

CITY OF MILFORD
COUNCIL MEETING MINUTES
August 22, 2022

The City Council of the City of Milford met in Regular Session on Monday, August 22, 2022.

PRESIDING: Vice Mayor Jason James Sr.
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 Kenneth Brown, and Deputy City Clerk Katrina White

COUNSEL: Solicitor David Rutt, Esquire

Per the Limited Public Health Emergency Declaration issued by Governor John Carney on March 1, 2022, and the virtual meeting provisions provided in Senate Bill 94, Milford City Council Meetings and Workshops are being held in the Council Chambers at City Hall, with attendees also participating virtually.

PUBLIC COMMENTS

No one signed up for the Public Comment Session.

CALL TO ORDER

Due to the absence of Mayor Campbell, Vice Mayor called the Council meeting to order at 6:03 p.m.

INVOCATION AND PLEDGE

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

ROLL CALL

Mayor Campbell arrived at 6:06 p.m. All Councilmembers present.

RECOGNITION

Acting Chief Ed Huey introduced Emory Morgan, a resident of Milford, and works for Bayhealth Sussex Campus and was hired as a part-time dispatcher at Milford Police Department.

PUBLIC HEARINGS

Solicitor Rutt then reviewed the public hearing process.

*Adoption/Ordinance 2022- 28/Feebs Distilling Conditional Use
Application of Feebs Distilling Co on behalf of S & P Holdings LLC for an Amended Conditional Use
2.19 +/- acres of land located along the east side of
McColley Street between Delaware Avenue and McCoy Street.
Addressed: 733 McColley Street, Milford, Delaware.
Comprehensive Plan Designation: Industrial
Zoning District: I-1 (Limited Industrial District)
Present use: Distillery with Tasting Room
Proposed Use: Distillery with Tasting Room and Outdoor Seating*

Tax Parcel: 3-30-11.09-015.00

Planning Director Rob Pierce then reviewed the amended conditional use application.

The applicant received conditional use approval from City Council back in January 2020 to operate a distillery with retail sales and on-site sampling. The applicant is seeking approval this evening to amend the conditional use approval to allow permanent outdoor seating, as shown on the provided plans and sketch. There are eleven existing seats within the building. The applicant is proposing an additional eleven seats outside for a total of twenty-two.

The hours of operation are Friday 5:00 to 9:00 pm, Saturday 1:00 to 9:00 pm, and Sunday 1:00 to 6:00 pm. Staffing consists of two employees.

Chapter 230-16(c)(4) states craft, distillery, and microbrewery establishments are considered a conditional use within the I-1 district, subject to specific requirements outlined in the zoning code, as provided under section two of the staff report. Also included is an evaluation of the conditional use.

The packet includes the location and zoning map, whose site is adjacent McColley Street, north of McCoy Avenue. An aerial was also included which highlights the site, though only a portion of the building is used for this purpose.

A survey was also submitted displaying the outdoor seating location along the south side of the building. A few additional parking spaces are planned to meet the parking requirements.

The public notice was published in the Delaware State News on July 15th and property owners within two hundred feet of the parcel were mailed copies. A public notice sign was also posted at the location.

The Planning Commission reviewed this conditional use amendment request at their August 16th meeting and recommended approval by a unanimous vote of 7-0.

Stacy Arnold Fiebelkorn of 191 Doctor Smith Road, Harrington, stated currently the entire space is about 1,764 square feet and 256 of that is the retail space or tasting room. They recently won Best of Delaware and they now have an influx of people and want to be able to accommodate those people. That is the reason for the 20 x20 additional space, which will be just outside their overhead door.

Director Pierce noted there are three residential dwellings north of this property that are legal nonconforming. Current regulations do not permit residential uses within an industrial zoning category. All three of homes are zoned I-1 and sandwiches between two industrial properties of a large scale.

The additional seating would be added to the south side of the building which will be screened from view by the residences, though noise could travel.

It was noted the homes have been there for some time though no information is available when the industrial structures were built though Director Pierce estimates around the 1950's.

Ms. Fiebelkorn added that when they hold special events that typically include music, they apply for the special event permit through the City. She also noted that the properties in the area received notification of the intent for the distillery and were given opportunities to speak against it if they chose so.

When asked if the distillery was closed during the Covid pandemic, Ms. Fiebelkorn explained they shut down briefly during the time of the mask requirement, though they provided call ahead curbside pickup. She confirmed that the outside seating at that time would have benefited their business.

When asked if eight parking spaces is adequate, Ms. Fiebelkorn stated yes. If there would be additional cars, there is ample additional off-street parking. On weekends, their business is the only one open in that area.

The floor was then opened for public comment. No one responded and the public comment session was closed.

Councilmember Fulton moved to adopt Ordinance 2022-28 authorizing the amended conditional use, seconded by Councilmember Culotta. Motion carried by the following unanimous roll call vote:

Marabello-votes yes based on the Planning Commission vote of 7-0 and it complies with the zoning ordinance for a conditional use.

Boyle-votes yes as it complies with Chapter 230 and will help an emerging business, as well as the economy.

Fulton-votes yes noting the outdoor seating will be a major plus for that activity, as well as should they go back into a more quarantine type status, having the outdoor seating will aid them to stay open.

Culotta-votes yes. This is a perfect example of a small business in Milford that's seen a lot of growth, a lot of success for the hard work that they put in to build their brand. It's exciting, and I am excited and happy for them and say yes.

Samaroo-votes yes based on the Planning Commission and thinks it is a great idea for the outdoor seating in the business.

Baer-votes yes and based on the Planning Commission voting 7-0 it is perfect by him.

James- votes yes. It does conform to the code and know no one knows what pandemic may hit and it maybe something different than Covid. Outdoor seating is the way a lot of businesses are going for understandable reasons, and there are no objections by their residential neighbors.

Wilson-votes yes, based on the Planning Commission and she agrees with everyone else's comments were perfect.

Adoption/Ordinance 2022-29/PAM Conditional Use

*Application of PAM Milford on behalf of CAH Development, LLC
for a Preliminary Conditional Use*

*128.87 +/- acres of land located along the south side of Wilkins Road, east of Elks Lodge Road
and west of Cedar Creek Road, part of the Sussex Health Campus.*

Comprehensive Plan Designation: Employment

Zoning District: IS (Institutional Service District)

Present use: Health Campus

Proposed Use: Health Campus with Additional Medical Office Building

Tax Parcel: 3-30-15.00-058.05 (portion of)

Director Pierce reviewed the application in the packet. The applicant is proposing to construct a little over 74,000 square foot post-acute medical building on the Sussex Health Campus, as shown on the preliminary site plans. This is located at the intersection of Healthy Way and Wilkins Road, which is lined up directly across from the Hearthstone Manor entrance.

Chapter 230-45 states in any and all zoning districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use, subject to special requirements, Since this building is to be located on the same property as the Nemours Building, it constitutes multiple permitted uses and falls under the conditional use category.

Section two evaluates the application based on the criteria found under Chapter 230-48 for conditional uses. It also should be noted that the site plan preliminary plan meets the minimum standards for the zoning ordinance and subdivision of land ordinance. The plans have also been reviewed for general compliance with the City's construction standards and specifications. A copy of the plan review letter and the applicant's responses are in the packet.

He then reviewed each of the documents included in the packet, including applicant's narrative and agency comments.

The public notice for this meeting was published in the Delaware State News on July 15th, and all property owners whose properties are within two hundred feet of the subject parcel were mailed a copy. The site was also posted with the public notice sign.

The Planning Commission reviewed this conditional preliminary conditional use site plan at their August 16th meeting and recommended approval by a unanimous vote of 7-0.

Anthony Lampasona: Are you able to hear me?

Mike Riemann of Becker Morgan Group, 309 South Governors Avenue, Dover, Delaware stated that also in attendance is Anthony Lampasona from Catalyst the developers for the project and Ted Warner, CEO of PAM Dover, representatives Bayhealth, and Jonathan Richard with Becker Morgan as well.

Mr. Riemann presented a concept of the Bayhealth Sussex Campus and pointed out the location of the future PAM facility. He referenced 5.76 acres of the 129 acres zoned IS. They are here for a conditional use largely because there will be two healthcare uses on the same parcel with Nemours. That is because there is no intention to subdivide the property at this time and instead is a lease arrangement.

The facility represents about 75,000 square feet and two stories. The site proposes to take access from Healthy Way. There are approximately 150 parking spaces and far exceeds the minimum standards of the code. There are access ways around the building to meet fire lane requirements. He talked about ADA parking and the main access point. There are some trees on the property and are clearing some of those trees, however, are maintaining a significant buffer in the existing stand of trees in the rear.

There is an existing access on Wilkins Road, right across from Hearthstone and where Healthy Way connects. There are plans in place with DeIDOT to improve the entrance by adding right turn and left turn lanes. The access was done as part of the Nemours Project. Those plans are approved, and Bayhealth is preparing to put them out to bid and start construction on those right now.

Mr. Riemann then reviewed the conditional use standards in Chapter 230-48 the number of standards they have to demonstrate:

The first is the presence of adjoining similar uses. This is a medical facility on the Sussex Health campus, with other medical facilities.

There is an adjoining district in which the use is permitted. The proposed uses are permitted by right if they were constructed individually, however, because of the multiple uses on one property is the only reason that we have the conditional use requirement.

There is a need for the use in the area as established by the Comprehensive Plan.

There are sufficient areas to screen the conditional use from adjacent uses. He spoke about the screening on the west side of the parcel by maintaining the existing trees

The use will not detract from permitted uses in the district. Because of the similarity of the use, it will actually complement the uses in the district. There is some direct connection and benefit to the surrounding uses at the Health Campus.

Sufficient safeguard, such as traffic, parking, screening setbacks have been implemented.

The project meets all of the zoning requirements and walk standards as outlined in Milford's code.

Traffic studies were completed when the original campus was conceived that projected the full build out of the campus. This is below those traffic thresholds that were anticipated.

Entrance improvements are being implemented as mentioned previously.

He concluded by stating that Planning and Zoning did hear this application and voted unanimously to approve it.

Anthony Lampasona said he lives on North 70th Street on Wauwatos, Wisconsin and is the Chief Development Officer at Catalyst Healthcare Real Estate which is CAH Developments LLC. This is national developer of all thing's, healthcare real estate, and are the programmatic and repeat developer/owner of the facilities for Post-Acute Medical (PAM). Ted Werner represents PAM, who have also rebranded under the name PAM Health over the past year. PAM is a national best-in-

class top five operator of these types of inpatient rehab facilities on a national basis. PAM owns about seventy facilities today and employ more than 10,000 people nationally.

PAM has partnered with Bayhealth Sussex and formed a joint venture to operate this facility. Catalyst will develop, finance, and own the building and will be a long-term tenant in the building of at least twenty years. In addition, Bayhealth will also have an ownership interest in the bricks and mortar in partnership with Catalyst.

The purpose of the facility is first and foremost, is to specialize in-patient rehab care. It meets the mission of the hospital to continue to provide comprehensive health care services to the community, and beyond.

Right now, there is about forty inpatient rehab beds in the current hospital building. The hospital could really use that space to provide core health care services on an acute basis, as it continues to outperform its expectations. The purpose of this facility is to take those forty beds and move them into this stand-alone specialized building, for inpatient rehab care.

He shared the building is a two-story 75,000 square feet. They will be forty beds built out on day, with capacity built into the structure for an additional future eight to ten beds if they're ever needed. If not, the next space in the building could be converted into clinical space or other service line space, but for now, it will be shelled for potential future growth rather than just building to the need today.

In addition to the need to expand healthcare services on the campus, there is the need to decant some of the space in the hospital, and then there's the benefits of forming a partnership with the best-in-class operator like PAM to bring the expertise on the inpatient rehab side.

People come into the hospital and have a complex medical case, whether it is hip replacement surgery, knees, a cardiac event, a stroke event, or something where somebody has been in the hospital and their length of stay at the hospital, because of insurance requirements and other things, require them to be discharged from the hospital but still require more intensive care to rehab these complex health incidents. They would then be checked into the inpatient rehab facility, where then length of stay, on average, is somewhere between seven and ten days, to get the patient back up on their feet and rehab from their health incident.

Rehab in this building does not mean drug and alcohol rehab, and nothing related to behavioral health services, that are absolutely needed and provided by others. This is more physical rehab, occupational therapy, and physical therapy focused rehabilitation services.

Ted Werner of 51 Bay Hill Drive, Camden, stated he is the CEO for the Pam Dover facility. He hopes that Council has heard some of the success stories hopefully through the community that have made a difference. They are looking to do that at this Sussex Facility and be able to allow for the opportunity to take care of the patients and give them best-of - class care in a setting that provides the best opportunity to get better, get home and back to their families.

When asked if this will produce new jobs or some type of consolidation with the Bayhealth facilities, Mr. Werner stated there will be some carryover from the Bayhealth staff, but they will be hiring more additional staff. A hospital of this size requires several hundred individuals employed for ancillary support services specific to that hospital, such as cleaning, environmental services, housekeeping, food, dietary, other support services. Currently, Bayhealth is providing and helping them to take care of those patients. That will allow them to have that responsibility on their own, allowing Bayhealth to take care of other potential patients down the road.

Mr. Lampasona added that during the construction of the building, which will last fourteen to fifteen months, several hundred, if not almost close to a thousand temporary construction jobs created by the project as well.

Because Catalyst is the owner of the building, and sits on a not-for-profit hospital campus, the project becomes subject to real estate tax taxes as well, so it is a source of real estate tax revenue for the City.

Mr. Werner explained that the forty beds will stay at Bayhealth, though they will have to apply for that as a separate use. But those beds could be allocated, for another use and those forty rehab beds would be a stand-alone in this separate facility.

He reiterated this will contain forty beds but will be shelled out for up to potentially fifty beds.

He noted that the Dover facility is slightly smaller with thirty-four private rooms and 44,000 square feet. Milford will be larger, but similar in layout in regard to the two stories and slightly different though because of the overall size, and because of the support services need for the forty to fifty versus thirty-four patients in Dover.

If approved tonight, Mr. Lampasona hey project being close to having the site permit and foundation permit. They will start move forward with moving dirt, mid to late October. Around the end of the year is when steel will start coming out of the ground and go vertical.

Also confirmed was dialysis will be offered in the facility, in addition to speech therapy, occupational therapy, physical therapy, additional other programs. They also partner with the communities such as the Brain Injury Association of Delaware, Parkinson's Association for support groups and continuing education for those patients that need continuing care.

When asked if the facility will be on the surge list for Delaware Public Health, Mr. Werner stated that was done in Dover and will be doing the same thing from the standpoint. They have plans for that in concert with the State.

It was confirmed that Bayhealth owns and will continue to own all of the underlying land. They will sign a long-term ground lease for their 5.7 acres. Then Catalyst and Bayhealth will own the bricks and mortar on top of that. That is typical for on-campus healthcare development.

When asked about landscaping on the Wilkins, it was confirmed the landscaping plan is included in the packet and that side will include some trees.

It was also noted there are different types of care models. PAM is an inpatient rehabilitation, hospital license as a hospital.

Solicitor Rutt opened the floor to public comment.

Mike Ashton of 7 Mews Road, Milford stated he is the Administrator of Bayhealth Sussex Campus. He stated they are in support of this. This will allow Bayhealth to continue to provide the needs and service the community in this region, as growth continues. The hospital is often at capacity, and while trying to meet those needs and demands with outpatient expansion as well, they believe that this will strongly help Bayhealth to continue to grow and meet the acute care needs, as they free up the other forty beds by partnering with both Catalysts and PAM who have been great to work with thus far.

George Del Farno of 24263 Beaver Dam Drive in Seaford, is the Chief Operating Officer of the in-patient rehab that is housed inside the Sussex Campus, is definitely in favor of this project. Responding to the earlier question about Polaris and PACE, as far as the continuum of care, they are a completely different level of care, and they will be working closely with them also as the patients follow their course or treatment.

Acting Chief Huey spoke about an officer that was placed in the Dover PAM facility and his successful rehab.

There being no further comments, the public hearing portion of the meeting was closed.

Councilmember Marabello moved to adopt Ordinance 2022-29 regarding the application of PAM Milford on behalf of CAH Development LLC for a preliminary conditional use. Councilmember Boyle seconded motion.

Motion carried by the following unanimous 8-0 roll call vote:

Marabello-votes yes for this wholeheartedly. I think it's plus-plus for the city. It was approved by the Planning Commission and is a win-win for the City.

Boyle-votes yes to the motion. The project complies with Chapter 230 Zoning and Chapter 200 Subdivision of Land, and the most exciting thing is the potential for 300+ jobs, something that we have not seen in a long time in one development.

Fulton-votes yes. This type of use of in-hospitable care, then focused later on the Milford Wellness Center, provides a pathway for the people to free up the beds inside the hospital, go on to in-patient rehab at the PAM facility, then move on to an outpatient facility for Rehab. It just shows that we're taking care of them from injury all the way through till they're a lot better than they were in the very beginning. It's amazing what the rehabs can do for people, and the only thing I can think of that would make the same better is a level two facility. That is my little hit to Bayhealth out there.

Culotta-votes yes. I think the core of the economic growth in Milford is healthcare and healthcare growth, and this is a perfect example and look forward to seeing this get going.

Samaroo-votes yes based on its compliance with the City Code. I think this will be great, for the City of Milford and more employment for the people of Milford.

Baer-votes yes based on Planning and thinks it's going to be a big plus for the City as well.

James-votes yes. This speaks very well of the success of Bayhealth South. They had a vision and a plan. They are exceeding the plan which is great for the community and great for PAM also. We thank them for coming to our community to partner with Bayhealth and to be able to serve those in need of the City of Milford and bring the jobs along.

Wilson-votes yes, based on the Planning Commission and based on what I am aware of that PAM stands for and what they can do. I've seen some and heard of and known individuals who have attended and great testimonies. I just think it's a wonderful thing. Like Councilmember Fulton said, taking care of the patient from the beginning of the injury and continuing as far as they can possibly go is a wonderful thing.

Adoption/Ordinance 2022-30/Chapter 41/Meetings

Solicitor Rutt stated this is amendment to the City Code by rescinding Chapter 41. That code is no longer needed because it is now encompassed with the Rules of City Council, regarding the start time of the meeting.

City Manager Whitfield pointed out that during a review of the City Ordinances, three were found to be outdated and needs to be deleted.

It was noted that there was a typo error in section 2 that stated Chapter 51. As a result, that will be corrected.

Solicitor Rutt opened the floor for public comments. No one responded and the floor was closed.

Councilmember Boyle moved to adopt Ordinance 2022-30, with the correction to Section 2 that will rescind Chapter 41, seconded by Councilmember James. Motion carried with no one opposed.

Adoption/Ordinance 2022-31/Chapter 45/Milford Parking Authority

Solicitor Rutt presented the next amendment to the City Code which removes Chapter 45 entitled Milford Parking Authority.

City Manager Whitfield shared that the Milford Parking Authority was dissolved in 2010, at the request of the Parking Authority. A motion was made by Council to approve the dissolution.

Solicitor Rutt opened the floor for public comments. No one responded and the floor was closed.

Councilmember Boyle moved to adopt Ordinance 2022-31, with the correction in the ordinance number recitals from 2022-30 to 2022-31, seconded by Councilmember James. Motion carried by unanimous voice vote.

Adoption/Ordinance 2022-32/Chapter 52/Partnership of Greater Milford

Solicitor Rutt referenced the ordinance which will amend the City Code by repealing Chapter 52, Partnership of Greater Milford.

City Manager noted that this organization was dissolved in 1989.

Solicitor Rutt opened the floor for public comments. No one responded and the floor was closed.

Councilmember Fulton moved to adopt Ordinance 2022-32, correcting the agenda to state Chapter 52, seconded by Councilmember James. Motion carried with no one opposed.

COMMUNICATIONS & WARD REPORTS

The packet includes invitations to the SCAT September meeting in Lewes and Delaware League of Local Government September meeting in Dover.

City Manager Whitfield announced the Annual DEMEC meeting will be held on September 14th in Smyrna.

Anyone wishing to attend any of the meetings should contact the City Clerk's Office.

Ward Four

The shrubbery and brush growing into the sidewalks is causing residents to enter the road and around these sidewalks though it is being addressed by the City Manager and staff.

Ward Three

The basketball courts have a great deal of littering issues. It was suggested that Parks and Recreation move the trashcan that is just outside of the court to the inside. It was also recommended that a sign be posted above the container that reads 'keep it clean or keep it locked'.

It was agreed to have a trash container inside and outside.

City Manager added that our Parks and Recreation Director is addressing it. Though due to safety concerns, he is unsure a container can be placed inside though he will discuss the recommendations.

Ward Two

A report of the speeding problem of vehicles traveling north on South Walnut Street continues and that tonight a vehicle passed two other vehicles on South Walnut traveling against traffic.

MONTHLY FINANCE REPORT

Finance Director Lou Vitola presented the monthly Finance Report for July 2022. He reported that the City Manager, Councilman James, and he have not had a chance to meet to discuss the reports, though some emails were shared. Those primarily discussing what the future of the report might hold and possibly a balance sheet and a monthly actual versus budget analysis to go with the year-to-date analysis. All that is seen is the growing year-to-date and there could be some nuances in any one particular month that help explain the year to date.

Councilman James and the City Manager will provide advice on how to prioritize those initiatives.

