

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
August 23, 2021

The City Council of the City of Milford convened their regular meeting by way of a video conferencing website on Monday, August 23, 2021. The meeting was available for public view and participation as permitted.

PRESIDING: Mayor Archie Campbell

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

STAFF: City Manager Mark Whitfield, Police Chief Kenneth Brown and Acting Secretary Carlene Wilson

COUNSEL: Solicitor David Rutt, Esquire

#### CALLED TO ORDER

Mayor Campbell called the meeting to order at 7:09 p.m.

#### INVOCATION AND PLEDGE

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

Councilmember Wilson asked for a moment of silence for Former Councilmember Clifford Crouch who recently passed away.

#### PUBLIC HEARINGS

##### *Ordinance 2021-16*

*CCM-Koelig LLC on behalf of Wickersham Residential Development*

*Revised Preliminary Major Subdivision*

*Comprehensive Plan Designation: Moderate Density Residential*

*Zoning District: R-3 (Garden Apartment and Townhouse)*

*Present Use: Vacant Proposed Use: Townhouse Subdivision*

*Area and Location: 39.015 +/- acres of land located along the north side of Johnson Road adjacent to State Route 1*

*Tax Map: 3-30-16.00-005.00, 3-30-16.00-269.00 through 475.00*

Planning Director Rob Pierce explained this is an existing approved townhouse subdivision in our SE Neighborhood currently zoned R-3. The property is vacant the applicant is seeking approval or permission to revise the subdivision plan as outlined in the staff report in the packet.

This was approved in 2013 for the construction of 205 townhouse units. The plans were recorded with Sussex County, and it is an effective subdivision that could begin construction tomorrow. The applicant is seeking preliminary major subdivision approval to revise the previously recorded plan to primarily eliminate the rear alleys and some slight reconfiguration of the proposed streets that result in a 203-unit townhouse subdivision.

Two waiver requests are included in packet mandated by Chapter 200 that states any deviations from the subdivision ordinance need to be approved by City Council. The first waiver is from Chapter 200-8(b)(1) which states sidewalks shall be required in all subdivisions on both sides of the street. The applicant was seeking permission to eliminate the requirement for a sidewalk along the east side of Wickersham Lane located between Johnson Road and the first intersection in the neighborhood. The basis is they are providing a 10-foot-wide shared use path on the west side which should be able to transport pedestrians and cyclists safely through the neighborhood.

The second waiver request is from Chapter 200-8(h)(1)(f) which states shade trees 150 feet on center of each side of the road shall be located so as not to interfere with utilities or sidewalks and shall be of the types recommended by the City Arborist.

On Wickersham Lane, between Johnson Road and Riley Road, there is no issue with providing those trees every 150 feet, but then the rest of the neighborhood and due to how the townhouse 160 foot blocks are configured, there is no real safe place the street tree and want to them every 160 feet.

Other than those two waivers, the application is consistent with the zoning ordinance and the subdivision ordinance. The application has been reviewed for compliance with the city construction standards. He also referenced several documents included in the packet.

Cliff Mumford, Civil Engineer and Associate with David, Bowen and Friedel, of 1 Park Avenue, Milford, stated that Mr. Pierce's presentation be included in the record. The owner of the project is also on the line.

He provided the history of the project stating it was approved and recorded in 2013 with 205 units. All lots currently exist and have tax map numbers. The project was originally designed with alleyways behind that townhouse. To allow for reload garages and this design requires more impervious area as the backyards of the lots are driveways and alleys. This leads to more asphalt for the city to maintain once they take over the maintenance of the roads. There were previous discussions between the owner, DBF and the City of Milford and all parties agree that the project would be improved by removing the alleyways. The project was redesigned the project by removing the alleyways and slightly reconfiguring the lots of roads and lost two units as a result. The revision also led to reduction in right of way from about 9.5 acres to 7.5 acres and translates to approximately 1.5 acres of actual impervious area.

The current project consists of a 203-unit townhome community with frontage on Route 1 and Johnson Road. The proposed entrance will be on Johnson Road. A traffic impact study was done and are still working out those details.

What needs to be worked out if there is a project to close that crossover, they will have to contribute to it. They determined that no improvements were needed at the Johnson Road and Route 30 intersection.

Mr. Mumford then reviewed the wastewater plan which was accounted for in the new Southeast Regional Pump Station design. There is also a water tower that is adjacent to this site.

Sidewalks are provided on both sides of streets, except for along the entrance boulevard Wickersham Lane. The entrance boulevard goes out to Johnson Road where there are no houses. Through there is a Delaware Electric Co-Op 100-foot easement. Where the road comes through, there are some guy wires and poles on the north side that would make it difficult to have a sidewalk on that side. That is why it was omitted though it would probably not be a lot of use because there is nothing that would connect to it on Johnson Road. Though the shared use will be enough to facilitate any pedestrian walking in that area.

At the request of the Planning Director and in conjunction with their bicycle master plan, a 10-foot shared use path has been provided through the site from near the water tower out to Johnson Road. That path would be part of the Southeast Master Plan and be a public facility.

As discussed at the Planning Commission meeting, they are requesting the following conditions be part of installing the path:

- 1) The bike path should be in a permanent easement dedicated to the City of Milford.
- 2) The City of Milford accepts perpetual maintenance of the path.
- 3) The HOA is indemnified from any liability regarding the path.
- 4) The developer is only responsible for the initial construction of the path.

This is like what was done down in Lewes when they put in the Junction Breakwater Trail and ran it through a private development. The Lingo family dedicated land through the Showfield subdivision. DNREC maintains the path, but the land still belongs to Showfield.

He then talked about stormwater management plan. A 15-foot landscape buffer is proposed along Route One.

DelDOT may ask for a noise analysis as most projects along Route 1 or principal arterial have to do a noise analysis if they deem one is necessary. If that is required, more substantial kind of buffer may be needed in the form of a berm or a fence.

An active amenity area is provided in the middle of site that includes a walking path picnic area and multi-use sports field.

The site includes a wellhead protection area near the water tower and the lot lions were moved to keep the lots out of that protected area. Impervious areas within the wellhead protection area are less than 15%, which is less than the 20% threshold for an environmental assessment impact report.

The plans show the block of townhouses is 160 feet. To provide a driveway that could accommodate two cars, a minimum of 18-foot-wide driveway is required.

That allows the utilities, or at least the water service, between a grass strip between the units. Then the sewer clean out will be in the driveway. That does not leave room for trees in that 160-foot area. They will probably go 180 foot that provides 10 feet on either side of the last driveway. If there was 100 feet and a tree was needed every ten feet, if they met the spacing and needed 20 but only provided 15. They would make up the difference in other areas of the site. They are open to planning the same number of trees that would have been provided without the waiver.

The revisions that have been made are to improve the design for the enjoyment of the future residents and to reduce maintenance in the city. Affordable housing is needed within the city and apartments at Windward are filled and Bookstone Trace is sold out.

This is a good project for the city and is in good proximity to Route 1 and allows people working at the beach an affordable option with easy access on and off Route 1. It also provides easy access to the City of Milford.

The floor was open to public comment.

Nina Pletcher of 428 South Walnut Street, Milford, stated she likes the idea of the bike path and assumes it will tie into the bike path that goes into the city. But he is not crazy about the idea the city has to maintain that bike path. They have their hands full with snow removal in the winter and that path will be used 24/7 365 days a year. She foresees that being a challenge to the city crews when it isn't plowed.

No one else wished to speak. The floor was closed to comments.

Councilmember Fulton moved to approve the preliminary major subdivision Ordinance 2021-16 with the following amendments and conditions:

The tree spacing be allowed at 180 feet versus 150 feet. But all lost trees as a result of the greater width be reclaimed in the subdivision in coordination with the city planning department and the developer for placement of said trees. And that the sidewalks on the west side be ten feet wide on Wickersham until it reaches the houses where it becomes five feet and the east side has zero sidewalks until it reaches houses, and then it becomes five feet sidewalks, seconded by Councilmember Wilson.

Motion carried by a roll call vote of 8-0:

Marabello-I vote yes for the change it's in conforming with the planning board ruling and not adversely affecting the development and in a way.

Boyle-I vote yes, the request is in compliance with the city ordinance.

Fulton-I vote yes as this was already previously approved plan and this is only amendments.

James-I vote yes since this is a previously approved project and the changes were made in coordination with the city for the benefit of the residents.

Wilson-I vote yes based on planning and zoning recommendations.

Morrow-I vote yes mainly due to the planning and zoning voting for it.

Baer-I vote yes and approve of the planning department changes.

Culotta-I vote yes based on the planning commission's recommendations.

*Ordinance 2021-17*

*Maryland Square LLC on behalf of Wash It LLC*

*Conditional Use*

*Comprehensive Plan Designation: Commercial*

*Zoning District: C-3 (Highway Commercial District)*

*Present Use: Self Storage*

*Proposed Use: Laundromat & Self Storage*

*Area & Location: 1.105 +/- acres of land located along the south side of Milford-Harrington*

*Highway approximately 230 feet west of the Route 113 intersection*

*Address: 25 Milford-Harrington Highway*

*Tax Parcel: MD-16-183.09-01-48.00*

Planning Director Pierce explained this is a conditional use application. The property is zoned highway commercial and currently contains a mini storage building. The applicants is proposing to construct a laundromat facility and maintain the existing storage facility.

The packet includes the staff report highlighting Chapter 230-14(c)(17) that states business commercial or industrial uses that do not adversely affect neighboring properties are conditional use subject to the special requirements set forth by city council. In addition, Chapter 230-45 states in all zoning districts multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements.

The applicant is seeking permission to maintain the existing 3,900 square foot self-storage building located along the rear of the property adjacent to the railroad easement and construct a new 8,400 square foot laundromat facility closer to Route 14.

He reviewed the items included in the packet noting this is the second property west of the Route 113 intersection directly behind the existing gas station. The applicant has provided an aerial to show the existing improvements. A lot of impervious surfaces already exist on the site.

The application was reviewed by the Planning Commission at the August 17, 2024 meeting. They recommended approval of the conditional use application with a vote of five to zero. No conditions were added.

Clifford Mumford again reintroduced himself noting that he is an Associate with Davis, Bowen and Friedel of 1 Park Avenue, Milford. The owners of the site, Henry Hall and Don Hall were also in attendance. They are with Wash It LLC and own two laundromats in Salisbury, Maryland. A photo of those laundromats was included in the packet.

The conditional use application is to allow a 400 square foot laundromat. The applicant believes there is a need in the part of the city for a modern laundromat. He has done a need analysis and can speak to that if council wishes.

The size of the building and proposed use is similar to other uses along Route 14 and will be located across from the CVS pharmacy, adjacent to the Shell Gas Station and one parcel to the west is Napa Auto Parts. To the rear of the site is a railroad. The parcel will have an entrance off Route 14. The existing entrance will be consolidated and channelized into a 24-foot throat width in coordination with DelDOT.

There is a plan to upgrade that whole intersection as will be coordinated through DeIDOT. The gross floor of the building is 8,400 square feet and includes a storage area for supplies and mechanical room. Those areas will not be utilized by patrons therefore the floor of 6,720 square feet was used to calculate the required parking. The facility provides 39 parking spaces though only 34 spaces are required per the city code.

As per ADA requirements, two accessible spaces are provided.

The applicant will install a sidewalk along their property frontage to facilitate pedestrian interconnectivity as other parcels are developed.

A sidewalk will be installed on the face of the building adjacent to the parking. An overhang on the building will cover the sidewalk from rain.

Some of the amenities that are provided within the laundromat include bathrooms, vending machines, wi-fi, cable TV, a cashier and an ATM.

He discussed lighting and open front glass windows around the building.

Some building renderings are included in the packet.

It will have several employees as attendants and will have two shifts. The proposed hours of operation will be from 6:00 am to 10:00 pm. The doors will close at 9 pm on certain holidays.

The laundromat will feature your 56 Speed Queen Quantum Touch washers of varying sizes and dryers along the back wall. A water recapture system is being installed to reduce water use and recycle used water.

He then talked about the stormwater plan, utility connections, and sewer connections.

A utility feasibility study request was completed by City Milford and determined that the capacity for electric water and sewer exists in their system.

The laundromat will provide a modern experience and convenient location for the residents of the City of Milford.

When asked the projected construction start date, it was anticipated to be six months to a year.

Don Hall of 12150 South Piney Point Road, Bishopville, Maryland, noted that he didn't know the number of machines. There are 56 washing machines and 70 dryers. This is a big operation, and they have two in Salisbury. What sets them apart is that it will have attendants in case there is a problem. He has seven kids so those kids will be there when someone needs to be there.

Henry Hall of 100 North Main Street, Hebron, Maryland stated the machines are all smart machines. You pay with coins and there is no token. But you can also download the app and get rewards and savings. So, someone can start it with their iPhone.

There is also an ATM on site so coins can be used.

The floor was then open to the public. No one responded and the floor was closed.

Councilmember Boyle moved that Ordinance 2021-17 be adopted, seconded by Councilmember Wilson. Motion carried by the following 8 to zero vote:

Marabello-I vote yes on the ordinance. It's a nice addition to the city and it was approved by the planning board.

Boyle-I vote yes on the on the ordinance and it conforms to a C-3 conditional use application and is a service that is much needed in the city.

Fulton-I vote yes on its merits.

Culotta-I vote yes it looks like a first-rate operation. I had a chance to speak to the operators when they were looking at the property and they bought it from the Hammonds. He looks forward to the improvement and keeping the storage units, as well.

Baer-I also vote yes and think it sounds like a great business, and I support it along with Planning.

Morrow-I will also vote yes based on Planning and Zoning.

James-I vote yes on the zoning of the area. It is a good use for a pretty much a vacant lot other than the storage that is already there and a welcome addition.

Wilson-I vote yes, based on Planning and Zoning as well, and we welcome it, and it is so needed in the city and thank you for coming.

*Ordinance 2021-18*

*39 North Walnut LLC*

*Conditional Use*

*Comprehensive Plan Designation: Commercial*

*Zoning District: C-2 (Central Business District)*

*Present Use: Mixed Use – (6) Commercial Tenant Spaces and (1) Apartment*

*Proposed Use: Mixed Use – (7) Commercial Tenant Spaces and (5) Apartments*

*Area & Location: 0.26 +/- acres of land located at the southeast intersection of North*

*Walnut Street and Northeast Front Street*

*Address: 39 North Walnut Street*

*Tax Parcel: MD-16-183.10-04-44.00*

Director Pierce explained this is a conditional use application for a property located within the central business district and the building undergoing renovations at 39 North Walnut Street, also known as the Penney Square Building. The present use is six commercial tenants spaces and one residential apartment. The applicant is seeking permission to change the mixture of uses within the building to have seven commercial tenants spaces and five residential apartments.

There are exhibits provided in the packet that show the first and second floor plans. For those commercial and residential spaces, the two areas they are seeking conditional use approval from are Chapter 230-13(c)(10) which states all dwellings, other than single family, with a maximum density of 12 units per acre, in conjunction with a nonresidential use may be permitted, subject to receiving a conditional use permit by the City Council.

The second item is Chapter 230-45 which 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.

The applicant did seek and obtained a variance from the Board of Adjustment, the beginning of August to increase the allowable density from 12 units per acre to 20 units per acre and to allow this application to move forward through the conditional use process.

He reviewed the documents in the packet. He reiterated the first-floor proposed layout and second-floor proposed layout is also included.

This application was reviewed by the Planning Commission at the August 17, 2024 meeting as well. They recommended approval by a vote of five to zero with no conditions.

Zach King of 8256 Brick Granary Road, Lincoln, stated they purchased the building this past December. It was a little rough at the time and it involved a six-to-eight-month process for purchase just because of the conditions and environmental issues, though they persisted through and closed on the property. It took about six months to get historic preservation office approval to move forward and start construction. That required them to get the building listed on the Historic Register thanks to Milford Museum assistance.

After six months of waiting for the approval for the historic designation they were able to get to work on the building. Within a week of that approval, work was done the exterior and as of today, there has been considerable work done.

We also had a Community Involvement Project with a little bit of design on the side of the building today, which also raised some money for local charities.

They dealt with DNREC banning some old oil tanks that were located inside the building and underneath the sidewalk, so not ideal conditions there. They have been working on the interior as well and small sections as we go. They do have some tenants in there currently. On the commercial side the one existing apartment was removed with high end finishes and high-end appliances.

They have been back and forth on the plans for the second floor. They had tenants that were commercial and interested in the upstairs area. Both ended up falling through. Just navigating the access for the tenants and their patrons was difficult. Adding an elevator was very costly and difficult as well.

Density as it's written in the code, I think we would have only had two very large departments up there, plus the existing as opposed to the five we're trying to get.

A lot of the demand here has been for one- and two-bedroom smaller units because people are spending more time outside these days.

The conditional use will allow the opportunity to earn more income on the upstairs units. They are trying marketing and using some contracts to attract tenants for downstairs that will improve the downtown district. They really want a restaurant to go into the space that was previously a restaurant and has a commercial kitchen. The store front space would be nice for a retail boutique. The extra income from upstairs will provide a lot of flexibility on getting the right tenants in downstairs and be able to give them a much more favorable lease rate.

They have been involved in a lot of community involvement events, large fundraisers and things that we try to do to stay involved in the city. He really loves this city and has really grown to know it is their home the last five years and want to continue to improve it.

When asked about parking, Mr. King stated there are two lots, one directly across Front Street from the building and the other is behind the old M&T Bank building, which are all city owned. Neither of those lots are full if 20% full the majority of the time. There is ample parking at either lot throughout the day. In addition, there is generally a lot of street parking.

The floor was open to public comment. No one responded and the floor was closed.

Councilmember Boyle moved to adopt Ordinance 2021-18, with the condition that the applicant obtain an building permit and approval from the State Fire Marshal and State Plumbing Offices, and the applicant must consider maintaining the historic character of the building and work with the State of Delaware Division of Cultural Affairs to maintain an appearance consistent with the historic downtown Milford area. Motion seconded by Councilmember James and carried by the following eight to zero roll call vote:

Marabello-I approve the ordinance and thinks it is a nice addition for the city.

Boyle-I vote yes in accordance with the motion.

Fulton-I votes yes, this is a fine addition to the city.

Culotta-I vote yes, and comments Mr. King for the improvements made to the building. Obviously, it's been an eyesore for quite a while. Especially this side on Route 14 and the painting you've done, the artwork is actually going up today is a real improvement, so I look forward to whatever you do commercially downstairs, but yes.

Baer-I vote yes, and welcome then to downtown Milford and I think it's a great addition.

Morrow-I also vote yes; I think it's a great addition to downtown.

James-I vote yes, the vision for the downtown buildings, has been commercial downstairs and residential upstairs, and this is a needed rehab for this building. It is on a major thruway for the city over on a corner of our downtown Milford area. Wilson-I vote yes, based on all the reasons above and just happy that Mr. King is interested in our town and in bringing it up to where it should be. And thanks.

Mayor Campbell then said Congresswoman Lisa Blunt Rochester was here last week, and they visited this place, and he did a great presentation and took a lot of good pictures with the Congresswoman.

#### CORRESPONDENCE AND COMMUNICATION

Councilmember James said there was a Positive Points presentation last Thursday at Milford Crossing. The idea was to say thanks and give honor to those that have been advocates in providing service and taking care of and helping citizens through the rough times during Covid. It included Milford School District, Carlisle Fire Department, Bayhealth Hospital, and Mayor Campbell received a certificate and City Council received a certificate which is here in the chambers.

There was also a certificate presented to Milford Police Department and the City Administration though it said City Planner instead of City Manager. That is what happens when you don't show up.

Councilmember James did speak on behalf of the Mayor. He made sure the public works department was highlighted and that they work tirelessly, even though they may not be seen all the time.

Councilman Baer attended as well, and the local post office also received a plaque.

#### NEW BUSINESS

##### *Carlisle Fire Company/Authorization to Use Enhancement Funds*

President Troy Hazzard and Board Member Lester Guyer were in attendance remotely to present the following request:

The Carlisle Fire Co., Incorporated is formally requesting to be placed on the agenda for the City Council meeting on August 23, 2021. The intent to request funds from the Carlisle Fire Co, Inc. Building Enhancement fund in the total of \$100,000.00 Please reference below as outline for expenditures of funds acquired.

Industrial Fans for Engine Bay- \$12,000.00  
Perimeter Fence for Back Lot- \$40,000.00  
Banquet Hall Restroom remodel- \$10,000.00  
Boomer/Break room remodel- \$13,000.00  
Striping and finishing of Engine Bay floor- \$15,000.00  
800 MHz radio programming(encryption)- \$10,000.00

Councilmember Fulton recommended several grants the fire company may be eligible for to assist in the radio upgrade.

Councilmember Fulton moved to grant the \$100,000 request to be paid from the Carlisle Fire Company Building Enhancement Fund, seconded by Councilmember Culotta. Motion carried.

##### *Funding & MOU Authorization/Bridge 2-504 Replacement/Southwest Front Street*

City Engineer James Puddicombe explained this is almost the exact same type of funding request as Council approved at the last Council meeting for bridge 503 which is the Southwest Front Street near My Sister's Fault near the riverwalk.

The same cost is proposed though there is a slight change in the language. They are asking Council to authorize the 20% cost share as a percentage of instead of the \$14,000 cost share. That prevents returning to Council when the design phase is complete for any additional funds.

He will still come back to council for the approval of the construction funds to be garnered from the account as determined at the time.

He is hoping for the 20% to be transferred from Municipal Street Aid and approval for the Memorandum of Understanding with DelDOT as well.

Councilmember Boyle moved to approve the DelDOT MOU and commit a dollar amount equal to 20% of the DelDOT design and construction costs, with the matching funds for design funded with Municipal Street Aid (MSA) and the matching funds for construction costs to be recommended for Council approval after completion of the design phase based on funding availability in FY2024-25. seconded by Councilmember Baer. Motion carried.

#### *Authorization/KCI Technologies/SE Neighborhood Sewer Infrastructure Analysis*

City Engineer explained this is a mix of planning and engineering and for the Southeast Regional Area. There are two items, this is for the southeast regional area, we have two items that we're looking to address.

The City received a Utility Feasibility Study request for the Red Cedar Farms property located east of Bucks Road and north of Cedar Neck Road for 200 residential equivalent dwelling units. This property is located within the City's southeast neighborhood. The UFS request was forwarded to KCI to evaluate the addition of this property into the City's sewer and water system. Red Cedar Farms is responsible for the cost of the UFS for their individual property.

#### Regional Sewer Infrastructure Study

To coordinate and plan for area wide utility improvements, staff recommends authorizing KCI Technologies to provide concept renderings and cost estimates for sewer infrastructure for the area east of State Route 1. The City has received the enclosed proposal not to exceed \$10,000 for this scope of work. Staff would attempt to coordinate a sewer cost-sharing agreement between the major property owners east of State Route 1 similar to what was done for the newer pump station that serves the Sussex Health Campus, Wickersham, the Wilson Contracting property and the Hall farm.

Councilman Marabello moved to authorize KCI Technologies to provide concept renderings, cost estimates and analysis for regional sewer infrastructure east of State Route 1, in the amount not to exceed \$10,000, to be paid for from sewer fund reserves, seconded by Councilmember James. Motion carried.

#### Regional Water & Sewer Infrastructure

The 2011 SE Master Plan that was readopted by City Council as part of the 2018 Comprehensive Plan Update states "the City will construct a public water system as described in Chapter 9 to serve the Master Plan Area." This would include a water casing and pipe crossing of SR1 from Beaverdam Road to Bucks Road.

If a regional sewer cost-sharing agreement cannot be achieved amongst the property owners east of SR1, staff recommends authorizing the City to include the sewer utility crossing of SR1 in the scope of regional improvements the City would be responsible for. This guidance will affect the Red Cedar Farms proposal.

Staff would utilize KCI Technologies to design the water main extension from Beaverdam Road to Bucks Road under a future proposal for City Council authorization. Staff recommends including the sewer casing installation under SR1 in the scope of this work.

Staff recommends City Council acknowledge the need for the City to design and install the sewer casing under SR1 to serve future improvements to the Southeast Neighborhood east of SR1. The cost of the design and construction of this casing pipe, along with regional water improvements will be presented later.

Solicitor Rutt stated that no motion is needed, because no funding is requested, and this would be aspirational as opposed to directional.

*Authorization Addendum Agreement/Milford School District/School Resource Officer*

Captain Bailey presented the following request:

Due to staffing shortages, the Police Chief has determined it may not be possible to supply three officers as needed, in accordance with the present contract with the Milford School District for School Resource Officers. The Chief has made a commitment for at least two officers for the upcoming school year. Due to the potential reduction in the number of officers, the school district has requested an Amendment to the Agreement to include a cost reduction.

As background, in 2013, the City provided 4 officers for a cost of \$300,000 (or \$75,000/officer). In 2015, the agreement was amended to provide 2 officers at \$75,000 each, or \$150,000. In 2018, a new agreement was signed to provide 3 officers at \$150,000.

The City's annual cost for the two officers is \$257,316. Factoring in a 180-day school year, the cost for the two officers during the school year is \$165,417. Factoring the officers may be completing other police work during school hours, \$125,000 is proposed for the annual cost for the two officers for the 2021-22 school year. Additionally, the City continues to incur the cost of providing school crossing guards, at no cost to the school district.

The following memorandum/addendum is proposed for signature by Mayor Campbell and Milford School District Superintendent Kevin Dickerson:

This Memorandum is to serve as an addendum to the City of Milford Police Department/Milford School District School Resource Office MOU Agreement made on the 1st day of July 2018. The addendum shall amend Section 1: Cost of the SRO Program, to reflect the new mutually agreed upon cost of \$125,000 per year to support two (2) School Resource Officers assigned to the Milford Schools for the calendar year July 1, 2021 through June 30, 2022. Section 2.E shall be modified that the Police Department will provide two (2) SRO's to the School District. Section 3 Assignment of School Resource Office shall be modified to reflect that the Police Department agrees to provide two (2) School Resource Officers.

It is also proposed that the MOU be renegotiated for the 2022-23 School Year to avoid this addendum in the future.

Councilwoman Wilson moved to authorize the Mayor to execute the Addendum to the 2018 City Milford Police Department/Milford School District School Resource Officer MOU Agreement, seconded by Councilman James. Motion carried.

*ARPA Community Support Initiative*

Finance Director Vitola presented the following request, noting that before the ARPA funds were distributed, the City Manager was contemplating a way to set aside to support the community and nonprofit organizations:

Staff recommend that Council establish a Community Grant Program (the "Program") by formally dedicating a total of \$650,000 (about 10%) of the City's ARPA allocation to nonprofit organizations serving charitable causes and/or initiatives that broadly benefit Milford residents and businesses.

ARPA guidelines emphasize the importance of responding to the economic impacts of the pandemic in addition to the health impacts. The majority of the City's budgeted use of ARPA funding directly and broadly benefits Milford residents, particularly in areas served by utility upgrades to improve water quality and sewer systems. In addition to broad utility improvements, ARPA funding has enabled the City of Milford to expand on existing efforts to provide need-based funding to the community through nonprofit organizations. The existing community support initiatives programmed for ARPA funding in the FY22 budget represent about 5% of the City's ARPA funding. This expansion will push the total allocation of ARPA-funded support for the Milford community to just over 10% of the grant.

Funding will be awarded administratively based on ARPA eligibility and the criteria in the enclosed application on a first come, first-served basis through the ARPA deadline of December 31, 2024 or the exhaustion of Program funding, whichever comes first. Consideration will be given to organizations with application materials demonstrating (1) compliance with ARPA funding restrictions, (2) urgent need, (3) programs maximizing the number of Milford beneficiaries, (4) programs minimizing the ratio of administrative/overhead costs to revenue, and (5) programs that assist individuals with past due City of Milford utility and fee balances as of August 20, 2021. The foregoing criteria will be considered in the context of ranking qualifying applications; the only explicit qualification criteria in the application are that the applicant must be organized as a nonprofit and must comply with ARPA guidelines, among other procedural and documentation requirements.

The City will minimize administrative costs by leveraging existing channels for marketing and communications and by limiting submissions, inquiries and compliance requirements to a central portal on the City's website.

Councilmember James moved that Council authorize the establishment of an ARPA-funded Community Grant Program by designating \$650,000 of the City's ARPA allocation to the Program, which includes the existing \$324,460 of Community Support identified in the FY22 Approved Operating Budget<sup>1</sup> as well as the application-based funding expansion, seconded by Councilmember Wilson. Motion carried with no one opposed.

#### *Positive Points*

Certificates were then distributed as awarded by Positive Points, specifically the plaque presented to Mayor Campbell. In addition, a plaque was bestowed to City Council on decision makers on behalf of the Milford citizens. A plaque, intended for the City Manager, on behalf of the City Administration and Public Works, was also received by Councilman James on his behalf.

#### EXECUTIVE SESSION

Councilmember Boyle moved to go into Executive Session reference the below statute, 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 8:53 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

#### *Return to Open Session*

Councilmember Boyle moved to return to Open Session, seconded by Councilmember Fulton. Motion carried.

Council returned to Open Session at 9:57 p.m.

#### *Potential Vote/Site Acquisition*

Councilmember Boyle moved that Council authorize the purchase agreement with Fry Farms, Incorporated, for 182.285 acres, located in Kent County Delaware, known as Tax Parcel MD-16-173.00-01-01.00-000, for the creation of an industrial/business park, at the price of \$6,380,000, at a zero percent interest loan to be paid from the water reserves, to be paid through the eventual sale of lots within the park, and there shall be no call date for the loan, seconded by Councilmember Marabello. Motion carried by an eight to zero vote.

Councilmember Boyle moved that Council authorize the purchase agreement with Herman W. Sharp III, for the purchase of 19.43 acres, located in Sussex County, Delaware, known as Tax Parcel 3-30-11.00-039.00, for the creation of a recreational park, for the price of \$550,000, through a zero percent interest loan from electric reserves, to be paid back from potential grants, with no call date for the loan, seconded by Councilmember Marabello. Motion carried by a vote of eight to zero.

ADJOURNMENT

Motion to adjourn was made by Councilmember Marabello, seconded by Councilmember Boyle. Motion carried.

Mayor Campbell adjourned the Council Meeting at 10:01 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder