

CITY OF MILFORD
COUNCIL MEETING MINUTES
August 28, 2023

The City Council of the City of Milford met in Regular Session on Monday, August 28, 2023.

PRESIDING: Mayor Arthur Campbell

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

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

COUNSEL: Solicitor David Rutt, Esquire

ABSENT: Councilmember Katrina Wilson

CALL TO ORDER

Mayor Campbell called the meeting to order at 6:04 p.m.

PUBLIC COMMENT PERIOD

Though the Public Comment period was scheduled prior to the start of the official meeting, it was opened by Mayor Campbell after the meeting was called to order.

Carolyn Price of 611 Seabury Avenue talked about the City's bike plan and speeders in Milford. She suggested lines being placed on the streets to slow down traffic as well as more crosswalks.

She also asked that more advertising be done about the requirement to stop at crosswalks.

Another problem is the out-of-control truck traffic and in particular, semi-trucks that are causing her house to shake when they hit holes in the streets. Ms. Price has ideas about rerouting trucks to the warehouse areas in Milford.

With no one else signed up to speak, Solicitor Rutt directed the Mayor to close the Comment Session.

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Vice Mayor James, followed by the Pledge of Allegiance.

RECOGNITION

New City Employee Recognition

Finance Director Lou Vitola announced that Nicole "Nikki" Mumaw was hired in late March to fill the Cash Operations Clerk II position in Customer Service.

He then introduced Kevin Gaboriault who was hired this past week to fill the City's latest position as their second Accountant in the Finance Department. Mr. Gaboriault briefly addressed Council.

ORDINANCES/PUBLIC HEARING-COMMENTS/FINAL ACTION

Ordinance 2023-30

Chapter 211 - TREES

§ 211-3. Preservation and Advisory Council

Council Absences

Following a brief review, Mayor Campbell opened the floor to public comments. With no one responding, the public comment session was closed.

See Council packet for complete ordinance.

Councilmember Fulton moved to adopt Ordinance 2023-30, as presented, seconded by Councilmember Boyle:

ORDINANCE 2023-30
CHAPTER 211 - TREES

Whereas, the City Council of the City of Milford finds the preservation of trees within the City is of paramount importance in maintaining the quality of life within the City and to protect the health, safety, and general welfare of its citizens; and

Whereas, a Preservation and Advisory Council was established to ensure the City realizes the benefits of trees by proposed policies, regulations, and standards; and

Whereas, the City Council recognizes the benefits of the fullest practicable attendance and participation at meetings by those members appointed to serve on certain public bodies.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. The City Council of the City of Milford proposes to amend the Code of the City of Milford and specifically Chapter 211 entitled Trees.

Section 2. Amends Subsection §211-3A by correcting name of appointed body.

Section 3. Amends Subsection §211-3B by correcting name of appointed body.

Section 4. Amends Section §211-3 Preservation and Advisory Council by adding a new Subsection §211-3C relating to required attendance by Council Members.

Section 5. Amends Subsection §211-3C by re-lettering to Subsection §211-3D and correcting name of appointed body.

Section 6. Amend Subsection §211-3 D by re-lettering to Subsection §211-3E and correcting name of appointed body.

Section 7. Strikethrough text denotes a deletion; underlined, and bold text denotes an addition.

Section 8. Dates.

City Council Introduction August 14, 2023

City Council Public Comments & Final Determination August 28, 2023

Effective September 7, 2023

Motion carried.

Ordinance 2023-31
Chapter 141 Handbills
(Rescind)

Following a brief review, Mayor Campbell opened the floor to public comments. With no one responding, the public comment session was closed.

See Council packet for complete ordinance.

Councilmember Fulton moved to adopt Ordinance 2023-31, rescinding Chapter 141, seconded by Councilmember Boyle:

ORDINANCE 2023-31
Amendment to City of Milford Code
Chapter 141 - Handbills

AN ORDINANCE AMENDING THE CODE OF THE CODE OF THE CITY OF MILFORD BY RESCINDING IN ITS ENTIRETY CHAPTER 141 Entitled “HANDBILLS”

WHEREAS, the City Council of the City of Milford is continually reviewing, revising, and updating the provisions of the City’s Code of Ordinances; and

WHEREAS, the City Council finds that updates, including removal of outdated ordinances and the elimination of redundant language, are in the best interest in the City; and

WHEREAS, it is recommended that Chapter 141 Handbills of the City of Milford Code be repealed; and

WHEREAS, equivalent language exists in Chapter 230 entitled Zoning Article IV Signs Section 24.10 Prohibitions; and

WHEREAS, as part of their review of the matter, City Council will consider any public comment presented on this ordinance during a regular meeting on August 28, 2023, that convenes at 6:00 pm; and

WHEREAS, if unable to attend meeting either in person or virtually, you may submit written comments via email to thudson@milford-de.gov; and

WHEREAS, the Notice of Ordinance Review and Public Comment Period was published in the Delaware State News on August 10, 2023.

NOW, THEREFORE, the City of Milford hereby ordains:

- Section 1. Purpose: The Code of the City of Milford is amended by rescinding Chapter 141 Handbills in its entirety.
- Section 2. Chapter 141 is hereby reserved for future use.
- Section 3. Dates
 - Council Introduction: August 14, 2023
 - Council Public Comments/Determination: August 28, 2023
 - Effective: September 7, 2023

Motion carried.

*Ordinance 2023-32
Chapter 208 Teen Center
(Rescind)*

Following a brief review, Mayor Campbell opened the floor to public comments. With no one responding, the public comment session was closed.

See Council packet for complete ordinance.

Councilmember Fulton moved to adopt Ordinance 2023-32, rescinding Chapter 208, seconded by Councilmember Baer:

ORDINANCE 2023-32
Amendment to City of Milford Code
Chapter 208 – Teen Centers

AN ORDINANCE AMENDING THE CODE OF THE CODE OF THE CITY OF MILFORD BY RESCINDING IN ITS ENTIRETY CHAPTER 208 ENTITLED “TEEN CENTERS”

WHEREAS, the City Council of the City of Milford is continually reviewing, revising, and updating the provisions of the City's Code of Ordinances; and

WHEREAS, the City Council finds that updates, including removal of outdated ordinances and the elimination of redundant language, are in the best interest in the City; and

WHEREAS, it is recommended that Chapter 208 Teen Centers of the City of Milford Code be repealed; and

WHEREAS, Teen Centers are presently regulated by Chapter 230 Zoning, Chapter 88 Building Construction, Chapter 90 Business License, and Chapter 115 Disorderly Premises of the City of Milford Code, as well as various State of Delaware laws; and

WHEREAS, as part of their review of the matter, City Council will consider any public comment presented on this ordinance during a regular meeting on August 28, 2023, that convenes at 6:00 pm; and

WHEREAS, if unable to attend Council meeting either virtually or in person, written comments can be emailed to thudson@milford-de.gov; and

WHEREAS, the Notice of Ordinance Review and Public Comment Period was published in the Delaware State News on August 10, 2023.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. Purpose: The Code of the City of Milford is amended by rescinding Chapter 208 Teen Centers in its entirety.

Section 2. Chapter 208 is hereby reserved for future use.

Section 3. Dates

Council Introduction: August 14, 2023

Council Public Comments/Determination: August 28, 2023

Effective: September 7, 2023

Motion carried.

COMMUNICATIONS & CORRESPONDENCE

Councilman Boyle discussed the complaints he has received about the has received several complaints that involved a solid waste truck that was leaving hydraulic fluid. Every street in the Meadows at Shawnee, as well as Hearthstone, Milford Shores, Matlinds Estates, and Orchard Hill was stained significantly. Photos were left with the City Manager. This is a recurring problem.

City Manager said the hydraulic hoses break often though a project was ordered that should draw up

Councilman Fulton said there is constant problem with the solid waste crews missing trash pickup. He is again asking that the items be collected at every home.

Councilman Culotta reported that several residents received letters that were not consistent with the original plan.

Councilman Baer added his neighborhood also had recycling issues.

Councilman James emphasized the need to be a customer service entity and Council expects excellence based on the fees the City is charging and the needs of our residents.

MONTHLY FINANCE REPORT

Finance Director Lou Vitola shared activity was very light in July due to the ERP conversion.

Finance staff moved into the new fiscal year on July 3rd, with all other modules operating in parallel with manual transfers into the new system. Because of that it was challenging to complete this report and the reason it was added very late to the Council packet.

The last reserves built from FY22 into FY23 were used to purchase the new truck which exhausted all the vehicle and equipment replacement reserves.

The City's cash reserve policies and equipment replacement reserves were written in a way so that they were dynamic and that they would change to reflect the new budgets and were calculated and encumbered against the cash reserve balances to show the true availability of funds remaining.

ARPA and police building spending is included and updated. The legacy reports are still intact, and the P&L and the general fund revenue and expenditures are in there and complete but reflect a lot of new information.

The electric and solid waste funds had strong months, though some of that is due to the decrease in spending during that time.

Mayor Campbell spoke about the complaints regarding the newest increase in property taxes.

The Finance Director was asked to provide a breakdown of the recent tax increase and the amount related to the new police facility.

Director Vitola said the increase is only due to two things. The first and largest is the debt service on the new police station. It involves a \$20 million project approved by voters in 2020 and the project should be completed by the end of 2023. The ramification of taking on a large project is that it must be paid for with current income streams. The money was borrowed, and the city must meet that debt service through property tax assessments of a few pennies in 2023 and, some additional pennies in 2024. That will remain in place over the next forty years until that borrowing is paid off.

The smaller portion, or one penny, is related to management's cautious use of realty transfer taxes. It is a regular source of income but has been used to supplement operating expenses in the general fund over the past many years. However, there is no guarantee of the amount and if we experience a bad year of real estate, that funding is longer reliable. That would create a budget gap and management would be required to instill a much higher tax increase. Instead, Council chose to gradually increase taxes by one penny every year for five years to cover operating expenses in the general fund as we wean ourselves away from supplementing the budget with real estate transfer taxes which are paid by property owners when selling and buying real estate. In addition, State Legislators could change the law and reduce the percentage municipalities can receive which could have a devastating impact on the City budget.

This also allows the realty transfer taxes to be put into a fund that will instead pay for capital projects such as roads, sidewalks, and equipment. He stated that we have put ourselves into a stronger position so that the increases are known and can be measured and budgeted by residents, businesses, and families, and that capital put aside and used for streets, sidewalks, curbs, projects, vehicles, equipment, and so forth.

Director Vitola stressed that none of the tax increases in the last few years were related to any of the City's internal cost pressures.

Councilmember Culotta suggested reminding our residents of the referendum that voters approved a couple years ago. It was noted that many of the new residents are unaware of that.

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

UNFINISHED BUSINESS

Adoption/Resolution 2023-18/City of Milford Strategic Plan

University of Delaware Institute of Public Administration Innovator William McGowan provided a brief overview of the plan.

Mayor Campbell opened the floor for public comments. No one responded and the comment period was closed.

Councilman Boyle stated that though it was pointed out at the last meeting, two photos need to be updated before the report is published. Councilmember Baer said he also has grammar edits and typos that are needed before it is released to the public.

Councilmember Fulton moved to adopt Resolution 2023-18 with the edits as referred by the two Councilmembers, seconded by Councilmember James:

RESOLUTION 2023-18
ADOPTING THE CITY OF MILFORD
STRATEGIC PLAN FOR 2023 to 2028

WHEREAS, the City Council of the City of Milford believes that the development of a specific mission, vision, core value statements, and both long and short-term goals and objectives are vital to planning for the future of this city; and

WHEREAS, the City Council of the City of Milford has developed a mission and vision statement, value statements, and belief statements for 2023 to 2028 through strategic planning sessions which included input and collaboration from a professional consultant and facilitator, community members, stakeholders, and staff; and

WHEREAS, this renewed plan separates community engagement from fiscal responsibility creating six priority areas, focuses more attention to implementation of the Rivertown Rebirth Plan 2025/Downtown Master Plan and the 2021 Bicycle Master Plan, updates current objectives and strategies, and adds an easy-to-use matrix as a pathway to progress for community use.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MILFORD, that the attached 2023-2028 Strategic Plan for the City of Milford is hereby adopted.

