

CITY OF MILFORD
COUNCIL MEETING MINUTES
March 25, 2024

The City Council of the City of Milford met in the Joseph Ronnie Rogers Council Chambers in Regular Session on Monday, March 25, 2024.

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, Police Chief Cecilia Ashe, and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

PUBLIC COMMENT PERIOD PRIOR TO MEETING

At 6:02 p.m., Solicitor Rutt read the public comment rules into record.

Kim Wills of 8061 Shawnee Road, Milford stated that she has been speaking with several of the councilmembers and Mayor Campbell this past week. The past couple of weeks, they have been talking to the homeless to try and figure out who they are, where they are, what led them to where they are and how we can help them. They learned there are over a hundred homeless school children who are hopping from bed to bed, couch to couch in our community. There are also six families that the high school is trying to help. They are helping them through the Be Safe Pantry. They give them food, backpacks, hygiene, packs, clothing, and anything else that they can possibly do to help these homeless children. Delmar Appliances donated a new refrigerator for the food pantry. And she is taking three homeless people to get their identifications and another they are helping who has a lot of medical issues. Housing applications have also been handed out. They are also talking with businesses because of the issues being experienced including with many under the influence of drugs or alcohol. They are urinating in public areas including in traffic and on the downtown businesses. She is asking for help in addressing these problems, especially with the businesses that are open at night.

Trish Marvel of 6525, Shawnee Road, Milford, stated she is going to piggyback on Kim's comments. They are working together along with some others. She said more help is needed and asked that others consider doing the task force, though they are moving forward. They have already covered a lot of territory on their own and have talked to a lot of people. If they could get an official kick off for the task force and that it be all inclusive because they cannot work as a silo. They need the help of churches, businesses, and even police officers. She feels they can get a lot done if everyone works together and proactively and asked that council consider kicking something off sooner than later because of the number of people that want to get on board.

Steve Ellingsworth of 312 Pritchett Road, Milford, and city employee noted that his mother passed away on March 10th and sincerely thanked everyone that attended her services, cards, emails, and flowers. This included the city.

Marcela Russell of 200 Tull Way, Milford, said she is the new property manager for Brightway Commons and has taken a direct role in clean up and is actively addressing the criminal activity that is occurring. She also noted there are several homeless living in her hallways.

The problem they are running into is when they call these agencies that are supposed to be active for the homeless, they find nothing is available or they tell them to go to social services. A lot have not transportation to get to social services. They are also told by these agencies to have them arrested so that

they can get help. However, they do not get help in that situation and are told not to come to the property anymore, which is not beneficial because they do come back. She wants a better plan for them. Over the past three months she has been there, crime has been reduced and they have more tenants involved in their aftercare. Her job is to make sure they understand that residing at Brightway Commons can also be a pleasure if they handle it in that manner. She is also looking for help from the city and is working with the owner of the complex which puts it in a better light in the eyes of the city. They are moving out the drug addicts and she has evicted five people that were selling drugs in the past three weeks and plans to take more control of the property. She will continue to take care of them the best she can and wants them in a safe environment and asked for help from the city. She concluded by saying she is taking back Brightway Commons on behalf of the city and for her tenants but needs more involvement from the city and to hear the concerns of her residents.

Barbara Lister of 1 Ross Road, Lincoln, stated she is not native to Milford or Lincoln and came here with her husband after she met him in Korea. She is an army veteran and loves this area. They came here due to some serious health issues of her father-in-law, and they received a compassionate reassignment. She is from Bloody Mingo and a Hatfield and a McCoy girl. When she first came to Delaware there was no housing and her in laws lived in Ellendale at the time, but there was nothing from there to the beaches. She said changes are occurring and asked council to be very careful with the changes that are planned. She has a nephew that is homeless in Milford and lived with her at one time and was working at Caulk Company. He got an apartment in Milford for one week and he was intoxicated the entire time and lost his job. She could not have that in her home and is caring for an almost three-year old granddaughter. Since that time, he has become homeless and went to Milton and Georgetown and is now in the Lewes area. She tried to pick him up there because he wanted help. She took him to their hospital and ten minutes later he left after they called the police though they couldn't do anything to him. They lost their mother last summer to pancreatic cancer. She has a heart for the homeless, but she also believes there is a need to work. Several concerns were expressed, adding she is very worried about her family members being on the roads in Milford. She is aware of one woman that had hit another vehicle and asked council to make sure the laws are followed by these people and why she was allowed to drive on expired tags and no license on six months, though a cop will give her a ticket for speeding or another infraction. She reiterated that all people be treated in an equal manner when laws are broken.

CALL TO ORDER

Mayor Campbell commenced the meeting at 6:19 p.m.

INVOCATION AND PLEDGE

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

INVOCATION AND PLEDGE

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

The agenda was rearranged to allow public comment at this time.

RECOGNITION

Public Services Superintendent Steve Ellingsworth introduced DeAndre Wilson comes to Milford from Fairbanks, Alaska where he was an equipment operator. His first day of employment was March 11, 2024.

Mr. Wilson spoke briefly to council stating he is pleased to be here and brings a lot of experience and a good attitude to the city.

Chief Ashe then introduced her newest employee John Martin who was hired to fill the new crime analyst position. He is a 28-year veteran who retired as a Master Sergeant from Wilmington Police Department, who then served in a civilian position as their IT Administrator and instrumental in establishing their Real Time Crime Center and handling the CAD and citywide system.

Retired Sergeant Martin stated it was an honor to be hired in this position and looks forward to doing a great job for the department.

PUBLIC COMMENTS/FINAL DETERMINATION OF ORDINANCES

Solicitor Rutt again read the public comment rules into record.

Ordinance 2024-04

*Application of Milford Corporate Center on behalf of City of Milford for a Final Major Subdivision
182 +/- acres of land located at the northwest corner of Milford-Harrington Highway and Canterbury
Comprehensive Plan Designation: Industrial, Commercial
Zoning (Split) District: I-1 (Limited Industrial), BP (Business Park)
Present use: Vacant Proposed Use: Industrial Park
Tax Parcel: MD-16-173.00-01-01.00*

Planning Director Pierce reviewed the above details. The city (applicant) received preliminary major subdivision approval from City Council on April 24, 2023, for a 27 lot industrial and business park as shown on the plan in the packet. The site will include a new water tower, well facility and a sewage pump station.

He reviewed all approvals and reports noting the plan complies with the zoning and subdivision of land ordinances. Also noted the comments in the review letter that will need to be addressed prior to construction.

Each document in the packet was also referenced.

The public notice was advertised in the Delaware State News on February 28, 2024, mailed to all owners of properties within 200 feet of the parcel, and posted at the site.

The Planning Commission reviewed the application at their March 19, 2024 and recommended approval by a vote of 5 to 0.

Professional Engineers Mike Riemann and John Falkowski, Project Manager, both of Becker Morgan Group, 309 South Governors Avenue, Dover, were in attendance to present the application on behalf of the City of Milford.

PE Riemann recalled previously being here updating Council on the project noting this is a request for the final. It had gone through the Planning Commission and City Council months ago at which time preliminary approval was received. Since then, all required approvals from the various agencies were received including Kent Conservation District, DelDOT, Fire Marshal, City Engineer and Planning Office have been obtained.

He shared the plan being presented has been reviewed by Council several times and they are present to ask for final approval which allows the plan to be recorded and begin construction.

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

Councilman Fulton then moved to adopt Ordinance 2024-04, seconded by Councilwoman Wilson. Motion carried by the following 8-0 roll call vote:

Marabello-I vote yes, it's in conformity with Chapter 230 Zoning Law and Chapter 200 Subdivision of Land and has met all the requirements to move forward.

Boyle-I vote yes, as part of the motion, as it is consistent with Chapter 230 Zoning, Chapter 200 Subdivision of Land, and more importantly is an opportunity to bring a lot of new business and jobs to Milford.

Fulton-I vote yes, as previously stated, conforms to Chapter 230 Zoning, Chapter 200 Subdivision of Land. They're also addressing minor necessities by the city before beginning construction.

Culotta-I vote yes. I look forward to a new industrial park that will bring a lot of jobs to the area and help with economic activity and growth. It is a good step in the right direction with this council. So yes.

