

CITY OF MILFORD
COUNCIL MEETING MINUTES
January 8, 2024

The City Council of the City of Milford met in Regular Session on Monday, January 8, 2024, 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, and Jason James Sr.

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

COUNSEL: Solicitor David Rutt, Esquire

ABENT: Councilmember Katrina Wilson

PUBLIC COMMENT SESSION PRIOR TO MEETING

With no one signed up to speak, the Public Comment Session was closed.

CALL TO ORDER

Mayor Campbell called the meeting to order at 6:04 p.m., prior to the scheduled Public Comment period.

INVOCATION AND PLEDGE

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

RECOGNITION

2023 Delaware Municipal Supervisory Management Graduates

HR Director Jamesha Williams spoke about the program noting that this is our fourth academy year through our partnership with Wilmington University. The 2023 participants also included the Cities of Rehoboth Beach, Wilmington, Middletown, Newark, and Kent County Levy Court.

Congratulations were bestowed to Permit Technician II Ashley Waller, Public Works Coordinator Amanda Lake, Water and Wastewater Technician I Shawn O'Neill, Building Operations and Refuse Supervisor Brian Jester, and Billing Clerk I Victoria Love.

Introduction/2023 Downtown Milford President

Executive Director Janne Collins introduced their new President as of July, Shelby DeConstanzo, after which she spoke to Council about her goals and objectives as President.

Proclamation 2024-01/Honoring Dr. Martin Luther King Jr.

The following proclamation was read into the record:

PROCLAMATION 2024-01
HONORING DR. MARTIN LUTHER KING JR.

Whereas, Dr. Martin Luther King Jr. devoted his life to advancing equality, social justice, and opportunity for all, and challenged all Americans to participate in the never-ending work of building a more perfect union; and

Whereas, Dr. King's teachings can continue to guide and inspire us in addressing challenges in our communities; and

Whereas, the King Holiday and Service Act, enacted in 1994, designated the King Holiday as a National Day of Volunteer Service, and charged the Corporation for National and Community Service with leading this effort; and

Whereas, since 1994 millions of Americans have been inspired by the life and work of Dr. Martin Luther King Jr. to serve their neighbors and communities on the King Holiday; and

Whereas, serving on the King Holiday is an appropriate way to honor Dr. King, meet local and national needs, bring our citizens together, and strengthen our communities and nation; and

Whereas, the King Day of Service is the only federal holiday commemorated as a National Day of Service, and offers an opportunity for Americans to give back to their communities on the holiday and make an ongoing commitment to service throughout the year; and

Whereas, King Day of Service projects are being organized by a wide range of nonprofit and community organizations, educational institutions, public agencies, private businesses, and other organizations across the nation; and

Whereas, each of us can and must contribute to making our communities better with increased opportunity for all our citizens, and

Whereas, the residents of the City of Milford have the opportunity to participate in events throughout our city on the King Day of Service, January 15, 2024, as well as create and implement community service projects where they identify the need.

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, Delaware, proclaim the Martin Luther King Jr. Holiday as a Day of Service in our City and call upon the people of Milford, Delaware to pay tribute to the life and works of Dr. Martin Luther King Jr. through participation in community service projects on Martin Luther King Day and throughout the year.

PUBLIC HEARING/PUBLIC COMMENTS/FINAL DETERMINATION

Ordinance 2023-48

Preliminary Conditional Use Application of Southern States Milford Coop, Inc.

4.959 +/- acres of land located along the north side of

Milford-Harrington Highway at the intersection of Williamsville Road

Comprehensive Plan Designation: Commercial

Zoning District: C-3 (Highway Commercial)

Present use: Vacant Proposed Use: Retail Sales & Equipment Repair

Tax Parcel: MD-16-182.00-01-03.00

Planner Pierce reviewed that application stating a more than 50,000 square foot, one tenant commercial building is proposed, containing retail equipment, service bays, storage area and wash bays, as shown on the plans in your packet. He reviewed sections of the applicable zoning code, noting that automotive repair and car wash activities are only permitted by conditional use.

Also noted that a variance was approved by the Board of Adjustment for a reduction in the off-street parking requirement on December 14th. That was due to the number of spaces required based on the second floor with offices and meeting rooms but will not generate additional trips/customer visits.

The number overestimated was 175 spaces required, with 119 spaces approved, in consideration of the staff use of the upper floor.

All other aspects of the plan meet the minimum requirements of Zoning and Subdivision Codes and comply with the city's construction standards and specifications.

He also reviewed other documents in the packet including the staff evaluation, location and zoning, map, preliminary site plans, agency comments, and a narrative of the application.

The public notice was published in the Delaware State New on December 3, 2023 and mailed to owners of properties within 200 feet of the parcel and posted at the site.

The application was reviewed by the Planning Commission on December 19th and recommended approval of the preliminary conditional site plan by a vote of 5 to zero.

Civil Engineer and Davis, Bowen, and Friedel Association Cliff Mumford of 1 Park Avenue, Milford, was present on behalf of the application. Also in attendance was Southern States General Manager Gary Rhodes and Assistant Manager Keith Pettit.

Mr. Mumford agreed with the findings that were presented by Planning Director Pierce.

He explained that Southern States has owned this property since 1999, with growing as an objective. They intend to expand their services by investing in this new retail sales building. The site is currently a vacant lot and earlier this year a zoning map amendment was approved to change the zoning from industrial to C3 highway commercial, which aligns with the two parcels on either side.

This is a diversified business that does not fit completely within the C3 zoning, and some flexibility is needed which is the purpose of the conditional use application. The new store would include a small landscape nursery, outside bullpen for landscaping and farm supplies, tractor showroom, and sales, service bays for repairing and servicing small tractors and small engine garden equipment. It will also sell home and garden supplies, with employee offices on the second story.

The existing store on the south side of 14 and Williamsville Road will continue operations and maintain the agronomy and energy services.

Two ancillary services related to the sale of small farm tractors and lawn equipment are repair and service. So accordingly, the new store includes service bays that will be used to service the Mahindra tractors and Stihl lawn equipment, which are sold by the store. The tractors are often washed before being delivered to the customer and/or do repairs. Wash bays will be installed adjacent to the service bays in the rear of the site.

The C3 requires conditional use approval for automotive repair and car washes. This application proposed neither of the uses; however, the service bays and wash bays can be considered similar uses and the reason the planning director requested the application.

The proposed use is surrounded by similar businesses, in conformance with the comprehensive plan, and will not detract from neighboring properties.

The propane services were also discussed, with General Manger Rhodes of 164 Marsh Branch Road, Greenwood, verified they will have a 1,000-gallon tank at the rear of the store that will be refilled as needed to fill small containers/cylinders for customers.

Landscaping will be maintained similar to that on the opposite side of the road.

The floor was open to public comment, with no one responding. The floor was closed.

Councilmember Marabello moved to adopt Ordinance 2023-48, seconded by Councilmember Baer. Motion carried by the following 7 to zero roll call vote:

Marabello-votes yes, it complies with Chapter 230 Zoning Standards and Chapter 200 Subdivision of Land, and it is going to enhance the community. They do everything nicely at Southern States. Every time he rides by there he looks and feels proud of what they do for the city.

Boyle-votes yes in support of the motion as it meets the standards required of Chapter 230 as well as they already got the variance for the off-street parking.

Fulton-votes yes, it meets Chapter 230, Chapter 200 and meets our land use in our major plan after the rezoning was done.

Culotta-votes yes, Southern States has been an important part of our business community for a very long time, and it is great to see its growth.

Samaroo-votes yes, based on meeting the standard of Chapter 230 and 200 Subdivision of Land as well as the properties are surrounded by a mixed use of commercial or light industry.

Baer-votes yes, I like to see any business in the city expand, and it's good to see this business expanding. It's a nice location, and it's convenient for the citizens.

James-votes yes, it meets the standards of 230 with the conditional use, and the variance request is very reasonable, and, as stated before, Southern States, has been a very good model for good business in the City of Milford.

APPROVAL OF PREVIOUS MINUTES

Councilmember Boyle moved to approve the minutes of the September 25, 2023 Finance & Audit Committee, September 27, 2023 Council Workshop, October 9, 2023 Economic Development and Code Enforcement Committee, December 11, 2023 Council Meeting (partial) meeting, and December 20, 2023 Finance & Audit Council Meeting, seconded by Councilmember James. Motion carried.

STAFF REPORTS

Complete staff reports were included in the January 8, 2024 Council Packet.

Highlights of each were provided by:

Chief Cecilia Ashe

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

City Clerk Terri Hudson

Councilmember Boyle moved to accept the City Clerk report, seconded by Councilmember Baer. Motion carried.

City Manager Mark Whitfield, supplemented by City Engineer James Puddicombe

Acting Public Works Director Steve Ellingsworth

Electric Director Tony Chipola

Planning & Zoning Director Rob Pierce

Parks & Recreation Director Brad Dennehy

Human Resources Director Jamesha Williams

Economic Development & Community Engagement Administrator Sara Bluhm

Information Technology Director Bill Pettigrew

Finance Director Lou Vitola

Motion made by Councilmember Boyle to approve the City Manager reports, seconded by Councilmember James. Motion carried.

MONTHLY FINANCE REPORT November 2023

Finance Director Vitola began his report discussing the downtown restroom project and the \$17,500 already spent was in FY23 and will not be reflected in the FY24 report. If reported it would be included in the general fund line items and capital improvement plan (CIP) for Parks and Recreation.

There was higher than normal cash spent out of the general fund due to the second payroll in October hit early November.

Some grant money came in though that will show in the December and January reports.

The reserve page is updated. A recommendation will be presented tonight about how to fund the balance of the Walnut Street bridge project out of the real estate transfer tax funds.

The \$30.2 million investment funds are noted on the cash page though each amount is not displayed. That breakdown will be added to the next report. Complete 100% of the reserves accounts, most of the impact fees (water, sewer, and electric), and \$100,000 each from economic development and the lodging tax funds total the \$30.2 million.

Director Vitola also plans to have the investment managers provide additional details,

Because of the holiday, the November report is later than usual and is two weeks away from the December report being presented.

Councilmember James also asked for a complete analysis of the overall spending of the new police department.

Councilmember Boyle moved to accept the November 2023 Finance Report, seconded by Councilmember James. Motion carried.

COMMUNICATIONS & CORRESPONDENCE

Ward One

Councilmember Boyle received information from the West Shores Homeowners Association relating to the status of the streets, curbs, and sidewalks. It was reported that is under review by Solicitor Rutt along with an easement agreement being offered to the developer though he is required to increase his bond to cover all associated street improvements.

Planner Pierce verified the West Shores developer has not yet signed the agreement. He also confirmed they still have outstanding items with the Sussex Conservation District for the stormwater pond, though both are encouraged to move forward.

Ward Two

DeIDOT has an ongoing roadway project on Kings Highway and the curbs were removed which the residents believe is attributing to an increase in speed.

City Manager Whitfield recalled DeIDOT was willing to add some traffic calming though they had asked the city to take over the maintenance of Kings Highway, which he declined.

The City Manager also reported parking problems due to the two funeral homes in the area.

It was confirmed that Milford did not receive the Safe Streets for All Funding grant so alternate funding will be needed for several projects.

UNFINISHED BUSINESS

Authorization/Police Department/Additional Dispatchers & Budget Adjustment

At the request of City Council, the Finance and Audit Committee met on December 20, 2023 to discuss and formulate a recommendation for Council's consideration to fund additional personnel requested by the Chief of Police without increasing the real estate tax levy.

Chief Ashe requested that four additional dispatcher positions and a Crime Analyst position be added prior to the 2025 Budget.

The Committee discussed several funding options for the positions including grant funds, utility fund transfers, and reallocating funds from unfilled positions funded by the General Fund.

An analysis by the City Manager Whitfield and Finance Director Vitola indicated that the Crime Analyst position could be funded for FY24 through the combination of an unfilled growth position, grant income and the natural property tax revenue growth (from new homes and businesses). While immediate funding is not available for the requested four new dispatcher positions, funding for two positions for four months in FY24 could be achieved through the combination of police budget savings, unfilled growth positions, and natural property tax revenue growth. The remaining two positions would be considered in a future Budget cycle.

The two new unfilled growth positions identified include the Horticulturalist (Parks and Recreation Budget) and the Deputy City Clerk (City Clerk Budget) positions. Eliminating these two positions until sometime in the future when other revenue sources are made available, combined with temporary grant funding and property tax growth, will fund the three new positions both now and in the future, avoiding the need to fund the additional positions through real estate tax increases.

On a vote of 3-0, the Finance Committee recommends Council authorize the Crime Analyst position and two additional Dispatcher positions effective immediately, and that \$54,690 be transferred from Parks and Recreation Budget Wages and Benefits to Police Civilian Wages and Benefits, and \$23,586 be transferred from City Clerk Budget Wages and Benefits to Police Civilian Wages and Benefits to partially cover the cost of the positions.

Councilmember Boyle moved that Council authorize the Crime Analyst position and two additional dispatcher positions, effective immediately, and that \$54,690 be transferred from Parks and Recreation budget wages and benefits, and \$23,586 be transferred from the City Clerk wages and benefit line items, to the Police civilian wages and benefits, to partially cover the costs of the new positions, seconded by Councilmember Fulton. Motion carried.

Appointment/Charter Review Subcommittee

It was noted by Mayor Campbell that Councilmembers Boyle, Fulton, Baer, and James were chosen.

NEW BUSINESS

Authorization/Construction Administration Walnut Street Pedestrian Bridge Project

City Engineer James Puddicombe reported they have been working with DelDOT to develop plans to raise the bridge deck for bridge 2502 on Walnut Street above the Mispillion River.

A quote was received from Greenman Pedersen, Incorporated (GPI), a local engineering office, who was awarded the state contract with DelDOT to provide structural engineering services and oversight for bridge repair programs. Their assistance was requested due to the structural work that was needed.

Their proposal is similar to the costs currently paid to KCI Technologies for construction oversight of residential developments. Contract Number 2049F provides construction oversight and project coordination which includes anything found during the project that requires additional structural repair in coordination with DelDOT bridge structure experts to come up with a solution on site. There is a right 45-day window for the work, which includes an extra week as a precaution.

The total cost is \$48,702.98 with the funding being paid from realty transfer tax reserves. The anticipated start date was between the scheduled downtown events and the purpose of the 45-day timeline, which he believes is March 11, 2024.

Councilmember Boyle moved to accept the proposal from Greenman Pedersen, Incorporated for construction oversight services for the Walnut Street Pedestrian Bridge project in an amount not to exceed \$48,703.00 and funded from the realty transfer tax reserve fund, seconded by Councilmember James. Motion carried.

Bid Award/Walnut Street Pedestrian Bridge Project

Engineer Puddicombe further discussed Project 23ST40. Also working with DelDOT and Greeman Pedersen Incorporated to get the design work done for Walnut Street Bridge 2502.

The goal is to raise the bridge decking to make it ASA accessible to the Riverwalk crossing, in addition to some aesthetic improvements. Also included is the repaving of the road on both sides to allow for vehicular crossing.

This project was placed out to bid on November 22, 2023 with a bid closing date of December 18, 2023 at 2:00 pm. Two sealed bids were received from Eastern Highway Specialists and Mumford & Miller Concrete, Incorporated. Mumford & Miller is presently performing the TAP project downtown.

Both bids were found to be complete, accurate and within the range expected when compared to previous city projects. Plans for the improvements and a copy of the Mumford and Miller Concrete Incorporated Bid were included in the Council packet. The bid amounts follow:

Mumford & Miller Concrete, Inc.: \$467,919.00

Eastern Highway Specialists Inc.: \$528,566.65

It is recommended the contract be awarded to Mumford & Miller Concrete, Inc. in the amount of \$467,919.00 as the apparent low bidder.

This project was first approved in the FY23 CIP but was unfunded as an anticipated grant candidate. While \$400,000 was funded by virtue of a successful request through the State's bond bill appropriations, total project costs are estimated at \$600,000, requiring alternate funding for \$200,000 of the comprehensive project costs. Staff recommends this bid award be funded through a combination of the Bond Bill Award (\$334,372) and Realty Transfer Tax Reserves (\$133,547).

Councilmember Boyle move to approve the contract with Mumford & Miller Concrete, Incorporated for the construction of the Walnut Street Pedestrian Bridge in the bid amount of \$467,919, plus an allowance for contingencies not to exceed \$17,750, with \$334,372 available through the existing FY23 Bond Bill funding and \$133,547 funded through Realty Transfer Tax Reserves, seconded by Councilmember Culotta. Motion carried.

The following three ordinances were introduced by Mayor Campbell, followed by a brief synopsis by Planning Director Pierce:

Introduction/Ordinance 2024-1

Application of Knight Crossing – Phase 2B for a Final Major Subdivision

25.80 +/- acres of land located south of Cedar Beach Road east of Beaver Dam Road and west of Route 1

Comprehensive Plan Designation: Moderate Density Residential

Zoning District: R-3 (Garden Apartment & Townhouse)

Present use: Vacant Proposed Use: Planned Unit Development

Tax Parcel: 3-30-7.00-035.00, 036.00 & 037.00 (portion)

Introduction/Ordinance 2024-02

Caliber Collision on behalf of CC Milford DE, LLC

Preliminary Conditional Use

3.81 +/- acres of land along the east side of South Rehoboth Boulevard approximately 540 feet north of Evans Street

Address: 201 S. Rehoboth Boulevard

Comprehensive Plan Designation: Commercial

Zoning District: C-3 (Highway Commercial District)

Present and Proposed Use: Car Repair

Tax Parcel: 3-30-7.13-002.00

Introduction/Ordinance 2024-03

Amendment to City of Milford Code

Chapter 88-Building Construction/Removal of Fence Permit Exemption

Section 88-2 Additions, Insertions and Changes of Article I International Residential Code

Section 88-5 Additions, Insertions and Changes of Article II International Building Code

The ordinances will be reviewed by the Planning Commission on January 16, 2024 and return to Council for a final determination by City Council on January 22, 2024.

EXECUTIVE SESSION

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

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

Pursuant to 29 Del. C. §10004(b)(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.

Motion carried.

Mayor Campbell recessed the Council Meeting at 7:49 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

The meeting was then temporarily adjourned.

Return to Open Session

Councilmember Culotta moved to go back into open session, seconded by Councilmember Fulton. Motion carried.

Council returned to Open Session at 8:55 p.m.

Land Acquisition

No action needed.

Authorization of Easement

Councilmember Fulton moved to proceed with the easement as discussed in executive session, seconded by Councilmember Culotta. Motion carried.

Legal Issue/Process

No action needed.

ADJOURNMENT

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

The Council Meeting adjourned at 8:56 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder