial)
Present Use: Vacant
Proposed Use: Retail Sales
Tax Map & Parcel MD-16-182.00-01-03.00*

Solicitor Rutt noted the next two applications involve the need for approval of a comp plan amendment before a change of zone can be considered in Ordinance 2023-16.

Planner Pierce presented Ordinance 2023-14 involving an amendment to the comprehensive plan map which would change the parcel zoning from industrial to commercial.

The application was submitted to the State Planning Office and reviewed at their January 25, 2023, PLUS hearing. Those comments are included in the packet.

Also included is the staff report comments, future land use map showing the highlighted parcel and surrounding properties all being commercial, written request from the property owner, PLUS minutes, and the public notice.

Ordinance 2023-16 is for the change of zone from I-1 Limited Industrial to C-3 Highway Commercial, for the parcel owned by Southern States which involves slightly less than five acres located on the north side of State Route 14. The adoption of the previous ordinance is required before this rezoning can be approved.

Both public notices were published in the Delaware State News and owners of properties within 200 feet of the parcel were mailed a copy. The property was posted with the comprehensive plan map amendment and the change of zone notices.

The applicant provided an existing condition plan with the majority vacant with a larger driveway area that sometimes contains some stored items.

Also provided was a general conceptual plan though that will be reviewed later by the Planning Commission during their site plan review.

Included in the packet were sections of the comprehensive plan, map amendment, zoning code sections, and commercial future land map designation.

The Planning Commission reviewed both ordinances at their March meeting, and recommended approval by a vote of five to zero.

Professional Engineer Cliff Mumford of Davis, Bowen and Friedel, located at 1 Park Avenue, Milford represented the application. Also present was Milford Southern States General Manager Gary Rhodes.

Mr. Mumford stated, for the record, they agree with the Planner's findings included in the staff report in the packet.

He then presented the future land use map and rezoning application on behalf of the existing Southern States Store on Williamsville Road, which is basically caddy-corner to this location. Southern States has owned the since 1999 and have had an eye on growing within Milford. They have been part of the Milford community for many years and intend to expand their services by investing in a new retail sales building.

Mr. Mumford continued by explaining that retail sales is not a permitted use in the I-1 zone. Therefore, a change of zoom must be completed from industrial to C-3 highway commercial before the site plan can be approved. The future land use and zoning maps in the packets show this property as sandwiched between commercial uses that would be similar to the character in the area, and complimentary to the neighboring properties, and would connect those commercial uses along Route 14

The new store would include a small landscape nursery, outdoor area for landscaping and farm supplies, a tractor showroom and sales, service bay for repairing and servicing tractors and small lunge and garden equipment. The store will also contain retail sales of home and garden supplies. The full site plan review will be done at a later time.

The existing store will continue operations and maintain the agronomy and energy services portion of the business.

Mr. Rhodes then addressed the Council stating he lives at 164 Marsh Branch Road, Greenwood and is the General Manager of Southern States Milford Cooperative. He has been with the company 45 years this year, and this is the 75th year in business in Milford and are very proud of that.

He said they need more space for growth and sell lots of items, farm supplies, tractors and mowers and similar items. That require more space. They also anticipate a large growth coming to the Milford area, and believe that to be competitive in the Milford market, need more retail space to allow an enjoyable shopping experience at Southern States.

The floor was open to public comment. No one responded and the public comment session was closed.

Councilmember Fulton moved to adopt Ordinance 2023-14, authorizing the future land use designation change, seconded by Councilmember Wilson. Motion carried by the following roll call vote:

Wilson: I vote yes. It is like properties and the C-1 makes sense. It was reviewed through the state's PLUS review and is within the city comprehensive plan.

Baer: I vote yes based on the fact it is surrounded by like properties.

Samaroo: I vote yes. It meets the requirement for the 2018 comprehensive plan, and it does not pose any adverse effect.

Culotta: I vote yes, and this is another good thing for Milford's growth from a company that has been here a very long time and it is always great to see the reinvestment in our community.

Fulton: I vote yes. It makes sense based upon the east and west companies all being commercial. And s very proud they want to enhance the retail opportunities for the citizens of Milford and those surrounding.

Boyle: I vote yes. It makes sense and the property is surrounded by commercial on two sides. It is puzzling why it was industrial to start with.

Marabello: I vote yes, and it is consistent with what is there already.

James: I vote yes, and it does bring it in line with the properties that are already facing the Milford-Harrington Highway, and as echoed by other Councilmembers it is great to see that the 75-year resident of the City of Milford has decided to continue to invest in the city on behalf of the growth that is taking place.

Councilmember Fulton moved to adopt Ordinance 2023-16 for a change of zone from I-1 limited industrial to C-3 highway commercial, seconded by Councilmember Wilson. Motion carried by the following unanimous roll call vote:

Samaroo: I vote yes, for the same reasons stated for the previous ordinance.

Baer: I vote yes, and it makes sense for the land.

Wilson: I vote yes, based on all the reasons that were stated previously.

Marabello: I vote yes, if you look at the quality of whatever they do, where they have the gas station and the landscaping. Anything they do is beautiful, in addition, to the City and is very proud and wish everything looked like that.

Boyle: I too vote yes for the motion. The change of zone makes sense and Council just approved the future land use to commercial.

Fulton: I vote yes based upon the reason stated for the future land use designation change.

Culotta: I vote yes for the reasons stated earlier.

James: I vote yes for all the reasons stated for Ordinance 2023-14.

RECOGNITION

No special guests in attendance.

COMMUNICATIONS & CORRESPONDENCE

Brightway

Commons

Conditions

Councilwoman Wilson reported several issues with old of the oldest housing developments in Milford. The residents of the former Banneker Heights, now called Brightway Commons, are living in deplorable conditions and the reports of raw sewage coming up through the pipes into their units. The residents were moved to other units, though they were also below the proper standards of living.

Many had to leave their personal items and one mother of seven children, had to leave their furniture as they were removed from the rentals.

The media has contacted Councilmember James and her and she wanted Council to be aware of the situation and how many of our residents are living. She is trying to find some support and was able to contact the Armory Service Center. Lillian Harrison has put together some resources though more are needed. Ms. Harrison is collecting items and takes them to the Armory where these residents can come and choose what they need.

The City is working with the managing agency Volunteers of America, as well as the State Department. Though more assistance is needed.

Vice Mayor James added that they have worked with Brightway Commons for some time. For now, he believes the attention is at the appropriate level for all parties and asked for prayer for those residents.

Later during the meeting, Councilwoman Wilson shared that March is National Women's History Month. She recognized the City Clerk, Deputy City Clerk, Administrator, and supporting staff, for doing everything they do and the support of the City of Milford on a daily basis.

Councilmembers added Councilwomen Wilson and Samaroo as well.

Trash Collection-Fork Landing

Councilmember Baer reported that the yard waste was not collected today at his development.

Public Works Director Mike Svaby responded stating he was unaware of any problems with the trucks, nor was he aware of any missed collections. He will check into it to determine the reason for the missed collection.

UNFINISHED BUSINESS

None to discuss.

NEW BUSINESS

Vice Mayor James shared that the requests for funding will not be voted on at this meeting, though they will be considered during the upcoming reviews of the FY24 budget. He noted this year will be a trying one due to several items occurring within the city. The police department continues to be built, the new business park is being prepared for development, and there may be other in-house operational needs from various departments.

He asked each requestor to remember to keep the entire city in mind and to reconsider the request to determine how well each can work with what they have now.

Council was reminded that as part of each organization's agreement with the city, they are required to provide an annual update in March of what has been accomplished and their request for funding.

Annual Report & Request/Greater Milford Chamber of Commerce

Angela Dorey stated she is a volunteer with the Chamber of Commerce for Greater Milford and lives at 1063 Scotts Corner Road, Milford. She thanked Council for their generosity and support of the River Walk Freedom Festival. Last year they celebrated their 22nd year. It was a phenomenal day with a record number of attendees that was gauged at over 10,000 throughout the day.

The following request was submitted:

The Chamber of Commerce for Greater Milford is excited to host the 22nd Riverwalk Freedom Festival scheduled for Saturday, September 16, 2023. As in the past, the event will be held on one day, with vendors and various attractions beginning at 9 am continuing throughout the day, concluding with fireworks after dark that evening. We would like to host the Red, White and Brew Garden in Bicentennial Park again this year. We request your permission to waive the alcohol restrictions in the park on the date of the festival.

We will use a similar layout that has worked so well in past years. There will be a fenced area in a section of the park with a view of the stage. We will be checking identifications and applying wrist bands to those twenty-one (21) years old or older. This will allow the purchase and consumption of alcoholic beverages in the designated area only. As the Delaware Alcoholic Beverage Control regulations permit, the designated area will be family friendly, so all ages will be permitted to enter the area. We will have one entrance/exit clearly marked with eye level signage that no alcoholic beverages are permitted beyond the designated area. We will have crowd monitors to assure no one leaves the area with alcohol. We will have a portable restroom in the enclosed area, as well as multiple trash bins. We plan to have cornhole and food vendor(s) in the area as well. We will provide several open tents to provide shade and cover and in the evening the area will be well lit. All Delaware Alcoholic Beverage Control regulations regarding alcohol service, including obtaining a "Gathering License" will be observed and adhered to.

The City's contribution of \$30,000 was allocated and paid for the 2022 festival expenses as follows:

- Fireworks (Brother's Pyro, LLC) \$10,000.00
- Comcast Co-op advertising: \$1,515.00
- WBOC advertising: \$2,700.00
- Facebook Boosts advertising: \$500.00
- Forever Media Eagle 97.7 advertising: \$1,000.00
- Bicentennial Park stage rental \$5,500.00
- Lincoln City band: \$650.00
- Petting Hendrix band: \$700.00
- Bobby Lee Jones band: \$800.00
- Plead the 5th band: \$2,000.00
- Salisbury Zoo: \$370.00
- Watkins Wonders Petting Zoo: \$500.00
- The Juggling Hoffmans: \$600.00
- Milford Police Dept (traffic & crosswalk) \$1,992.00
- American Sanitation (porta potties) \$1,469.00
- Total \$30,296.00*

*Total ONLY reflects expenses paid with the City funds. Additional expenses are paid by Chamber of Commerce for Greater Milford in the amount of \$22,200.00

Vice Mayor James questioned the \$1,992 for the use of Milford's officers.

Ms. Dorey confirmed that just in the past two years, they were required to have two special duty officers, in addition to having traffic safety authorities. The previous Chief had worked with them by providing officers who were paid overtime

for the duty. As in the past, they feel having Milford officers in attendance is important, versus using them as cross walk attendants.

City Manager Whitfield said the police department started billing for that service based on the requirements of the Teamsters contract. He also thinks that the city can review this, though he is also aware of the amount of city staff that works the event at no cost to the Chamber.

Mr. Whitfield is willing to work with Chief Ashe to review this.

Chief Ashe said she will look at that anything community-supported will be reevaluated.

Because the alcohol waiver was not on the agenda, it will be added to the April 10th agenda for a vote by City Council.

Annual Report & Request/Milford Museum

Milford Museum's Executive Director Claudia Leister, of 1466 McGinnis Pond Road, Magnolia, presented the following report:

- 1) Changing official name to Milford Museum and Landmark Commission; Bylaws were rewritten.
- 2) Compiled Master List of all Milford historic houses and owners. Working with State Preservation Office to have information here for interested homeowners.
- 3) Received \$700,000 from State Reinvestment Grant monies with the help of Senator Dave Wilson. Working with Davis, Bowen & Friedel as Project Managers to prepare drawings and work plans for an Education/Meeting Room addition to the Museum, and up-to-date Collections Storage area in the basement. Project estimate is \$2.5 million.
- 4) Selected to receive two National Museum Grants: CAP (Collections Assessment Program through the Institute for Museums and Library Services) which is almost completed, and MAP (Museum Assessment Program through the American Alliance of Museums) which will begin next month.
- 5) Our full-time Museum Operations Manager left for a Teaching job. Currently interviewing for a new person to fill this position.
- 6) Successful installation of a museum store.
- 7) Beneficiary of Chamber of Commerce's Taste of Milford event.
- 8) Participated in Holiday Stroll with over 300 visitors.
- 9) A total of 100 new items have been added to the Museum's collections during 2022.

PERFORMANCE INDICATORS

2021 Visitation equaled 2,365. Our total visitation for calendar year 2022 was 3,827.

VOLUNTEERS

The Museum has two new Board members. Tiffany Shipe, Branch Manager for Shore United Bank, and Keith Geise, Financial Center Manager for Fulton Bank. The Museum Board now includes a total of 11 members who volunteer their time and talents.

UPCOMING EVENTS

The following Fundraising events are being planned for 2023: Held very successful Regency Ball in February which was sold out, tomorrow night March 21 is opening of new General Torbert exhibit 5-7pm; May 27 & September 9 will be the WALKING TOURS; August 19 is HIPPIEFEST at Causey Mansion; October 21 is the GHOSTWALK from the Towers to Causey Mansion

December 1 Member Appreciation Night

We continue to participate in the Library Easter Scavenger Hunt, Chamber Expo, MHS Antiques Market at Parson Thorne Mansion, Bug & Bud, and Freedom Festivals.

We are planning our next Gala "Last Night on the Titanic" for February 2, 2024, and Regency Ball for June 8th.

CITY FUNDING

CALENDAR YEAR 2022		CALENDAR YEAR 2023 (anticipate)	
ITEM	AMOUNT	ITEM	AMOUNT
Payroll	\$44,387	Payroll	\$48,000
Utilities	\$9,193	Utilities	\$10,000
TOTAL:	\$53,580	TOTAL:	\$58,000

The Milford Museum is requesting Operational funding support from the City of Milford 3 in the amount of \$40,000.

Ms. Leister confirmed that their building is owned by the State Division of Historical and Cultural Affairs but rented to the City who allows their nonprofit to use it. In their discussions with Historical and Cultural Affairs, they have suggested giving the building to Milford Museum. But because they continue to maintain the building, that is the reason the state will continue to own it.

Annual Report & Request/Carlisle Fire Company

The annual report and finance request were included in the Council packet.

Administrative Vice President Barry Fry provided the update on behalf of President Troy Hazzard who was not in attendance due to a medical procedure.

2023 Board of Directors

- President- Tor Hazzard
- Vice President- Barry Fry
- Secretary- Dallas McKenzie
- Treasurer- Joseph Mriss
- Fire Chief- Shawn Hinton
- Chief Engineer- Joe Morris Sr.
- Building Superintendent- Billy Foxwell
- Ambulance Captain- Vada Sample
- Director- Wayne B. Whitney
- Director- Richard Jester
- Director- Brennon Fountain
- Fire Recorder- Lester Guyer

Community Events

- Fire Prevention Awards for Milford School District
- Milford Community Parade
- Bud and Bug Festival
- Riverwalk Freedom Festival
- Milford Holiday Stroll
- Several Carlisle Fire Co. Touch a Truck Events
- Harrington, Rehoboth and Milton Community Parades
- DVFA 100th Anniversary Parade

Fire Company Functions

- Community Crab Feast
- Mutual Aid Crab Feast
- Chicken BBQ's
- Annual Auxiliary Craft Show
- Auxiliary Sporting Clay Shoot
- Trunk or Treat
- Touch a Truck Events
- Santa Runs
- Milford Day Care Centers Fire Prevention Events
- Movie Nights at the Fire House

Fire Chief Shawn Hinton then provided the operational report noting the department remains very busy.

In 2022, they had a total of 781 calls. That number continues to increase as is shown on the graph in the report.

In response to an earlier inquiry, the Chief has determined that 85% of their total calls were from within the boundaries of the city limits. Year to date, they are at 84%.

Chief Hinton shared that automatic fire alarms are the main reason for the high number of calls. That can involve anything from cooking causes, dirty smoke detectors, insufficient maintenance, to accidental cutting of wires. He feels they can be viable training sessions because there is typically smoke inside of a building or residence, which activates the alarm company who then activates the fire company.

The second highest cause of alarms is motor vehicle accidents.

They also respond to multiple calls involving vehicle fires, dumpster fires, wires down, and assisting other companies.

The fire siren is not activated for officer calls and last year involved 22 calls.

Their fire police respond to calls that do not involve the fire siren, and last year responded to 23 calls.

EMS calls have increased dramatically and 90% of that is due to Covid. He does not have that exact number to date, adding that they have had at least three calls since the meeting began. Last year, they had 3,817 dispatches within the Carlisle Fire Company district and average about 318 calls per month, or a call within every 20 to 30 minutes.

There were 2,610 dispatches that were transports from one medical facility to another, and 1,207 were non-emergency transports. Over 650 calls involved sick people and involve anything from flu symptoms to breaking a toe. More than 300 calls involved unconscious people.

Five new volunteers have joined the company and two additional applicants will be interviewed. The increase with new applicants continues as they progressively advertise the company. Several inactive members have returned.

Alarm attendance has improved to 50% which is an upper trend; drill participation has also increased 50%.

Carlisle has improved relationships with its neighboring companies. Those companies come to Carlisle's district more than Carlisle goes to them, because of how busy Milford has become.

There has been an increased number of fire company tours by area businesses in their attempt to reestablish those relationships.

Overall, he reported that call volumes continue to increase. To date, fire calls are at 171 with increased community development the driving force in that increase. The company is providing additional fire prevention education and is working with schools for recruitment purposes in hopes of attracting younger members and maintaining community events.

The high EMS call volume impacts staff retention, so there is a need to remain competitive with benefits and pay.

Chief Hinton talked about continuing projects including the renovation of the banquet hall, upgrade and maintenance of the trucks and ambulances, as well as the acquisition of new and upgraded tools to help them be more efficient.

He looks forward to a continued relationship with the Mayor and Council as they continue to improve their services. He referred to the request for the upcoming fiscal year:

Upcoming Fiscal Year Request	
• City Electric/Water/Trash	\$35,000
• Employee Health and Dental	\$32,000
• Salary/Payroll Tax	\$150,000
Total	\$217,000

Noting that several committees have been formed, Chief Hinton and President Hazzard are planning to form a committee to review future building and land needs. However, it is at a very early stage and a chairman has not yet been appointed.

Also discussed was the minor upgrades to the banquet hall which has included painting and flooring though nothing major has been considered. It was confirmed that would include all areas including the kitchen.

Living/sleeping quarters for the staff is also part of their renovation plans.

Authorization/Carlisle Fire Company/Enhancement Fund Request

Chief Hinton also submitted a request for funds from the Carlisle Fire Company Building Enhancement fund in the amount of \$55,000 for the replacement of rescue tools. Rescue or emergency tools are primarily used for motor vehicle accidents. The goal is to purchase three rescue system sets to be placed on multiple pieces of equipment to allow the firefighters greater abilities in battery life and cycling limits but also in the versatility offered in use of the tools.

Currently, they use hydraulic tools while the battery-operated tools will allow them to be used at a longer distance. The core reels on the apparatus only extend out to about 28 feet on some trucks and 33 feet on another truck.

The purchase of the tools will include an extended maintenance agreement to prolong their lifespan.

Councilmember Fulton moved to authorize \$55,000 be paid from the Fire Company Enhancement Fund for the purchase of battery-operated rescue tools, seconded by Councilmember Wilson. Motion carried with no one opposed.

Annual Report & Request/Downtown Milford Incorporated

DMI President James Rabe of 5765 Karen Court, Salisbury, Maryland, provided the report on behalf of Downtown Milford.

Below is the executive summary of their annual report:

Downtown Milford Inc completed a successful year that included a FULL event schedule and a successful turning point for adding additional volunteers and community stakeholders. In 2022, DMI began experimenting with more staff to support the Executive Director in event planning that would allow the director to focus on value-adding community work.

Financially, DMI finished the year with a budgetary surplus which DMI intends to extend forward into growing value by adding additional services and events for the downtown and surrounding community.

The total direct and indirect economic impact of Downtown Milford for 2022 is estimated at \$376,424 (2021 value - \$335,140). This is the culmination of the DMI volunteer base, an outstanding farmer's market, an outstanding partnership from the City of Milford, and the downtown businesses DMI is privileged to serve.

Financial Summary

In 2022 Downtown Milford, Inc. received funds from the City of Milford totaling \$47,500.00, for operations expenses. In addition to the other fundraising activities that DMI undertakes, DMI was able to expand our operations this year with the addition of short-term part-time staff. DMI is planning to add an additional part-time staff member in H1 of 2023 with the ambition that this role will further permit the Executive Director to spend more time in the community.

To date for FYE 2023 (June 30th), Downtown Milford has a total of \$64,696.77 in total expenditures and \$83,614.53 in income from grants, events, and donations resulting in a net income of \$18,917.76.

President Rabe shared that 2022 was a great year and the first year a full event schedule was completed. Their strategy was to grow their volunteer base, and with that volunteer base start bringing back many of the events. Coming into 2021, one or two events were added, and in 2022, a couple more were added.

Downtown Milford's events & fundraisers for 2022 included the following:

- Milford Clean Up
- Bug & Bud Festival
- Irish Music Dance Festival
- Third Thursdays Summer Events - Heroes, Dog Days of Summer, and more.
- Riverwalk Farmers Market
- Ladybug Music Festival
- Trunk or Treat Street Party
- Small Business Saturday
- The Aftermarket
- The Christmas Market
- Holiday Wreath Fundraiser
- Holiday Stroll
- Santa's House
- Several Ribbon Cuttings and Business Openings
- Do More 24
- Downtown Milford Street Banner Program/Hometown Heroes/Recognition of Graduating Classes

Volunteers continue to be the limiting factor, especially because many contribute after hours, weekends, etc.

DMI's estimate of the total direct and indirect economic benefit to the downtown of the City of Milford is \$376,424. That number is based upon the following items:

2022 DMI Volunteer Hours – 5,284 hours - \$158,255.80 in volunteer value

2022 Executive Director - - 2,000 hours - \$47,500

2022 Total Economic Value of the Farmer's Market - \$170,669.09

Total Economic Value to the City of Milford was \$376,00 based on 5,0000+ DMI Volunteer Hours

All three values increased from 2021.

One item they are considering adding is the addition of a part-time member to assist with operations and event planning. That leaves the Executive Director to get more involved in the community and spend less time sitting behind a desk answering email and phones.

This year, five of five was completed with the previous City of Milford contract. They are asking that funding amount be increased slightly.

They are now renting from a different facility. When the previous contract was executed, they were occupying space made available by the city with no rent costs. That offered living space and no-charge rent. Now they are required to rent on Walnut Street and have a full-time Executive Director and part-time staff, resulting in an increase in costs.

The other item involves the Ladybug Music Festival, with an urgency for Council to make a decision on the funding very quickly.

He stated that DMI requests three decisions from the Council tonight:

- (1) Budget allocation for DMI operations of \$60,500
- (2) Budget allocation for Ladybug Music Festival Operations of \$55,000.
- (3) Ladybug disbursements of July 1 (\$25,000) and August 15 (\$30,000)

DMI's goal is to make the Ladybug Festival a self-sustaining event with less reliance on the city within the next four to five years. Any money made during the event will be rolled back into next year's event and decrease the amount requested by the City.

President Rabe commented that Main Street has provided \$2,500 per quarter or \$10,000 annually.

Milford Public Library

Ella Wilkerson of 3136 Main Street, Frederica, introduced herself as the Library Director.

She reported the library has 18 staff members (6 full-time) and a Board of Trustees which is made up of five members.

In the summer of 2022, the library applied for and received a Community Investment Recovery Fund Grant for \$900,000 to upgrade the HVAC system.

They are working to modernize the library to meet the needs of the growing community. It is very important to meet the needs of the different demographics moving into the city. The computer lab has served the community for many years and has done well. In pre-pandemic times, it was adequate to meet the needs of most patrons.

Since, post-Covid has made social distancing a norm. Second, the need to use the computer to do everything in life has drastically increased. That has caused the lab to no longer be sufficient and now prevents social distancing.

There is enough space to move the computers in the library. However, the biggest problem is the lack of electrical outlets and data ports. When the library was constructed, electrical outlets were not needed as they are today and there are few of them. Moving more electricity options into the building would provide a healthier and more secure place for patrons to use the technology.

Also, under consideration is the lowering of shelves throughout the stacks to provide a direct line of site throughout the collection.

The State has been asked to fund a needs assessment to enlarge the library with a robust teen and children's section and more meeting rooms, which are always in big demand. They hope to transform the library into a hybrid community center one day.

She then talked about the number of changes that were made over the past year.

They are working with their volunteer program so that volunteers may assist in different areas of the library, not just shelving books or packing the transit daily. Instead, doing programming and outreach.

Circulation grew in 2022 and Ms. Wilkerson reviewed the monthly circulation.

The library has a multitude of programs of interest to adults, from information from the Delaware Senior Medicare Patrol to Murder by the Book a live performance held last Saturday at the library.

She talked about their outreach and partnership with the Food Bank. The most successful program is Music in the Park and there are plans to expand that into more months. Other programs and services were also talked about.

Ms. Wilkerson then spoke about the risk of losing one of their main sources of funding from Kent County. That is in the form of a school tax district formed many years ago. This year, two new libraries, Duck Creek/Smyrna and Harrington will be opening. Both requested school tax districts.

