

CITY OF MILFORD
COUNCIL MEETING MINUTES
May 8, 2023

The City Council of the City of Milford met in Regular Session on Monday, May 8, 2023, in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Archie Campbell

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

STAFF: City Manager Mark Whitfield, Police Chief Cecilia Ashe, and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

ABSENT: Councilmember Katrina Wilson

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

PUBLIC COMMENT SESSION PRIOR TO MEETING

Steven Schuller of 18611 Eleanor Lane in Walnut Village reported he and his wife just moved here. His wife works from home and Xfinity is the only available internet provider. They have experienced a lot of problems with the internet going out multiple times. His wife works remotely and often must leave the home and go somewhere to connect when this occurs. He has talked with Verizon who informed him they want to come into Milford but are unable to due to the inclusivity clause in Xfinity's contract.

As no one else was signed up, the Public Comment Session was closed.

CALL TO ORDER

Mayor Campbell called the meeting to order prior to the unofficial Public Comment Session period at 6:08 p.m.

INVOCATION AND PLEDGE

The invocation was given by Councilmember Wilson, followed by the Pledge of Allegiance prior to the start of the Council Meeting.

ROLL CALL

All members in attendance.

APPROVAL OF PREVIOUS MINUTES

Councilmember Fulton moved to approve the minutes of the March 22, 2023 Workshop, March 27, 2023 Meeting, April 10, 2023 Meeting, and April 17, 2023 Workshop Council minutes as presented. Motion seconded by Councilmember Culotta and carried.

RECOGNITION

Proclamation 2023-09/Children's Mental Health Awareness Week

Mya Cherneski, Youth Coordinator from Champions for Children's Mental Health, had requested the proclamation and was in attendance to receive it. See below:

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, Delaware, do hereby proclaim the week of May 7 to 13, 2023 as Children's Mental Health Awareness Week and urge our citizens and all agencies and organizations interested in meeting every child's mental health needs to unite during that week in the observance of such exercises as will acquaint the people of the City of Milford with the fundamental necessity of a year-round program for children, youth, and young adults with mental health or substance use disorders and their families.

Proclamation 2023-10/National Public Works Week

NOW, THEREFORE, BE IT PROCLAIMED, that I, Arthur J. Campbell, Mayor of the City of Milford, do hereby designate the week May 21-27, 2023 as National Public Works Week and urge all citizens to join with representatives of the American Public Works Association and government agencies to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

Proclamation 2023-11/Economic Development Week

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, Delaware, do hereby proclaim May 8 to 12, 2023 as "National Economic Development Week" and recognize the contributions of our Economic Development and Community Engagement Coordinator and our affiliations, including Downtown Milford, Inc. and the Chamber of Commerce for Greater Milford, and remind community members and business persons of the importance of this community celebration that supports expanding career opportunities and improving the quality of life.

DEMEC Presentation/RP3 Award

DEMEC President and CEO Kimberly A. Schlichting congratulated and presented and the City of Milford and the electric utility with the APPA's (American Public Power Association) Reliable Public Power Provider (RP3) Gold Award. The City was one of 109 recipients that applied and received the honor for power reliability, safety, workforce development, and system improvement.

City Manager Whitfield informed Council he tasked Electric Department Director Tony Chipola to apply for the designation at the time he was hired.

MONTHLY STAFF REPORTS

Complete reports from each department were included in the council packet.

Police Report

Chief Ashe delivered a detailed report of the officer's monthly statistics and department activities during the month.

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

City Clerk

City Clerk Hudson provided a review of April activities within the clerk's office.

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

Monthly City Manager Report

City Manager Whitfield furnished a synopsis of several items handled by his staff over the month.

Public Works Department

Public Works Director Svaby reviewed the highlights included in his report.

Electric Department

Electric Department Director Tony Chipola supplied information related to his department.

Planning & Zoning Department

Director Rob Pierce provided a quick synopsis of his department's accomplishments in April.

Parks & Recreation Department

Parks & Recreation Director Brad Dennehy was on leave and no report given as a result.

Human Resources

Human Resources Director Jamesha Williams provided HR highlights from the month.

Economic Development & Community Engagement

Administrator Sara Bluhm shared details of several activities she was involved in during April.

IT Department

IT Director Pettigrew reviewed his monthly report.

Finance Department

Finance Director Lou Vitola provided details of finance and customer service staff undertakings.

Councilmember Boyle moved to accept the city manager and associated departmental reports, seconded by Councilmember James. Motion carried.

COMMUNICATIONS & CORREPENDENCE

Chief Ashe reported that she and Sergeant Tim Maloney signed up for the Going Over the Edge event which will take place in downtown Wilmington where they will repel down the building. They raised a total of \$2,200 in support of Delaware Special Olympics.

Mayor Campbell reported that Delaware Legislative Day is on Thursday and invited Councilmembers to attend.

Councilmember James shared that complaints continue to come in from residents at Brightway Commons and asked that our Code Officials continue to work on the deficiencies. Mayor Campbell commended Councilmember Wilson and James for their time and efforts in assisting the residents, many of whom had to be relocated due to the horrific conditions they were living in.

Councilmember Wilson invited Councilmembers to the Fourth Ward Community Meeting to introduce Chief Ashe beginning at 6:00 pm on Thursday, May 11th at Banneker School.

She also proudly announced the plans that are in place for the inaugural Juneteenth Celebration that will be held at the Bicentennial Park that day from 11 am to 4 pm.

Councilmember Samaroo reported a constituent had contacted her with concerns about the ongoing construction causing havoc on Northeast Front Street and hindering access by customers and delivery services to businesses in that area.

Mayor Campbell indicated that the parking spots can be used again which will help.

The Councilwoman also relayed concerns about the homeless population that have now relocated to the northern area of Milford. She asked that more attention be given to the homeless problem by the city in hopes of coming up with some possible solutions, residents in Milford, noting that it will not go away on its own and can only get worse.

Mayor Campbell also noted that the homeless was moved from the Walmart area and should no longer be seen in that portion of the city.

Councilmember Baer said he also spoke with someone around Lighthouse Estates about their concerns.

He also reported it is Nurses Week according to his wife who is a registered nurse.

The Councilman shared that concerns had been expressed by his neighbors about the stop and go at Route 36 and Walnut Street for safety reasons. However, most of the residents seem to prefer it.

Finally, he reminded everyone to vote in the Milford School Board Election tomorrow on May 9, 2023.

NEW BUSINESS

Change Order Authorization/Playground Project/Surfacing Upgrade

Parks and Recreation Director Brad Dennehy discussed the following memo submitted for Council consideration:

The new playground in Memorial Park is currently under construction and taking shape. During construction in consultation with the playground builders and the design professionals we wish to make a change to the surface material underneath the playground equipment.

Woodchip safety surfacing was originally specified for this project, and it was designed and bid accordingly. However, as construction unfolded, evaluation at the site resulted in the recommendation to swap the woodchip base from the start in favor of a poured in place rubber surfacing for the following reasons:

1. It is more level and stable and considered one of the best materials for playground surfaces.
2. It is a safer product and offers better surfacing over time as it does not move.
3. Woodchips tend to move whether by the users, or the weather and require more maintenance (must be constantly replenished).
4. The poured in place surfacing is more durable and lasts longer.
5. Poured in place surfacing allows for more accessibility and is more inclusive for all children.

The cost of the poured in place surfacing with installation is \$145,800. There are also design fees associated with this process which would be an additional \$10,700 for a total of \$156,500. However, by removing the original cost of the mulch there would be a saving of \$26,810. Of the \$129,690 net funding required to satisfy the change order, approximately

\$122,090 remains available from the general fund and electric fund reserve matching funds, FY22 and FY23 Bond Bill (CRF) Funding, and FY23 DNREC ORPT funding across the combined Memorial Park and Riverwalk Improvements Projects.

Sufficient general fund reserves were approved by City Council with the FY23 operating and capital budgets before the grant awards were known, but the change order itself must be approved by Council. Staff formally recommends the shortfall of \$7,600 be funded with general fund reserves. The Finance Department had the opportunity to reconcile the Council-approved, grant-funded projects and provided input to the following recommendation.

Director Dennehy confirmed the normal warranty on the surface is twelve to twenty years.

Finance Director Vitola added some additional finance information encouraging Council to use the \$7,600 to prevent returning the \$129,690 grant funding.

Councilmember Boyle moved to approve the Gateway Construction Change Order #1 in the amount of \$129,690 funded primarily through existing grant awards, plus additional funding of \$7,600 from general fund reserves, seconded by Councilman James. Motion carried by voice vote with no one opposed.

Adoption Resolution 2023-06/Capital Improvement Plan

City Manager Whitfield informed Council the Charter requires him to prepare a five-year capital improvement plan. Not a budget document, he needs Council concurrence on the projects which align with the strategic plan.

Councilmember James noted that there is no resolution required for the five-year plan and questioned its purpose considering future changes may occur during that timeframe. He also noted that the 2024 capital improvement budget will be included, and approved by Council, as part of the FY24 operating budget.

The City Manager deferred to Finance Director Vitola who agreed but said the financial procedures state that the City Manager is required to produce this information, and I believe that council's resolution accepting it is confirmation that the City Manager has fulfilled his duties to produce this pursuant to the City Code.

He added that adopting the resolution provides credibility to those various organizations that grant money for projects by telling them that City Council supports the handful of projects by explaining the need for their funding and that an administrator in the city is not simply applying for grants to suit the needs of that individual's department's budget.

Councilman James stated that the Charter, Section 6.05 Capital Program, (A) Submission to Council, states:

6.05 Capital Program.

- (a) Submission to City Council. The City Manager shall prepare and submit to the City Council a 5-year capital program at the time the annual budget is submitted to City Council as defined in Section 6.02.*
- (b) Contents. The capital program shall include all of the following:*
 - (1) A clear, general summary of its contents.*
 - (2) A list of all capital improvements which are proposed to be undertaken during the 5 fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements.*
 - (3) Cost estimates, method of financing and recommended time schedules for each such improvement.*
 - (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.*

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

He interpretation is that if Council evaluates the plan, then each year, that plan will roll and provides Council the opportunity to speak on it. He also recalled when Council was presented with a proposed capital plan during a workshop though he believes there have been changes to that plan though he is unaware of those changes.

Solicitor Rutt pointed out that Section 6.07 requires City Council to adopt the capital program by resolution. In addition, 6.09 allows amendments to be made by council after its adoption.

Councilman James noted that is included at the time the budget is adopted. At this point, Council does not have an approved operating budget, nor does it know its impact on the FY24 budget. Instead, Council would be adopting the resolution blindly. He asked the expediency of adopting the resolution when a resolution is adopted when the budget is passed which includes that year's capital plan.

Councilman James asked for a bridge showing the changes that have been made. Council agreed noting that the resolution is adopted at the time the budget is approved which allows sufficient time to review any amendments. Councilmember Culotta pointed out the discrepancies need to be presented and asked for a redlined document showing those changes.

Finance Director Vitola referenced the bottom of page one of the presentation shows the summary of changes between the two versions, even though it was just uploaded today.

A discussion followed regarding the significant changes that have been made in some of the areas, which will impact what occurs in the future.

Council agreed to postpone any action.

Mayor Campbell informed Council that a motion to table was unnecessary.

*Introduction/Ordinance 2023-18
Code of the City of Milford
Part II-General Legislation
Chapter 222-Water
Cross Connection Control Program*

Mayor Campbell introduced the ordinance.

Public Works Director Svaby presented a summary of the ordinance. It is scheduled for public comment and action by City Council at their May 22, 2023 meeting.

*Introduction/Ordinance 2023-20
Conditional Use Application/DE OZ Property Management, LLC
0.373 +/- acres of land located at the southeast corner
of the SW Front Street and N. Church Street intersection
Application Type: Conditional Use
Comprehensive Plan Designation: Commercial
Zoning District: C-2 (Central Business District)
Present Use: Office
Proposed Use: Multi-family Residential
Address: 13 N. Church Street
Tax Parcel: MD-16-183.10-04-69.00*

Mayor Campbell introduced the ordinance.

City Planner Pierce provided information on the ordinance adding that the Planning Commission will review and make a recommendation at the May meeting, after which Council will make a final determination on May 22, 2023.

EXECUTIVE SESSION

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

Pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements, or sales or leases of real property

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 7:44 pm for the purposes as are permitted by the Delaware Freedom of Information Act.

At 8:51 p.m., Councilmember Fulton moved to return to Open Session, seconded by Councilmember Culotta. Motion carried.

Land Acquisition

Councilmember Wilson moved that the City Manager move forward, seconded by Councilmember Fulton. Motion carried.

ADJOURNMENT

Councilmember Fulton moved to adjourn the meeting, seconded by Councilmember Culotta. Motion carried.

The Council Meeting adjourned at 8:46 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder