

CITY OF MILFORD
CITY COUNCIL MEETING MINUTES
July 22, 2024

The City Council of the City of Milford met in the Joseph Ronnie Rogers Council Chambers in Regular Session on Monday, July 22, 2024.

PRESIDING: Mayor F. Todd Culotta

IN ATTENDANCE: Councilmembers Daniel Marabello, Madula Kalesis, Nadia Zychal, Lori Connor, Michael Stewart, Nirmala Samaroo, Katrina Wilson and Jason James Sr.

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

COUNSEL: Solicitor David Rutt, Esquire

FY25 PROPERTY TAX APPEAL HEARING

There were no appeal hearings scheduled.

PUBLIC COMMENT

The Public Comment Period commenced at 6:00 p.m. after which Solicitor Rutt read the public comment rules into record.

Eric Johnsen, 703 N. Walnut Street, Milford, DE 19963, stated that he had several concerns. The first being that he thought that there should be a crosswalk by the post office due to the dangerous bend in the road there and people not slowing down. Another concern is that there aren't any No Littering signs in town and there is a lot of trash on the streets. He said that there also aren't enough trash cans around town. Another concern was that there weren't any doggie bags in the bag station located in the park by Surf Bagel. He explained that these little things would really help to increase the beauty of the town. His last concern was that the geese in town are a nuisance, there were too many of them in town and all the droppings have become a health hazard.

CALL TO ORDER

Mayor Culotta called the regular meeting to order at 6:07 p.m. Roll Call showed that there were nine members present.

INVOCATION AND PLEDGE

The invocation was given by Councilmember Wilson, followed by the Pledge of Allegiance and a moment of silence in remembrance of former Milford City Manager, Mike Booker.

APPROVAL OF PREVIOUS MINUTES

Councilmember Wilson made the motion to approve the February 12, 2024, February 21, 2024, May 28, 2024 Council Meetings, May 29, 2024 Budget Hearing Workshop, June 10, 2024 Council Meeting and June 10 Finance & Audit Committee meeting minutes. Councilmember Kalesis seconded. The motion carried unanimously.

RECOGNITION

There were no new city employee introductions.

COMMUNICATIONS & CORRESPONDENCE

Councilmember James gave a report on Word of Life Church's Take It To The Streets yearly event that took place on July 19, 20, & 21, 2024. He stated that it kicked off with prayer, featured a car show, basketball tournament and ended on Sunday with a tent service in Banneker Park. Pastor Jonathan Dukes expressed his thanks to the city for the assistance on making it a great event.

Councilmember Wilson announced that Mt. Enon Baptist Church had invited Mayor, Council and the Police Chief to their Annual Conference on July 24, 2024 to welcome the out of town members and update them about the great City of Milford.

Councilmember Zychal reported that she had a resident who was concerned about speeding on Walnut Street and had questions concerning the long-range plan of the traffic study. They wanted to know if there were more immediate measures being taken to eliminate some of the speeding.

Councilmember Kalesis reported that residents had traffic concerns and there needed to be a mirror on the corner of Park Avenue and N. Washington St at Park Place. City Manager Whitfield stated that he would pull accident data and it may warrant a three way stop at that location.

MONTHLY FINANCE REPORT

Finance Director Lou Vitola reviewed the June 30, 2024 financial statement that was included in the packet. He reported that for cash, there is a little bit of an outflow in total this month not unexpected for this time of year, even for the utilities. It is May's activity that is transacting in June and we're farther away from last year's tax receipts in the General Fund. So, there's not a lot of cash activity in the general fund this time of year. The utilities will recover in the summer months and then the General Fund will recover in September and October, when the tax receipts come in.

He further reported that interest income was stronger than expected and some of the permit activity that was strong as the year ended helped to offset that. In terms of P&L Performance, the budget is flat on a citywide basis. Utilities are a little less than \$500,000 under budget and the governmental funds are about \$600,000 over. The difference is basically the additional \$500,000 of transfers from the Electric Fund to the General Fund approved on June 10th in connection with the budget to get ahead of the Fiscal 25 budget year. So, in total, we're \$100,000 or so to the good and right where we need to be for the 2025 budget, in terms of General Fund Reserves able to support FY25 activity.

Utilities versus the previous year are not as strong. FY23 was a strong year, but sewer is driving it and the differences. Otherwise, results are very consistent and in tune with the budget. We should see something similar for Fiscal Year 2025 unless there are any unexpected changes.

Councilmember Samaroo made a motion to accept the monthly Finance Report. Councilmember Wilson seconded. The motion carried unanimously.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Presentation/Shpigler Group

Electric Director Tony Chipola introduced David Shpigler from the Shpigler Group who evaluated the current state of the electric utility and also evaluated parts of the Public Works, specific to water and customer service.

The intent was to focus on what could be done to leverage some of the existing systems, what efficiencies could garner from adopting some newer technology options and performing a cost benefit analysis to see where it may make sense to push towards a more modernized system.

David Sphigler, Shpigler Group, reviewed the presentation that was included in the packet. (Pages 65 -79 in the packet)

Adoption/City of Milford Fiscal Year 2025 Tax Warrant

City Manager Whitfield reviewed the City of Milford Fiscal Year 2025 Tax Warrant that was included in the packet.

Greetings:

The Charter of the City of Milford provides the following:

“Article VII, Section 7.12: Attached to said tax list shall be a warrant, under the Seal of the City of Milford, signed by the Mayor and Attested to by the City Clerk, commanding the City Manager to make collection of Taxes as stated in the Tax Lists.”

THEREFORE, YOU, THE CITY MANAGER, DULY APPOINTED BY THE COUNCIL OF THE CITY OF MILFORD, ARE HEREBY COMMANDED TO COLLECT THE TAXES AS LEVIED IN THE FOUR WARDS, AS FOLLOWS:

Property Assessment Values Per Billing Register	\$ 1,398,562,514
Exemptions	[\$ 353,271,500]
Total Assessed Values	\$ 1,045,291,014
Tax Rate	<u> x \$0.0059</u>

Council Meeting

July 22, 2024

Estimated Tax Collection	\$ 6,167,217
Senior Citizen Discount	[\$ 53,100]
TOTAL TAX COLLECTION (Fiscal Year 2024-2025)	\$ 6,114,117

Tax Due Date: September 30, 2024

Councilmember James made a motion that the City Manager is authorized to collect the tax for the warrant that is to be signed by the mayor. Councilmember Wilson seconded. The motion carried unanimously.

Authorization/ Purchase of a Solid Waste Truck

Public Works Director Willis Shafer reviewed the memo and proposal that was included in the packet. (Pages 81-86) He stated that staff recommended City Council to authorize a purchase order in the amount of \$422,454 to acquire a HEIL 28 cubic yard refuse truck through Mid Atlantic pursuant to the Sourcewell contract to expand the solid waste fleet to five vehicles.

Councilmember Connor made a motion to authorize a purchase order in the amount of \$422,454 to acquire the truck through Mid-Atlantic pursuant to the Sourcewell contract. Councilmember Wilson seconded. The motion carried unanimously.

Reappointments:

Mayor Culotta stated that these are reappointments for the three committees.

Tree Preservation and Advisory Board

Councilmember James made a motion to reappoint Leigh Muldrow and Eric Wahl to the Tree Preservation and Advisory Board. Councilmember Connor seconded. The motion carried unanimously.

Parks & Recreation Advisory Board

Councilmember Kalesis made a motion to reappoint William Shupe and Tiffany Walter to the Parks & Recreation Advisory Board. Councilmember James seconded. The motion carried unanimously.

Planning Commission

Councilmember Connor made a motion to reappoint Marvin Sharp and Mark Redden to the Planning Commission. Councilmember Zychal seconded. The motion carried unanimously.

Authorization/ Salary/Interim City Clerk

Mayor Culotta stated it was his advice to simply follow the pay scale that was publicly listed on the website. There are job classifications for every job within the City of Milford and Council should follow the currently approved pay scale. He further explained that Council would discuss the experience and how it lands on the approved pay scale in Executive Session.

Solicitor Rutt suggested that if there were questions about the pay scale to do it in open session.

Human Resources Director Jamesha Williams explained that the pay scale is from the 2021 job classification and pay study that is based upon the classification of jobs and not set as years of experience. It is a combination of years in the position and the market value for the position. But experience is not included in the calculation. She referenced the memo that was included in the packet. (Page 89) She further explained that the Senior Deputy City Clerk/Interim City Clerk is currently at pay grade 107. The City Clerk is a Pay

Grade 109, so it will be at Council's discretion to determine what step on 109 the temporary salary increase should be assigned, effective July 1, 2024, the date that the additional responsibilities were assigned.

Councilmember James stated that in following the memo that was provided by Human Resources Director Williams with the Senior Deputy City Clerk at Pay Grade 107 Step 5 and follow the precedent that has been set for temporary positions of 5 to 10%, the precedent would be met at Pay Grade 109 Step 1. That would be going from \$72,611.59 to \$78,062. He also stated that in following the memo of the Human Resource Director, once the temporary period is over the Senior Deputy City Clerk, if not elevated to actual City Clerk, would return to Pay Grade 107 Step 5.

Mayor Culotta responded that it makes sense to have the discussion in Executive Session since there is some debate because the employee is coming from an hourly rate with overtime and those factors have not been discussed.

Solicitor Rutt explained that the Department of Justice was very clear in its June 26, 2024 opinion regarding Rehoboth that says:

Discussions of salary and other compensation involve the expenditure of public funds and are not related to the individual's qualifications to hold a job. Public employees' compensation is a matter of public record, as it is well settled. Citizens have a right to know how their public servants are compensated with taxpayer monies, in whatever form that compensation might take. Accordingly, we find that the city violated FOIA by engaging in discussions of the city manager's employment contract, and especially the compensation package in executive session.

He stated that it is pretty clear from this ruling, within just the last month from the Department of Justice, that salary discussions are to be held in in public session.

Councilmember Connor stated that she just did some quick math and if Council was going with the higher end the 10% and taking into account what was made with overtime salary would have been more along the lines of \$79,000. When you do the math, we would probably need to be a little further on the Step range if looking at 10% versus 5%.

Mayor Culotta stated that was correct.

Councilmember James stated that Council needed to discuss if they want to go to the upper percentage end. Pay Grade 109 Step 1 puts it at 7½ % which falls in the middle of the 5-10%.

Councilmember Wilson stated that she was in agreement with Councilmember James, which would be midway.

Councilmember Zychal stated that this is an important job and it's one that requires a lot of responsibility. We are dependent upon the quality of her work and I think that she should be duly compensated for that. So, with that in consideration, I would highly recommend the higher step.

Councilmember Kalesis stated that she agreed. Councilmember Connor stated that she agreed.

Councilmember Stewart asked what the required weekly overtime average for the Interim City Clerk position was. Councilmember James responded that is an unknown. Mayor Culotta stated that all Council had to go on was the number of overtime hours from last year. Councilmember James restated that this is an unknown number.

Councilmember Stewart stated that the Pay Grade 109 is a salary, so the overtime that she still puts in she doesn't get anything for. He asked if in the end, the pay was the same rate and does it equal out to the salary base that she's making currently with overtime.

Councilmember Connor stated that she did the math with the 108 hours of overtime that was worked last year and that added \$5600 to her salary which would put her at about \$79,000 a year. So, if we did the lower end of 5%, she would really be closer to step 3 and then the higher end of the 10%, Step 5 would cover us.

Human Resources Director stated just to add one more point for consideration, until the position is filled that means that you have one person for every meeting, every workshop, and things of that nature until you actually get someone in the position. All of the meetings and all of the minutes will be tasked to her.

Councilmember James stated that he wanted to clarify again that we have other talent in the house in the administration that know how to do City Clerk work. Council needs to make sure that we don't have one person overburdened when there's other talent in the house that can help accommodate. He stated that he wanted to repeat that the math is easy and if Council wanted to stay within the precedent as the Human Resources Director pointed out in her number one, that we have traditionally provided 5 to 10% temporary salary increase. He further explained that if you take \$72,000, add 10% to it, you get closer to Pay Grade 109 Step 2 and then we're not breaking precedent. We are also not setting a new precedent.

Councilmember Wilson stated that she was in agreement with Councilmember James.

Councilmember Kalesis made the motion to increase the Interim City Clerk to Pay Grade 109 Step 2. Councilmember Zychal seconded.

Councilmember Kalesis amended her motion that the increased pay scale will be in effect as long as the Senior Deputy City Clerk is an Interim City Clerk and her salary will be adjusted back to the current pay scale. Councilmember Zychal seconded.

Councilmember James stated that it was recommended by the Human Resources Director that since she started performing the duties on July 1, 2024 this would be retroactive to July 1, 2024.

Councilmember Kalesis stated that she accepted Council Member James's amendment to the motion. Councilmember Zychal seconded. The motion carried 6 Yes 2 No.

Councilmember Marabello - YES
Councilmember Zychal – YES
Councilmember James – YES
Councilmember Connor – NO

Councilmember Madula Kalesis – YES
Councilmember Wilson – YES
Councilmember Samaroo – YES
Councilmember Stewart - NO

Councilmember Connor stated that she opposed because she felt like it should be a higher step on the Pay Grade.

Councilmember Wilson made a motion to go into Executive Session reference the below statutes. Councilmember James seconded.

Pursuant to 29 Del. C. §10004(b)(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed

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 litigation¹

Motion carried.

Mayor Culotta recessed the Council Meeting at 7:43 pm for the purposes as permitted by the Delaware Freedom of Information Act. Council relocated to the Conference Room for the closed session discussion.

Return to Open Session

At 8:45 p.m., Councilmember Wilson moved to return to Open Session, seconded by Councilmember Zychal. Motion carried.

Potential Vote-Personnel Matter/City Clerk

Potential Vote-Legal Matters

Councilmember Kalesis made the motion to enter into a Use of Agreement with the Sussex Conservation District for the West Shores development. Councilmember Marabello seconded. The motion carried unanimously.

Adjournment

Councilmember Kalesis made the motion to adjourn. Councilmember Zychal seconded. The motion carried unanimously.

Vice Mayor James adjourned the meeting at 8:46 pm.

Respectfully submitted,

Katrina L. White, MMC
Interim City Clerk/Recorder