Director Vitola continued by stating the July report every year is generally quiet in that general fund activity is low. Is the twelfth month following the date when property taxes were billed. They were billed again this August and will be shown in the form of revenue next month. The cash will start showing in September and into October.

Project activity is historically light as the outgoing fiscal year initiatives are reconciled, and the new fiscal year projects are just kicking off. Utility revenue can be high depending on the July weather. But even with the seasonalized budget, July activity alone is not predictive enough to comment on what FY23 will look like.

The general fund is mixed in terms of department-by-department comparison versus last year and lower than last July in total. Utility funds are individually and in total ahead of last July primarily due to lower operating expenses than expected.

Similar to last July, and for the same reason, there is another timing issue that has exacerbated apparent distribution losses in the electric fund. It is not seen, because operating expenses were so low which somewhat masked and improved the performance of the electric fund. But in terms of gross margin, it is low for July which he attributes to the timing issue with taking in 100% of the wholesale power bills but having a timing difference with lagging bills on the revenue side. As occurred last year, it corrected itself right away in August and that is expected again this year.

Despite the quiet first month, the content in the report actually gets a major overhaul in July. First the new budget is reflected throughout the pages of the report. For the second year in a row, the budget has been seasonalized for a timing neutral presentation in the P&L style reports. However, the legacy reports still show a straight line or one-twelfth of the budget each month.

The reserves and the restricted cash page have the biggest changes. It includes the new council-approved funding commitments for the new fiscal year, a new minimum cash reserve or MCR amounts, based on the new budget and the five-year CIP which are the two primary drivers in the minimum cash reserves.

The new equipment replacement reserve amounts are based on the new five-year CIP and the vehicle and equipment schedule. Also, the anticipated proceeds amount, in each one of those funds, change based on the start of a new fiscal year with things like a new full year of realty transfer tax receipts, a year of municipal street aid receipts, interest income, utility transfers, and transfers of operating surpluses to reserves.

He concluded by stating some of those items are in the process of being reconciled in connection with the FY22 end close and are reflected as they stood in the FY23 budget documents.

When questioned, Director Vitola stated that at the end of FY22, the budget expected a certain amount of customer growth and a certain amount of reduced consumption, based on what is expected as reduced consumption with improvements people make with energy efficiency. Those number were close with twelve commercial customers short but more residential growth than expected. The consumption was right about what the budget expected.

He confirmed there was no deficits in the utilities.

Director Vitola said the delinquent tax collections were included in the August report. FY22 was better than last year. Based on the budget, last year's initial tax billings were lower than expected. It took the quarterly assessments to catch up. This year, the budget projections were a little more conservative, with a large tax billing in August, which is a good sign though collections will need to follow.

When asked if the utility increases are in place, Director Vitola said they were effective July 1st (consumption). Residents will see the impact in their August bills.

It was confirmed that Milford is the third lowest provider for 750 kw an hour/residential user.

Councilmember James moved to accept the July 2022 Finance Report, seconded by Councilmember Fulton. Motion carried by unanimous roll call vote.

UNFINISHED BUSINESS

Downtown Public Restroom Project Presentation/City Engineering Interns

City Manager Whitfield recalled this item as being a priority in the CIP this past spring, along with the downtown merchant's list.

Public Works held an open house for public outreach a couple of weeks ago. Feedback was received from various users of the downtown area, as well as residents and merchants. That report will be presented tonight with the purpose of getting feedback from Council.

City Engineer James Puddicombe stated University of Delaware Engineering Interns Alexander Nash and Nathan Wolhar will provide the briefing.

Mr. Wolhar explained the purpose of the presentation. They started with a rough timeline of the public restroom project. The design process will take about two months following Council feedback. Around October, it will again be presented to Council and if approved, the bidding process will then begin and will last roughly a month and a half.

Once a winning bid is selected, an approximate two-month-long construction process will begin. Overall, restroom is expected to open sometime around spring 2023, given no unforeseen delays.

Some basic layout proposals were created with the preferences and recommendations of the public. The two basic choices are between a single-use stall where a person enters the restroom door and locks it, which provides you entire room to oneself. The other option is a multi-use stall where many people can use it at the same time. While any number of stalls can be chosen, an average number of 2.29 was the choice of those that attended the public meeting.

Another choice is to consider a male and female restroom, or having all the restrooms designated as family restrooms, to make it easier on the parents. Additionally, a water fountain and a bottle filler can be attached to the front of the restroom to provide people easy access to water on the Riverwalk, which was heavily favored by the public.

If the location is suitable, solar panels can be attached to the roof to provide electricity.

Finally, electronic timer locks can also be attached to the restroom doors to automatically lock the doors at a specific time. CCTV cameras can also be installed to prevent illegal activities, and to monitor the restroom and area.

A height of ten feet for the cameras is desirable to prevent being spray painted or accessed.

Mr. Nash then continued stating there are various constraints to consider in regard to the placement and construction of the restroom. The budget has been set at \$300,00, environmental concerns posed by the floodplain, legal constraints, and restrictions, such as adherence to the Americans with Disabilities Act, very limited space on properties owned by the City, as well as the public needs.

Due to being built in downtown Milford, near the Mispillion River, floodplains pose restrictions and complications to the areas where the restroom can be constructed.

He referenced a map showing sites where no building is permitted. Also noted was another area that permits construction with restrictions. The gold area areas have no restrictions.

All public session participants preferred that the restroom be built outside of the floodplain.

The area near the Mispillion River has varying depths below the floodplain. Two options can alleviate the threat of the floodway. The land can be elevated by filling, or flood proof the building itself.

The land was surveyed to determine the amount of fill necessary throughout the area. Between Walnut and Washington Streets, the floodplain sits at 9.4 feet and after the floodgate, it sits at 9 feet. A map was presented that indicates the feet of fill necessary at various locations.

It was also noted that any property not owned by the City would require the purchasing of private land.

The building is estimated as ten feet by twenty feet building and would need to adhere to the ADA laws thus requiring an outside ramp.

Future amenities in this area include pickleball courts, picnic/pavilion, a playground, and a splash pad will need to be considered as a possible site is selected.

Though brick makes up most of Milford's architecture, concrete stamping can appear like brick, and is less expensive. In general, the public was in favor of a sturdy masonry material, and some mentioned a decorative design on the outside, such as the mural.

The proposed design of the downtown restroom is inspired by the restroom at the Boys and Girls Club, next to the Can-Do Playground. That building contains two stalls, designated male, and female, made out of stamped concrete.

The majority of attendees at the public workshop meeting favored a restroom centrally located in the downtown area. Only a few chose second locations.

After a review of the area, they propose two to three stalls total, which includes the area by the dog park.

Presently, there are two stalls in this location, one at the basketball court and one near the farmer's market, that a two to three stall restroom would replace. The capital plan includes a second restroom for FY25. The plan is to build one and build another in the near future according to City Engineer Puddicombe.

Councilman James suggests possibly four if not beyond the budget constraints and in his opinion, it would better to add what is needed at this time. Councilman Fulton agreed.

The City Engineer explained the concern is the ten by twenty feet building in the farmer's market area that will take up a good portion of that area. Expanding to another restroom would add another ten-by-ten area minimum which is an additional 100 square feet. There was a recommendation of four stalls (two-female and two-male) and a family bathroom. The site location will be the driver of the room available and the Parks and Recreation plans.

It was also recommended that unisex restrooms be considered.

Appointment/Tree Commission Members

Appointment/P&R Advisory Board

Both items will be added to the September 12th agenda for appointments.

NEW BUSINESS

Authorization Milford Community Parade Insert/Funding

Councilmember Fulton moved to include the insert in the city utility bills, as has been done in the past, seconded by Councilmember Baer. Motion carried with no one opposed.

DeIDOT Agreement/North Front Street & South Washington Street Intersection Signalization

City Manager Whitfield said this is part of the plan to turn over the downtown signals to DeIDOT>

Public Works Director Mike Svaby talked about the Traffic Signal Transfer Agreement. The Northeast Front Street and South Washington Street intersection is also part of the DeIDOT TAP project which will begin soon. This is the first of several forthcoming transfers of traffic signals at intersections with a recommendation to be completed very soon due to the TAP project is going out to bid very shortly.

The agreement must be executed prior to work on the intersection, to bring it up to DeIDOT standards. Staff recommends Council approve the agreement.

Director Svaby said the city costs of this project is \$52,000, though the cost varies depending on the location.

Councilmember Boyle moved to approve the Traffic Signal Transfer Agreement for Northeast Front Street & Washington Street, seconded by Councilmember Baer. Motion carried with no one opposed.

ADJOURNMENT

Councilmember Marabello move to adjourn, seconded by Councilmember Fulton. Motion carried.

The Council Meeting adjourned at 7:47 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Transcriber