

CITY OF MILFORD
COUNCIL MEETING MINUTES
June 12, 2023

The City Council of the City of Milford met in Regular Session on Monday, June 12, 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, Nirmala Samaroo, Brian Baer, Jason James Sr. and Katrina Wilson

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

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

Michelle Peters of 611 South Washington Street spoke about the city establishing a site where one could use their first amendment rights as far as signage or speaking. She found the rules after signs were removed by city personnel and noticed this rule was missing. See attached letter that will be emailed to all Councilmembers.

No one else had registered to speak and the public comment period 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.

ROLL CALL

Councilmembers Samaroo and Wilson were absent.

APPROVAL OF PREVIOUS MINUTES

With one minor correction, Councilmember Boyle moved to approve the minutes of the April 19, 2023 Council Workshop and the April 24 Council Meeting, seconded by Councilmember Culotta. Motion carried.

PUBLIC HEARING/PUBLIC COMMENTS/ORDINANCE DETERMINATION

ORDINANCE 2023-21

An Ordinance of the City of Milford Granting to Petroleum Equipment Incorporated, Its Successors and Assigns, the Nonexclusive Right, Privilege, Authority and Franchise to Distribute Propane Gas to Construct, Operate and Maintain in,

along, and upon Public Places, Associated Mains, Valves, Manholes, Meters, and Connections for the Purpose of Distributing Propane Gas to Cypress Hall Phase I Subdivision

City Engineer James Puddicombe reviewed the ordinance stating that this is a franchise agreement for a propane gas system in Cyprus Hall, a new development by the transfer station, just north and opposite of Milford Ponds.

This is necessary to allow Petroleum Equipment Incorporated to serve gas and includes a propane tank field on their property with gas extended through the development. This aligns with other agreements including Eastern Shore and Chesapeake Gas.

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

Councilmember Fulton moved to adopt Ordinance 2023-21, seconded by Councilmember Wilson. Motion carried with no one opposed.

RECOGNITION

Proclamation 2023-11/Economic Development Week May 8-12, 2023

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, Delaware, DO HEREBY PROCLAIM the week of May 21 to May 27, 2023 as "EMERGENCY MEDICAL SERVICES WEEK" by ensuring the contributions of our EMS Professionals in safeguarding the health, safety and well-being of our community are fully celebrated and recognized by their employers, the public and policymakers.

STAFF REPORTS

Department heads provided highlights of the following monthly reports, included in the Council packet: Electric Director Tony Chipola was on vacation and unavailable for oral review.

Police - Chief Cecilia Ashe

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

City Clerk - City Clerk Terri Hudson

Councilmember Boyle moved to accept the monthly City Clerk Report, seconded by Councilmember Baer.

City Manager - City Manager Mark Whitfield

Public Works - Director Mike Svaby

Planning & Zoning - Director Rob Pierce

Parks & Recreation - Director Brad Dennehy

Human Resources - Director Jamesha Williams

Economic Development & Community Engagement - Administrator Sara Bluhm

Information Technology - Director Bill Pettigrew

Finance - Director Lou Vitola

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

COMMUNICATIONS & CORRESPONDENCE

National Night Out

Chief Ashe reminded Council of National Night Out on August 1st in Bicentennial Park and starting at 6:00 pm.

Brightway Commons Thank You

City Clerk Hudson read a thank you card from Curtis Griffith who expressed his appreciation to his Councilmembers for their assistance in getting his ceiling repaired.

Delaware League of Local Government Meeting

Also announced was the last meeting before the summer break this Thursday at Maple Dale Country Club.

Milford Police Department Officer

The City Clerk also thanked Chief Ashe for allowing Senior Corporal Miles Kosiorowski to attend her grandson's graduation from kindergarten, adding that her six-year-old grandson loved that he was there.

Juneteenth Celebration

Councilmember Wilson talked about the upcoming celebration on June 19th in Bicentennial Park and the amount of support received.

Third Ward

Councilmember Baer reported that he recently contacted Seawatch Staff who handled the odor issues.

Constituents have also suggested keeping the two-way traffic on Southwest Front Street, in lieu of restricting half of the street to one way as was previously done.

