

CITY OF MILFORD  
COUNCIL MEETING MINUTES  
February 13, 2023

The City Council of the City of Milford met in Regular Session on Monday, February 13, 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, Captain Edward Huey, Police Chief Cecelia 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

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

Vincent Olsen of 213 South Walnut Street, Milford, wished to speak about the fire siren which is not on the agenda. He then welcomed the Police Chief and Fire Chief.

Tor Hazzard, President, of Carlisle Fire Company, present with Fire Chief Shawn Hinton. He spoke about the enhancement fund noting the intention was to provide the fire company funds to purchase equipment or enhancement to the building, in addition to the costs of the substation. He also talked about the original agreement.

Fire Chief Hinton of Carlisle Fire Company then asked for clarity about the broad range of public safety equipment, though they want to continue with the city.

Vivian Donnelly of 206 South Walnut Street, said she was mistakenly led that she was able to speak about the problems with the fire siren on the water tower this evening.

According to City Manager Whitfield it will be on the February 22<sup>nd</sup> agenda. Solicitor Rutt then noted that the workshop does not include a public comment session.

Solicitor Rutt then explained the purpose of a Public Workshop, noting that at the February 22<sup>nd</sup> workshop, there will be no public comment. All agendas are publicized on the website and on the board in the lobby, and at that time, there will be an opportunity to speak on the sirens during the public comment session.

Peggy Schmidt of 210 SE Front Street said Council's responsibility is to ensure the residents safety and that of their properties. She then spoke about the expenses and revenues of Carlisle Fire Company and noted their recent profit, in addition to \$7 million they have in accounts. She clarified the information is public and can be found on the IRS website. Ms. Schmidt also talked about the need for proper communication for the firefighters and asked Council to ensure an ongoing fire safety program that is responsive to the citizen's needs.

CALL TO ORDER

Mayor Campbell called the meeting to order prior to the unofficial Public Comment Session period at 6:02 p.m.

The official meeting commenced at 6:15 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.

## EXECUTIVE SESSION

### *Motion to Recess into Executive Session*

Councilman Boyle made a motion to go into Executive Session, seconded by Councilmember Baer, for the purpose as noted on the agenda.

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

Motion carried.

Mayor and City Council, Solicitor Rutt, City Manager Whitfield and Deputy City Clerk White left the Council Chambers at 6:16 p.m.

### *Return to Open Session*

After returning to the Council Chambers, Councilmember Fulton moved to go back into regular session, seconded by Councilmember James. Motion carried.

### *Chief Cecelia Ashe's Employment Contract*

Councilmember Boyle moved to authorize Mayor Campbell to execute an employment agreement for Cecelia Ashe of Wilmington, Delaware, to serve as Milford's Police Chief, effective immediately. Motion seconded by Councilmember James and carried with no one opposed.

### *Swearing In/Newly Appointed Police Chief*

The Honorable Noel Eason Primos of the Delaware Superior Court, then administered the Oath of Office to the newly appointed Chief, who was accompanied by her wife and children.

Deputy Police Chief Edward Huey then welcomed Chief Ashe, issuing her the Milford Police Chief's badge.

Vice Mayor Jason James then commended Chief Huey for the work he has done and the outstanding service to the citizens of Milford.

## APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the January 9, 2023 and January 23, 2023 Council Meetings. With one minor correction needed, a motion was made to approve by Councilmember Fulton, seconded by Councilmember Boyle. Motion carried.

## RECOGNITION

### *Lillian Harrison/Armory Update*

Ms. Harrison read a letter into the record as the Executive Director for the Elevated Community Development Corporation, which is a nonprofit that maintains the Milford Armory.

She asked to consider the purchase of the formally abandoned Milford armory now converted into a community service center.

Ms. Harrison talked about the efforts to revitalize the armory, which was once neglected, of course, and is now a vibrant and thriving community hub. She then spoke about the various services and programs provided at that location.

She stated it would be in the best interest we feel for the city to consider, allowing them to purchase the property by her organization. If unable to allow the purchase, she asked Council to consider a long-term lease of 50 to 99 years. Understanding that this is a significant request, working together ensures that the Community Service Center will continue to provide essential services and support the residents for many years to come.

While a lot of work has been done on the renovation of the facility, there are some major projects needed, including the complete replacement of the heating system. Grants and tax incentives are available, and this change would place them in a better position to qualify for those funds.

When asked about the requirements that would enable this opportunity, Ms. Harrison said there are organizations they are working that would be able to get the technical jargon down for the heating system. The USDA and other organizations can provide capital grants. However, they are unable to do so without, at the very least, a long-term lease.

When questioned, she shared that the USDA had specifically mentioned a minimum 35-year lease.

She continued with a presentation of the services, small business assistance, and provided photos of the upgrades to the armory.

The Executive Director also provided additional information on the upgrades needed to the heating system which would allow year-round use of the building, which is simply too cold in the winter for her volunteers.

She concluded by stating they will be holding an Open House on March 26th and invited Mayor and Council to attend.

Solicitor Rutt then read November 2014 deed that states by acceptance of the deed, the City of Milford acknowledges that, as described in Senate Bill, 227 Of the 147th General Assembly, the property cannot be sold or transferred to any person, corporation, or association, or used for a non-public purpose, without further legislative approval from the Delaware General Assembly.

He added that title companies look at long term leases from 70 to 99 years as a conveyance of interest.

When asked the consideration of a shorter lease, Mr. Rutt states the title companies may not have as much shorter terms, but there is a need restriction that exists that does require legislative approval from the General Assembly before any consideration can be given.

Councilmember James said that this Council needs to be find out what would create a lender or a company that may be willing to record the title, as if it was conveyance, if Council agreed to a long term lease. Without knowing these things, deliberating on this seems futile at this point.

Councilmember Wilson recalled years ago, the City leased the land to Head Start, and that is still working today. She suggests asking the City Clerk who most likely has that information.

She then shared with Council her relationships with local legislators and the advisors she works on.

Council commended her on the work she has done at the Armory and informed her that they will check into that.

Ms. Harrison concluded by explaining the qualifications of the USDA funding which would be their primary source of income.

## ORDINANCE ADOPTION/PUBLIC COMMENTS

*Adoption/Ordinance 2023-06/Chapter 26/Enhancement Funds  
Additional Fire Company Districts/Award of Funding*

City Manager Whitfield then presented the ordinance that would amend Chapter 26, Enhancement Funds. He said the changes are needed to correct the ordinance that presently only permits Carlisle Fire Company to receive the funding, as they were the sole fire company serving the city at the time it was implemented.

The Hickory Glen Subdivision lies within the Houston Fire District, though it is in the City of Milford. There are additional areas included in the growth areas of our comprehensive plan that are served by the Ellendale Fire Company. Any future money collected will be placed in separate accounts, based on the fire district in which the development occurs, and made available to those fire companies for future grants.

It has also been recommended that the fire companies have the ability to utilize the funds for any fire safety purpose that City Council deems reasonable. In speaking with Solicitor Rutt, this is not something that you technically need. but does make it explicit there is a right to utilize those funds for fire safety purposes.

When asked if Ellendale and Houston receive similar enhancement funds, Mr. Whitfield stated that they, as Carlisle does, receives money from Kent and/or Sussex County, but do not receive enhancement funds from building permits.

It was confirmed the first districts would remain unchanged, as set for by the State Fire Commission.

Scheduled for public comments, the floor was then opened.

President Hazzard stated that they have no problem with the verbiage, with the exception of paragraph five that states 'The City Council, at its sole discretion, may utilize the funds for any fire safety purpose it so deems reasonable.'

He clarified his previous point, that the Carlisle Fire Company Enhancement Fund was put in place, and developed by a past president and former city manager to supply and give extra funding to the fire department for needs, building additions, future substations, etc. The way it currently reads, without any input from the fire company, that council can use that money for whatever they want. For example, fire sirens, fire hydrants, and so forth.

Chief Hinton said that fire safety, regardless of if it is fire sirens, maintenance of the entities, and they feel some clarity is needed and the fire company would like to have input on when these funds are utilized.

Nadia Zychal of 303 South Walnut Street, Milford, states that this fund was created to maintain and to expand our overall safety infrastructure. Our town has grown, and its needs have expanded. Our footprint has grown, and the population has grown exponentially. If it is the responsibility of the city and of the fire department that it serves to make sure there is adequate equipment and infrastructure to be able to do their job to the best of their ability. She sees no problem with simply codifying this as a general fund for the city for this infrastructure. Since it is served by more than one fire department and since it has grown, to be able to just let the ink dry and clean up the verbiage and let it be clear that the funds are available for city council to appropriate as needed without having a papal bull and 15 layers of bureaucracy and 75 meetings later, and not have something done. Efficiency is also a safety concern, and she will leave it at that.

Councilmember James asked if the authority referenced in section five already exists in the current ordinance. City Manager Whitfield said it does, and though Council cannot put rules upon themselves, Council has the prerogative to make the rules.

Councilmember James noted this is an enhancement fund for a particular purpose which is fire safety. So any disbursement from this fund must be directly related to this purpose and nothing other than that particular purpose. There is a risk of being challenged if the funds are used for anything other than their intended purpose by those that already paid into it.

Councilmember Boyle said there are specific items this money can be used for and are typically for equipment, capital and for capital improvement.

He verified this money will not be used for other items that will help relieve the city when paying for items such as water towers, hydrants, etc.

The City Manager confirmed that Council always had the ability to use the funds for such items, though the language in this ordinance makes that ability clearer.

Councilmember Fulton moved to adopt Ordinance 2023-06, amending Chapter 26 Enhancement Funds, seconded by Councilmember Baer. Motion carried with no one opposed.

## STAFF REPORTS

Monthly reports from each department are included in council packet. Please see for further information.

### *Monthly Police Report*

Captain Huey presented the police report and provided a brief synopsis of the department's monthly activities.

Councilmember Wilson thanked Captain Huey on the recent updates provided to Council and asked him to pass on her appreciation for the number of recent criminal arrests, many involving weapons.

Councilmember Wilson moved to adopt the monthly police reported, seconded by Councilmember James. Motion carried.

### *City Clerk*

Deputy City Clerk reported on the receipt of code book amendments.

She also informed Council that the notices of redistricting to those impacted citizens, totaling approximately 500 residents.

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

### *Monthly City Manager Report*

City Manager Whitfield recognized Steve Ellingsworth for his work in resolving some low water pressure issues at the Silicato Building on Silicato Boulevard.

The Manager also commended Tony Chipola for his efforts in investigating the electrical issue involving a house that had had its weatherhead pulled by an electrical pole that had been struck by a vehicle. He also worked on the fire siren relocation and those vendors. Councilman James agreed his response time was commendable.

Councilmember James asked that Carlisle Fire Company be kept involved in the fire siren location; City Manager Whitfield then talked about the decimal level and associated map he created to prevent disrupting the lives of those in the downtown area. When asked the decimal level at City Hall, the City Manager deferred to the Electric Director who stated 120, which is within the 100-120 which is extremely high for a residential area.

### *Public Works Department*

Public Works Director expanded on two items included in his report. One being the changes to the downtown intersection sections and possible start delays because of the various road closings and detours around Milford.

He also talked about the Kent County Sewer Advisory Board and the announcement of the recent deficit which will a 10% increase approved a 4-3 vote of the board, a study on the use of future electric vehicles within the city fleet and potential funding.

An update was provided on the new police facility and subsequent design meetings with the police dispatchers. The Public Works Director also talked about the change orders though the additional money is within the approved budget authorized by City Council.

An anticipated completion date is October 2024.

### *Electric Department*

Director Chipola talked about the messages received regarding the December load reduction request that went out on social media and thanked the community for those that participated. This was in response to PJM asking for volunteers to reduce loads. The load well exceeded the amount of generation to the point where PJM was asking for a voluntary rate reduction to avoid any kind of forced outages.

Discussions continued with DNREC on EV charging station installations and selected areas that are potential flooding sites. Work continues with City Engineer James Puddicombe on ways to raise the chargers to prevent any water impact.

The current plan is for two chargers with four dedicated parking spaces.

He thanked Steve Zeveney for his assistance with technical issues regarding pump station controls and the transition to a new system.

Concern was expressed about the load increase created by the new EV charging stations when asking customers to reduce load voluntarily. The Director recalled Council asking for a field assessment of the system, which will include short term and long-term forecasts to prevent forced outages.

Director Chipola confirmed these are fast chargers but will check to confirm the exact models. Councilman Baer talked about chargers with batteries that would not have the impact on the infrastructure the traditional chargers do.

Questions were asked about surveying work being performed in Meadows at Shawnee which may have been working on the proposed utilities at the Red Cedar Farm Development that include the use of the manhole adjacent to Kirby Road.

### *Planning Department*

Planning Director Pierce reviewed his reports noting that he arranged some pre-construction and construction meetings that the Wickersham Development, Wash It Laundromat, William Allen Property Management LLC, Cypress Hall Phase 2, and Simpson Crossing Phase 1.

He also referenced the progress reports created by his Code Officials that are included in the packet but are also available on the website.

Rental Inspections will occur in Ward 4 this year with over 300 completed already this year by the two officials.

Captain Huey commended the City Code Officials noting they have become more active in the community and the properties have been cleaned up as are seen in the photos included in the packet.

### *Parks & Recreation*

Director Brad Dennehy commented on the work his staff does, noting that in attendance is one of his part-time employee Joey from Causey Mansion who waters plants, pulls weeds, installs banners, and was instrumental in the Veterans banners that were installed in the downtown area this year.

He also talked about the proposed beautification plan for downtown that will be before the Tree Preservation and Advisory Board, and then back before Council.

The pickleball court contractor is ready to proceed with a Groundbreaking Ceremony scheduled for

When asked about the downtown bathrooms, Director Dennehy said the design should be completed by the end of this month, confirmed by Public Works Director Svaby.

*Human Resources Report*

HR Director Jamesha Williams said she continues to work on the open positions throughout the city. She is also working on the first Wellness and Health Kickoff on Monday, June 5th for our employees, with a theme of Happy to be Healthy.

She is focused on all our benefit vendors, including vendors for financial wellness and counseling services that will benefit our employees and their families.

Mayor Campbell thanked Ms. Williams for hiring two police officers that speak Spanish, one in billing/cash operations, and an engineering technician.

*IT Report*

IT Director Bill Pettigrew shared that the budget approval at the last meeting allowed the purchase of the hardware needed to virtualize the twenty physical servers that will provide a lot of advancement with moving servers, up time, and high availability.

The ERP project is moving forward with many of our employees in training.

The new PBX cloud phone system should be in and operating this time next week. This will provide our employees the ability to work anywhere in the world as long as they have internet.

HR and IT have had difficulty filling a new network security position. In the interim, the decision was to hire a consultant who will be 1/3 the cost of another employee, and provide 365 days, 24/7 monitoring of critical infrastructure. The adjusted cost will allow the elimination of a couple monitoring solutions that will be replaced.

He has met with Comcast regarding the feasibility of getting limited Wi-Fi in the riverwalk and park areas. They recommended a vendor, and he is now waiting on their proposal for the project.

They are also moving forward with affordable broadband that involves the \$30 benefit from the federal government, which will result in free internet for many of our citizens.

*Finance Department*

Finance Director Lou Vitola addressed Council stating that his team has been working closely with a lot of the other departments, including HR to fill an open position. They have also spent a number of hours in the ERP implementation as they move closer to the go live date of July 3rd.

He has included the financial updates of the police facility project in this month's report and dropped the statistics part of the report.

In terms of utilities, past dues, tax payments, and the auto pay dollars, have improved since last month due to efforts of the customer service group, though some occurred organically.

Councilmember Fulton moved to accept the monthly City Manager reports, seconded by Councilmember James. Motion carried.

## COMMUNICATIONS &amp; CORRESPONDENCE

*Trains Carrying Hazardous Materials*

Councilmember Boyle talked about the trail derailment accident in Ohio and a number of citizens want to know if any type of hazardous materials come through Milford. He was told to contact Cliff Gunstra of Delmarva Central Railroad he informed Councilmember Boyle a lot of propane is carried through town, but hazardous materials are not carried on a regular basis.

He suggests approaching this subject with the fire company and ask if they have had refresher training when dealing with this type of materials.

A training carrying dangerous materials is a concern considering the number of residential neighborhoods the train travels through.

### *SCAT & DLLG*

The packet included dinner invites and anyone wishing to attend should contact the Deputy City Clerk.

### *Pallet Village*

A resident contacted Councilmember Baer with concerns about the potential of Milford having a pallet village for the homeless, similar to the one in Georgetown.

### UNFINISHED BUSINESS

None to report.

### NEW BUSINESS

#### Partial Termination and Release of Deed Restriction/119 South Walnut Street

Finance Director Vitola explained that when the city purchased the old PNC Bank, they added a number of deed restrictions, one of which gave them the Right of First Refusal in the event the city wanted to place an ATM on that property or inside the building.

Currently, different kiosk solutions for utility and tax payments, are being considered, and one solution is with our bank WSFS, which has a built in ATM within the kiosk. But in order to place that kiosk on that property, at a minimum, we would need a waiver of that right of first refusal from PNC.

Instead, for no cash consideration or payment of any kind, PNC has offered to give the city a free and clear waiver of all ATM operations at that site and completely removing the restriction in perpetuity. The city would benefit from the deed restriction removal, and it would pave the way to place a kiosk and ATM combo on the property.

Staff recommends that Council approve the partial termination, release, and extinguishment of the deed restriction as prepared and can be found in the packet.

Councilmember James moved to authorize the Mayor to sign the deed restriction relief granted by PNC Bank, seconded by Councilmember Baer. Motion carried.

#### Authorization/TIIF Grant Agreement - COM Industrial Park

The packet contains an Agreement for the Transportation Infrastructure Investment Fund grant award for the Roundabout project at Airport Road and Canterbury Road, in relation to the Corporate Center. The grant award is for reimbursement of expenditures for the project up to \$2,766,799.89.

Councilmember Fulton moved to authorize the city manager execute all agreements and documents pertaining to the transportation and infrastructure investment fund, seconded by Councilmember James. Motion carried.

#### Authorization/ Christiana Excavating Company/Utility Agreement/Outside City Limits

Planner Pierce read the memo stating the city received a request from Davis, Bowen & Friedel, Inc. on behalf of Christiana Excavating Company to extend water, sewer, and electric service beyond our current municipal boundary. The request includes two parcels located in Sussex County along the east side of South Walnut Street just south of the Milford Pond, Parcel Numbers 3-30-14.00-001.0 & 001.01.

The properties are not contiguous to city limits but only have one parcel between the current municipal boundary and subject parcels. The owner contacted the adjacent property owners to see if they are interested in annexing into the City of Milford but they have not received an answer to date.

Staff is seeking guidance from City Council on whether to allow this property to connect to the city's electric, water and sewer utility. If permitted, the city would require the property owner to sign an agreement which would require the properties to annex into the City of Milford if and when the properties become contiguous to city limits.

Planner Pierce said Baltimore Air Coil was handled in a similar situation. The next item on the agenda would be another area. There is also individual residential lots within Shawnee Acres Subdivision or other similar areas where we have run infrastructure to serve our developments.

Councilman Boyle stated there are two issues. The first is extending municipal services outside the city boundary. He always thought it was our policy not to and referenced the next request from Colony West. That development is 33 years old.

This is a stipulation there that is just not achievable. Looking at the map, it appears they will never be annexed because of the number of properties between the city and this property.

The excavating company has tried to contact the owners of the properties, but they got no answer. The Councilmember prefers answers to see if the other property owners are interested.

The other one is educational because we had the opportunity to read thirty-year old transcripts from the Council and the Planning Commission.

Then it dawned on him the owner did pay to have a pipe laid from inside Milford and instead capped into something and he believes it was IG Burton. He asked how many things we have out there, beyond city limits, we are sending utilities to. He would like a list from customer service of how many properties we are providing services to because realistically because of their geographic location, or some other reason.

Mr. Pierce said he can put a complete list together, that includes homes in Shawnee Acres, that have connected primarily because the sewer line and water line is in the street. If their septic fails, DNREC does not issue a new permit for a septic if central sewer is available, and the same applies to water.

He added the Colony West/South, which is next on the agenda, would be the largest area served outside the city. Other than that, they are most likely wells and septic tanks that were abandoned as part of a remediation project.

When asked the extent of this if we violate this policy, and referenced the sewer line break, we discovered we had an agreement with a property off Elks Lodge Road, that we are supposed to supply utilities. It is vacant farm land right now, but could be later developed with a lot of homes. He is concerned we have lost control of this and instead think let's do it, because they are our friends.

He does not want to see Milford get into a commitment to provide utilities and asked at what point we put ourselves in a position where we cannot defend turning someone down.

Solicitor Rutt talking about living outside the city and is provided city election. He lived in Woodshaven and had city water which was a loop which provided better pressure which was offered to the Woodshaven residents.

He stated it depends on the agreement and how it is written.

Councilman Culotta said he agrees with Councilmember Boyle and feels there is little benefit annexing into the city unless sewer and water are provided. If given out without requiring annex, why would a property owner ever annex unless the city required it as soon as the property tapped into the water.

He asked Mr. Whitfield what the higher rate those living outside the city pay that makes it equitable though he does not know what that is. However, electric is the same rate.

Councilman Culotta feels that these customers need to be annexed into the city. Once they receive water and sewer, there are no further benefits that will make them annex. It needs to be a requirement.

Solicitor Rutt cited state law that requires a property to be contiguous to a municipality before it can be annexed. He referenced a law suit Milford was involved in out on Route 1 where they tried to make a property annex that was not contiguous except for Route 1 and the court rules against the city.

Councilmember Boyle moved to defer action on both requests until further information can be obtained, seconded by Councilmember Fulton. Motion carried.

#### *Authorization/Colony West/Colony South/Utility Agreement/Outside City Limits*

Planner Pierce stated the minutes related to this property stated we agreed to provide water service to this property. The record plans from twenty years ago, are stamped and approved for a project that already provide water service to the townhouses and apartments in Colony West. This is the next phase, which was part of that whole development.

The owners were seeking approval for the construction plans from public works and he wanted to try and tidy up the missing links. He prepared an agreement to be signed by Interfaith Housing that still maintains a majority of the properties up there.

When asked how many properties are between this property and the city, Planner Pierce stated only the dealership which is under one owner.

Mr. Pierce reviewed the request sharing that first phase of the project was approved in the late 1980's, early 1990's and is already served by City water and electric. The newer portion of the project was recorded in the early 2000's. Based on the June 11, 1990 minutes, City Council authorized the extension of water utilities to serve 43 acres of land in the vicinity of this project and required the signing of a Water Service Agreement.

The minutes allude to the fact that the properties "agreed to come into the City as soon as it is possible."

Mr. Pierce continues to look for a copy of the agreement. And if the agreement cannot be located, in an effort to allow the Colony South project to move forward, he recommends authorizing Mayor Campbell to sign an agreement documenting the extension of City utilities beyond our corporate limits. This agreement would be recorded with Kent County Recorder of Deeds.

Councilmember Fulton pointed out that until the agreement is signed, the previous motion included both requests and asked that any action on this item also be deferred.

Solicitor Rutt said it is not inappropriate to table both requests.

Because it was undetermined if a vote was taken, the motion was made by Councilman Boyle to defer action until we have more information on our liability, for agreements to supply utility services beyond the city limits, and until we find the agreement for Colony West/South, seconded by Councilmember Fulton. Motion carried with no one opposed.

#### *Introduction/Ordinance 2023-07/Oak Forest Park LLC/Change of Zone*

Mayor Campbell introduced the following ordinance:

##### **ORDINANCE 2023-07**

Legal Owner Oak Forest Park, LLC for a Change of Zone from R-2 (Residential District) to C-1 (Neighborhood Commercial) (Proposed Lot 1 only) on 3.93 +/- acres of land located along the west side of S. Rehoboth Boulevard Present Use Golf Course, Clubhouse and Restaurant; Proposed Use Restaurant/Brew Pub (Proposed Lot 1)

Tax Map & Parcel 3-30-11.00-008.00 (portion)

*Introduction/Ordinance 2023-08/Chapter 197/Adds new Article IX*

Mayor Campbell introduced the following ordinance:

ORDINANCE 2023-08

Amends Chapter 197-- Chapter 197 Streets, Sidewalks, Storm Sewers and Other Places  
Adds New Article IX entitled Pedestrian Safety

Both ordinances are scheduled for a final public hearing on Monday, February 27, 2023 at 6:00 p.m.

EXECUTIVE SESSION

Motion to Recess into Executive Session

Councilmember Fulton moved to go into Executive Session, seconded by Councilmember James, reference the below statute:

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

Motion carried.

City Council left the Council Chambers at this time to meet in a closed session.

Return to Open Session

City Council returned to open session at 9:07 p.m.

Councilmember Boyle moved to return to Open Session, seconded by Councilmember Baer. Motion carried.

*Potential Vote/Property Sale or Lease*

Councilmember Wilson moved to allow the City Manager to proceed with the potential acquisition of real estate, seconded by Councilmember Baer. Motion carried.

Councilmember Fulton moved to authorize the City Manager to obtain a real estate appraisal as needed for future real estate dealings, seconded by Councilmember James. Motion carried.

ADJOURNMENT

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

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

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Transcriptionist