Samaroo- I vote yes, it meets the requirements of Chapter 230 and 200 and based on the Planning Commission vote of 5 to 0 approval. And I think it would be good for more jobs and economic development as well.

Baer-I also vote yes and think it's a great opportunity to bring some more jobs into our city.

James-I vote yes. The plan does meet all the requirements of the City of Milford and council decided to go into this industrial park for the sake of our growing population and to provide jobs for our local community. And there are many, many applicants waiting to secure lots in this parcel and I'm looking forward to it.

Wilson-I vote yes, based on Chapter 230 and 200, and based on all agencies that have signed off on it and looking forward to new employment in the city and are happy of the positive and productive growth in the Fourth Ward. It's been a long time coming and we are ready to finally see something moving out there.

Ordinance 2024-05

Application of Red Cedar Farms for a Final Major Subdivision

101.42 +/- acres of land located along the east side of Bucks Road north of Cedar Neck Road

Comprehensive Plan Designation: Low Density Residential

Zoning District: R-2 (Residential District)

Present use: Vacant Proposed Use: Single-family Detached

Dwelling Subdivision

Tax Parcel: 3-30-11.00-068

Director Pierce reviewed the above application information. The property is currently vacant, and the proposed use is a single family detached dwelling subdivision.

The application received preliminary major subdivision approval from City Council on October 24, 2022, for the construction of 200 single family homes. City Council granted a one-year extension of the preliminary approvals on November 27, 2023.

He then reviewed each document included in the packet noting they comply with all requirements within the city. The remaining comments, dated February 23, 2024, are in the packet and shall be addressed prior to the commencement of construction. The off-site construction plans for the sewer pump station and associated force main will need final approval from the city engineer prior to scheduling a pre-construction meeting. The amenity area is required for review under a separate site plan by the Planning Commission.

All agency approvals were also referenced.

The public notice was advertised in the Delaware State News on February 28, 2024, mailed to owners of properties within 200 feet of the parcel, and posted at the site.

The Planning Commission reviewed this application at their March 19, 2024 meeting and recommended approval by a vote of 5 to 0.

Professional Engineers Mike Riemann and John Falkowski, Project Manager, both of Becker Morgan Group, 309 South Governors Avenue, Dover, were present to represent this application on behalf of the owner.

PE Riemann also noted that Schell Brothers Director of Land Development Tim Green and General Counsel John Horner were also in attendance.

The engineer agreed this project has been before Council and Planning Commission for the sixth time. Preliminary subdivision plan approval was granted in October 2022 and received a one-year extension.

He noted the plan is essentially identical to the plan that was approved originally with one minor change. One lot was lost, and the original preliminary plan was 200 lots, and this plan is for 199 lots. They have also been working with all approval agencies to finalize all engineering and tracking down the last permits, most notably DelDOT, Sussex Conservation District, City engineering and planning, and Fire Marshal.

It complies with all city regulations and request final approval to allow it to move forward.

When questioned about the burial site, Mr. Reimann confirmed it was identified and that is the reason for the reduction by one lot. Following the PLUS review, they were notified by the State of Delaware's Historic Cultural Affairs that there was the potential for a cemetery. As a result, they hired an archaeologist to investigate, map and document it. The layout was then modified to avoid that area which is required by state law. That caused a slight delay as they wanted to make sure they were very thorough in that process.

It remains an open space and originally, there was nothing above grade and no headstones or anything similar. The Cultural Affairs office did the research and discovered it through some records and will remain undisturbed.

It was confirmed there is no plan to put a fence around the area and the preference is to leave it in a natural state, though perhaps a small sign could be installed.

When asked about amenities, Mr. Reimann talked about the onsite clubhouse and pool, pointing out that location.

The floor was opened to public comment.

Howard Webb of 5536 Cedar Neck Road talked about his wife, and he are caretakers of the adjacent parcel downstream of the Red Cedar Farm. They came home a couple months ago and found an engineer parked in their lane. He asked them if there was always this much water in the branch. If appeared, they saw something they had not planned, and their plan did not change. He wonders if their drainage plan is correct or needs to be changed. He asked if that would end up being flooded. However, once the city approves this, it becomes the city's responsibility.

Mr. Webb encouraged council to make sure this work is done correctly.

Kim Wills of 8061 Shawnee Road, Milford said she is hoping with the massive number of houses that are being built, this developer and other developers understand that more affordable housing is needed in the State of Delaware. She added that not everyone will be able to afford these very expensive houses again referencing the many homeless and that developers are encouraged to build more reasonable homes.

Raymond Hendrick of 6422 Bucks Road said for the past nine years when he goes outside to get his mail, he is looking at a beautiful vista of agricultural open space. He stands is not supporting or opposed to this development and is a realist and understands things happen. His remarks this evening are basically addressed to the Schell Brothers representatives and when the plan is done, the issues raised by Mr. Webb and others over the course of the approval process, will be addressed and that the environmental outcome, when complete, will be favorable. He hopes that the landscaping material will all consist of trees and shrubs from the State of Delaware. Not Bradford pears, burning bush, nor an assortment of other exotics. He looks forward to that.

Nina Pletcher of 428 South Walnut Street said she is very much in favor of a marker being placed at the burial ground to identify the area. She would not want a fence or something that creates a dog park or similar that would tempt people. But a marker would be in very good taste. For the quality of this development, she thinks that is the least the city can ask.

Julie Morris of 21142 Cedar Beach Road said she is against the development but not all developments. She does not think that Milford has the infrastructure to deal with it. This is 199 lots multiplied by two cars and maybe three since these are expensive homes. All those kids would also be added to the school system that is already struggling. She does not think this is a good plan and she thinks if the community was involved in this process in 2021 and 2022 when it was originally approved, then granted another extension, that it would have moved forward. Because of the agriculture that's there and lands that are there, there is not room for it. She knows that you guys want more people moving to Milford. But the people who are living in Milford need affordable housing, not these homes that people can't afford. All the developments that are out here right now are still homes that people can't afford right now. She does not know the numbers, but she is willing to look. Maybe somebody has a better idea. But there are many homes that people can't afford for those who want to live in this area, and they can't afford it. Who is going to come to this development other than people from New Jersey. No offense to anyone from New Jersey. But she just doesn't think this should be approved. And if you guys are taking into consideration the people who live around it then council would not approve it. And it is going to come down to individual opinions, and not the Planning Commission, because there were many people there that night who did not want them to approve it. But they went with Solicitor Rutt, who said they had to approve it and that this was just a rubber stamp. That it will go in front of council, and they will have to approve it. Many of them did not want to approve it. You could see it. They did not. But Solicitor Rut made it seem like they had to. So now it's in Council hands. She is saying, if this is pushed through, she will be protesting, demonstrating against this development all day and as often as she can, with as many people as she can, because she does not think it should be built there. She continued by saying you have five elections coming up this year, and four next year. Remember that.

No other persons replied, and the public comment period was closed.

Solicitor Rutt explained that the Delaware Superior Court, as well as the Supreme Court. These rulings go back to the 1970s. It was really laid out in a case in Superior Court in East Lake Partners versus the City of Dover, in 1994. But then in 2008, the Supreme Court, said when people purchase land zoned for a specific use, they are entitled to rely on the fact that they can implement that use, provided the project complies with all of the specific criteria found in the ordinances and subject to reasonable conditions which the Planning Commission may impose in order to minimize any adverse impact on nearby landowners and residences. Told otherwise, would subject a purchaser of land zoned for a specific use, to the future whim

or caprice of the Commission by clothing it with the ability to pose to impose ad hoc requirements on the use of land not specified anywhere in the ordinances. The result would be that the imposition of uncertainty on all land owners respecting whether they can safely rely on the permitted use is conferred on their land under the zoning ordinance system. The way this has been not only been interpreted, and if the application and the applicant comply with all the requirements set forth in the code, they are then entitled, as a matter of writ, to go forward with their application and with their land use.

Solicitor Rutt said yes, he did say it pretty much is a rubber stamp. We have heard from the City Planner that they have complied with everything. It is a matter of whether there were any reasonable conditions. This has been before the Planning Commission and City Council at least six times in the past. That was the original plan, amendments, and extensions. This is a situation where an ordinance requires a public hearing. Otherwise, if they have complied with the ordinance and specific criteria under the Milford City Code, then it is a matter of writ.

Councilmember James pointed out the notice of public hearings state that City Council has the option to approve or deny the application. The next sentence says that by not adopting the ordinance, City Council will deny the application. He understands that City Council has the option. But if City Council were to exercise the option of not approving, that could lead to a claim against the city. The city would then incur legal fences to defend something that it would ultimately lose, because the case law has already set precedent on how these things are handled.

He assumes that would not happen or there would not be a suit, if Council were to find an error in the review that something was missed or outside of the code.

Solicitor Rutt agreed that is a great analysis.

When asked about the previous mention of flooding, and whether that has been addressed, Planner Pierce explained the Sussex Conservation District is responsible for reviewing the stormwater management plan for the development. That approval letter is included in the packet. Outside of that, he is unable to speak on that matter.

Planner Pierce was questioned if he was able to follow up on that and provide feedback to the developers and Mr. Webb and responded by recommending the engineer discuss the design of the project. Solicitor Rutt said that one of the criteria is if there is a question, it can be answered and deferred to Engineer Riemann.

PE Riemann is the purview of Sussex Conservation District. State law requires that we demonstrate that the drainage and runoff from this site does not exceed what is leaving the site today. So that is the state law or requirement. They prepared a stormwater package and a large report that goes to the conservation district. There are a lot of back and forth and rigorous reviews with them. They ensure that any drainage leaving our site doesn't represent an increase on any neighboring property and their primary role. And their primary concern. In his 23 years of doing these types of designs and reviews, it is something they take very seriously. And that is why it takes months to get through the process to come back before council with a final. They must get through that rigorous test. And they passed that test.

He confirmed that neither himself nor the other engineer working for Schell Brothers had the discussion with Mr. Webb.

When asked the recourse if this was a problem once this development is built out, Solicitor Rutt explained that the Soil Conservation District would need to be contacted and they would address any issues. Very

similar to other issues the city is facing in other subdivisions where the conservation district is stepping in to make sure stormwater ponds are adequately sized to drain, etc.

Mayor Campbell added that the person in charge of Sussex Conservation District was once the city manager in Milford. So, he is aware of the regulations within the City of Milford.

Councilmember Marabello then confirmed the development have retention ponds.

Engineer Riemann confirmed there is the possibility of placing a historical marker on the grave site. It was also recommended that the marker contain cultural information or information about what was found.

Councilmember Culotta pointed out that there is a need for all types of housing in Milford, not just favor one over the other, adding that he does not think council favors high end homes, though it does not favor low end either. He believes each project is reviewed on its own merit. Affordable housing is something that needs to be considered outside of this approval. But there is also housing needed for business leaders, medical professionals, and those this quality for this type of home, commenting that often we lose those professionals to Lewes and the resort towns. He thinks it is important and anyone living on the surrounding properties will be happy and proud of the final product.

Councilmember James agreed noting what is being discussed is an issue that is hurting Sussex County's healthcare. The housing stock is not available to attract the doctors and other medical professionals that are needed here. Instead, they move somewhere else. Providing the types of homes they are interested in may satisfy some of Milford's primary care and specialists' needs that we are unable to attract today.

Councilmember Boyle has already talked with a resident who is planning to build in this subdivision. He also emphasized that council has approved affordable housing projects though they have not yet begun construction. In a year when less than a hundred permits were issued, somewhere in there were the 27 along the river and the ones being built off Airport Road. All ranges of housing are driven by economics and if there is no market for it, it slows, and permit requests are reduced.

A good mix is needed, and he hopes this generates additional projects that will be labor housing to coincide with the new business park. It is all meshing together and is the culmination of a lot of pieces that council has approved.

Councilmember Wilson agreed and encouraged other developers to consider other levels of housing for our working force.

Engineer Riemann also confirmed that all the plantings within the landscaping plan are native select species.

Councilmember Fulton moved to adopt Ordinance 2024-05 and approve the final major subdivision with the added benefit of a marker containing cultural and archeological information for the cemetery found there. Councilmember Baer seconded the motion.

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

Marabello-votes yes, it complies with Chapters 200 and 230 and agrees that different levels of housing are needed, particularly the doctors working across the road. They also seemed to be concerned about the water runoff and will be addressing the other issues about the marker and need of native trees.

Boyle-votes yes and it does meet the requirements of 230 Zoning and 200 Subdivision of Land.

Fulton-votes yes and it goes back to one of the basic tenants that when farmers decide to leave their land, they sell it and sell it to someone that they're going to make money from. And at times it's a developer. And

what the developer looks at is the economic area and decides what's best and what they can make money out of. That's just the way the whole process works people. With that in mind, he said upper end housing is needed in places and lower end in other places. And in this case, he hopes we can attract the people that we need to provide the upper end services to the community.

Culotta-votes yes, and when he talks to various developers in Milford, they have always said that they will build a house that the market is willing to support. And knowing this is on the higher end that has been seen in Milford. It is a step forward, and he looks forward to the quality of housing and what that will bring. He commends the developers for taking that risk. He hopes that all the folks around it that are used to open space can be accommodating, and everybody can get along.

Samaroo-votes yes and it meets the requirement of Chapters 230 and 200. She also had a concern about the drainage and hopes there are no adverse effects based on the plan once it is finalized. With this being a high-end housing development, she does agree more affordable housing is needed. She approved the plan.

Baer-votes yes and thinks it is important to offer the full spectrum of housing here in Milford. He knows we have lost some doctors and nurses to other cities like Lewes.

James-votes yes and he echoes the comments and has spoken to executives of Milford's healthcare systems about the need of housing for the high-end profession, the doctors, the specialists, and even the nurses. The housing stock just isn't there. There are gains being made regarding the amenities, and things to do. But the upper end housing stock is lacking so he commends Schell Brothers for picking that area. He is glad it is in Milford, and hopes it benefits Bayhealth and he is looking forward to it.

Wilson-votes yes to approve the final major subdivision. It complies with the city codes. Complies with our strategic plan. All our agencies have signed off on it. It has been before council numerous times. It's a well design plan. She is really looking forward to it and in this job, there is a need for council to be consistent with what is approved. It is not always easy to do, but when there are bylaws, policies, and procedures in front of you, there is a need to stay within the range of what lied before us. Because this is an equal opportunity town, and we must stay within the guidelines. Everyone tries to do that even though it is not always easy. Council must try and do that, otherwise it will catch up to you.

Mayor Campbell then said he is a Jersey Boy, and everyone tells him to watch what he says. He has been here 17 years and moved to Milford because of the tax break. What is affordable for someone, may not be affordable for another person. From the income that 30% guideline will determine how much home can be bought. He knows the Schell Brothers and their homes; he knows their crews and those guys take a lot of pride in what they do. He said thank you to Schell Brothers and welcome.

MONTHLY FINANCE REPORT

Finance Director Vitola referenced the February 2024 finance report. He shared that the cash balances increased by \$1.2 million during the month of February. About half of that was a reduction in operating cash. The other half was driven by reserves or restricted spending.

The request of Carlisle Fire Company is a large part and another \$200,000 were in funds reserved for projects with \$100,000 for the police department project, etc.

In terms of performance, the P&L remains somewhat mixed. Both the utilities and the governmental funds are ahead of the budget where they were just behind last year. Generally, we are always going to track a little bit worse year over year, in an inflationary cost environment as we are in the middle of one of those.

On a percentage basis, our tax and rate increases have been smaller than our expense increases. What has been done to bridge the gap is to transfer more from utilities. That will always make the utilities look worse than they did the previous year. And on the governmental side, even though there have been very small incremental increases in taxes, they are not entirely generating new money to offset expense growth. They're

being used to divert more into capital to prevent using one-time sources of funding for O&M expenses. That is mainly on the police side.

Councilmember James moved to accept the February 2024 Monthly Report, seconded by Councilmember Fulton. Motion carried.

We accept the finance directors. Financial report for February 2024. Second Council.

UNFINISHED BUSINESS

Bid Award/2024 Street Maintenance & Repair Project

City Engineer James Puddicombe recalled this was presented to Council at the last meeting and was postponed for some adjustments.

The scope was adjusted to meet what he believes council was looking for. The city hall parking lot project was changed to just entrance improvements and sealcoat and stripping versus removal and new curbing.

That reduced the cost by \$70,888 total.

As proposed, approximately 16 spots will be gained.

The funding sources were reconfigured to eliminate the additional real estate transfer funding and to use ARPA funding.

Those are the additional major changes.

City Manager Whitfield explained that one of the projects under the ARPA funding was the northwest/northeast flooding project. There are other funding sources for that project and that money needs to be expended before the end of the year and he is nervous about being able to pull that project within the FY24 year.

Manager Whitfield looked at redoing the ARPA funding and using that for the utilities under the streets and reducing the real estate transfer expenditure.

When asked if the project would be done in time to use the funding, Mr. Whitfield deferred to the City Engineer. Mr. Puddicombe explained that the utilities are typically done first so that the ARP funds can be used for the utilities before the October federal deadline. However, he prefers to spend it within the city fiscal year or by the end of June.

It was also noted there is a large amount of construction downtown and many residents are upset because of the number of roadways impacted. He asked that the residents be notified in advance of any work being done in their particular area so that they plan accordingly.

Councilwoman Wilson agreed adding that it is especially important to the businesses along these roadways. She also heard complaints that they were uninformed about the timeline until the work began.

Manager Whitfield said they had been in touch with Downtown Milford Incorporated and his hope was that they would reach out to the business and inform them. It was not the plan to shut down all the roadways but the cards he was dealt with.

Councilmember Culotta pointed out that South Walnut and South Washington Streets were shut down at the same time which really caused havoc.

It was pointed out that many businesses were aware of the South Walnut Street closing, but the Washington Street closure is what took them by surprise. The DelDOT project has been extended many times.

It was confirmed the Walnut Street bridge is a city project, but the Northeast Front Street project is under the control of the state according to the City Manager.

Councilmember Baer asked if there could be at least pedestrian access at the Walnut Street bridge, though the City Engineer explained that once the walkway is reinstalled, it will be open for pedestrians. For the Bug N Bud, the plan is to keep the bridge plan closed but open the walkways up.

The City Manager also noted that some additional alterations were requested at Walnut Street and Northeast Front Street by moving the closed sign to Park Avenue.

City Engineer reconfirmed the original contract was \$6,237,051 and the reduction brings it to \$6,166,163.

Authorize Mayor Campbell execute the contract with Eastern States Construction Service in the adjusted amount of \$6,166,163 with funding as follows:

- \$ 3,766,868 from existing Capital Project Lines
- \$ 1,058,074 from Water Reserves
- \$ 221,221 from Sewer Reserves
- \$ 470,000 from ARPA Funds
- \$ 650,000 from Water Impact Fees

Councilmember Fulton moved to authorize the 2024 Street Maintenance and Repair Project, and directing Mayor Campbell to execute the contract, seconded by Councilmember James. Motion carried with no one opposed.

Adoption/Resolution 2024-03/American Municipal Power Commitment/GRIP Funding

City Manager Whitfield referenced the resolution in the packet approving a letter of commitment to the American Municipal Power Corporation for its grid, resiliency and innovation, partnership, and incentive application. It is a non-binding letter that can be sent in support of the application reviewed at the past council workshop by DEMEC's Scott Lynch.

Councilmember Fulton moved to adopt Resolution 2024-03 (see packet) American Municipal Power Commitment and GRIP funding, seconded by Councilmember Boyle. Motion carried.

Authorization/Innovation Partnership Incentive Application & Related Matter

It was noted this item was in the packet in relation to the previous matter.

With no new information, Councilmember Fulton moved to postpone action, seconded by Councilmember Culotta. Motion carried.

EXECUTIVE SESSION

Councilmember Fulton moved to go into Executive Session reference the below statutes, seconded by Councilmember Wilson:

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
Motion carried.

Mayor Campbell recessed the Council Meeting at 7:30 pm for the purposes as permitted by the Delaware Freedom of Information Act. Council relocated to the Conference Room for the closed session discussion.

At 7:55 p.m., Councilmember Fulton moved to return to Open Session, seconded by Councilmember James.
Motion carried.

No action needed.

ADJOURNMENT

Councilmember Boyle moved to adjourn the meeting, seconded by Councilmember Fulton. Motion carried.

The Council Meeting adjourned at 7:56 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder