

CITY OF MILFORD
COUNCIL MEETING MINUTES
November 25, 2024

The City Council of the City of Milford met in Regular Session on Monday, November 25, 2024, in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

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 Captain David Wells and City Clerk Katrina White

COUNSEL: Solicitor David Rutt, Esquire

Councilmember Jason James was in attendance virtually.

PUBLIC COMMENT

Solicitor Rutt read the public comment rules.

Kaileigh Warren, Fresh Delaware, 635 N. Dupont Blvd, Milford, DE 19963, was present and expressed her concerns with the proposed ban of adult use cannabis in Milford. She stated that her business could not survive with only medical sales. The State had recommended Fresh Delaware open in Milford due to the patient population in the area. There are nearly 1,000 registered patients in Milford and the surrounding communities that would have to travel further to purchase their medical cannabis. She explained that Fresh Delaware did not want to relocate their business somewhere else in the county. They would like to stay in Milford and continue providing service to the community members. She invited all the elected officials to come tour their facility that Fresh has invested a significant amount of money in so that patients can experience a true first-class facility with state-of-the-art security features.

Brandon Corder, 200 Cherry Street, Milford, DE 19963, was present and spoke about appealing the removal of his four ducks that he had at his house, which is on the outskirts of the city limits. He explained that they are not an issue for his neighbors, are educational for his children, contained, and their waste is disposed of properly. He stated that he would like to keep them.

Solicitor Rutt asked Mr. Corder if he was sited for having livestock or animals. Mr. Corder answered yes. Solicitor Rutt stated that there is a formal appeal process and he could contact Planning Director Rob Pierce who could tell him what would need to be filed formally. Director Rob Pierce stated that the appeal process is printed at the bottom of the Code Violation Letter that he received and he could contact the code official on that letter who would be able to help him get the process started.

Justin Weisser, Fresh Delaware, was present virtually and explained that without the ability to sell cannabis they would be forced to relocate the business. They have been committed to making sure the facility is safe and are in favor of the city smartly regulating the market for adult use cannabis. This is a business that needs to be heavily regulated. By eliminating the only licensed operator in town, there would potentially create a vacuum that could only be filled by illegal, unlicensed operators which seem to be popping up in states when adult use comes online as well as just your neighborhood drug dealer. None of those products would be subject to the rigorous state testing that Fresh Delaware is and so there is a potential public health issue if there are people that are only sourcing their product from illegitimate sources.

CALL TO ORDER

Mayor Culotta called the meeting to order at 6:13 p.m.

INVOCATION AND PLEDGE

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

PUBLIC HEARINGS/ORDINANCES/FINAL ACTION

Solicitor Rutt read the Public Hearing rules.

*Delaware State Housing Authority/Community Development Block Grant Programs
Levy Court of Kent County & Sussex County Council*

Public Hearing Notice

The City of Milford, Delaware, in cooperation with the Sussex County Council, the Levy Court of Kent County, Delaware, and the Delaware State Housing Authority (DSHA), will hold a public hearing on Monday, November 25, 2024, at 6:00 p.m. at the City Hall, 201 South Walnut St., Milford, Delaware for the purpose of providing any interested citizens the opportunity to comment on the municipality's application for funds under the Delaware Community Development Block Grant (CDBG) Program. In accordance with the Section 106 Review Process established by the National Historic Preservation Act of 1966, as amended, comments are especially encouraged from interested agencies and individuals with respect to undertakings that may affect historic properties of significance to such agencies and individuals.

This Federally funded program will provide grants amounting to \$2,000,000. (funding level subject to change), to support Community Development Activities in eligible local governments in Kent and Sussex Counties. The public hearing will also include a status report for Milford's FY-24 projects.

Kent and Sussex Counties promote equal housing opportunity.

Director of Community Development and Housing for Sussex County Brandy Nauman introduced herself along with Kent County Levy Court's Housing and Community Development Supervisor Kain Johnson.

She shared that their offices apply for and administer the Community Development Block Grant (CDBG) on behalf of municipalities and rural communities throughout each county. The funding comes from the US Department of Housing and Urban Development (HUD) and is allocated to Sussex and Kent counties through the Delaware State Housing Authority.

There is approximately \$3 million this year that will be awarded to Kent and Sussex counties on a competitive basis. One requirement of the CDBG program is to hold a public hearing which allows the opportunity to explain the program and provide an update. It also gives citizens and local leaders a chance to have input on the upcoming application.

The Delaware State Housing Authority governs the grant process and through their consolidated plan, lists the activities that are eligible for funding. Eligible activities include housing, rehabilitation, sewer and water hookups, demolitions, and small infrastructure projects. All projects applied for must benefit persons of low and moderate income defined as households with incomes at or below 80% of the area income.

As an example, in Sussex County, a two-person household must earn less than \$62,550, and for Kent County a two-person household must earn less than \$57,500.

Historically, most funding is used for owner occupied housing, rehabilitation, which is ideal because it helps maintain the existing housing stock.

Housing rehabs include roofing, doors, windows, electrical and plumbing upgrades, as well as energy upgrades. The home must be owner occupied and the primary residence of the applicant, lower/moderate income, insured or insurable, and county taxes and utilities must be current.

When a rehab is done, a lien is placed on the property which is a way to protect the funding to ensure that they aren't getting the funding and then selling the property for profit. Liens vary from 5 to 10 years with zero interest prorated which means at the end of that period, they are forgiven and considered satisfied.

In the last 5 years, Milford has received \$360,000 in CDBG funding from Sussex County for housing rehab. With the funding, 16 households and counting have received assistance in Sussex County.

They can also help City of Milford residents who have emergency repairs using funds that Sussex County Council provides for emergency repairs. They have also assisted at least 10 households over the last 5 years with that funding and during the same period Kent County received \$80,000 and assisted 5 households.

Currently, there are five households on the Sussex County side and seventeen households from the Kent County side on the waiting list for Milford. Because of your close involvement, the City Staff is very helpful in reviewing the list, which was provided to Ms. White, and informs them of any other potential applicants. Mr. Johnson can provide a copy of his as well to review and see if there's anyone that should be added or any updates to that list.

They are unable to apply for funding for the City of Milford unless there are at least four households on the waiting list to demonstrate the need of the program. They like to have at least six or more.

Mr. Johnson confirmed that in Kent County, Milford has seventeen applications presently on the waiting list.

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

Councilmember Wilson moved to adopt Resolution 2024-18, seconded by Councilmember Kalesis:

RESOLUTION 2024-18
Sussex County

Councilmember Wilson submitted to the Council the following Proposed Resolution:

ENDORISING PROJECT TO BE SUBMITTED TO THE DELAWARE STATE HOUSING AUTHORITY FOR FUNDING FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AUTHORIZING TODD F. LAWSON, SUSSEX COUNTY ADMINISTRATOR TO SUBMIT APPLICATION.

WHEREAS, the City of Milford resolves to apply for Community Development funds from the Delaware State Housing Authority in accordance with appropriate regulations governing Community Development Block Grants State of Delaware Program for Block Grants as contained in Sections 570.488-499 24 CFR U.S. Department of Housing and Urban Development; and

WHEREAS, the City of Milford has met the application requirements of (Attachment E Delaware Community Block Grant Program Policies and Procedures) Citizen Participation requirements; and

WHEREAS, Sussex County plans on accomplishing the requested projects with CDBG funds; and

WHEREAS, the City of Milford hereby agrees to allow Sussex County to accomplish the projects in the targeted areas of Milford; and

WHEREAS, the City of Milford and Sussex County are in agreement with this activity.

NOW, THEREFORE, BE IT RESOLVED by the City of Milford and Sussex County that they endorse and grant permission for the following activity:

APPLICATION: Rehabilitation/Infrastructure/Demolition

Total Infrastructure project cost is \$ _____, total CDBG grant request is \$ _____.
Matching funds in the amount of \$ _____ will be provided by the City of Milford general funds.

NOTE: To be used for Infrastructure projects only.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF A RESOLUTION PASSED BY THE CITY OF MILFORD, SUSSEX COUNTY, ON THE 25th DAY OF NOVEMBER 2024.

WE GIVE MAYOR AUTHORIZATION TO SIGN RESOLUTION:

Councilmembers

Daniel Marabello	Michael Stewart	_____
Madula Kalesis	Nirmala Samaroo	Mayor F. Todd Culotta
Nadia Zychal	Jason James Sr.	
Lori Connor	Katrina Wilson	

I DO HEREBY CERTIFY THAT THE FOREGOING TITLE OF RESOLUTION ADOPTED BY THE CITY OF MILFORD IS THE SAME TITLE OF RESOLUTION NO. _____ ADOPTED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE _____ DAY OF _____, 2024.

s/Tracy Torbert, Clerk of Sussex County Council

The motion carried unanimously.

Councilmember Wilson moved to adopt Resolution 2024-19, seconded by Councilmember Zychal:

Resolution 2024-19
CITIZEN PARTICIPATION
CERTIFICATE OF ASSURANCE
Sussex County

It is hereby assured and certified to the Delaware State Housing Authority that Sussex County, Delaware, has met application requirements of (Attachment E Delaware Community Development Block Grant Program Policies and procedures) citizen participation requirements, and that Sussex County has:

- 1) made available information concerning the amount of funds that may be applied for;
- 2) made known the range of activities that may be undertaken with these funds;
- 3) made known the fact that more applications will be submitted to the State of Delaware than can be funded;
- 4) outlined the processes to be followed in soliciting and responding to the views and proposals of citizens, communities, nonprofit agencies, and others in a timely manner; and
- 5) provided a summary of other important program requirements.

The City of Milford held a Public Hearing on November 25, 2024, with required notice for all citizens, including low and moderate-income persons, to have an opportunity to present their views and proposals.

The City of Milford has by resolution and following a Public Hearing, endorsed this application.

Adopted: November 25, 2024

The motion carried unanimously.

Councilmember Wilson moved to adopt Resolution 2024-20, seconded by Councilmember Connor:

RESOLUTION 2024-20
AFFIRMATIVELY FURTHERING FAIR HOUSING
Sussex County

WHEREAS, City of Milford recognizes the importance of fair housing for the citizens of Milford; and

WHEREAS, the City of Milford supports the goals of the Federal Fair Housing Law.

NOW THEREFORE, BE IT RESOLVED, that the City of Milford heartily encourages all parties involved in the renting, selling, or financing of housing in the City of Milford to ensure that no person shall, on the grounds of race, color, national origin, religion, creed, sex, marital status, familial status, age, sexual orientation or disability be discriminated against or denied a fair and equal opportunity to housing.

AND BE IT FURTHER RESOLVED that the City of Milford take meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially or ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

AND BE IT FURTHER RESOLVED that the City of Milford, when acting as administrator of a Community Block Grant, is hereby authorized to take such actions as deemed necessary to affirmatively further fair housing in connection with the said Community Development Block Grant.

The Resolution was adopted by a vote of the Councilmembers of the City of Milford on November 25, 2024.

Councilmember Wilson moved to adopt Resolution 2024-21, seconded by Councilmember Samaroo:

RESOLUTION 2024-21
Authorizes Levy Court of Kent County to Submit Application

The City Council of Milford, Delaware, hereby authorizes Mayor F. Todd Culotta, to submit the Fiscal Year 2024 Community Development Block Grant (CDBG) application and all understandings and assurances therein contained, and furthermore authorizes the Levy Court of Kent County to Act as the official representative of the City of Milford in connection with the submission of the Fiscal Year 2024 CDBG applicant and to provide such additional information as may be required. In the event the City of Milford’s application is funded, the Levy Court of Kent County is hereby authorized to administer the funded application on behalf of the City of Milford.

This resolution was adopted by a majority of the Council of the City of Milford on November 25, 2024.

The motion carried unanimously.

Councilmember Wilson moved to adopt Resolution 2024-22, seconded by Councilmember Zychal:

RESOLUTION 2024-22
AFFIRMATIVELY FURTHERING FAIR HOUSING
Kent County

WHEREAS, City of Milford recognizes the importance of fair housing for the citizens of Milford; and

WHEREAS, the City of Milford supports the goals of the Federal Fair Housing Law.

NOW THEREFORE, BE IT RESOLVED, that the City of Milford heartily encourages all parties involved in the renting, selling, or financing of housing in the City of Milford to ensure that no person shall, on the grounds of race, color, national origin, religion, creed, sex, marital status, familial status, age, sexual orientation, or disability be discriminated against or denied a fair and equal opportunity to housing.

AND BE IT FURTHER RESOLVED that the City of Milford take meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially or ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws; and

AND BE IT FURTHER RESOLVED that the City of Milford, when acting as administrator of a Community Block Grant, is hereby authorized to take such actions as deemed necessary to affirmatively further fair housing in connection with the said Community Development Block Grant.

The Resolution was passed by a vote of the Councilmembers of the City of Milford on November 25, 2024.

The motion carried unanimously.

Ordinance 2024-12

Application of Oak Forest Park, LLC

for Conditional Use

4.93 +/- acres of land located along the west

side of S Rehoboth Boulevard, approximately 300

feet north of the Kirby Road intersection

Comprehensive Plan Designation: Low Density Residential

Zoning District: C-1 (Community Commercial District)

Present use: Restaurant & Brewery Proposed Use: Restaurant & Brewery with

Freestanding Electronic Message Center Sign

Tax Parcel: 3-30-11.00-008.00

Planning Director Rob Pierce reviewed the staff report and staff analysis that was included in the packet on pages 26-39.

Councilmember Marabello asked Director Pierce if there had been any objections from the people around the community who had received the notice. Director Pierce stated that he had not received any written comments and no one spoke in favor of or against the application at the Planning Commission meeting.

Councilmember Samaroo stated that the results of the Planning Commission vote on the application were 5-1 and asked Director Pierce about the one NO vote. He responded that Commissioner Mark Redden voted against it because he felt like it didn't meet the definition in the zoning code which was one of the variances that was sought by the Board of Adjustment. So, the section of the code that permits an applicant to seek a Conditional Use Approval requires it to be one of three types of uses [(a) Public and private schools; (b) Churches and other places of worship; (c) Social clubs or fraternal, social service, union, or civic organizations]and he felt it didn't meet that definition. So, therefore he voted against the motion.

Matthew Johnson, 8028 Canterbury Road, Felton, DE 19943 and Timothy Johnson, 119 Coursey Mill Road, Felton, DE 19943, were present and explained that they came in a couple of years ago and split the golf course into two parcels. They would like to take the location of the restaurant and put one common sign there so that both the golf course and the restaurant could use it to advertise. Timothy Johnson stated that if they were unable to get the digital sign it could create a hardship because people still think it is a private golf course and a private restaurant. He stated that they need a little more help getting people in the door.

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

Councilmember Connor moved to adopt Ordinance 2024-12, seconded by Councilmember Wilson:

ORDINANCE 2024-12

Conditional Use Application of Oak Forest Park, LLC
4.93 +/- acres of land located along the west
side of S Rehoboth Boulevard, approximately 300 feet
north of the Kirby Road intersection.

Comprehensive Plan Designation: Low Density Residential
Zoning District: C-1 (Community Commercial District)
Present Use: Restaurant & Brewery; Proposed Use: Restaurant & Brewery
with Freestanding Electronic Message Center Sign
Tax Parcel: 3-30-11.00-008.00

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for a Conditional Use to construct a Freestanding Electronic Message Center Sign; and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing on November 19, 2024; and

WHEREAS, Milford City Council will hold a Public Hearing on November 25, 2024 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to approve the Conditional Use, as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Section 1. Chapter 230-24.13 states "Electronic Message Centers are prohibited except that electronic message centers may be permitted by conditional use approval from City Council on properties used for any of the following uses; (a) Public and private schools; (b) Churches and other places of worship; (c) Social clubs or fraternal, social service, union, or civic organizations."

Section 2. Following adoption of Ordinance 2024-12, and upon the effective date, Oak Forest Park, LLC is hereby granted a Conditional Use to construct an Electric Message Center monument sign.

Section 3. Construction or operation shall commence within one year of the date of issuance of the permit otherwise the conditional use becomes void.

Motion carried unanimously.

Councilmember Marabello voted yes for the reasons that he believes that whatever they do will be tasteful and if any problems arise, they will be able to address them.

Councilmember Kalesis voted yes for the same reason as stated by Councilmember Marabello.

Councilmember Zychal voted yes for the reason as stated by the previous council members.

Councilmember Connor voted yes for the reason that it is Planning Commission approved and falls within the requirements.

Councilmember Stewart voted yes for the reason that it has met all of the requirements.

Councilmember Samaroo voted yes for the reason that it meets the setbacks, meets Chapter 230 requirements and the presence of adjoining similar uses.

Councilmember James voted yes for the reason that the applicant has gone through the proper variances through the Board of Adjustment and believes that this will enhance the visibility of the businesses that are there with the proper advertising.

Councilmember Wilson voted yes for the reasons of a similar sign right across the street from them, the adequate frontage for traffic purposes and it was approved by both the Board of Adjustment and the Planning Commission.

CORRESPONDENCE AND COMMUNICATION

Councilmember Wilson announced that the Milford Police Department is now a part of GVI, Group Violence Intervention, which is a multi agency group that helps with the intervention of violent crimes.

Councilmember Kalesis stated that the night before there was a situation of a missing child that the community members were posting about and out driving around searching for. She stated that she had gotten some phone calls and didn't see anything that had been posted yet from the police department. She contacted Chief Ashe to get an update on the situation and complimented the chief on her quick response back that the child has been found. As a result, Councilmember Kalesis was able to post and let everyone know that the child had been found.

Councilmember Marabello thanked Parks & Recreation Director Brad Dennehy for the Christmas decorations that had been put up and said that they looked nice.

City Manager Whitfield reported that the city received word from MBO & WRA, who is working on the Milford Slaughter Beach Bike Path Feasibility Study, that they have canceled the remainder of the public input sessions due to there being some disturbing comments that were left on the project website. They both felt, for the safety of their employees, that they should cancel the rest of the public sessions. There will be a meeting later this week to discuss next steps.

Mayor Culotta announced the Tree Lighting Ceremony scheduled for the upcoming Saturday at 5:00 pm.

City Clerk White announced the December 4th SCAT meeting in Rehoboth Beach at Victoria's Restaurant and the SCAT Steering Committee meeting on December 6th.

MONTHLY FINANCE REPORT

Finance Director Lou Vitola reviewed the monthly finance report that was included in the packet on pages 40-50.

He reported that cash balances were up about a million dollars in October. Part of that is the last group of the tax payments being posted among some other operating cash inflows that were strong as well as strong RTT receipts, impact fee revenue and there were sales from Independence Commons that contributed to economic development funding. So all the non-operating cash offset a lot of the capital spending, and most of that was the combined 2024 Streets and Utilities Project.

He further reported that on the Financial Performance side, the city is ahead of the seasonalized budget across governmental and enterprise funds with absolute full staffing. So, with that, conditions will exceed the prior year's spending, and that pushes negative performance against last year. On the utility side, you could add higher transfers to the general fund. So, we're going to underperform last year a little bit. But the most important thing is that we stay within our budget controls for Fiscal 25 and that's what we're doing through the first four months of the year.

Councilmember Marabello moved to accept the Finance report as presented, seconded by Councilmember Samaroo. The motion carried unanimously.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Authorization/Bid Award/MCC Construction

City Manager Whitfield reviewed the bid agreement that was included in the packet on pages 51-66. The recommendation was to award the Milford Corporate Center Phase I Onsite and Phase I Offsite contract to George & Lynch, Inc. On September of 2024, the city solicited public bids for the construction of Phase 1 for the onsite and off-site improvements for the Milford Corporate center. A bid opening was held on October 16, 2024, and received 2 sealed bids from George and Lynch and Kinsley Construction, with George and Lynch being the low bidder in the amount of \$17,990,784.19.

Councilmember Samaroo made the motion to award the Milford Corporate Center Phase1 on site and Phase1 off-site to contractor, George and Lynch, Inc., in the amount of \$17,990,785 utilizing fund approved in the FY25 capital budget.

Seconded by Councilmember Wilson.

The motion carried unanimously.

Authorization/ Bid Award/City Hall Plaza

Parks & Recreation Director Brad Dennehy reviewed the bid award that was included in the packet on pages 67-78.

*To: Mayor and City Council
Through: Mark A. Whitfield
From: Brad Dennehy-Parks and Recreation Director
Date: November 20, 2024
Re: City Hall Plaza award for construction*

The City Hall Plaza project was advertised and publicly placed out to bid. Bid documents were also sent to several contractors. A mandatory pre-bid meeting was held at City Hall 10/4/24.

Bids were publicly opened at City Hall on 11/1/24.

One bid was received for this project from Thompson and Sons Contracting Inc. in the amount of \$491,805.

There were two bid alternates:

Alternate No. 01: DelDOT work within ROW and MOT (sidewalk, curbing, roadway pavements, etc.) \$96,197

Alternate No.02: Stamped and Dyed Concrete Pavement in lieu of sand set pavers \$3,754

The design professional (Chad Carter) of Becker Morgan, has reviewed the submitted bid for accuracy and recommends awarding the bid for the base bid and the DelDOT work, but does not recommend replacing the pavers with stamped concrete due to additional cost and the desired look. The total amount is: \$588,002

\$475,000 has been allocated for this project through the approved FY24 & FY25 CIP & Capital Budgets (including \$56,100 for preliminary designs and engineering costs). This leaves a balance of \$169,102 required to award the project.

Two projects have been identified as being funded through the CIP which could be used to reallocate the funds required for the City Hall project:

(1) Marshall Pond Riverbank Development: \$250,000 (see attached CIP sheet)

(2) Tree Planting: \$41,842

Recommendation: Staff recommends City Council authorize the Mayor to execute the contract with Thompson and Sons Contracting Inc., not to exceed \$588,002 with funds being diverted from the following Capital Improvement Plan (CIP) accounts and amounts:

- \$151,240 from Marshall Pond Redevelopment*
- \$17,862 from Tree planting*

Mayor Culotta stated that the project looks nice but does not want to see the thruway blocked off and doesn't see the need to spend almost \$600,000 for this.

Councilmember Kalesis stated that she agrees with the mayor and believes \$30-\$40,000 on the extreme end can be spent to make improvements.

Councilmember Zychal stated that she agreed with Mayor Culotta and Councilmember Kalesis. She did not agree with blocking access when there are people with mobility issues that could use the mailbox in front of City Hall for drop-offs. She feels like the funds could be better utilized.

Councilmember Wilson stated that she agreed also with the other councilmembers and Mayor Culotta. She thinks that beautification can be done but without spending that amount of money.

Councilmember Samaroo stated that it is a beautiful plan except for the blocking of the payment box because a lot of residents have used it for many years.

City Manager Whitfield clarified that the payment box is to be relocated near the Customer Service Center and the mailbox would be relocated to a location where people would be able to drive up to it.

Councilmember James stated that he would rather not block off the entrance because he believes that people should be able to pull up and be able to access City Hall. He does believe that some of the improvements should be made because it does need to look better than it currently does.

Councilmember Kalesis stated that it seems like a lot of time and money has already been spent preparing for the project, taking bids and talking to DelDOT and a decision could have been made previously whether Council wanted to beautify it, spend maybe \$300,000 or another amount on it back then instead of bringing it now that all the work has gone into it.

City Manager Whitfield stated that staff brought this plan before Council and got Council's blessing before they took it out to bid. He thinks that if this project is not to go through as designed, as stated by Solicitor Rutt, the bids need to be rejected and ask staff to look at reducing the scope of the project, which will be done with the landscape architect. They will bring back another plan before they go to bid again so that they get Council's blessing before moving forward with getting a second bid. He reiterated that Staff did bring this to Council previously before putting it out to bid.

Councilmember James stated that he agreed with regrouping. He suggested having a workshop and presenting a new plan to Council before going back to the architect, going for another bid and before more money is spent.

Councilmember Wilson made the motion to reject the bid offer and for staff to go back and come up with a new plan to enhance the City Hall grounds. Seconded by Councilmember Kalesis.

Councilmember Marabello voted no.
Councilmember Kalesis voted yes.
Councilmember Zychal voted yes.
Councilmember Connor voted yes.
Councilmember Stewart voted yes.
Councilmember Samaroo voted yes.
Councilmember James voted yes.
Councilmember Wilson voted yes.

The motion carried 7-Yes, 1-No

Authorization/School District Easement

City Engineer James Puddicombe reviewed the easement agreement that was included in the packet on pages 79-84. He stated that the school district is looking to grant the city an easement at the end of Richard Street that would allow the city to put a cut-through into the school district's property. This easement document would allow city to install a cut through and a small gate to limit traffic at the end of Richard Street. This access way was approved previously by the council, and most of the road work down there has been completed. This would just provide documentation for future maintenance.

Councilmember Samaroo made the motion to execute the easement agreement as the installation reduces the cost to the city and provides an overall improvement to the city operation. Seconded by Councilmember Wilson.

The motion carried unanimously.

Authorization/Boys & Girls Club Rental Agreement

Director Dennehy reviewed the Boys & Girls Club Rental Agreement that was included in the packet on pages 85-91. He stated that this is basically for the Parks & Recreation to rent their gym space. It comes up for renewal every three years and it expires at the end of this month. He explained that they have a good relationship with the Boys & Girls Club and they

have not increased the rental fee for another 3 years so for 6 years they haven't been charged an increase. It is their recommendation for Council to renew the agreement with the Boys and Girls Club, so that they can continue to offer quality recreational opportunities to the citizens of Milford.

Councilmember Wilson made a motion to approve the lease agreement with the Greater Boys and Girls Club for another three years. Councilmember Zychal seconded.

The motion carried unanimously.

EXECUTIVE SESSION

Councilmember Wilson made the motion to go into Executive Session at 7:36 pm. Seconded by Councilmember Connor. The motion carried unanimously.

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

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

Return to Open Session

Councilmember Kalesis made the motion to return to open session at 8:02. Seconded by Councilmember Zychal

Potential Vote- Real Estate

There was no action to be taken.

Potential Vote-Personnel

There was no action to be taken.

ADJOURNMENT

Councilmember Marabello moved to adjourn, seconded by Councilmember Wilson. The motion carried unanimously.

Mayor Culotta adjourned the meeting at 8:03 p.m.

Respectfully submitted,

Katrina L. White, MMC
City Clerk/Recorder