UNFINISHED BUSINESS

Adoption/Resolution 2023-09/FY 2024 Operating & Capital Plan

Finance Director Vitola reviewed the proposed budget for FY24, noting that for the fourth month in a row, Milford has the second lowest electric rate among suppliers in the State of Delaware.

Adding the tax rate, water, sewer, solid waste, and electric, Milford is the third overall lowest in the state compared to all other municipalities in the state. Including the \$1 solid waste increase, would drop to the fourth lowest.

Councilman James pointed out that Council thoroughly vetted each item requested in the new budget. This was the most thoroughly examined budget since he has been on City Council, noting the amount of work done by Councilmembers.

He thanked the City Manager and Finance Director for their assistance.

Councilmember Fulton thanked Finance Director Vitola and his employees noting they are providing a better product every year and how they now better understand what is being asked to spend money on.

The floor was open to public comment.

John Cabrero of 7676 Calico Place, Milford Ponds, noted that the budget is somewhat daunting to look at initially, but if Council has done all this work, it needs to be added to the newsletter. There is no information about all the projects that are ongoing and the residents only see increases and he suggests publicizing what is being done with their taxes and fees.

No one else wished to comment.

Councilmember James moved to adopt Resolution 2023-09, adopting the 2023-2024 Budget and Capital Program and authorizing an increase in Real Property Taxes, seconded by Councilmember Fulton:

**RESOLUTION 2023-09
ADOPTING THE CITY OF MILFORD FISCAL YEAR 2023-2024 BUDGET & CAPITAL PROGRAM
AND AUTHORIZING AN INCREASE IN REAL PROPERTY TAXES**

WHEREAS, the operating and capital budgets of the City of Milford for the Fiscal Year 2023-2024 were prepared and submitted to the City Council by the City Manager in accordance with Article VI ‘Financial Procedures’ of the City Charter; and

WHEREAS, the City Council was presented with the proposed budget following a comprehensive study and review while meeting in public sessions on May 22, 2023, May 23, 2023, May 24, 2023, and June 5, 2023; and

WHEREAS, this budget includes a property tax increase to pay for the overage of general fund operating expenses above what is presently received in real property tax revenues; and

WHEREAS, it is the responsibility and duty of the City Administrative and Finance Staff and Mayor and City Council to ensure the budget is balanced with future revenues equal to or greater than current expenditures/expenses; and

WHEREAS, a proposed increase in the property tax rate of \$0.01 per \$100 of assessed property is required in the FY24 budget to offset an equivalent amount of realty transfer tax receipts; and

WHEREAS, a proposed increase in the property tax rate of \$0.04325 per \$100 of assessed property is required in the FY24 budget to support costs associated with the referendum to construct the police headquarters facility; and

WHEREAS, in the opinion of the City Council, the budget accurately, as possible, reflects the city’s anticipated revenues and expenditures for the fiscal year beginning July 1, 2023 and ending June 30, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILFORD, that the City of Milford’s Operating Budget for Departments shown under General Fund as Administration, Planning, Finance, Information Technology, Police, Streets Division, Parks and Recreation, City Clerks and Council; and the Water, Sewer, Solid Waste and Electric Divisions was adopted and approved as the budget of the City of Milford for Fiscal Year 2023-2024 in the following amounts:

- Operations and Maintenance - \$51,538,760 Debt Service - \$1,392,718
- Capital Program - \$6,622,562 Total Expenditures - \$59,554,040
- Real Estate Tax Assessment - \$0.546 per \$100 of assessed value

Motion carried.

Acceptance/Downtown Streetscape Projects

Planning Director Pierce again reviewed the history of the project from the memo included in the Council packet and included the hiring of KCI in October 2022. He also noted that Lisa of KCI Technologies is online to answer any question.

A discussion about the change to four way stops followed with varying opinions.

Councilmember Baer emphasized that the preference among most residents is to keep two-way traffic on Southwest Front Street. However, Planner Pierce said if that continues, there will be no ability to have on-street parking on the street.

Councilmember Culotta recalled the public workshops where the public could comment on the plan, but recommended an official public hearing be scheduled before it is adopted.

Planner Pierce reported there was good attendance at the workshop and the plans were generally well received, and he provided a summary at Council's last workshop.

City Clerk Hudson recommended suggested a formal notice be sent to those who signed up for alert messages, as well as post on the city website and social media sites.

Councilmember Wilson moved to postpone action on this item until after public comment is taken at the June 26th Council Meeting, seconded by Councilmember Baer. Motion carried.

Public Works Director Mike Svaby shared the real reason Southwest Front Street was changed to two-way was to allow the overweight vehicles to not have to use the bridge that has some safety issues. That bridge work has been postponed until FY26 and any decisions should be made before that occurs.

Authorization/Contract Extension/First State Inspection/PZ Department

Since 2017, the Planning Department has used First State Inspection Agency for residential and commercial building plan review and inspection services since 2017. The City has renewed contracts annually with FSIA for on-call services to assist our Building Code Official during employee vacation days, leaves of absence and/or increases in building permit activity. A copy of the current contract and fee schedule for the FY23 period is included in the packet for review.

Councilmember Boyle moved to authorize the FY24 contract with First State Inspection Agency for the Planning Department's on-call residential and commercial building plan review and inspection services, seconded by Councilmember Fulton. Motion carried.

NEW BUSINESS

Authorization/Motorola Agreement/Communications System and Services

Item previously approved. No action needed.

Bid Award/2nd & Marshall Streets Intersection/Signal Evaluation

Public Works Director Mike Svaby then spoke about the evaluation of the signaling system at Southeast Second and Marshall Street, and whether it could be converted to a four-way stop, similar to what was done downtown on Walnut Street. Should it determine the signals are no longer needed, Century Engineering would put together a packet with a recommendation to change the intersection to a four-way stop, as a one-year trial.

He is proposing an award of \$53,900 to Century Engineering/Kleinfelder for this work.

When asked the reason for these changes, Director Svaby explained that the city has been planning to turn these signals back over to DelDOT, which was mutually agreed and would prevent the city from continuing to maintain and repair those signatures.

DelDOT would then introduce these signals to the Transportation Management Center to have control of their operation.

The process begins with an evaluation of traffic and accident history at the intersection, and determining if the if the warrant for signals are met, based on the evaluation.

According to City Manager Whitfield, if the signal is still warranted, DelDOT will require the city to do an upgrade of that system before DelDOT takes over the maintenance, at an expenditure of around \$250,000, compared to this \$53,000 cost.

Councilmember Boyle moved to authorize the \$53,900 proposal to Century Engineering/Kleinfelder to evaluate the intersection located at Southeast Second and Marshall Street Intersection, for efficiency and operability, for a four-way flashing signal, with fund available in electric reserves, as approved in the budget, seconded by Councilmember Culotta. Motion carried.

Authorization/MOU Amendment/Carlisle Fire Company

City Manager Whitfield reported that in the fiscal 23 budget, was an additional \$65,000 for Carlisle to pay for additional EMT/Firefighters who would be located at the station to aid in the company's response times.

The MOU is included in the packet with requirements and reporting outlined.

In addition, the residency incentive for fiscal 23 to be paid by the City to volunteer firefighters who own and occupy residences within the city, a refund of up to \$1,000 of city property tax, also based on several conditions.

An addendum will be created to the 2020 Carlisle Fire Company Agreement to address these items.

Councilmember Fulton moved to ratify the amendment to the Memorandum of Understanding with Carlisle Fire Company, seconded by Councilmember James. Motion carried.

Adoption/Resolution 2023-10/Schedules Board of Revision & Appeal Hearing

City Clerk Hudson explained this is one of the steps in our annual property tax process and allows property owners to appeal their assessments. Appellants must apply before Friday, July 14, 2023, with the hearing to be held on Monday, July 24, 2023 before the regular meeting of Council.

She noted that in most cases the City Assessor resolves any issues in advance of the hearing.

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

Councilmember Fulton moved to adopt Resolution 2023-10, seconded by Councilmember Baer:

RESOLUTION 2023-10
Schedules Board of Revision & Appeal Hearing

WHEREAS, the provisions of Article VII, Section 7.05 of the Charter of the City of Milford state that Council shall cause a copy of the General Assessment, as adjusted, to be posted in two public places in the City of Milford and there to remain for the space of ten days for public information; and

WHEREAS, attached to said copies shall be notice of the day, hour, and place that Council will sit as a Board of Revision and Appeal for said General Assessment.

NOW, THEREFORE, BE IT RESOLVED, that on Monday, July 24, 2023 at 6:00 p.m., the City Council of the City of Milford will sit as a Board of Revision and Appeal for the 2023-2024 General Assessment.

IN WITNESS WHEREOF, I hereunto set my hand and caused the Seal of the City of Milford to be affixed this 12th day of June 2023.

Motion carried.

The following ordinances were introduced by Mayor Campbell:

Introduction/Ordinance 2023-22

Application of 1st State Self Storage OZ, LLC
on behalf of Milford Self Storage, LLC for a Revised Preliminary Conditional Use
9.0 +/- acres of land located along the east side of S. Dupont Boulevard
approximately 350 feet south of the Route 14 intersection
Comprehensive Plan Designation: Commercial
Zoning District: C-3 (Highway/Commercial District)
Present use: Vacant Proposed Use: Self Storage
Tax Parcel: MD-16-183.09-01-58.00

Introduction/Ordinance 2023-23

Application of Napa Valley Investments, LLC
for a Preliminary Conditional Use
2.0 +/- acres of land located along the south
side of Mullet Run Street and the north side of Vickers Drive
Comprehensive Plan Designation: Commercial
Zoning District: BP (Business Park District)
Present use: Vacant Proposed Use: Flex Office/Warehouse
Tax Parcel: MD-16-173.00-01-03.14

Introduction/Ordinance 2023-24

Application of Milford Ponds – Phase III for a Final Major Subdivision
178.03 +/- acres located along the east side of Route 113,
5,500 feet south of the Seabury Avenue intersection known as the Milford Ponds Subdivision
Comprehensive Plan Designation: Moderate Density Residential
Zoning District: R-1, R-2 & R-3 with PUD
Present use: Planned Unit Development Proposed Use: Planned Unit Development
Tax Parcel: 1-30-3.00-264.01, 1-30-3.00-558.00, 1-30-6.00-600.00 thru 691.00

All applications will be before the Planning Commission on June 20th and will return to City Council for a final public hearing and determination on June 26, 2023.

EXECUTIVE SESSION

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

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 7:46 pm for the purposes as are permitted by the Delaware Freedom of Information Act.

At 9:06 p.m., Councilmember Fulton moved to return to Open Session, seconded by Councilmember Culotta. Motion carried.

Land Acquisition

Councilmember Fulton moved that the City Solicitor to further investigate land acquisition as discussed, seconded by Councilmember Boyle. Motion carried.

ADJOURNMENT

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

The Council Meeting adjourned at 9:08 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

Attachment: Michelle Peters Public Comment Letter

June 9, 2023

To Whom It May Concern:

The free speech afforded to all American citizens in the 1st Amendment of the US Constitution has been ruled by the Supreme Court to apply to states and communities through the Due Process Clause of the 14th Amendment.

The following are the rules around free speech for it to have Constitutional protection:

1. The speech must be about public policy
2. The speech can be express or symbolic (banners, signs, t-shirts)
3. The speech must be delivered in a public forum
4. The speech must meet time, place, and manner restrictions

In Milford, DE there has been no place designated as a *public forum* that can be used by citizens to express positions on public policy. While there are place and manner restrictions regarding signs, these restrictions limit the forum to one's private property. For those persons who do not own their home or a place of business, there is no way to express public policy concerns.

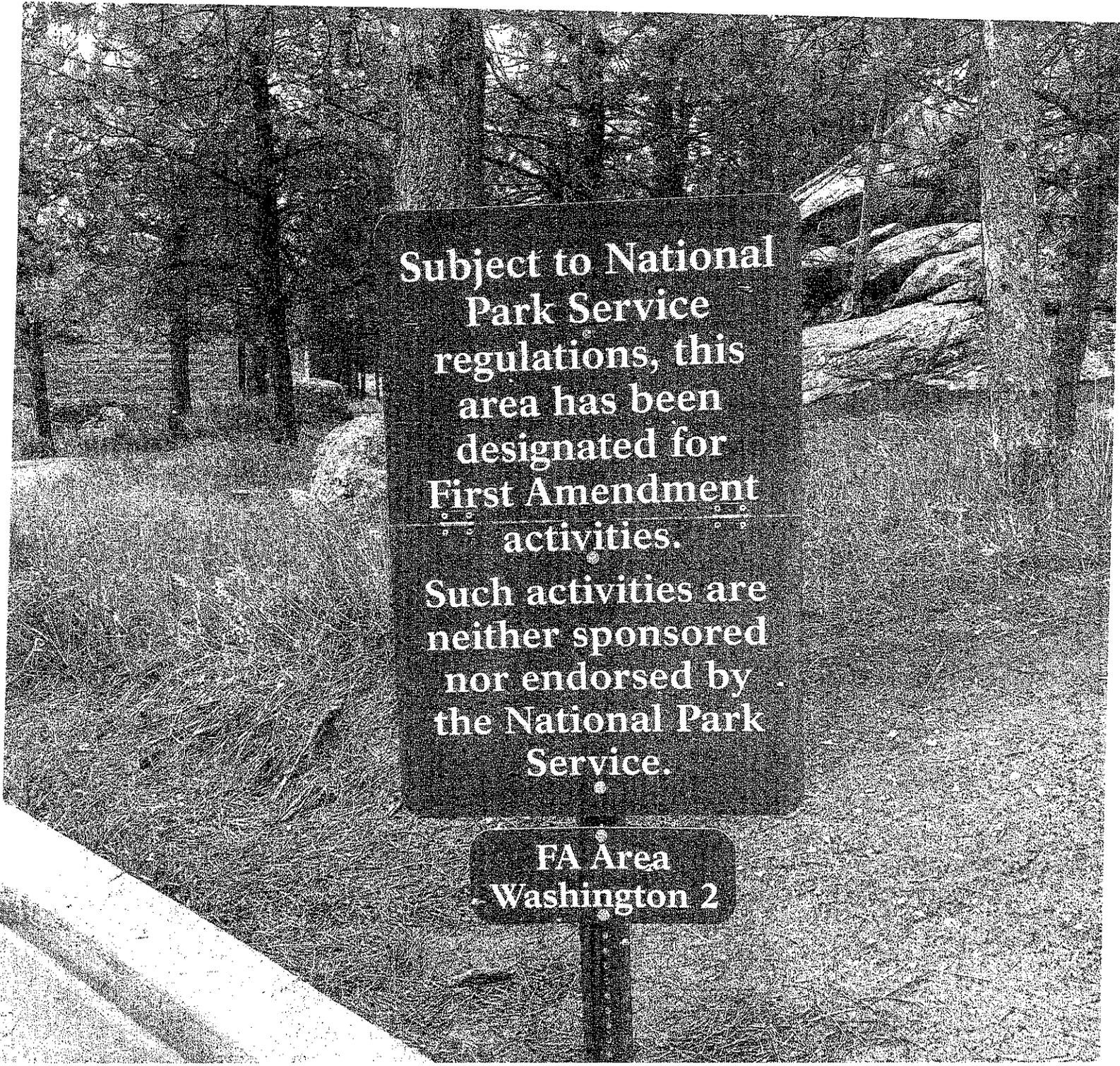
It would be very helpful if Milford could select part of a park or some other public property for signs regarding public policy so that the free speech afforded every American could be a reality here. Restrictions could be imposed such as:

1. The number of days signs would be allowed or removed; rules regarding litter
2. Special times for actual speeches or peaceful demonstrations
3. Special events for tables for literature restricted to certain days and times

If a committee of the City Council (including the city attorney) could meet regarding Constitutionally protected free speech in Milford, and proposed rules could be presented to the public for comment, a period of trial regarding these approved rules could be instituted to flesh out any issues of concern regarding public order.

Assuming a reasonable *public forum* can be found, all residents of Milford will then be included in one of the fundamental rights of our nation.

Michelle Peters
611 S. Washington
302-422-0971 (h)
302-242-0963 (c)
mpeters611@yahoo.com



Subject to National
Park Service
regulations, this
area has been
designated for
First Amendment
activities.

Such activities are
neither sponsored
nor endorsed by
the National Park
Service.

FA Area
Washington 2

Mount Rushmore National Memorial