

CITY OF MILFORD
COUNCIL MEETING MINUTES
April 8, 2024

The City Council of the City of Milford met in Regular Session on Monday, April 8, 2024, in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Archie Campbell

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

STAFF: City Manager Mark Whitfield, Police Chief Cecilia Ashe, and Deputy City Clerk Katrina White

COUNSEL: Solicitor David Rutt, Esquire

ABENT: Councilmember Nirmala Samaroo

PUBLIC COMMENT SESSION PRIOR TO MEETING

Mayor Campbell called on Solicitor Rutt to read the public comment rules into record.

CALL TO ORDER

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

PUBLIC COMMENT SESSION PRIOR TO MEETING

Mayor Campbell called on Solicitor Rutt to read the public comment rules into record.

Kim Wills of 8061 Shawnee Road, Milford, Shawnee roadmap for Delaware. She talked about working with and talking with the homeless, trying to get them into housing and out of tents and rain and inclement weather. They have had two more out this week, so talking is working and letting them know they are loved and worth being inside. They provide information for resources even though some indicate they are not interested. Sometimes they call her back, but they just continue to try. They now have a dumpster beside Walgreens for the people in Tent City. They have talked to Milford Advocacy for the Homeless (MAH) and Brandywine about making sure they continue to keep in contact. They want to stop them from continuing to move around town and want to bring them into civilization. On April 11th at 6:00 pm, a community meeting will be held in the Milford Police Station Community Room. Many organizations and residents have asked how they can be part of this effort, which is the reason for the meeting though they were waiting on approval from the mayor. Because they cannot continue to wait because of the willing people who want to help. The more people involved, the more can get done.

Trish Marvel of 6525 Shawnee Road, Milford, said she is piggybacking on Ms. Wills' comments. They are not going to go away and will continue pursuing whatever avenues they have for those homeless that want help. There is one individual who they have been in contact with for several weeks. This person is in a good place and is trying to find permanent housing but is in temporary housing though some things are in the works. She gives accolades to this Ms. Wills because of her efforts and if unable to get an answer or find something, she figures it out. They were able to take this person to his home in a safe place with other individuals in Ellendale. He does pay rent which is slightly higher because he receives social security, and they hope he can get into some decent housing with lower rent to prevent being strapped financially. This individual is trying to be on a path of success and is a wonderful gentleman. Another situation today involved a 25-year-old female sitting alone. They determined she was homeless also and Ms. Wills compassionately approached her and sat with her to prevent her feeling intimidated. The female came from Dover, ended up in Milford when she was given a bus ticket from MAH. Now she is in Milford Library because she has no place to stay. She was given some resource information in a very gentle way and was able to get some assistance today and was provided a voucher for a hotel for three weeks. They took her to Georgetown and made sure she was checked in. One of the challenges is these places require some sort of identification. But they have learned this is not the case when it comes to the homeless and they are able to get a hotel

voucher without any identification, as occurred in this case. This young woman has a lot of potential, has a job beginning later in April at the Newark at the Amazon Fulfillment Center. They hope this will allow her to move forward and move forward and is able to obtain her identification. Though it has been alleged that everything is at a standstill, they will continue to move forward because there are opportunities to help someone that wants help.

Rex Chege representing the City of Refuge Church Incorporated at 1 Northwest Front Street, Milford, relocated to Milford in January 2024. He was asked to address council by assessing the needs of Milford, what the people of Milford need because they have workers that want to go out and provide those needs. Their mission statement is helping people recover from hurts, habits and hangups, to positively impact themselves, their families, and their communities. They are trying to put a good foot forward by figuring out how they can best do that. He provided a phone number of 302-450-6472.

No other people were signed up to speak.

INVOCATION AND PLEDGE

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

APPROVAL OF PREVIOUS MINUTES

Councilmember Marabello noted that a portion of the December 13, 2023 Workshop minutes was indicated as inaudible and asked that it be reconstructed somehow because it involved the marijuana dispensary discussion (portion of meeting referenced related to the FY22 Audit presented by Finance Director Lou Vitola). IT Director Bill Pettigrew asked if it was inaudible, or if the transcriber couldn't pick it up or if it was missing. Deputy City Clerk White will follow up with the City Clerk.