Prior to that, Milford was the only one with a tax district in the State of Delaware. Milford Public Library could lose 25% of its funding as a result.

They receive less funding from Sussex County, as well as the City of Milford. Kent County will be looking at that when they make their final decision.

She thanked Council for their continuing support and to contact them with any suggestions they can do to help the city.

Presentation Update/WIIN Project Update

Danielle Swallow of Delaware Sea Grant updated Council on the project. She recalled the previous time she addressed Council stating this is now wrapping up. After 2.5 years, there is now a nature-based watershed investment strategy that's coming out tomorrow publicly. A copy of the strategy is in the packet.

It incorporates information gained through an economic valuation study that was done through the University of Maryland's Environmental Finance Center that found the natural resources of the Mispillion and Cedar Creek Watersheds contribute millions of dollars in value just for recreation and leisure alone.

A lot of stakeholder engagement and some vulnerability assessment work. Through feedback from partners of the WIIN Coalition, which Milford and Slaughter Beach are part of, they were able to generate a collection of ideas that invest in natural resources as a way of keeping them around, sustaining them for future generations. They want to enhance the values they bring to each community and want to incentivize folks that want to preserve and maintain these resources.

The strategy is a collection of ideas generated by the towns, partners, and community stakeholders and expresses the importance of the Mispillion River and Cedar Creek from an ecological, economic, and resilience perspective. It is not a management plan and is more to outline the vision that the resources are too valuable not to invest in into the future.

At the last meeting with Council, Ben Muldrow talked about the branding and marketing strategy that was included as part of this effort.

She does not want the strategy to sit idle, and instead is hoping Milford will look at some of the recommendations and work to implement it. There is a partnership that is willing to support that.

This investment strategy is another piece to encourage and excite people and bring investors to the table as well as visitors.

The Mispillion River was branded as Delaware's Hidden River because few folks have been able to go beyond the Riverwalk limits of the river or down by Slaughter Beach. There is a whole expanse waiting to be discovered.

Cedar Creek was branded as Naturally Pristine which is a showcase of what unspoiled nature looks like.

She hopes the towns will utilize this and incorporate it into websites and banners and other give-away types of things so residents can take to heart this tremendous resource waiting to be discovered.

With the final press release tomorrow, the final strategy will go live. This Friday at 10:00 am, there will be a reception at Bicentennial Park to thank all partners in the WIIN Coalition.

To conclude, she hopes that this vision really centerpieces the Mispillion and Cedar Creek into the future of each community.

The Coalition has agreed to continue and both Milford and Slaughter Beach have agreed to chair that moving forward.

The Town of Slaughter Beach partnered with the City of Milford on a grant proposal for a continuous bike path. Slaughter Beach also partnered with the University of Delaware's Coastal Resilience Design Studio on a new resilience, planning effort, and she encourage the review of the ideas in the investment strategy and select one or two to move out on.

She again thanked all the coalition partners and Slaughter Beach and their Mayor Bob Wood and his many community members.

Slaughter Beach Robert Mayor Wood of 418 Bay Avenue, Slaughter Beach, explained that because of this WIIN. He talked about how dangerous it is to ride a bike to Slaughter Beach. His town manager put in a grant, and it is already at their second stage. The idea will be Milfordians could ride down to Slaughter Beach, stay at the beach for the day. People from Slaughter Beach take their bikes to Milford and shop and go to the grocery store.

He is already seeing ecotourism coming to Slaughter Beach and they don't even have a soda machine and most of what they buy comes from Milford. It's an economic driver and is already starting. Soon the horseshoe crabs will come in, and they

get 10,000 visitors on their tiny boardwalk each year. They also have a bathroom that allows people to stay in Slaughter Beach longer.

Mayor Wood hopes to continue with this and see where it goes, because it is important to both communities.

Adoption/Resolution 2023-01/Ecotourism & Resilience Investment Strategy

Councilmember Fulton to adopt Resolution 2023-02, seconded by Councilmember Baer:

RESOLUTION 2023-01

Endorsement of Final Ecotourism and Resilience Investment Strategy & Partnership Support with Slaughter Beach

Whereas, the National Coastal Resilience Fund is a national program that supports targeted investments by helping communities address their specific resilience needs and priorities; and

Whereas, the National Coastal Resilience Fund invests in projects that benefit coastal communities by reducing threats from coastal hazards such as rising sea- and lake-levels, more intense storms, increasing flooding and erosion, and melting permafrost to property and key assets, such as hospitals and evacuation routes; and benefits fish and wildlife by enhancing the ecological integrity and functionality of coastal ecosystems; and

Whereas, the Final Ecotourism & Resilience Investment Strategy for the Mispillion and Cedar Creek Watersheds involves a project funded by the National Fish and Wildlife Foundation's National Coastal Resilience Fund; and

Whereas, the watersheds provide crucial habitat for a range of marine life and storm protection for surrounding communities and feature largely undisturbed expanses that offer extensive recreational and ecotourism opportunities; and

Whereas, the natural resource economic valuation study, completed by the University of Maryland Environmental Finance Center in June 2021, funded by The Pew Charitable Trusts, can be accessed at: https://arch.umd.edu/sites/default/files/docs/UMD_EFC_Pew_Mispillon_Resources_Benefits_Report_0_0.pdf; and

Whereas, the vulnerability assessment, completed in July 2022, was completed by the Partnership for the Delaware Estuary; and

Whereas, this Ecotourism and Resilience Investment Strategy incorporates elements of the first two efforts and contains recommendations to expand conservation and recreation opportunities while building the resiliency of the region's communities and ecosystems to future climate impacts.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Milford, by majority vote during a regular session of Council, hereby endorses the Final Ecotourism and Resilience Investment Strategy for the Mispillion and Cedar Creek Watersheds and continue support of the partnership with Slaughter Beach.

AND BE IT FURTHER RESOLVED that the associated branding within the Riverwalk be utilized on corresponding letterhead and documents.

Motion carried.

Authorization/Knight Crossing Phase 2B/ Preliminary Major Subdivision/Conditional Use/Extension #3

This is the third and final portion of the Knight Crossing Development and are seeking a third extension. Phases 1 and 2A were previously approved by City Council. The Planning Commission recommended approval of the extension by a vote of four to one.

Senior Project Manager Steve Gorski of Duffield Associates of 5400 Limestone Road, Wilmington reiterated this is the third and final phase of the project. All approvals have been received.

When asked the reason for the one dissenting vote, Mr. Pierce shared the Planning Commission Chairman did not like the idea of a third extension. He has consistently voted against multiple requests for extensions in the past.

When asked when the project begin, Mr. Gorski said that Developer Don Lockwood was unavailable tonight. But he has been trying to get a builder online. But with the economy, he is softening a bit though he has had a difficult time getting to this point. He hopes to have someone here within the next year.

Planner Pierce added that the letter states the final plan will be before Council in May 2023. But once recorded, they have five years to begin construction.

There remains a need for the execution of the development agreement and a public works agreement with the neighboring property owner for the construction of the sewer pump station before the five-year sunset.

Councilmember Boyle moved to authorize the Knight's Crossing Preliminary Plan Request and PUD Master Plan Revision for six months, seconded by Councilmember Fulton. Motion carried with no one opposed.

Adoption/Resolution 2023-02/Final Acceptance of Windward on the River Subdivision, Water and Sewer Infrastructure

City Engineer Puddicombe reported that Windward on the River has completed their one-year maintenance period with no issues. An inspection was completed and is ready to be turned over to the city.

He added this does not include the roadway which will remain private at the developer's request.

Councilmember Boyle moved to accept Resolution 2023-02 authorizing the city to accept responsibility for the future maintenance and repair of the water and sewer systems in Windward on the River Subdivision, as noted in the resolution, seconded by Councilmember Baer:

RESOLUTION 2023-02

Final Acceptance of Windward on the River Subdivision
Water and Sewer Infrastructure

WHEREAS, Chapter 200 provides that public roads and public utilities shall be accepted into the City of Milford's street system and public utility system by Resolution of City Council; and

WHEREAS, the Public Works Director and City Engineer have determined the water and sewer included in the Windward on the River Subdivision have been completed in accordance to City standards and requirements; and

WHEREAS, the portion of the Windward on the River Subdivision to be accepted includes the water and sewer utilities within the Windward on the River Subdivision depicted on the construction and pump station plans sealed and dated February 04, 2020 and March 10, 2020, respectively; and

WHEREAS, the water and sewer utilities within Windward Boulevard, a privately maintained street, are to be included; and

WHEREAS, this Resolution does not include acceptance of the sidewalks and streets within this subdivision; and

WHEREAS, approval to operate those utilities has been obtained from the applicable State agencies; and

WHEREAS, the maintenance bond for the completed utilities is to be relinquished to the developer in an amount equivalent to that withheld for maintenance of the accepted utilities; and

WHEREAS, said developer has provided as-built drawings of the utilities to the City of Milford.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Milford, during a lawful session duly assembled on the 27th day of March 2023, by a favorable majority vote, accepts the water and sewer systems in the Windward on the River Subdivision, that are being dedicated for public use into the City of Milford's public utility system.

BE IT FURTHER RESOLVED, that the City of Milford shall assume responsibility for the future maintenance and repair of the water and sewer systems in Windward on the River Subdivision, as noted in this Resolution.

Motion carried.

Adoption/Resolution 2023-03/Final Acceptance of Brookstone Trace Subdivision/Phase 2/Rights of Way and Associated Infrastructure

City Engineer Puddicombe shared this applies only to Phase 2 and still have topcoat to complete in Phase 1. In this phase, the sewer, water, some stormwater infrastructure, curbs, sidewalks, and roadway are ready for acceptance.

Councilmember Boyle moved to adopt Resolution 2023-03, final acceptance of Brookstone Trace Subdivision, Phase 2, whereby the city will assume responsibility for the future maintenance and repair of the water, stormwater and sewer systems, and associated rights of ways in Brookstone Trace Subdivision, Phase 2, as noted in the resolution, seconded by Councilmember Wilson.

RESOLUTION 2023-03

Final Acceptance of Brookstone Trace Subdivision Phase 2
Rights of Way and Associated Infrastructure

WHEREAS, Chapter 200 provides that public roads and public utilities shall be accepted into the City of Milford's street system and public utility system by Resolution of City Council; and

WHEREAS, the Public Works Director and City Engineer have determined the water, sewer and stormwater systems included in Phase 2 of the Brookstone Trace Subdivision have been completed in accordance to City standards and requirements; and

WHEREAS, the portion of Phase 2 to be accepted includes the utilities within the Right-of-Way ("ROW") and public utilities within associated open spaces adjacent to, but within the phase, as depicted on the phasing plan sealed and dated August 2, 2018 and recorded with the Sussex County Recorder of Deeds on Book 266, Page 59; and

WHEREAS, the phase to be accepted is phase 2 which encompass lots 45 through 89 and 105 through 128; and

WHEREAS, utilities within the following rights-of-way are to be included: Pebblebrook Drive from Fieldstone Avenue to Fieldstone Avenue; and

WHEREAS, this Resolution includes acceptance of the sidewalks and public streets within these phases; and

WHEREAS, approval to operate those utilities has been obtained from the applicable State agencies; and

WHEREAS, the maintenance bond for the completed utilities is to be relinquished to the developer in an amount equivalent to that withheld for maintenance of the accepted utilities; and

WHEREAS, said developer has provided as-built drawings of the utilities to the City of Milford.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Milford, during a lawful session duly assembled on the 27th day of March 2023, by a favorable majority vote, accepts the water, stormwater, sewer systems and rights of way in the Brookstone Trace Subdivision, Phase 2, that are being dedicated for public use into the City of Milford's public utility system.

BE IT FURTHER RESOLVED, that the City of Milford shall assume responsibility for the future maintenance and repair of the water, stormwater and sewer systems in Brookstone Trace Subdivision, Phase 2, as noted in this Resolution.

Motion carried.

Authorization/Milford PD/SLEAF Account Creation

Chief Ashe referenced the City of Milford Charter which requires an additional authorized user on the Milford SLEAF account. This account is a special law enforcement assistance fund whereby money is taken when used in crimes and related to crime evidence that is before the court. Those funds are seized and required to be placed in a separate account from other city funds to prevent any mixing.

This is presently regulated through the State of Delaware under 11 DE Code Chapter 41 § 4110 thru § 4116. Specifically, § 4112(a) and § 4112(b) requires the authoritative individual that oversees those accounts and the funds received from the State of Delaware, be the authorized user as the individual that represents the agency.

Under §4113(b) details the conditions the agency must, by court order, release the funds back to the SLEAF account.

Chief Ashe is requesting she be the authorized user of the account to ensure compliance with the court orders. This gives her the ability to issue a check back to SLEAF from the evidence funds.

Vice Mayor James asked the Chief to continue to correct any matters currently in place to ensure the city remains in compliance with procedures and laws.

Councilmember Boyle moved to authorize Chief Ashe to be added to the City of Milford Asset Forfeiture Checking Account signature authorization list for Special Law Enforcement Funds, seconded by Councilmember Wilson. Motion carried.

Monthly Finance Report – February 2023

Finance Director Vitola reported that cash is very stable other than a lot of ARPA projects seeing activity. Most of the projects are on schedule and those funds will be spent in time. The CIP process may uncover a couple projects that funds may be reused though he is unsure of the Fourth Street drainage project.

Both the enterprise fund and the general fund budgets have improved significantly after a small dip in January. But the results are mixed in both the general funds and enterprise funds versus last year. Once we are fully staffed, and begin to incur personnel expenses and will no longer fluctuate. That is a good thing because it provides more people to fulfil the city's projects, so capital funds, O&M, personnel are all higher and are finally able to do everything we are tasked to do.

When asked about property tax and utility collection accounts that are in arrear, Director Vitola explained that with more distance between the holiday season, the utility past dues have improved. In February, property tax delinquents improved on we've improved on the utility past use, and in in February we picked up some steam when past due property tax invoices were mailed and started to come in in February getting us closer to where we were last year. That was a good year and are getting closer each year.

It was also confirmed that more customers are signing up for the auto payment, though Director Vitola is unsure if that is people signing up for the auto payment or signing in and making a payment without enrolling. According to Councilmember Baer, there was a glitch in February where the auto payment was not deducted, and he received a bill showing his new bill and the past due amount.

Director Vitola recalled stating that unfortunately that was picked up after the new bill was mailed. In addition, there has been some issues with the new payment issues. In the past, a cash op representative had to be used with the payer. The upgraded system prevents that and while it can be done, it fails half the time, so we do not want to risk it.

In the beginning, there were issues with untokenized payments with debit cards and that has largely solved itself except for those people that did not jump on the system and re-enroll when it launched. Anyone trying to rejoin will incur that same problem.

IT Director Bill Pettigrew is working closely with Cash Operations and Revenue Manager Suzannah Frederick. They communicate daily and especially whenever there is an issue.

Councilmember Fulton moved to accept the February 2023 Monthly Finance Report, seconded by Councilmember Baer. Motion carried.

ADJOURNMENT

Councilmember Wilson moved to adjourn, seconded by Councilmember Culotta. Motion carried.

The meeting was adjourned by the Vice Mayor at 9:323 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder