

CITY OF MILFORD
COUNCIL MEETING MINUTES
August 14, 2023

The City Council of the City of Milford met in Regular Session on Monday, August 14, 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

PUBLIC COMMENT SESSION PRIOR TO MEETING

No one was signed up to speak during the Public Comment Session.

CALL TO ORDER

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

INVOCATION AND PLEDGE

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

APPROVAL OF PREVIOUS MINUTES

Councilmember Boyle moved to approve the minutes of the May 22, 2023, May 23, 2023, and May 24, 2023 FY24 Budget Workshops, and the May 22, 2023 Special Council Meeting, Motion seconded by Councilmember Fulton and carried.

RECOGNITION

New Employee Introduction

Public Works Director Mike Svaby welcomed Jaquiam Parker, who had previously worked with the City through a staffing agency as a temporary worker in the Solid Waste and Parks divisions. His first day as a fulltime Public Works Equipment Operator II-Solid Waste was July 24, 2023.

Director Svaby also acknowledged Jared Kranz who was previously employed by the City of Newark. His first day as a Public Works Equipment Operator for the City of Milford in the Streets and Utilities was July 31, 2023.

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 June activities within the clerk's office.

There was a reminder announcement of the SCAT dinner meeting scheduled for September 6th at Benvenuto's and hosted by Milford.

Councilmember Wilson moved to accept the monthly city clerk report, seconded by Councilmember Fulton. Motion carried.

Monthly City Manager Report

City Manager Whitfield furnished a quick synopsis of some of the work accomplished by other city departments.

Public Works Department

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

Electric Department

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

Planning & Zoning Department

Director Rob Pierce provided an updated summary of his department's work in June.

Parks & Recreation Department

The Parks & Recreation reports was included in the packet.

Human Resources

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

Economic Development & Community Engagement

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

IT Department

The IT report was included in the packet.

Finance Department

In addition to his written report also included in tonight's packet, Finance Director Lou Vitola announced the candidate who was chosen for his newest position will begin next week who will work on a condensed FY22 Audit. He shared that the FY22 audit process is expected to be completed by the end of this year which will allow the financial statements and approvals to be done in January.

He assured Council that will put the FY23 audit back on schedule.

Councilmember Boyle moved to accept the City Manager and Department Heads reports, seconded by Councilmember Fulton. Motion carried.

COMMUNICATION AND CORRESPONDENCE

Councilwoman Wilson stated that she has a concern about the recent outage at the Silver Lake High Rise Apartments that caused the elevators to stop working, which was a major concern due to the number of disabled people that reside there.

She asked for City staff to help by contacting the apartment's management to ensure proper maintenance is being done to prevent this in the future.

City Manager Whitfield shared that falls under the property manager but will see if the City can assist, or the Carlisle Fire Company. The Councilwoman said she is willing to contact management to ensure they are putting their tenants first and wondered if anyone has any objections.

Mayor Campbell and Councilmember James had also talked with residents who had concerns about the upkeep of the apartments and especially the elevators.

Electric Director Chipola explained there were several faults that were out and over the weekend, electric employees worked ten to twelve hours until power was restored. On Monday, he heard there was an issue with the elevator due to a phasing issue. Power was restored but the rotation of the phases wasn't proper so that was fixed, but that is what caused the issue with the elevator.

Councilman Fulton mentioned that the Simpson Crossing paving issues were finally repaired. He also checked into the Mispillion Apartments complaint and examined the recent inspection reports. While the management company was responsive, nothing further has been received from the complainants.

Councilman Baer commended Chief Ashe on the recent WHYI article and encouraged others to read about the Gun Violence Intervention Program.

On behalf of the residents of Ward Three, he also thanked DelDOT for completing the work on the Mispillion Bridge and reopening it.

Also, Councilman Baer continues to hear concerns about the condition of the property at the intersection of Route 36 and Rehoboth Boulevard where the building had previously burned down.

UNFINISHED BUSINESS

Update/Ordinance 2023-28/Zoning Code Amendment

Following up from the July 24, 2023 Council Meeting concerns about chicken hens in the city, tiny homes, and emergency shelter facilities, Planning Director Pierce provided some additional information.

Because council wishes not to allow chickens, he recommends removal of Chapter 230-9(c)(6) and renumber subsequent sections.

With regards to the tiny home village, a single tiny home would be treated like any other single-family home within the zoning code if constructed on a permanent foundation. A separate zoning code would apply.

The additional language for a tiny home village, which is proposed to be added to the R 3 and R 8 zoning regulations, would permit by right the construction of a community of tiny homes on smaller lots subject to area regulations. There were concerns about the lot size being too large.

and I think at the last meeting there was some concern from council that those requirements were included lot sizes and setbacks that were too large. The residential building code that was adopted by City Council defines a tiny home as a dwelling that is 400 square feet or less in floor area, excluding lofts. The proposed zoning code amendment also provides definition of a tiny house as a dwelling unit containing 400 square feet of area or less, and certified as meeting the building code is applicable to tiny houses. The home shall be subject to the same standards as site-built homes unless otherwise indicated in the zoning chapter.

He matched up the building code definition in the zoning code definition, so the regulations more easily apply.

Additional research found most tiny homes range from 100 square feet to 400 square feet and average dimensions of about eight feet in width by 26 feet in length. Based on these average dimensions and trying to be consistent with side yard

setback provisions in the current zoning code, the narrowest lot or birthing space could be around 24 feet. That is similar to the City's townhouse regulations.

The zoning code also requires all street parking for residential dwellings, which would include a tiny home. That generally leads to a 20-foot front setback which would allow one or two parking spaces in front of the unit.

That is also consistent with the shortest rear yard setback of 15 feet, along with the side setbacks previously discussed and the front setback results in a minimum depth of 61 feet. The overall lot of 24 by 61 feet would then accommodate a tiny home and parking.

With his modifications, the number of dwelling units previously recommended would not exceed 8 units per acre and would be increased to 12 units per acre. The minimum lot width was 40 feet and has been reduced to 25 feet. The minimum lot area was 4,000 to 5,000 square feet and has been reduced to 2,000, like the townhouse requirements. And the front yard setback would be reduced from 30 feet to 20 feet.

All other previously proposed regulations remain the same.

The last issue is the emergency shelter facilities being permitted by conditional use approval from City Council in several zoning districts, the definition, and its purpose of providing accommodations for persons who need temporary housing or shelter. In his opinion, this would include the palette village concept as was constructed in Georgetown.

He continued to read the memo in the packet noting that the 2018 International Residential Code defines a dwelling unit as a single unit providing complete independent living facilities for one or more persons, which includes provisions for living, sleeping, eating, cooking, and sanitation. The pallet village concept in Georgetown does not include eating, cooking, and sanitation provisions in each pallet unit. There is a central restroom and kitchen facility for the complex. These would not meet the definition of a tiny home for the City in our building code. However, they would be allowed under the proposed code.

When asked if a property owner wanted to put a tiny home in their backyard, Planner Pierce explained there are two associated fees. One is the conditional use \$700 accessory dwelling request and if new construction, the fees associated with an accessory cottage would apply, and/or fees associated with renovating a detached garage would apply. The fees align with those of a new home.

In addition, all sewer and water fees would apply. However, those fees are in the sewer and water ordinances and not part of the discussion on the zoning code tonight.

Councilmember Culotta recommends the five feet setback should be considered which adds the ability to make them more affordable. Planner Pierce referenced planned unit developments he recommended that were approved with side setbacks of six or seven feet. He also noted that a development could be approved with tiny homes that would give council discretion on the setbacks.

City Engineer James Puddicombe commented on State and NFPA (National Fire Protection Association) codes adding that the setbacks in our code can impact insurance rates.

Solicitor Rutt pointed out that the code amendment has a section for group/recovery homes and the amendment requires group homes to have a conditional use. Governor Carney recently signed a bill that defines the group/recovery homes that specifically states municipal and county zoning ordinances in conflict are permitted uses and not conditional uses. Therefore, they would be allowed.

Councilmember Fulton moved to adopt Ordinance 2023-28 Zoning Code Amendment with the removal of 230-9(b)(6) regarding chicken hens and the addition of the revision 230-11(d)(6) tiny home lot sizes, seconded by Councilmember Wilson. Motion carried by a voice vote of 7-1 with Councilman Culotta casting the dissenting vote.

Strategic Plan Update

University of Delaware Public Innovator William McDowell returned to provide City Council with the final draft of the City's Strategic Plan.

Dr. McDowell explained the last thing that was discussed and is included in the language is a matrix. It was decided to use it as an addendum or an insert with an update provided quarterly. The one he received from the City Manager was extremely large and too cumbersome for this document and the reason for the change.

The matrix is the living piece of that for Council to review quarterly.

Some updated pictures were also included.

Other than that, Dr. McDowell feels it is ready for final action.

It was agreed to hold a public comment session for the next council meeting, after which it could be adopted, with or without amendments.

NEW BUSINESS

Motion to Amend the Agenda

Councilmember Marabello moved to amend the agenda and allow Dr. Bridgett Palmer-Amory's request to be heard now, seconded by Councilmember James. Motion carried.

Authorization Funding/Milford School District/EMT Course Consumable Materials

Dr. Bridgett Palmer-Armory, Superintendent of Milford School District, requested that to support the Emergency Medical Technician program starting at Milford High School for the 2023-2024 school year, \$5,000 be granted to purchase consumable materials. This will allow students to be able to be fully certified EMTs by the time they graduate though it will involve a small number of students who will be able to participate to get started.

Dr. Armory stated that during the initial meetings, the City offered to support the program in whatever way was needed.

Milford School District is looking forward to our continued partnerships with Milford City Council, the Carlisle Fire Department, and the Delaware State Fire School in making this a successful program for the Milford community.

Councilman James provided a background noting that this was a way to assist Carlisle Fire Company in recruiting volunteers.

Councilmember Fulton moved to authorize \$5,000 to be granted to Milford School District for the purchase of consumable materials by Milford High School for the 2023/2024 School Year, seconded by Councilmember James. Motion carried.

Adoption/Resolution 2023-14/DDD Area Expanded

The following letter was received from the State of Delaware Office of Planning Coordination, Director David Edgell:

Thank you for your letter of June 28, 2023 requesting a boundary extension to your existing Downtown Development District Designation. According to the letter received, the city is requesting an additional 15.01 acres as noted on the map included with the request.

On July 18, 2023 the Cabinet Committee on State Planning Issues, at its scheduled meeting, approved the boundary expansion effective upon the final approval by the City Council to amend the boundaries.

Per our records the City of Milford current Downtown Development District boundary is 184.89 acres. With the addition of the 15.01 acres approved at this meeting the total district is now 199.90 acres. Please note that the total allowable acreage for the City of Milford is 200 acres.

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

Based on Council's previous recommendation, the following resolution needs adoption for the final expansion of the DDD.

Councilmember Culotta moved to adopt Resolution 2023-14, seconded by Councilmember Baer:

RESOLUTION 2023-14
SUPPORT OF DOWNTOWN DEVELOPMENT DISTRICT EXPANSION

WHEREAS, under the Downtown Development District Act of 2014 (the "Act"), the State of Delaware designates districts within Delaware's cities, towns and unincorporated areas that qualify for significant development incentives and other State benefits; and

WHEREAS, these districts are to be known as Downtown Development Districts ("Districts"); and

WHEREAS, on August 10, 2016, Governor Jack Markell announced a statewide expansion of Delaware's Downtown Development District (DDD) program which would include 170 +/- acres of land within the City of Milford; and

WHEREAS, on August 26, 2019, City Council adopted Resolution 2019-08 authorizing additional land that increased the District to 185 +/- acres of land; and

WHEREAS, the designation has provided State and local incentives to property and business owners within the City's Downtown Development District; and

WHEREAS, the City Council of the City of Milford believe that in 2023, it is in the best interest of the City to further expand the District by offering the opportunity for applicable benefits to qualified properties in an additional 15 +/- acres, as assigned.

NOW, THEREFORE, Be It Resolved by the City of Milford:

By a majority vote of City Council, the Downtown Development District boundary is hereby extended 15 +/- acres as depicted on the attached 2023 DDD Expansion Existing Zoning Map 2.

Motion carried.

Bid Award/2024 Streetscapes Project/Construction Phase

The following memo was submitted for Council review and determination:

In October 2022, the City hired KCI Technologies to prepare a concept plan for streetscape improvements of various sections of downtown Milford. The areas included Southwest Front Street from South Walnut Street to North Church Street, Park Avenue from North Walnut Street to Denney Row, Denney Row from Park Avenue to NE Front Street, and North Washington Street from the Mispillion River to Northeast Front Street. The planning scope also included City-owned parking lots on SW Front Street and Park Avenue. The proposed streetscapes and parking lot improvements are listed projects in Milford's Rivertown Rebirth Master Plan (Downtown Master Plan) and the City's five-year Capital Improvement Plan (CIP).

Toward the end of the 2022 calendar year, KCI reviewed previous City planning documents, performed a field visit to downtown Milford and met with various City staff. Based on these activities, KCI prepared a set of preliminary design ideas which were reviewed internally with City staff before preparing preliminary concept plans. The preliminary concept plans included a range of improvements (low impact to high impact).

The preliminary concept plans were shared with residents and business owners during a public input meeting held on March 8, 2023. Stakeholders had an opportunity to review the different levels of improvements and provide feedback on the proposed changes. A presentation of the preliminary concept plans and feedback obtained from the public was made to City Council on April 19, 2023.

The final draft of the concept plans was reviewed and accepted by City Council on June 26, 2023 with the condition that SW Front Street be designed to allow for two-way traffic.

Two proposals for the design of the streetscape projects are enclosed. The proposals are broken down into SW Front Street and N. Washington Street/Denney Row/Park Avenue to correlate with projected construction schedules in the CIP. The two proposals address the design and construction administration of five (5) capital projects that are listed in the FY24-FY28 CIP and include the following:

Reference	Project	FY23 Balance	FY24 Capital	FY25 Plan
Line 136	N. Washington Street Streetscape	\$200,000	\$45,000	\$200,000
Line 137	Park Avenue/ Denny Row Streetscape	345,000		500,000
Line 141	SW Front Street Streetscape	45,000		600,000
Line 170	Park Avenue Lot Enhancements	120,000		
Line 171	SW Front Street Lot Enhancements			300,000
Annual Subtotal		\$710,000	\$45,000	\$1,600,000
All Projects				\$2,355,000

The proposals would be funded with \$755,000 available through FY23 and FY24 CIP approvals. The funds were projected to cover both design and staggered construction costs. The available funds will cover the design of all five projects, and the remainder will roll forward to combine with the additional funding in the FY25 Plan year to support the construction of the projects in future fiscal years.

Councilmember Boyle moved to authorize Mayor Campbell execute the proposal from KCI Technologies at an amount not to exceed \$190,000 for the design and construction administration of the North Washington Street, Denney Row and Park Avenue Streetscape projects, seconded by Councilmember Culotta. Motion carried.

Councilmember Boyle moved to authorize the Mayor to execute the proposal from KCI Technologies at an amount not to exceed \$145,000 for the design and construction administration of the SW Front Street Streetscape project, seconded by Councilmember Culotta. Motion carried.

City Manager Whitfield introduced the following three ordinances:

Introduction/Ordinance 2023-30 Chapter 211 Trees/Preservation & Advisory Council Absences

Introduction/Ordinance 2023-31 Chapter 141 Handbills (Rescind)

Introduction/Ordinance 2023-32 Chapter 208 Teen Center (Rescind)

All three ordinances are scheduled for public comments and final action at the August 28, 2023 Council Meeting.

Planning Director Pierce read the following memo into record:

City Council previously authorized engineering service contracts with Becker Morgan Group in the amounts of \$210,000 and \$313,000 for the design and permitting of onsite construction improvements and anticipated DelDOT road and right-of-way improvements. The contracts excluded the cost for a new Transportation Impact Study (TIS).

On November 28, 2022, City Council authorized an amendment to the engineering agreement with Becker Morgan Group in the amount of \$28,000 for the preparation of a Traffic Impact Study.

On January 23, 2023, City Council authorized the appropriation of \$32,000 from General Fund Reserves to cover the costs associated with anticipated third-party expenses related to environmental services, geotechnical services and other anticipated reimbursable expenses associated with the design of the Milford Corporate Center.

Engineering Services Contract – KCI Technologies, Inc. – Sanitary Sewer Pump Station Design

The engineering contract with Becker Morgan Group excluded costs associated with the design of the sanitary sewer pumping station that will serve the Milford Corporate Center and surrounding area. Enclosed is a proposal from KCI Technologies for the design of the sanitary sewer pumping station.

The recommendation is to utilize KCI for the design of the pump station since the engineering firm is familiar with the City's construction standards and pump station specifications.

Councilmember Boyle moved to authorize the Mayor to execute the proposal from KCI Technologies at an amount not to exceed \$56,000 for the design of the regional sanitary sewer pumping station associated with the Milford Corporate Center utilizing funding approved in the FY24 capital budget. All costs incurred to improve the MCC property, net of all offsets, shall be recovered through lot sales and returned on a pro rata basis to the internal funding sources leveraged to support such costs, seconded by Councilmember Fulton. Motion carried.

Authorization/License Renewals/KTL/Microsoft 365 E5 GCC

Finance Director Vitola presented the following request on behalf of IT Director Pettigrew:

The City will be updating licenses from O365 E5-GCC to M365 G5-GCC. The preferred vendor to acquire these licenses is SHI, Inc., a Software Value-Added Reseller (VAR) approved through the National Association of State Procurement Officials (NASPO). The State of Delaware and its Department of Technology and Information (DTI) utilize Software VAR contracts through NASPO.

This upgrade and vendor will save the City money on a per-license basis versus the initial agreement covering the City's first step into the Microsoft O365 environment two years ago. Further, the M365 version will provide enhancements, including additional cybersecurity features both in the cloud and on-premises. Funding is allocated in the FY24 budget for this project. As the city expands staff, we may need to add additional licenses, which is also contemplated in the FY24 budget. The proposal and a comparison of license options are enclosed.

It was confirmed that additional licenses, up to five, can be purchased at the same price during this fiscal year.

Councilmember Fulton approve the renewal, upgrade, and new Microsoft vendor, SHI, Incorporated, as approved through the National Association of State Procurement Officials, for the City's budgeted M365 License renewal for the quoted price of \$72,480, seconded by Councilmember James. Motion carried.

EXECUTIVE SESSION

Councilmember Wilson moved to go into Executive Session reference the below statutes, seconded by Councilmember James:

Pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 7:56 pm for the purposes permitted by the Delaware Freedom of Information Act.

At 8:10 p.m., Councilmember Fulton moved to return to Open Session, seconded by Councilmember Wilson. Motion carried.

Legal-

Pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation

No action required.

Property Sale/Lease-

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

Councilmember Fulton moved to continue pursuing real estate items as discussed, seconded by Councilmember James. Motion carried.

ADJOURNMENT

Councilmember Marabello moved to adjourn the meeting, seconded by Councilmember Fulton. Motion carried. The Council Meeting adjourned at 8:11 p.m.

Respectfully submitted,

Terri K. Hudson, MM
City Clerk/Recorder

Attachment: DDD Map 2 (Final)