



CITY OF MILFORD
CITY COUNCIL MEETING MINUTES

January 13, 2025

The City Council of the City of Milford met in the Joseph Ronnie Rogers Council Chambers in Regular Session on Monday, January 13, 2025.

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, Chief Cecilia Ashe, and
City Clerk Katrina White

COUNSEL: Solicitor David Rutt, Esquire

Public Comment

Solicitor Rutt read the public comment rules.

Rex Chege, City of Refuge Church, spoke regarding outreach ministry and Code purple. The church would like information on how to become hosts for Code Purple and are able to accommodate up to 100 people in the sanctuary. They are also interested in being a host for Alcoholics Anonymous (AA) meetings.

There were no additional public comments.

Call to Order

Mayor Culotta called the regular meeting to order at 6:00 pm.

Roll Call showed that there were nine members present. Councilmember Kalesis was present virtually.

Invocation and Pledge

The invocation was given by Councilmember Wilson who also called for a moment of silence for those in the state of California, those in the fires, the lives that have been lost and all of the devastation there. The Pledge of Allegiance followed.

Approval of Agenda

Councilmember Wilson made the motion to approve the agenda. Councilmember James seconded. The motion carried unanimously.

Approval of Previous Minutes

Councilmember Wilson made the motion to approve the November 20, 2024 Council Workshop meeting minutes. Councilmember Zychal seconded. The motion carried unanimously.

Recognition

Proclamation – Martin Luther King Jr. Day

Councilmember Wilson read the Martin Luther King Jr. Day proclamation that was included in the packet.

New City Employee Introduction

There were no new city employee introductions.

Public Hearing

Ordinance 2024-13

*Preliminary Conditional Use application of Mavis Discount Tires
on behalf of LC Management, LLC*

*1.63 +/- acres of land located along the east side of Lexus Drive within
the Cypress Hall Commercial Shopping Center, approximately 260
feet south of the Cypress Hall Boulevard intersection*

Comprehensive Plan Designation: Commercial

Zoning District: C-3 (Highway Commercial District)

Present Use: Vacant Land

Proposed Use: Car Repair Shop

Tax Parcel: 1-30-3.00-261.04

Solicitor Rutt read the Public Hearing rules.

Director Pierce reviewed the staff report and staff analysis that was included in the packet. Jonathan Richard, Becker Morgan Group, 309 South Governors Avenue, Dover, DE 19904, was present and explained the project. He stated that the project had been before the Planning Commission and Council back in 2019 and the economy at that time with Covid did

not allow the project to move forward. So, they are returning seeking the conditional use approval from council on this project.

There were no public comments.

Councilmember Marabello made the motion to approve Ordinance 2024-13 for Preliminary Conditional Use application of Mavis Discount Tires. Councilmember Zychal seconded.

Councilmember Marabello voted yes for the reasons that it agrees, conforms to all the codes, will be a nice addition, it's in conformity with the area, and there's no adverse effect upon the community.

Councilmember Zychal voted yes for the same reasons as stated by Councilmember Marabello and welcomed the business to Milford for the additional jobs as well as the economic growth that it brings.

Councilmember Connor voted yes for the reasons that it's in line with the requirements and it'll be a great addition to Milford.

Councilmember Stewart voted yes for the reason that they have met all the requirements and welcomed the business to Milford.

Councilmember Samaroo voted yes for the reasons that it meets all the requirements for Chapter 230, meets the requirements for the Planning Commission and will be great for job opportunities for Milford.

Councilmember James voted yes for the reasons that it fits into the Comprehensive Plan, it satisfies the requirements of Chapter 230, and it does increase economic development within the city.

Councilmember Wilson voted yes for the reasons that all the agencies signed off on it, it meets the City of Milford codes, and it's another business to support the needs of the city.

Due to technical difficulties, Councilmember Kalesis was unable to vote virtually.

The motion carried 7-Yes 0-No

Ordinance 2024-11 - Marijuana Regulations
Amendment to City of Milford Code Chapter 230/Zoning Code

Solicitor Rutt reviewed Ordinance 2024-11 and the rules for speaking.

Director Pierce reviewed Ordinances 2024-11 & Ordinance 2024-14 which were included in the packet on pages 48-79.

Councilmember Marabello asked what the voting results were for the Planning Commission.

Director Pierce reported that for Ordinance 2024-11 the Planning Commission recommended approval 4-Yes and 1-No. For Ordinance 2024-14, the Planning Commission recommended approval 5-Yes and 0-No.

Solicitor Rutt stated that there was no one present at the Planning Commission meeting. There was no one who spoke so there was no record upon which they could make a recommendation. They had before them the language of the two ordinances and part of the basis was that they had nothing to act on to say reasons for or against. So, they recommended that it be brought to council for council to make the decision, anticipating that there would be people who would speak or information provided to Council.

Laura Patranto, 6 E Bullrush Drive, Milford, DE 19962, spoke in opposition to recreational marijuana retail.

Sharon Roselli, 531 Plain Dealing Road Magnolia, DE 19962, spoke in favor of recreational marijuana retail.

Trish Marvel, 6525 Shawnee Road, Milford, DE 19963, spoke in opposition to recreational marijuana retail.

Joe Palermo, 5 Misty Vale Court, Milford, DE 19963, spoke in opposition to recreational marijuana retail.

Pam Lowe, 16898 Beaver Dam Road, Ellendale, DE 19941 spoke in favor of recreational marijuana retail.

Kalee Warren, Manager of Fresh Delaware Dispensary, 635 N. Dupont Blvd, Milford, DE 19963, spoke in favor of recreational marijuana retail.

Kenneth Grier, 14 W Bullrush Drive, Milford, DE 19963, spoke in opposition to recreational marijuana retail.

Kim Wills, 2 Sunset Lane Milford, DE 19963, spoke in opposition to recreational marijuana retail.

Richard Aversa, 2039 Chimney Hill Road, Felton, DE 19943, spoke in favor of recreational marijuana retail.

Nina Pletcher, 428 S Walnut St Milford, DE 19963, spoke in favor of recreational marijuana retail.

Representative Bryan Shupe, 30048 Stage Coach Circle, Milford, DE 19963, spoke in opposition to recreational marijuana retail.

David Zebley, 644 Phillips Drive, Magnolia, DE 19962, spoke in favor of recreational marijuana retail.

David Henry, 31 Riptide Court, Frederica, DE 19946, spoke in favor of recreational marijuana retail.

The council had a lengthy discussion on the topic.

Councilmember James pointed out that the State acknowledges the need for increased enforcement and funding because 8% of the tax revenue would go to the Marijuana Regulation Fund. He also explained that the City of Milford will also incur additional costs for enforcement, such as increased police presence, traffic control, and potential social impacts for which the city has nothing in place to address the increased cost. He said that potential solutions to address that cost would be to impose an additional fee or to increase property taxes and he is not in favor of those.

Councilmember Zychal referenced Councilmember James's point concerning enforcement, nuisance crimes and the cost on the city. She spoke about the presence of the unregulated gray market for marijuana products in the city that are sold in smoke shops, gas stations and CBD shops. She questioned the ethical implications of strict regulations for allowing regulated businesses to operate while there is a similar unregulated market in operation unchecked.

Councilmember Marabello asked Chief Cecilia Ashe what her thoughts were on the subject.

Chief Ashe stated that she would put her personal opinion aside and base everything on research. She explained that research on the long-term impacts of marijuana legalization is still limited. Some research will show that there's approximately a 4% increase in nuisance crimes, not violent crimes. But other research will show that there has been no significant increase or decrease in overall part one crimes or violent crimes. She spoke about adverse effects on law enforcement due to the legalization of recreational marijuana. There would be increased difficulty in DUI enforcement. Determining driving under the influence of marijuana requires blood tests which are more time-consuming and will likely increase the city's costs associated with DUI enforcement. She then stated that these are things and challenges that are under the legalization of marijuana separate from retail.

Councilmember Marabello asked if it was possible that this could affect the Federal grants that the city receives. Chief Ashe stated that to the best of her knowledge whether council authorized or not authorized the retail sales of marijuana in a state where it's legal it will not adversely affect the grant process right now. She further explained that where it could affect grant processing is if the city were to change policies that would allow employees to have marijuana and things like that. That's where the municipality end of it would come in and start to get challenged with Federal grants. She stated that yes, the city would not get Federal grants based off of the fact that it's a federal law and would be violating the law.

Councilman Marabello stated that he has been to the Fresh Delaware Dispensary and was impressed but at the same time realized the investment they made. It looks like quite a lot but Council's decision shouldn't be based on indemnifying to make up the money that they spent.

Councilmember Kalesis joined the meeting in person at 7:37 pm.

Councilmember Wilson referenced Councilmember Zychal's comments about unregulated products in the area sold in the CBD and convenience stores. She stated that they are scary, harmful and addictive because they have no regulations. She said that she supports the regulation of marijuana. She also went to the Fresh Delaware Dispensary and was able to get explanations on what they do to purify the product to make it suitable for individuals to take. She explained that the negative stigma that goes along with the marijuana and the use of recreational marijuana really outweighs the use of marijuana and those who use it for different reasons. She followed up by saying that after looking at all of the different things, she still supports recreational marijuana and thinks the Fresh Delaware Inc establishment that is already here should be supported. She has supported this for almost a year and the more she learns about it; her opinion has not wavered. It has made her more aware and knowledgeable of what the products do, how they can benefit and would like to see the stigma removed from using marijuana.

Councilmember Kalesis stated that the most important thing to her is what the citizens want, regardless of what her personal opinion is. She took the time to ask the people what they wanted and the majority of the people who wanted the recreational marijuana were over the age of 60. Most of the people who did not want recreational marijuana were in their early ages that had young children in school and they were concerned. She stated that Council should vote based on what their constituents want and not because of their own personal opinions.

Councilmember Samaroo stated that she did speak with some of the residents in to get their input. She got about half that were for recreational marijuana and half that were against marijuana. Some of the feedback was that it should be treated like alcohol and there were some who were concerned about safety issues and the smell.

Councilmember Stewart made the motion to accept Ordinance 2024-11 Marijuana Regulations. Councilmember Kalesis second.

Councilmember Stewart voted yes. He stated that he spoke to a lot of the constituents and it was close but the majority did not want recreational marijuana.

Councilmember Samaroo voted yes.

Councilmember James voted yes. He believes that the State needs to address how they are going to help the municipalities deal with the increase in the traffic and the enforcement that could take place. He polled 25 of his constituents and it was a slim majority who requested that he vote to restrict or prohibit recreational use.

Councilmember Wilson voted no. She stated that the individuals that she spoke to would have filled the house but the stigma that it carries made a lot of them not want to come in. There were both yes and no's but the majority of them wanted it to become legal or recreational where they could go in the store and purchase the clean product.

Councilmember Marabello voted yes. He said considering Councilman James's comments about the unknown cost going forward he is a little torn. There were a lot of good points made by the members of the audience but thinks maybe Council should have a chance to readdress it later.

Councilmember Kalesis voted yes. She stated that the majority of her constituents, about 70/30, that she spoke with did not want recreational marijuana.

Councilmember Zychal voted no. She stated that the cat is out of the bag here in town regarding the gray product and she would have been much more comfortable with a legal product that is highly regulated in a facility and a business that employs people that have gone through every hoop and acted in good faith. Most people who do not use the product were not even aware that the business existed here.

Councilmember Connor voted yes. She stated that her personal opinion and her professional opinion are very different in this situation. She thinks that as elected officials, it is their job to listen to the people that they represent. She had a lot of conversations and education leading up to this and found the same thing, there are a lot of people on both sides of the fence as seen tonight at the meeting. She further stated that there were more people at the meeting who were in support of it but unfortunately, the majority are not actual Milford residents, not that their opinions didn't matter. She feels that the medical use is an amazing tool but thinks that there are so many more things that Council needed to find answers to before they should lead into this and allow it in the city. She would love to have that discussion down the road when they have more information about the impact that it would have within the city.

Motion carried 6-Yes, 2-No

Mayor Culotta stated that the motion carried and there would be no retail recreational sales in Milford.

*Ordinance 2024-14 Zoning Code Chapter 230 – Marijuana Regulations #2 Alternate
Amendment to City of Milford Code Chapter 230/Zoning Code*

Councilmember Stewart made motion to withdraw 2024-14 Zoning Code Chapter 230 – Marijuana Regulations #2 Alternate. Councilmember Samaroo seconded. The motion carried unanimously.

Staff Reports

Police Department

Chief Cecilia Ashe reviewed the police report that was included in the packet on pages 80-85. Councilmember Kalesis made the motion to accept the Police Report. Councilmember Connor seconded.

The motion carried unanimously.

City Clerk

City Clerk Katrina White reviewed the city clerk report that was included in the packet on pages 86-87.

Councilmember Zychal made the motion to accept the City Clerk Report. Councilmember Samaroo seconded.

The motion carried unanimously.

City Manager

City Manager Mark Whitfield reviewed the city manager's report that was included in the packet on pages 88-89.

Public Works Director Willis Shafer reviewed the Public Works Department staff report that was included in the packet on pages 90-93.

Electric Director Tony Chipola reviewed the Electric Department staff report that was included in the packet on pages 94-96.

Planning Director Rob Pierce reviewed the Planning Department staff report that was included in the packet on pages 97-99.

Parks & Recreation Director Brad Dennehy reviewed the Parks & Recreation Department staff report that was included in the packet on pages 100-02.

Human Resources Director Jamesha Williams reviewed the Human Resources Department staff report that was included in the packet on page 103.

Economic Development & Community Engagement Administrator Lauren Swain reviewed the economic development staff report that was included in the packet on pages 104-105.

Director of Information Technology Bill Pettigrew reviewed the IT department staff report that was included in the packet on pages 106-108.

Finance Director Lou Vitola reviewed the Finance department staff report that was included in the packet on pages 106-110.

Councilmember Samaroo made the motion to approve the City Manager staff reports. Councilmember Zychal seconded.

The motion carried unanimously.

Monthly Finance Report

Director Vitola gave the finance report that was included in the packet on pages 111-139. He reported that about \$200,000 is expected from interest income on investments and nearly \$600,000 is expected from internal transfers from utility funds, particularly for the ERP project. \$1 million in property tax receipts from the previous year are expected to be received from the investment portfolio and \$2 million is allocated from realty transfer taxes to support the General Fund's reserve. For the November Cash Flow, he reported that despite over \$1 million in expenditures (primarily for the streets and utility project), the City experienced a net cash gain in November due to strong property tax receipts, utility receipts, and strong investment income. For P & L, he stated that the city is looking good and is currently ahead of budget in both Utilities and the General Fund and this positive performance is largely due to lower-than-expected personnel expenses and the timing of capital projects.

Councilmember James made a motion to approve the finance report. Councilmember Connor seconded.

The motion carried unanimously.

Communications & Correspondence

Councilmember Wilson thanked everyone who came out and supported the Brightway Commons event, including Pedro White and his family and Councilmember Zychal. It was a moment of giving back to that community. There were several vendors, giveaways and free food for those who attended.

City Clerk White announced the upcoming Delaware League of Local Government meeting scheduled for January 23, 2025 at the Cheswold Volunteer Fire Company.

Unfinished Business

There was no unfinished business.

New Business

Ordinance Introductions

Ordinance 2024-15

Amendment to City of Milford Code

Chapter 230 Zoning/Historic District Commission

Director Pierce introduced Ordinance 2024-15 Chapter 230 Zoning/Historic District Commission that was included in the packet on pages 122-138.

Executive Session

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)(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

Councilmember Marabello made the motion to go into Executive Session. Councilmember Zychal seconded.

The motion carried unanimously

Return to Open Session

Councilmember Stewart made the motion to go back into open session. Councilmember James seconded.

The motion carried unanimously.

Potential Vote- Real Estate

Potential Vote -Legal Matters

There was no action to be voted on.

Adjournment

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

Mayor Culotta adjourned the meeting at 9:02.

Respectfully submitted,

Katrina L. White, MMC
City Clerk/Recorder