Councilmember Boyle moved to approve the minutes of the December 13, 2023 Council Workshop, January 8, 2024 Council Meeting, January 17, 2024 Council Workshop, March 11, 2024 Finance and Audit Committee Meeting and Council Meeting, and March 13, 2024 Council Workshop. Motion seconded by Councilmember Baer and carried.

RECOGNITION

Willis Shafer/Public Works Director

City Manager Whitfield introduced Willis Shafer who was hired as the City's newest Public Works Director. Mr. Shafer has 32 years of experience with union and non-union personnel in all public works operations. He received his Bachelor of Science Degree in Engineering Technology at East Tennessee State University. He most recently retired from the City of Fairfax, Virginia after 18 years of service.

Director Shafer addressed Council adding that his wife is also a Public Works Director at the City of Takoma Park in Maryland.

Mayor Campbell referenced the following proclamations included in the Council packet:

*PROCLAMATION 2024-07
National Public Safety Telecommunicators Week
April 14-20, 2024*

Whereas, emergencies can occur at any time that require police, fire, or emergency medical services; and,

Whereas, when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and,

Whereas, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Milford Police Department Emergency Communications Center and Sussex County and Kent County 911 Centers; and

Whereas, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and,

Whereas, Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information, and ensuring their safety; and,

Whereas, Public Safety Telecommunicators of the Milford Police Department, and the Kent and Sussex 911 Centers have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and,

Whereas, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job 24 hours per day and seven days per week.

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, Delaware, do hereby proclaim the week of April 14 through 20, 2024, to be National Public Safety Telecommunicators Week in the City of Milford, in honor of the men and women of the Milford Police Department Emergency Communications Center, whose diligence and professionalism keep our city, county and citizens safe.

*PROCLAMATION 2024-08
Lineman Appreciation Day*

Whereas, on January 3, 2017, the 115th United States Congress adopted House Resolution 10 recognizing the profession of Electric Linemen, the contributions these brave men and women make to protect public safety, and to express support for the designation of April 18th as National Lineman Appreciation Day; and

Whereas, Linemen work with thousands of volts of electricity high atop power lines, sometimes 24 hours a day, 365 days a year, putting their lives on the line with little recognition from the community regarding the danger of their work; and

Whereas, Linemen are often the first responders during storms working to repair broken and damaged electrical lines under hazardous conditions to make the area safe for other public safety officials; and

Whereas, Milford's Linemen have been temporarily mobilized to assist other communities in emergency situations where mass numbers of people were left without electricity; and

Whereas, on this day, it is only appropriate we recognize the many contributions of these brave men who work tirelessly to provide dependable electricity not only within the city, but also to the Greater Milford area; and

Whereas, linemen play a vital role in our citizens' everyday lives by maintaining and growing our electrical infrastructure and simply 'keeping our lights on', which is often taken for granted by so many customers.

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, hereby proclaim April 18, 2024 as

Lineman Appreciation Day in the City of Milford

and urge all citizens to take a moment and recognize the professionals that work tirelessly each day to ensure electricity continues to flow to our homes, schools, hospitals, and businesses throughout our community.

STAFF REPORTS

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

Highlights of each were provided by:

Police Report-Chief Cecilia Ashe

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

City Clerk Report-Deputy City Clerk Katrina White

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

Councilmember James then talked about the directive of City Council several months ago for the City Clerk's office to look for new technologies to help with automation based on the increase in their work.

IT Director Pettigrew said he elected to contact another vendor to provide a proposal but has not heard any feedback since. Deputy City Clerk White confirmed they have been in touch with several municipalities and have received some very valuable information on both products.

City Manager Report

City Manager Mark Whitfield, Acting Public Works Director Steve Ellingsworth, Electric Director Tony Chipola, Planning & Zoning Director Rob Pierce, Parks & Recreation Director Brad Dennehy, Councilman James read portions of the Human Resources Report, Information Technology Director Bill Pettigrew, and Finance Director Lou Vitola, all provided information from their written reports.

There were also concerns about the FY22 audit still not being completed, considering we are in FY24. Also noted was we are now hiring another entity to come in to help. According to Director Vitola, a city this size usually has more employees in their finance department, though they have added another new position. He has additional consulting dollars in the budget. Now he must assimilate those resources into the group. There are a million competing priorities happening at the same time and his pulling everyone to the point, it is hard to do all those things well. He is putting 20% of our effort into a fifth of the things. Everyday all the time. And it seems like it's never enough. He pointed out that DEMEC is Milford's organization, not the other way around. For their other comrades and colleagues to be able to offer to assist in this endeavor is a concern.

He then talked about not having top shelf investment managers. Those people are elsewhere doing other jobs. CPA's that are exclusively municipal finance experts working on staff.

Director Vitola explained he is only one person and through the lens that the current auditors are putting on the financial, who knows if FY20 would have been done that successfully and on time. Instead, he is going through it with this group. He knows he must get FY22 done before FY23 can be addressed and the same applies to FY24.

When asked if there is a material problem holding the FY22 audit up, Director Vitola said he does not think so. Giving materiality thresholds, and reiterated he does not think so, though a \$555,000 inner fund loan between the electric fund in the general fund is enough to derail this whole thing, but \$179,000 in municipal street aid funds is enough to put a roadblock in it.

Councilmember James said that if there is an employee shortage, Council needs to be told that by the City Manager. It sounds to him as though what is happening is there is a problem with the presentation of the information, then a dollar amount or measurement of the values. And that is a liability. This is a black eye and the offer by DEMEC to assist is a red flag. That means those stakeholders would have to believe there is something at risk on their end that they need to remedy and want to provide resources because they need to move forward.

He suggests that this Council be brought up to speed at every council meeting until the FY22 audit is completed and accepted. This is not ok.

When asked, Mr. Whitfield said that to the previous years' budget, a part-time consultant was added each year, but that didn't work. The recommendation was then made to hire an additional accountant and that happened last September, though he is still getting up to speed. At the same time, they are working with a new financial ERP system which has been taxing the staff, though he knows they have all been putting in extensive hours to get this done.

He agrees that DEMEC's concern about Milford's and Smyrna's lack of a timely audit report impacts their borrowing and S&P ratings.

Councilman Boyle asked if the auditors are afraid to make a decision, though Director Vitola does not think so and believes they don't want to take it until it is flawless, and they understand it from top to bottom. They reached a point on March 7th for the financials to be given to them from that date until the end. Then they pushed them back, and he just pushed them back to them this morning.

Councilmember James said it is the responsibility of the Finance and Audit Committee to review the qualifications and abilities and the independence of these firms. And they will own the outcome.

Councilmember Fulton moved to accept the City Manager report as presented, seconded by Councilmember Baer. Motion carried.

COMMUNICATIONS & CORRESPONDENCE

City Manager Whitfield shared that he had an item placed in your packet about the DPL South-based residual option that took place recently. This will have a financial impact on DEMEC, which will have to trickle down to Milford and is going to cause between a 3 to 4% increase in the rate being charged by DEMEC. That will come through as a PCA in May or June. It will hit all electric customers on the Delmarva Peninsula south of the C&D canal.

Mayor Bob Smith of Smyrna was in attendance and recognized. Mayor Campbell shared that the two of them talk at least twice a week, adding that all the mayors are unhappy with DEMEC. Everyone in the league talked about the increases that keep coming.

Mayor Campbell then explained where he stands on the Homeless Bill of Rights. He and Chief have discussed this along with State Representative Sophie Phillips. Originally, it was anyone homeless could pull into a private driveway, live in their car and no one could do anything about it. But he had Delaware League add an amendment where public parking lots would be assigned, and signs posted that state no overnight parking.

He explained that they could park here at city hall or at the new police station. Chief's main concern was if a homeless person says they were treated unfairly, that officer would be taken off the street until the investigation is completed. He is still working on it, and they will return on April 17th to continue discussion.

Councilmember James pointed out that those with a problem with the bill does not mean they are heartless. At the same time, some of the conditions could have an adverse effect on our communities.

Another piece of legislation shared by Chief Ashe is pushing forward to eliminate the SLEAF funding. That is a law enforcement fund where funds are received from seizures, drug activity and/or criminal investigations. Those funds are used to support law enforcement in their investigations, equipment, and similar items. Legislators are moving forward to transfer those funds into the actual general fund which would have a significant financial impact on police agencies throughout the state. Once it goes into the general fund, there will be a lack of funding to continue enforcement efforts.

Councilmember James asked council to reach out to our county and state legislators and express our concerns.

It was suggested a resolution be prepared to oppose it. Councilman James asked this be discussed at a workshop to hear each member's opinion. City Manager Whitfield will create a resolution to be considered at the workshop and get feedback on the final resolution which could be adopted at the following council meeting.

Unity in the Community

Councilmember Wilson invited Councilmembers and the public to the 4th Ward's Unity in the Community on Saturday, April 20th and will focus on mental and physical health. Voter awareness will also be provided, and past Councilmembers, including deceased members, will be recognized that day. One will be former Councilmember Douglas Gibson who will be turning 101 this year.

It will be held at Benjamin Banneker School from 10:30 am to 2:00 p.m.

NEW BUSINESS

Appointment/Parks & Recreation Advisory Board/T. Walter

Parks and Recreation Director Dennehy noted there is a vacant position on the Parks and Recreation Advisory Board. Mayor Campbell had reviewed the application of Tiffany Wyatt of 404 Woodland Drive.

Director Dennehy said that Ms. Walters has been a good supporter of Milford Parks and Recreation, and her children are involved in their programs. Her spouse is also a former coach.

It is their recommendation that Tiffinay Walter of 404 Woodland Drive be appointed to complete the former term of Nicholas Brennan ending on August 31, 2024. She would then be reappointed for her own three-year term.

Councilmember Boyle moved to appoint Tiffany Walter to the Parks and Recreation Advisory Board to complete the remainder term ending 08/31/2024, seconded by Councilmember Baer. Motion carried.

Authorization/Chamber of Commerce Freedom Festival/Waiver of Alcohol Restriction/City Code/Chapter 77

The packet included a request from Freedom Festival Event Chair Angela Dorey of the waiver to restrict alcohol in public areas. The event will be held on Saturday, September 21st beginning at 9:00 am. The Brew Garden will open at 12 noon and close at 10:30 pm with alcohol sales closing at 10:00 am. Identification will be verified, and wrist bands issued to those 21 years of age and older.

Councilmember Fulton moved to approve the alcohol waiver as submitted, seconded by Councilmember Boyle. Motion carried.

Approval/2024 Election Workers

Senior Deputy City Clerk White submitted the following names for approval to work the 2024 election:

Kayla Boone
Lori Erhart
Charles Hammond
Alicia Hollis
William Hughes
Shenika Kirby
Lisa Levin
Shawn O'Neill
Zuleika Ramos-Diaz
Antoinette Sauls
Jo Schmeiser
Deanna Smith
Doreen Wrightsman

Councilmember Wilson moved to authorize the list of election works for the April 27, 2024 Election, seconded by Councilmember James. Motion carried.

Authorization/Police Executive Staff/Previous Holiday Bank Disbursement

Chief Ashe reported that on March 11, 2024, she went before the Finance Committee regarding the payout of accrued holiday bank for non-union employees and specifically Lieutenants and the Captain. After thorough consideration and review, the finance committee has recommended that this account line for non-union employees, Lieutenants and Captain be paid out and closed. As of April 1, 2024, the approximate payout for the three Lieutenants and Captain would be \$59,266.36.

Louis Vitola, Director of Finance advised "Finance staff recommend the entirety of the payout be funded through general fund reserves; all public safety employees are funded entirely through the general fund."

Councilmember James said it was the recommendation of the Finance and Audit Committee to discontinue this practice and be authorized by City Council.

Councilmember James moved to authorize the payout of the accrued holiday bank in the amount of \$59,266.36, as recommended, seconded by Councilmember Fulton. Motion carried.

EXECUTIVE SESSION

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

Pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation.

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:05 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

The meeting was then temporarily adjourned.

Return to Open Session

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

Council returned to Open Session at 8:33 p.m.

IBEW Local 126 Collective Bargaining Agreement

No action needed.

ADJOURNMENT

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

The Council Meeting adjourned at 8:346 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder