

CITY OF MILFORD
COUNCIL MEETING MINUTES
February 21, 2024

The City Council of the City of Milford met in Special Session in the Joseph Ronnie Rogers Council Chambers in Regular Session on Wednesday, February 21, 2024, for the purpose of discussing a public emergency matter in Executive Session.

PRESIDING: Mayor Archie Campbell

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

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

COUNSEL: Solicitor David Rutt, Esquire

ABSENT: Councilmember Andrew Fulton

CALL TO ORDER

Mayor Campbell commenced the meeting at 7:02 p.m.

PUBLIC COMMENT PERIOD PRIOR TO MEETING

Solicitor Rutt read the Public Comment rules into record.

Larry Passwaters of 5823 Griffith Lake Drive, Milford stated the following:

Eminent domain is a part of the Fifth Amendment often referred to as the Takings Clause written into law in 1791. As part of the original nine amendments to the Constitution. We now refer to those nine amendments as the Bill of Rights. Described as protections under the law for the public. In our then quickly growing nation, there were hurdles in the form of property needed to expand our infant nation. It was growing. Property being fiercely protected by some, and other property being held by inscrutable speculators who saw the country's growth as an opportunity to get rich at the very expense and the detriment of the country itself. Hence, the eminent domain or taking clause which allowed for the expansion of the country through legal channels. But the Constitution clearly states that any land taken for public use must not be done without just compensation. So, we have two clear legal issues here. Number one. The right of the state to take like land by legal means for public use. Number two. The right of the property owner if their land is taken to receive just compensation. But I think there's a third issue. Underneath the legal writings that hold as much legal weight as far as the Milford people are concerned, and in this state in the City of Milford, does it need the property to maintain the integrity of its domain. We respectfully offer to this council that it does not need it. We come to you today on behalf of the City of Milford, represented by the people who live here both in the city limits, as well as outside the city limits, who have a Milford address, with an impassioned plea. For his body of lawmakers and city manager, to rescind the motion and the vote which put into action the quest to acquire the land in question. The land that Annette Billings has been forced to defend so valiantly. It is an impassioned plea, and we ask you rescind it. We saw in the city reply that input was offered from the city. What would make Milford a better place to live? And in that you said that there were a lot of comments relative to parks, etc. What we wonder, if you had included in that query of the people, and if you would have said to them, that to give you these parks, we would take the property of your neighbor. I wonder then what kind of reply you would have gotten. We live in a beautiful country. A beautiful country that includes a Chesapeake Bay and the Grand Canyon. The California coast and the Alamo. From the Badlands to the Florida Keys, everyone, even folks in other countries would attest to the beauty of this land. And it's been here for millions of years. But it's only been a great country for 248 of those million years. We believe that this body of lawmakers and hired managers has been forgotten. Not through miles. That this great land is not made by land alone It's made by the people who walk on that land.

Sarah Donald of 38 Lexington Drive, Milford, stated the following:

I had hoped to speak at the last meeting, but time was short, and I honestly believed that the City Council would seriously consider the feelings of the residents. But after watching people and I have the pictures, checking their manicures, closing their eyes, and rolling their eyes. I felt the need to express my disgust with counsel. I also have questions about "changes in future use including basketball courts, a pool on proposed private unannexed land around town." Many of these people have similar stories to Annette. Except they thought that when they said no to the city, the city left. Little did they know that they were just setting targets on them for later. Yes, the residents have done their research, and the secrets are coming out. I lived in Sussex County nearly all my life and moved to Milford to start my own family in 2013. When I was looking for my first home, I remember telling my real estate agent I wanted a home I never had to move from. One big enough for my kids, close to everything I need and with a community strong enough and close enough, that my kids would grow up knowing their neighbors and feeling safe. If we're being honest, at the time, it was my budget that made Milford the place to look. But with hope for a bright future, we moved and had our children and soon the people of Milford and the annual events defined us as a family. We've wrestled with the idea of moving for many reasons, however, it is truly wanting to be part of the Milford community and something bigger than ourselves, it has kept us in Milford until now. You see my 8-year-old daughter grew up here. And her best friend owns a few farms around town. The lady down the road lets her daddy hunt her land. And her daycare people are the same people that she spent her weekends with at the local campground. The people in the community are her extended family. And when asked about all these meeting conversations about land and city council, my 8-year-old, right here, asked why is everyone so upset about land? I'll give you my response and then I'll give you your time back. So, before you take it, I beg you to answer the questions that I cannot answer. When asked about the land, I responded, well, honey, the city council, she asked you that was and I told her that the people in charge of trying to make the city better, decided they wanted to put in a bike path. They asked this lady who had lived here for a very long time if they could buy her land for it, and she said no. She said no because sometimes when people get, and families die, they leave land to their children to help them instead of money. And that's what this lady wanted to do. When she told that to the city, the city didn't like it and they used a rule that was not made for this to take her land from her. Since you wouldn't give it to them. To which my daughter responded, how can they take that land? That doesn't seem very nice. Will they steal ours too? What about where daddy hunts? These are all questions that I cannot answer. My 8-year-old. I can't explain why grownups can steal land, but she can. I can't explain that she shouldn't worry about the city coming for properties, including ours, when they're clearly marked on a map, in red, and we are not annexed into the city. I can't explain why the very same people charged with making a city better and a happier place would choose something that hurts the people of this city so much. So please tell me, as a Milford mother, how do I respond? Miss. How do I make my child feel safe?

Solicitor Rutt said Ms. Donald's time was over and she was cutting into other people's time.

Ms. Donald then said you are cutting into my child's life. So, let's talk about it. Tell me how to keep a child out of adult matters, but you're staring in the face of the next generation unless you run everything that is good out of this town.

James J. Weller Jr. of 10243 Webb Farm Road, Lincoln City, said the following:

I want to say thank you all. I appreciate all the people in this room here, and here, and everywhere. I am a tax paying citizen and I want to share a couple of thoughts. When I had grandkids, it started making me look at my decisions differently. They weren't based on just what I wanted any longer. They were based on these little witnesses behind me, my grandkids watching, how I act, how I drive, do I wear the seat belt? Do I text and drive at the same time? I want to encourage all of you. You may have grandkids, you may not, you may have children, you may not. But you must think about how you live your dash, between the day you're born and the day you die on your tombstone, there's going to be a dash. And I want you to think about, do you truly, truly want to take this lady's land. To you all,

it's just dirt. It's letters on paper. To her it's her land, it's her family's land. It matters. It's not like a car accident and you get your car fixed and it's all made whole. You can't make her whole after this. So, you are responsible. I want you to know that. Your faces are going to be remembered, your names are going to be remembered, it may be legal, but it doesn't mean it's right. I want you to think about that. I also want to apologize if you feel I've said anything negative in the public, all I have asked people to do is pray for you. I want your hearts to soften. I want you to be willing and able to when you go in session and say, you know what, I've thought about it. I've thought about it. This ain't right. It may be legal, but it isn't right, and you want to think about would you want this etched on your tombstone. You're putting a black eye on Milford; the employees of Milford are hearing a lot of grief. There are businesses that are starting to suffer because people don't want to deal in Milford any longer. People are not going on a move here. Businesses are not going to want to move here and Archie, I'd like for another five minutes since you're the one that can extend it. I'm asking for some more time here, but I'm not knocking on you. I'm saying your good people. And I just want you to understand. I want you to continue to be good people. I want you to search your hearts, not the person to your right, not the person to your left. Because at the end of the day, when you lay your head on your pillow, you're going to be accountable to your maker at some point for this decision right here. Do you really truly want this to be said at your funeral? Oh, by the way, by the way, you know, they were the ones, they were the ones. Because for Annette, once you do this, you can't undo it. You cannot undo this. This isn't a decision. You've got your opportunity now. You could throw your hands up right now and say, you know what? I'm done. I am not for this. You can do it right now if you want, it's okay with me. I'll yield my time to you. Other than that, I want to say thank you. I am praying for all of you and I want you to pray to Annette because when you are done with this, she's got to live with it. You're making the decisions that she's got to live with. Other than that, I got one request. I want to take a selfie with all of you in the background just for the heck of it. Give me a thumbs up if you would. Thank you all. God bless you and be safe.

Bill Sharpe of 16857 Staytonville Road, Sussex County, stated the following:

Every person here took an oath of office. That oath of office wasn't to the City of Milford or to the counties or the state or even the United States of America. You took an oath of office to the Constitution of the United States of America. And that's to protect the people of this nation. Protect the people from all enemies, foreign and domestic. Do you want to become domestic enemies? Because that's how you're acting. You're acting like domestic enemies. Are you familiar with federal criminal code US 18-241? That's conspiracy to violate someone's rights under the color of law. Statue codes, rules, regulations, executive orders are not law. It's the color of law. I can stand here all night and tell you, thing after thing after thing about the law. I can also tell you that you don't have an attorney that has a license to practice law. Because no attorneys have license to practice law. None. No state in the country has it. In ten years from now there could be 13 different people sitting here deciding the fate of your property or your children's property. Do you want that to happen? I would say to you. Look up the history of Athens, Tennessee 1946. There was a revolution there when the people stood up against the local government. Because the local government was out of control. And the people had had enough. God bless you and have a good day.

Lucius Webb of 20516 Sapp Road, Milford, stated the following:

This is almost unconscionable. We have a meeting like this tonight. Unfortunately, it's very costly to protect one's rights and her basic rights--that's basic rights. Life, liberty, and pursuit of happiness are what we're talking about that is more than just the right to keep her land. It's very costly to keep your rights. Some give their lives in this country, and you can see that saying by Dover Air Force Base. You've seen that. Some give a little, some give all. I am willing to give you some. A good check to help her in her defense against those who have perpetrated us against her. I ask and pray for you all also.

Joe Wiley of 202 Lakeview Avenue, in Milford stated:

I've been recently to two meetings that's been overloaded with people standing out in the hallway and people filling the room up. It appears to me it is because of decisions that council is making that maybe the public's not particularly happy with. I was at the one with the homeless village and now we're at this meeting where you have many people coming to express their interest in things. There are things that you can do that by law can be done. But it doesn't always mean that they are really the right thing to do. I think this is one of those cases where just because you can take somebody's land, and you should really have to take it for a real need, something that's, for public good. But when you take property just for something trivial, I think that you need to ask yourself this question. Should you take people's property for a trivial thing that it's just something you want to do. It is not something you really need to do. When you take somebody's property, it shouldn't be for something you just want. If you were going to put yourself in Annette's position and you need to realize that this same thing could happen to you. Somebody could take your property, or somebody could take your family's property. They could take your children's property. That is not really the right thing to do if there isn't a true need for it. He is asking that tonight, when you get into executive session, or you could do it now, if council thinks they have made a decision, and we all do this, and everyone makes these decisions and then it turns out it wasn't the right thing to do. All you have to do and there is an attorney sitting right there, just ask the attorney how to undo this. Have him give you the instructions. He is only asking council to reach into their heart and ask those questions. Be sympathetic to the fact you are doing this to Annette.

Ed Williams of 118 Madison Avenue, Lewes stated:

I saw some articles in Facebook last week about Annette's situation and reached out to her last week and met with her today. A very quick brief background. I'm an acquisition manager for federal projects and public private/partnerships. I've acquired Hundreds of parcels over the last seven years in Maryland, Delaware, North Carolina, Virginia. My main job is to make sure that acquisitions are done properly in accordance with state and federal guidelines. And I have to say that this project and this acquisition does not appear to have adhered to Delaware and federal guidelines. One of the first things I see and I'm not speaking about valuations or anything like that. Annette was not offered an opportunity to meet with the appraiser. She may very well have refused, but she was not offered an opportunity to meet with the appraiser. If she had done so, she might have shared with him whether he knew the zoning code and the comprehensive plan or not. That she could do a cluster subdivision on that property in the AR zone And of the 10% required open space for such a project, she could actually donate or she could dedicate open space, part of that non-title wetlands, which you all seek to acquire. Now if that's gone, she has to dedicate buildable land. So, she's probably going to lose some density. How much is a raw building lot worth in close proximity to Milford. A hell lot more than \$20,000 to \$25,000. I would suggest that instead of taking the ready game fire attitude, this very well may be a project that you all want to pursue, but you need to take a step back. Go through the proper documents. Have the appraiser go out, who has a one-year-old appraisal now, which hasn't been updated for the change in markets since April 2023. And you also need to give her an opportunity to share what she thinks the property might be worth. When she does that. Also, I'm not sure if there's been a phase one or phase two environmental study of the property or not, but we know there are otters, muskrats, beavers, migratory water fowl and shore birds. It may not even be a buildable property. My last comment is that if you're building a ten-foot bike path, you don't need to acquire eight acres. Federal law was very clear that you cannot condemn more property than is needed for the public project. I don't think any competent, eminent domain attorney would have a problem vacating or taking over if it hasn't followed all the proper procedures. I would urge you to go back, look at that, reevaluate what you want to do, then reach out to her again with the proper documents and communication. Thank you very much.

Mayor Campbell announced Council is going to go into executive session. He then opened the council meeting and asked for a motion.

EXECUTIVE SESSION

Councilmember Wilson moved to go into executive session, seconded by Councilmember Boyle. Motion carried.

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:32 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

Return to Open Session

At 8:34 p.m., Councilmember Boyle moved to return to Open Session, seconded by Councilmember James. Motion carried

Councilmember Fulton moved to enter into settlement negotiations with Annette Billings, seconded by Councilmember Boyle, who stated negotiations are always preferable.

Councilmember James asked the meaning of the motion; Councilmember Fulton said the intent is to enter into negotiations with Annette Billings for a sale of a portion of the property at a rate that is more equitable and market value closer to the other Sharp land previously purchased.

Solicitor Rutt asked if the second still stands, and Councilmember Boyle said yes it still stands.

Councilmember Wilson said she wants to make another motion, based on the result of the pending motion.

Mayor Campbell asked for a roll call vote:

<u>Yes</u>	<u>No</u>
Marabello	Culotta
Boyle	Samaroo
Fulton	James
Baer	Wilson

Mayor Campbell was required to vote due to the 4 to 4 tie. Mayor Campbell then voted no.

Motion failed by a vote of 5 to 4.

Councilmember Fulton asked to make another motion, though Councilmember Wilson was waiting to make a motion.

Councilmember Wilson moved to terminate imminent domain, seconded by Councilmember James.

Motion carried by the following 6 to 0 roll call vote with two councilmembers abstaining:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Fulton		Marabello
Culotta		Boyle
Samaroo		
Baer		
James		
Wilson		

Councilwoman Wilson followed her yes vote, with the following statement:

I want to address the concerns raised by the residents regarding allegations of the City Council attempting to acquire property through eminent domain. Having served the city of Milford for over 30 years. My reputation. Is of utmost importance to me. And being labeled as a thief is deeply troubling. After hearing Ms. Billings testimony, I was struck by the realization that the information I lacked, the humanistic value, it should have possessed. I want to emphasize that stealing someone's land goes against my principles and values. To steal someone's land is something that I would never be a part of. This behavior was a normal process for my ancestors who did not have any choice or retribution for such actions. The decision made by City Council to explore the possibilities of extending our parks was based on our comprehensive plans and aimed at enhancing our community space. Why fully support the idea of expanding our parks? I want to make it clear that I do not condone the notion of taking land unjustly. To those employees who have been attacked for simply carrying out their duties. I extend my sincere apologies. It is unfair to them to be targeted in this way. Ms. Billings, I wish you had come to this city years ago to express your needs and wants. To all those who support Ms. Billing's mission, I understand your objectives. But I urge you to refrain from adopting a negative tone that may come across as bullying or intimidation. Constructive dialogue and cooperation are keys to finding a solution that benefits everyone going forward. In conclusion, I assure you that I remain committed to serving the City of Milford with integrity and transparency. And I am dedicated to finding solutions that uphold the value of our community. Thank you.

ADJOURN

Councilmember Boyle moved to adjourn, seconded by Councilmember James. Motion carried. Mayor Campbell then adjourned the meeting at 8:42 p.m.

Respectfully submitted,

Terri K. Hudon, MMC
City Clerk/Recorder