BE IT FURTHER RESOLVED that the mission, vision, core value statements, goals, objectives, and strategies set forth in the Strategic Plan shall be made available to residents, businesses, other governmental entities, and agencies within the City of Milford as appropriate for the purpose of coordination of activities and sharing of our vision.

Motion carried.

NEW BUSINESS

Appointments/Reappointments

Following an in-depth investigation by the City Clerk into the terms of the following four public bodies, recommendations were made to appoint and reappoint members.

Tree Preservation and Advisory Committee

Parks and Recreation Director Brad Dennehy requested City Council to confirm the terms of the following current and new members as follows:

Holly Heverly term expires 08/31/2023; extended to 08/31/2026.

Timothy Metzner term expires: 8/31/2025.

Leigh Muldrow term expires: 8/31/2024.

Eric Wahl term expires: 8/31/2024.

Fatimata Woodard final term expires: 8/31/2023.

With the expiration of Ms. Woodard's final term, a new member will be sought and brought back to Council for confirmation.

Councilmember Fulton moved to confirm the appointments of the members with term dates as indicated above, and that a candidate be sought to fill the one vacancy for a three-year term beginning August 31, 2023, seconded by Councilmember James. Motion carried.

Parks & Recreation Advisory Board

Parks and Recreation Director had submitted a memo asking for confirmation of terms of the following members of the Parks and Recreation Advisory Board. Ms. Villalobos has been on the board since its inception and will complete her final term. After a review of current applicants, Mayor Campbell and Director Dennehy recommend she be replaced by Meredith Schmid of 434 Kings Highway.

Ronny Baltazar-Lopez term expires: 8/31/2025.

Nicholas Brannon term expires: 8/31/2024.

Darron Johnson term expires 8/31/2023, to be extended through 08/31/2026.

Bill Shupe term expires 8/31/2024.

Anne Villalobos term expires: 8/31/2023;

Meredith Schmidt be appointed for a full three-year term: 08/31/2023 – 08/31/2026

Councilman Fulton moved to confirm the appointment of Meredith Schmidt and Darron Johnson for three-year terms through 2026, and the reconfirmation of other Parks and Recreation Advisory Board members as noted above, seconded by Councilmember James. Motion carried.

Planning Commission Board of Adjustment

The City Clerk asked that any reappointments be handled at the Organizational Meeting of City Council in May of each year to prevent this from recurring in the future.

Councilmember Fulton moved to reappoint Planning Commissions Shelby Nash DiCostanzo, Charles T. Hammond Jr., and Ian Wright for three-year terms beginning August 31, 2023 to August 31, 2026, seconded by Councilmember Culotta. Motion carried.

Councilmember Fulton moved to confirm the term expiration dates for Marvin Sharp (exp 2024), James Purcell (exp 2025), Mark Redden (exp 2024), and David Sauls (exp 2025), seconded by Councilmember Boyle. Motion carried.

Councilmember Fulton moved to reappoint Ronald Rizzo for a three-year term beginning August 31, 2023 and ending August 31, 2026 and confirm the term expiration dates of Brendon Warfel (exp 2025) and Nadia Zychal (exp 2024), seconded by Councilmember Boyle. Motion carried.

Adoption/Resolution 2023-15/Conversion of 19 Acres into City Park & Trail/South Rehoboth Boulevard

Parks and Recreation Director Dennehy presented two resolutions needed to apply for ORPT (Outdoor Recreation, Parks, and Trails Program) funds. Match funds are also required and are outlined in the resolution.

Resolution 2023-15 relates to the design and development of the Herman Sharp nineteen plus acres that will be used for a future City park and the contribution of matching funds in the amount of \$62,500 from a combination of the City's General Fund Reserves and eligible Community Redevelopment/Reinvestment Funds (CRRF) and Community Transportation Funds.

Mayor Campbell opened the floor for public comments. Carolyn Price of 611 Seabury Avenue asked the location of the property which Parks and Recreation Dennehy explained.

With no other person wishing to speak, the public comment session was closed.

Councilmember James moved to adopt Resolution 2023-15, seconded by Councilmember Baer:

RESOLUTION 2023-15

Design and construction of trails and park amenities of 19.43 +/- acres of farmland for the purposes of converting into a new city park and trail system on South Rehoboth Boulevard in Milford, Delaware.

WHEREAS, since its establishment in 1974, Milford Parks and Recreation has set out to promote community recreation with an emphasis on Parks and Trails throughout the City; and

WHEREAS, the City of Milford recently purchased 19.43 +/- acres of farmland, known as Sussex County Tax Parcel No. 3-30-11.00-039.00, to develop into a dedicated public park and greenway trail system; and

WHEREAS, funding through the Delaware Land and Water Conservation Trust Fund, pursuant to 30 Del. C. § 5423, Outdoor Recreation, Parks, and Trails Program or ORPT Program, for municipal outdoor recreation and conservation investments, assisted in the purchase; and

WHEREAS, the property has been identified in the City of Milford Strategic plan as providing additional recreational opportunities for the citizens of Milford, with the intent to create a continuous multimodal bike/pedestrian pathway, featuring playing fields, sports courts, picnic pavilions, playgrounds, public restrooms, and other open space; and

WHEREAS, this involves a multi phased project over several years which has the blessing of the City of Milford's Mayor, Council, and taxpayers of Milford; and

WHEREAS, the project is identified in the adopted Capital Improvement Plan with funding prioritized; and

WHEREAS, a contract has been executed with a design professional and the scope of work well defined; and

WHEREAS, upon the recommendation of the City's Finance Director and City Manager, City Council hereby agrees to contribute matching funds of \$62,500 from a combination of the City's General Fund Reserves and eligible Community Redevelopment/Reinvestment Funds (CRRF) and Community Transportation Funds (CTF); and

WHEREAS, the City Council designates the City Manager, or his/her designee, to manage the project and to comply with ORPT requirements for reporting and reimbursement purposes; and

WHEREAS, the City agrees that lands purchases, developed, and designed with the ORPT Program assistance shall remain in public outdoor recreation or conservation uses in perpetuity and shall not be converted to other uses.

NOW, THEREFORE, BE IT RESOLVED, that Milford City Council, by majority vote, authorize the ORPT Grant Funding Application of the above grant and commit to the management and completion of the project in a professional and competent manner, and to provide sufficient funds, including a minimum of \$62,500 in matching funds, to assure effective operation and long term maintenance of the land and its improvements, and that the City of Milford shall abide by all requirements of the ORPT Grant Program for reimbursements and stewardship responsibilities.

Motion carried.

Adoption/Resolution 2023-16/DE OZ Easement Acquisition/Exchange for Mispillion River Bulkhead Rehab

Parks and Recreation Director Dennehy shared that Resolution 2023-16 is for the design and construction of a replacement bulkhead at the rear of 11 North Church Avenue (old firehouse), owned by DE OZ Property Management, and confirms the City's contribution of \$62,500 from a combination of the City's General Fund Reserves and eligible Community Redevelopment/Reinvestment Funds. The maintenance of the easement would then become the City of Milford.

Solicitor Rutt recommended an agreement be created to include a not to exceed amount for the associated costs of this project prior to the property being transferred by Co-Owner Dan Bond of DE OZ Property Management. Councilman James agreed adding that additional funding be sought considering the anticipated costs associated with the project.

Mayor Campbell opened the floor for public comments. With no one responding, the public comment session was closed.

Councilmember Fulton moved to adopt Resolution 2023-16, subject to the entry of an agreement with DE OZ Property Management, to be ratified by City Council, and based on the associated costs of the project, seconded by Councilmember Culotta. Motion carried.

RESOLUTION 2023-16

Design and reconstruction of the concrete bulkhead located to the rear of 11 North Church Avenue in exchange for an easement owned by DE OZ Property Management LLC needed to complete the connectivity of the Milford Riverwalk.

WHEREAS, since its establishment in 1974, Milford Parks and Recreation has set out to promote community recreation with an emphasis on Parks and Trails throughout the City; and

WHEREAS, a portion of the City Strategic Plan was developed to guide the Parks and Recreation Department in fulfilling the shared community vision and stated mission of the Parks and Recreation Department; and

WHEREAS, Taking over forty years to complete, the City of Milford Riverwalk is a mile plus long pedestrian walkway that consists of elevated boardwalks, pedestrian bridges, exposed concrete walkways, and brick sidewalks that weave alongside the banks of the Mispillion River in the heart of Downtown Milford, and

WHEREAS, one noncontiguous area lies behind the former historic Carlisle Firehouse located on North Church Street was recently purchased and the new owners are willing to provide an easement to the City of Milford which would extend the City's Riverwalk around the building for use as a public walkway, in exchange for substantial work required to the adjacent bulkhead needed for this project to occur; and

WHEREAS, an application through the Delaware Land and Water Conservation Trust Fund, pursuant to 30 Del. C. § 5423, Outdoor Recreation, Parks, and Trails Program or ORPT Program, for municipal outdoor recreation and conservation investments, is being submitted; and

WHEREAS, upon the recommendation of the City's Finance Director and City Manager, City Council of the City of Milford hereby agrees to contribute matching funds of \$62,500 from a combination of the City's General Fund Reserves and eligible Community Redevelopment/Reinvestment Funds (CRRF); and

WHEREAS, the City Council designates the City Manager, or his/her designee, to manage the project and coordinate ORPT requirements for reporting and reimbursement purposes; and

WHEREAS, the City agrees that lands developed or purchased with the ORPT Program assistance shall remain in public outdoor recreation or conservation uses in perpetuity and shall not be converted to other uses.

NOW, THEREFORE, BE IT RESOLVED, that on the 28th day of August 2023, Milford City Council, by majority vote, authorize the land currently owned by DE OZ Property Management, LLC to be used as an easement in exchange for the construction of a concrete bulkhead to be paid with ORPT Grant Funding and up to \$62,500 in matching funds, which would complete connectivity making the entire Mispillion Riverwalk in Downtown Milford, Delaware; and

BE IT FURTHER RESOLVED, it is agreed that the City of Milford shall abide by all requirements of the ORPT Grant Program for reimbursements and stewardship responsibilities.

Planning Director Pierce again presented the project for further Council review following a complete review at the previous workshop on August 23, 2023.

Century Engineering continues to work on a report to be adopted by Council at a later date. He plans to present it to Council for adoption on September 11, 2023.

Council noted that it was put on tonight's agenda for public comment.

Mayor Campbell opened the floor for public comments.

Carolyn Price of 611 Seabury Avenue expressed concern about the speed of traffic in this area and believes that issuing more tickets could help, as well as additional four-way stops. She encourages putting in some safety features prior to any addition of a bicycle path.

She also spoke about the problems associated with the number of straightaways in Milford, particularly with vehicles turning from South Walnut Street onto Seabury Avenue.

With no one else responding, the public comment session was closed.

Authorization/Utility Bill Inserts/Milford Community Parade/Solicitation Flyer

Milford Community Parade Committee has again requested an insert be included in the September Utility Bill asking for donations from Milford's Utility Customer as is done every year. The cost for mailing the insert is approximately \$1,200 and is historically paid from the Council Expense budget line item.

Councilmember Fulton moved to authorize the flyer to be included in the September utility bills and authorize \$1200 from Council Expense budget to pay for the mailing, seconded by Councilmember James. Motion carried.

ADJOURNMENT

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

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder