

CITY OF MILFORD
COUNCIL MEETING MINUTES
October 23, 2023

The City Council of the City of Milford met in Regular Session on Monday, October 28, 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, Chief Cecilia Ashe, and City Clerk Terri Hudson

COUNSEL: James Sharp, Esquire, Moore & Rutt, P.A.

ABSENT: Councilmember Nirmala Samaroo

Councilmember Samaroo left at this time because of a medical issue.

CALL TO ORDER

Mayor Campbell called the meeting to order at 6:09 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.

No persons were signed up to speak and the comment period was closed.

INVOCATION AND PLEDGE

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

RECOGNITION

Introduction of New Employees

Public Works Director Mike Svaby shared that that Frederick Douglas was recently hired as the fourth Solid Waste Operator and will be introduced at the next Council meeting.

RECOGNITION

Proclamation 2023-15 /Lung Cancer Awareness Month

Mayor Campbell proclaimed November as Lung Cancer Awareness Month:

PROCLAMATION 2023-15
Lung Cancer Awareness Month – NOVEMBER 2023

Whereas, lung cancer is the leading cause of cancer death among men and women in the United States and Milford, accounting for more deaths than colon cancer, breast cancer, and prostate cancer combined; and
Whereas, according to the Centers for Disease Control, there were 1,309 new lung cancer cases and 857 deaths because of lung cancer between 2016 and 2020 in Sussex County; and

Whereas, the 5-year survival rate for localized lung cancer is ~60%, yet only ~24% of lung cancers are diagnosed at this stage; and

Whereas, screening for lung cancer for high-risk individuals using low dose computed tomography can lead to the earlier detection of lung cancer and save lives, reducing the mortality by 20% when compared to screening by chest x-ray in the National Lung Screening Trial (3) and reducing the risk of death at 10 years by 24% in men and 33% in women as demonstrated by another large, randomized trial; and

Whereas, funding for lung cancer research trails far behind funding for research of many other cancers, and additional research is needed in early diagnosis, screening, and treatment for lung cancer as well as in lung cancer affecting women and lung cancer health disparities; and

Whereas, lung cancer incidence is decreasing twice as fast in men as it is in women, each year more women die from lung cancer than breast cancer and by 2035, more women will die from lung cancer than men; and

Whereas, African Americans have the highest lung cancer incidence and mortality of all races, and disparities in lung cancer screening, diagnosis, treatment, and mortality are well characterized among African Americans and other racial minorities; and

Whereas, lung cancer in individuals who never smoked is the 7th leading cause of cancer-related death and accounts for 17,000-26,000 deaths in the US every year (7), 60-70% of individuals diagnosed with lung cancer who never smoked are women (9,10), and the proportion of lung cancers diagnosed in people who never smoked is increasing in the US; and

Whereas, radon is the leading cause of lung cancer among individuals who never smoked and the second leading cause of lung cancer overall; and

Whereas, the stigma surrounding lung cancer creates barriers to early diagnosis, treatment, and funding for research, has a detrimental impact on the quality of life of people diagnosed with lung cancer, and hinders awareness of and research into lung cancer risk factors other than smoking; and

Whereas, lung cancer research is leading to breakthroughs in the identification of genetic alterations associated with lung cancer and in the development of lung cancer treatments, including immunotherapies and targeted therapies; and

Whereas, organizations working in Milford such as the American Lung Cancer Screening Initiative and Women's Lung Cancer Forum, are committed to educating about lung cancer and lung cancer screening and working to increase lung cancer screening rates in Milford.

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, Delaware, hereby proclaim November 2023 as Lung Cancer Awareness Month in Milford, and recognize the need for research in lung cancer affecting women and lung cancer health disparities and encourage all citizens to learn about lung cancer and early detection through lung cancer screening.

Proclamation 2023-17/Extra Mile Day

Mayor Campbell also proclaimed Wednesday, November 1st as Extra Mile Day in the City of Milford:

Proclamation 2023-17
Extra Mile Day-November 1, 2023

WHEREAS, the City of Milford is a community that acknowledges that an exceptional vibrancy exists within the community as a whole when its individual citizens collectively "go the extra mile" in personal effort, volunteerism, and service; and

WHEREAS, Milford is a community that encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, Milford is a community that chooses to shine a light on and celebrate individuals and organizations within its community who "go the extra mile" in order to make a difference and lift up fellow members of their community; and

WHEREAS, the City of Milford acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support "Extra Mile Day" on November 1, 2023.

NOW THEREFORE, I, Arthur Campbell, Mayor of the City of Milford do hereby proclaim November 1, 2023 to be Extra Mile Day and urge each individual in the community to take time on this day to not only "go the extra mile" in his or her

own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

COMMUNICATIONS & CORRESPONDENCE

DelDOT Letter/US North/South Alternative/Community Consensus

A letter from DelDOT Secretary Nicole Majeski regarding the request from City Manager Whitfield and signed by Mayor Campbell to request reconsideration new alternate routes for North/South traffic. The General Assembly, along with DelDOT Secretary Wicks, in 2008 determined there was no community consensus for a compromise alternative and that DelDOT discontinued further action at the time.

The city is requesting DelDOT consider a new route.

Mayor Campbell reported that Milford Advocacy for the Homeless Martha Gery is requesting additional buses for use by our homeless community, due to a recent decrease in routes.

MONTHLY FINANCE REPORT

Director Lou Vitola is ill and unable to attend. The report will be postponed until the next meeting.

UNFINISHED BUSINESS

Authorization/Downtown Restroom Plans/Recommendation

Public Works Director Mike Svaby provided an update noting this is the third review.

His first recommendation was for a prefabricated unit from CXT Precast Concrete Restrooms and Council asked for more options.

At the last meeting, he presented three new options that would fit in the buildable footprint at 5 South Washington Street (across from library). After a review of those options, there was a desire for more size and features. Councilman Culotta also suggested evaluating a built-on-site restroom facility.

Further research of an *estimate* of a design/build on-site option overseen by RY Johnson, the General Contractor for the new Police Facility, based on the specifications of the Dakota and Cortez prefab units. While slightly higher, the turnkey responsibility for construction of a *designed* restroom building and its accessories, site preparation and utility connections would all fall under the purview of the general contractor RY Johnson. Further, the process of letting a competitive bid for a GC may result in a lower price than our initial estimate.

A price comparison determined the following total costs:

Model	Square Foot	PreFab Building	Site Costs	Total	Price/Square Foot		
Cortez	170	\$153,000	\$60,000	\$213,000	\$1,253		
Dakota	132	\$186,000	\$60,000	\$246,000	\$788		
Model	Square Foot	Site Built Building	Cost of GC	Site Costs	Total	Price/Square Foot	
						w/GC	w/o GC
Cortez	170	\$199,698	\$26,150	\$29,955	\$255,803	\$1505	\$1329
Dakota	312	\$233,400	\$31,320	\$35,010	\$299,730	\$961	\$848

After the time the spreadsheet was submitted for the packet, with a design cost estimate of approximately \$29,000 and \$35,000, he received a quote for the design fee of \$20,000. That number would reduce the per square foot price of the Dakota model from \$961 to \$913 per square foot.

The total project costs to have one company responsible for turnkey construction and turnover of the restroom constructed on site is estimated at \$284,720. That being more than the price quoted for the production, shipping and alignment of the unit, but still with risks about multiple parties involved, his recommendation is that Council authorize Public Works to 1) award a contract to Becker Morgan Group (State Contract) for design of a public restroom, and 2) conduct an RFP Process to identify a General Contractor qualified to deliver turnkey construction management services and oversight for the downtown restroom project from start to finish. Funding for both design and construction is budgeted in the FY24 CIP through General Fund Reserves.

It was confirmed that the difference in the estimated completion date of the site-built unit and prefab is about one week.

After this review, Council indicated that there appears to be no other reason but to continue with the prefab unit. Director Svaby said the only risk is the element of risk and being able to hold one contractor responsible. It was also noted that we have a lot of very qualified, well-paid employees that can oversee the project and the risk should not be an issue.

When asked if they can provide two urinals on the men's side, Director Svaby would have to ask for that option which would most likely slightly increase the price of the Dakota.

Councilman Culotta also noted that exact amenities have not been determined. Councilmember James recalled that at the last presentation, an additional stall was added to each unit. He does not recall Council being unsatisfied with that presentation.

Councilmember Fulton moved to proceed with the purchase of the Dakota Prefab Unit with the design shown in the packet for a price not to exceed \$250,000, seconded by Councilmember Wilson. Motion carried with no one opposed.

When questioned, City Manager Whitfield said the funding source was already identified.

Council commended Director Svaby for the good job, including his due diligence.

NEW BUSINESS

New Street Sidewalk Infill

City Engineer James Puddicombe shared that this same information was presented to the Public Works Committee prior to this meeting. He discussed the Sidewalk Master Plan which outlines City Staff's proposed areas by eliminating sidewalk gaps throughout the city. Over 600 feet of sidewalk was installed during the last street program as part of the sidewalk infill program though involved mostly small sections allowing complete connectivity in this part of the city.

The contractor hired for the sidewalk program 18 months ago is willing to hold their current price for some additional sidewalk infill.

He talked about the construction of the new Milford Middle School which falls within about 1,700 feet of the school district area which is a critical sidewalk area. The right of way is about seven foot wider than the curb resulting in sufficient room for a five-foot sidewalk without impacting privates. The school district is also required to install multi-mobile paths and sidewalks along the south side of their property.

With Simpson Crossing installing sidewalks as well, the infill will connect all existing sidewalks in this southwestern portion of the city.

He also provided a synopsis of the conversations they had with area residents who do not want sidewalks installed. A conversation followed about the great good of the community and residents. Other residents asked for sidewalks to be installed, though they were outside of the focus area.

Councilmember Fulton then questioned the gaps on East Clarke and adjacent dead-end streets, pointing out his residence. Engineer Puddicombe explained they are only addressing New Street by directing people to the main thoroughfares such as arterials and collectors.

When questioned about the funding, City Manager Whitfield thinks it was paid by general fund money and not RTT though the Finance Director will need to confirm that. City Engineer Puddicombe confirmed it is being paid from general fund reserves and funded under the capital plan under sidewalk infill with \$250,000 budgeted.

There were concerns expressed by Council about the residents who were required to pay for their sidewalk repairs and whether this is fair to them. Council asked the total cost to the private homeowner for required repairs and maintenance to their sidewalks.

The City Manager said there were exceptions made to any sidewalk requirements before he came. That has since changed but needs to be a Council decision and make the property owner pay for the sidewalk installation. He said that is how other municipalities handle it. But this is being done, at the council's direction, as part of an infill projection. Once installed, the maintenance and repair fall under the property owner based on the city ordinance.

Councilman Boyle sees no problem and property owners assume the full responsibility for maintenance over the years. Councilwoman Wilson recalled the block grants that paid for installation and repair of sidewalks. The City Engineer shared that a grant was submitted by the City Manager's assistant for the additional infill and though we expected a response in early October, the city has not heard anything.

It was agreed the City Manager should add the sidewalk ordinance for council review at an upcoming workshop.

Councilmember Boyle moved to modify the agreement with Jaquez Concrete to add an additional \$210,000 of sidewalk work to complete the 1,560 linear feet of sidewalk infill including 9 ADA ramp replacements, with funding proposed to come from general fund reserves and that the sidewalk will not be interrupted by gaps and completed as shown on the r Sidewalk Plan submitted by the City Engineer, seconded by Councilmember Marabello.

Motion failed by a vote of 3 to 5.

Councilmembers Marabello, Boyle, and Baer voting yes.

Councilman Fulton votes no based on the motion because it will not meet the requirements and the 1,560 does not include the gaps and if it does not, this motion will not infill those gaps and it is just an added unfunded requirement and is not included in the money or the feet.

Councilmember Culotta votes no because there are a lot of conflicting issues within the sidewalk policy and more needs to be discussed.

Councilmember Samaroo votes no.

Councilmember James votes no considering Councilman Fulton's comments regarding the absence of the additional two portions not being included in the original motion.

Councilmember Wilson votes no based on the same information presented plus, more feedback is needed regarding the two property owners who chose not to install sidewalks before moving forward.

The City Engineer then talked about the cost estimate for the grant which was around \$430,000 total and the grant was submitted of \$75,000. The problem is without the grant funds, there is not enough set aside in the general fund.

City Manager said he will come back on November 13th with additional information. Council requested total lineage, feet of sidewalk, ADA ramps for a total cost, in addition to the funding source.

Public Works Director Mike Svaby presented the following requests for Council review:

Authorization/Replacement & Purchase Vehicle/Streets & Utilities/S-2 2024 Ford F350/CIP

Staff requests City Council consider a recommendation to replace unit S- 2, a 2012 Ford F-250 with approximately 81,000 miles. Purchase of this replacement vehicle was identified in the FY24 Capital Improvement Plan.

Pricing for this vehicle was obtained using the State of Delaware Contract Pricing. The Streets and Utilities Division of Public Works budgeted \$85,000 for this replacement vehicle; the quote from Hertrich Fleet Services totals \$69,924. The Division elected to upgrade the replacement from the existing Ford F-250 to a Ford F-350 given the expected use and equipment load. The additional power and suspension of a 1-ton pickup will be more effective when used in conjunction with snowplow gear and a salt spreader that will be attached to the vehicle for use in inclement weather response. Specifications for the unit are in the packet.

Councilmember Fulton moved to authorize a purchase order to Hertrich Fleet per State of Delaware Contract pricing, with funding from General Fund Reserves through the Streets and Utilities Vehicle & Equipment Replacement Reserves in the amount of \$69,924 for the Ford F350, seconded by Councilmember Wilson. Motion carried.

Authorization/Replacement & Purchase Vehicle/Parks & Recreation/PR-06 2024 15-Pass Ford Cargo Van/CIP

Staff requests City Council consider a recommendation to replace the existing PR-6 Van, which was pre-owned at the time of purchase in 2014 and has logged over 60,000 total miles. The replacement of the unit was first identified in FY23 with an estimate of \$45,000, although cost escalation required the Parks & Recreation Department to consume \$11,543 of the budget on a higher priority vehicle, leaving \$33,457. While additional funding was added in the FY24 Capital Improvement Plan, the State Contract price is \$705 higher than the available budget.

The purchase of this vehicle will be made through the State of Delaware Contract. Specifications for the unit are included in the packet. The available budget of \$50,057 is \$705 short of the new state contract price of \$50,762. The shortfall may be met with General Fund Reserves.

Councilmember Fulton moved to authorize a purchase order to Hertrich Fleet per State of Delaware Contract pricing, with \$50,057 available through the Parks and Recreation Vehicle and Equipment Replacement Reserves and \$705 in additional funding sourced from General Fund Reserves for the van replacement, seconded by Councilmember Boyle. Motion carried.

Authorization/Purchase Vehicle/Parks & Recreation/PR-16 2024 Ford F350/CIP

Staff requests Council consider a recommendation to purchase a Ford F-350 1-ton Dump Body. This is an expansion vehicle that will be shared by the Arborist and the Horticulturist for transporting shrubs, plants, and planting equipment to locations such as the City Gateways and other public flower beds and trees. The need for this expansion vehicle was identified in the FY24 Capital Improvement Plan.

Pricing for this vehicle was obtained using the State of Delaware Contract Pricing. The Parks and Rec Department budgeted \$85,000 for the vehicle; the quote from Hertrich Fleet Services totals \$77,545. Specifications included in the packet.

Councilmember Wilson moved to authorize a purchase order to Hertrich Fleet per the State of Delaware Contract pricing, in the amount of \$77,545, with funding through General Fund Reserves, seconded by Councilmember Baer. Motion

carried.

Authorization/Replacement & Purchase Equipment/Parks & Rec/PR-30 2024 Mahindra Cab Tractor & Accessories/CIP

Staff requests City Council consider a recommendation to replace the existing 2008 New Holland tractor with mower deck with a 2023 Mahindra 71 HP tractor with a Titan/Iron Craft Flexwing cutter. The existing tractor is 15 years old, and the motor was previously rebuilt and has again failed. The replacement of the unit was identified in the FY24 Capital Improvement Plan.

Pricing for this tractor was obtained using State of Delaware Contract pricing. The Parks & Rec division budgeted \$85,000 for this replacement; the quote from Southern States Milford Corp. totals \$75,180. Specifications included in packet.

Councilmember Fulton moved to authorize a purchase order to Southern States Milford Co-Op per the State of Delaware Contract pricing, with funding coming from General Fund Reserves through the Parks and Rec Vehicle and Equipment Replacement Reserves, in the amount of \$75,180, for a 2023 Mahindra 71 HP Tractor with Titan/Iron Craft Flexwing Cutter, seconded by Councilmember Wilson. Motion carried.

Authorization/Replacement & Purchase Vehicle/Parks & Recreation/PR-41 2024 Ford 250/CIP

Staff requests City Council consider a recommendation to replace the existing 1998 Chevrolet Utility body truck driven over 100,000 miles (PR 41) with a 2024 Ford F250. The existing vehicle is 25 years old and has been used beyond its life expectancy. The replacement of the unit was identified in the 2024 Capital Improvement Plan.

The purchase of this truck will be made through the State of Delaware Contract. Specifications for the 2024 F 250 are included in the packet. The Parks & Recreation Department budgeted \$65,000 for the purchase of this unit; the final cost is \$64,661.

ffrecommends City Council authorize a purchase order to Hertrich Fleet Services, Inc. per State of Delaware Contract pricing, with funding coming from the General Fund Reserves through the Parks & Rec Vehicle & Equipment Replacement Reserves in the amount of \$64,661 for the 2024 Ford F250, seconded by Councilmember Baer. Motion carried.

Ordinance Introductions:

Mayor Campbell introduced the following ordinances, with City Planner Rob Pierce providing a synopsis of each:

ORDINANCE 2023-39

Application 23-020/Riverwalk Villas
Applicant & Owner: Milford Housing Development Corporation
977 East Masten Circle
Milford, DE 19968
Application Type: Preliminary Major Subdivision
Comprehensive Plan Designation: Moderate Density Residential
Zoning District: R-3 Garden Apartment & Townhouse District
Present Use: Vacant Land Proposed Use: Townhouse Subdivision
Area and Location:
3.829 +/- acres of land located along the north side of Mispillion Street and west side of Marshall Street.
Tax Map & Parcel: 3-30-7.17-11.00

ORDINANCE 2023-40

Amending and Adopting the 2018 City of Milford Comprehensive Plan
Amendment #16
Milford Corporate Center

MD-16-173.00-01-01.00 (portion)
FUTURE LAND USE DESIGNATION CHANGE

ORDINANCE 2023-41

Application: 23-008 / Milford Corporate Center
Applicant & Owner: City of Milford, 201 South Walnut Street, Milford, DE 19963
Application Type: Change of Zone
Present Comprehensive Plan Map Designation: Industrial & Commercial
Present Zoning District(s): I-1 (Limited Industrial) Proposed Zoning District(s): BP (Business Park)
Present Use: Vacant Land Proposed Use: Industrial Park/Corporate Center
Size and Location:
182 +/- acres of land (portion of) located at the northwest corner of Milford-Harrington Highway & Canterbury Road
Tax Map & Parcel: MD-16-173.00-01-01.00 (portion of)

ORDINANCE 2023-42

Amending and Adopting the 2018 City of Milford Comprehensive Plan
Amendment #17
Burris Foods, Inc.
3-30-10.08-070.00 (portion)
FUTURE LAND USE DESIGNATION CHANGE

ORDINANCE 2023-43

Application 23-027/Burris Foods, Inc.
Applicant & Owner: Burris Foods, Inc., 501 SE Fifth Street, Milford, DE 19963
Application Type: Change of Zone
Present Comprehensive Plan Map Designation: Industrial
Present Zoning District(s): R-2 (Residential District)
Proposed Zoning District(s): I-1 (Limited Industrial District)
Present Use: Industrial Outdoor Storage Proposed Use: Industrial Outdoor Storage
Size and Location: 0.621 +/- acres of land located to the west of 412 McColley Street.
Tax Map & Parcel: 3-30-10.08-070.00 (portion)

ORDINANCE 2023-44

Amending and Adopting the 2018 City of Milford Comprehensive Plan
Amendment #18
Kenton Property
MD-16-183.07-01-12.00 & MD-16-183.07-01-14.00
FUTURE LAND USE DESIGNATION CHANGE

All applications will go before the Planning Commission tomorrow evening and return to Council for a final determination on November 13, 2023.

Adoption/Resolution 2023-22/City Holidays 2024

City Manager Whitfield confirmed that no new holidays have been added.

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

Councilmember Fulton moved to adopt Resolution 2023-22, seconded by Councilmember Baer:

RESOLUTION 2023-22
Approval of 2024 City of Milford Holidays

WHEREAS, Chapter 55 of the City of Milford Code governs personnel policies for all City of Milford employees and is intended to inform employees with important information about the City's rules, policies, practices, and procedures, as well as educate them on their own privileges and responsibilities; and
WHEREAS, Section 7.3 of Chapter 55 of the City Code, entitled Holidays, currently states the City will grant holiday time off to all employees on all legal holidays, officially adopted and approved by the Milford City Council each calendar year and that all City offices shall be closed during designated City holidays; and
WHEREAS, City employees shall be granted holiday pay, or accrual time, in accordance with Chapter 55, or their respective collective bargaining agreements with the Teamsters Union and International Brotherhood of Electrical Workers as designated by City Council, and
NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Milford, during a lawful session duly assembled on the 23rd day of October 2023, by a favorable majority vote, authorize the following holidays be observed beginning January 1, 2024:

Motion carried.

Purchase Authorization/Generator/Fork Landing Pump Station

Public Works Director Svaby explained this is a facility generator that keeps the operation running and controls the SCADA system and a server bank. If not effective when the power is out and it switches to generated power and back to the normal power supply, would create a potential emergency.

They only learned recently of the cost and action that is needed to repair it. It followed three instances while trying to find a company qualified to do such a diagnosis.

He is asking for funding from an existing capital budget to purchase a generator for the Fork Landing in the amount of \$75,000 though most recently has been reduced. There is an eight to ten-month lead time, and the unit has been ordered leaving a surplus.

Director Svaby is asking that \$24,000 out of the line item into the facilities to make the necessary repairs to the public works generator.

It was confirmed that the recommendation of Finance Director Vitola is to transfer \$24,000 from the sewer generator line item into the facilities line item. City Manager Whitfield is unable to comment due to the unique situation of moving sewer capital into the facilities.

It was confirmed that if the power is discontinued for some reason, will require someone to go out and manually handle the switch over.

Electric Director Tony Chipola verified that while there was a problem with both switchovers, more recently it works only in one direction and does not switch back.

Councilmember Fulton moved to postpone action until additional information is received, seconded by Councilmember James. Motion carried.

EXECUTIVE SESSION

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

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 7:30 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

Return to Open Session

Councilmember Fulton moved to return to Open Session, seconded by Councilmember Wilson. Motion carried.

Council returned to Open Session at 7:40 p.m.

Potential Vote/Personnel Matter

No action was needed on the items discussed in Executive Session.

ADJOURNMENT

There being no further business, Councilmember Fulton moved to adjourn the Council Meeting, seconded by Councilmember Culotta. Motion carried.

The Council Meeting adjourned at 7:41 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder