

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 9, 2019

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, September 9, 2019.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilmembers Daniel Marabello, Mike Boyle, Lisa Ingram Peel, Todd Culotta, Owen Brooks Jr., Douglas Morrow and Jason James Sr.

STAFF: City Manager Eric Norenberg, Police Chief Kenneth Brown and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

ABSENT: Councilmember Katrina Wilson

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:02 p.m.

INVOCATION AND PLEDGE

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

Mayor Campbell expressed his condolences to Councilmember Wilson and her family due to the recent death of her father.

APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the August 12, 17, 19 and 26, 2019 Committee, Workshop and Council Meetings. With one header correction, a motion to approve was made by Councilmember Boyle, seconded by Councilmember Peel. Motion carried.

RECOGNITION

No special guests in attendance.

MONTHLY POLICE REPORT

Due to the absence of Police Committee Chairperson Wilson, Chief Brown presented the monthly Police Report noting that the numbers are in the range of those this time last year.

Councilman Morrow moved to accept the report, seconded by Councilman Brooks. Motion carried.

Chief Brown then informed City Council the department applied for a JAG grant in which Milford and Seaford are the only participants from Sussex County. Milford submitted the request for \$19,301 to purchase a radar speed trailer, two radar units and a speed sign; the balance of the grant request is from Seaford Police Department in the amount of \$12,537.

MONTHLY CITY MANAGER REPORT

City Manager Norenberg reported that a couple departments submitted their information beyond the deadline to make the packet, though the complete report will be available on the website.

He informed the Community and Economic Development Committee that on September 24th, there will be a special workshop for small businesses interested in applying for the EDGE Grant. Jointly, DMI and the Chamber of Commerce will promote the opportunity to get help with applications. Representatives from the State and Department of Business will be in attendance.

Councilman Boyle moved to accept the City Manager's report, seconded by Councilmember Peel. Motion carried.

MONTHLY CITY FINANCE REPORT

Finance Chairman James reported that there was an error in the June Finance Report which resulted in a change to the electric reserves. The \$8.5 million shown, should have been \$10.5 million. As a result, the balance of all funds for June should be \$43,290,000. The total balance of all funds for July is \$43,381,000 resulting in an increase of \$91,000. The largest portion is related to the increase in water reserves of \$700,000.

He added there was no activity in the economic development fund and no deposits into general fund reserves in July.

Chairman James shared that only one month has elapsed in the current fiscal year, with very little activity to report.

Councilwoman Peel moved to accept the July 2019 Finance Report, seconded by Councilman Boyle. Motion carried.

COMMITTEE & WARD REPORTS

Annexation Committee Meeting

Councilman Brooks reported the Annexation Committee met at 6:45 p.m. and reviewed the request from Baltimore Aircoil, after which the Committee agreed to proceed.

He also announced that the owners of Pavliks Sub Shop on North Walnut Street are retiring and the store will close after thirty-five years of service.

Mayor Campbell

Councilman Culotta commended Mayor Campbell for the Latin Festival/Carnival that occurred this past weekend. He understands it was hastily pulled together and that the Mayor jumped through some hoops to make it work. However, it was a lot of fun and he hopes it returns to Milford on an annual basis.

He also commended Chief Brown for providing the police support that allowed this event to happen in short order, which he felt was a good thing. Chief Brown thanked Councilman Culotta for his comments.

Mayor Campbell agreed it was a great event and there was a great turnout and he also looks forward to next year's event.

Fourth Ward Back to School Block Party

On behalf of Councilmember Wilson, Councilmember James thanked those that participated in the Annual Back to School Block Party that occurred Saturday, August 31st, as well as those that contributed to the event.

Council Retreat

City Manager Norenberg referenced the draft report included with the Council Minutes from August 17th. While some minor corrections have been provided by the City Clerk and the City Manager, he encouraged anyone with any other changes to contact Ms. Hudson.

The following reports were then provided:

Project Agenda Development
Project Management of Meetings – Maintaining Momentum

Mayor Campbell explained the intent was to review and approve agendas in an effort to have a quicker and more efficient meeting. The process would also be reviewed and proposed changes made that could assist in this effort. In addition, he would be visiting other Council meetings to observe other town's procedures. Training would also be considered relative to procedural policies which would help better manage meeting.

Project Live Streaming of City Council Meeting

Councilmember Culotta shared that their project investigated the possibility of livestreaming Council meetings so that residents can watch in the comfort of their own home and refer to them at a time that is convenient for them. This can be accomplished through Facebook live or through the City website. The plan is to introduce the idea on the Council agenda, after which technologies would be analyzed and policies created to ensure we meet local, state and federal guidelines. The first meeting could be streamed within ninety days.

This is an effort for City Council to be more transparent and accountable, while providing real-time and accurate information to citizens quickly and efficiently.

Project Benchmark of Strategic Plan

Councilmember Peel commented the purpose is to revisit the strategic plan and within thirty days, all Council members should be familiar with the plan and the link that was shared. This would include information from each community process and the draft and final plan.

The second portion was to request an update on the benchmarks and progress. This is currently underway by the City Manager. Once completed, a report can be provided to the public.

She reported that Councilman Marabello will be working on a more extensive communication plan for sharing updates beyond routine items such as a press releases and reports at council meetings.

Project Town Hall Meetings

Councilman James reported that he would be responsible for investigating the possibility of town hall meetings for the purpose of hearing more input from constituents. He received some input with regard to FOIA, in which Solicitor Rutt confirmed they are permitted as long as the proper procedures are followed in accordance with State Law.

In the next thirty days, it will be determined how and when the meetings would be held, in addition to considering appropriate agenda items. Within ninety days, the goal is to have this in place.

COMMUNICATIONS & CORRESPONDENCE

Councilman James reported that he has residents at the end of Truitt Avenue Extension asking about the possibility of a streetlight in that area.

He also asked for the City to consider some education regarding our electric service and the fact that the City of Milford is not charging the highest rate, which has been the mindset for many years.

Councilman James is also hearing from his constituents about more shopping and restaurants, and the question is raised why the City is not trying to attract more businesses. He responds by referring to the growth over the past years but recalls when Milford used to be the place where residents from other towns would come. However, those towns have somehow seemed to outgrow Milford in recent times.

Councilman Brooks disagreed noting that he recently read an article about the growth in Milford and that our population is expected to increase to 25,000 within ten years.

Councilman James acknowledged that those residents are speaking from a commercial or business view and not a residential perspective.

Councilman Boyle then referenced the earlier Community and Economic Development Committee meeting, where those issues were addressed. In October, several related matters will be discussed.

UNFINISHED BUSINESS

Approval/Amory Lease Transfer/Delaware Community Reinvestment Action Council (DCRAC) to Elevated Community Development Corporation (CDC)

The following letters were received regarding the lease transfer requested by ECDC Director Lillian Harrison:

*Delaware Community Reinvestment Action Council, Inc.
Your Credit, Tax and Housing Advocates
600 South Harrison Street, Wilmington, DE 19805*

Dear Council Members:

Delaware Community Reinvestment Action Council, Inc. hereby gives notice, as required by the Armory lease agreement, of termination of the lease for business purposes.

DCRAC firmly supports Elevated Community Development Corporation's request to lease the Armory and rehabilitate the building for community use.

Lillian Harrison, DCRAC's housing director, is founder and executive director of Elevated Community Development Corporation. ECDC provides employment, training and support to the community including ex-offenders, veterans and the chronically homeless. The "support" offered to participants includes financial literacy and housing counseling as well as an array of services made available through ECDC partnerships.

Once renovated, as previously planned, ECDC will ensure the building is available for community-based programs and partners. DCRAC agrees to be a partner.

*Sincerely,
Jaclyn Quinn*



Honorable Council Members,

Earlier this year and completely by surprise, DCRAC was gifted with The Money School. As DCRAC has been changing financial lives for approximately 30 years, it was a no-brainer to continue the programs of the Money School and work to increase its' classes statewide. This coupled with the continued capital campaign for 600 S Harrison and the new Lobono Legal Clinic recently launched, is a massive undertaking beyond its' current capacity.

From the beginning DCRAC sought a lead agency with the intent to be a tenant as the building is centrally located and very accessible for northern and southern clients. As Housing Director for DCRAC and Executive Director for ECDC, we have been working as lead on the expansion for DCRAC. ECDC is a 501c3 organization and was to be a tenant at the Armory.

As of November 2018, ECDC has expanded its' programs/services and partnerships and built a firm foundation within the State as a Workforce Development Organization. The plans for the Armory approved by Council were for the building to be a "hub" of community services and with Lillian's background, experience, connections and partnerships, we are confident in our ability to continue as planned. ECDC's program has committed to providing the labor necessary for the renovations to the Armory. Our background in fundraising and outreach will allow us to generate funds needed to operate and maintain occupancy of the Armory. Furthermore, we know that we have the ability to manage securing tenants and providing services for the City of Milford and surrounding communities.

We are asking for the City Council to consider the assignment of the lease to Elevated Community Development Corporation and to consider a ten-year term or a minimum original five-year term for the lease. All other conditions of the lease to remain as approved.

*Sincerely,
Lillian Harrison
Executive Director
ECDC*

City Manager Norenberg reported that he has been working with City Solicitor Rutt who recommended one of three options:

1. Authorize ending the current lease with DCRAC and entering into a short-term lease with Elevated CDC to complete the current term on the lease with no change of conditions.
2. Authorize ending the current lease with DCRAC and entering into a new one-year lease with Elevated CDC with no change of conditions other than dates.
3. Authorize ending the current lease with DCRAC and direct staff to negotiate a revised lease, addressing any concerns voiced by City Council and/or Elevated CDC.

He explained that if option one or two is selected, Council could direct the Mayor to enter into the agreement tonight. However, a new lease would need to be brought back for review at a future meeting.

Ms. Harrison then introduced the DCRAC's Deputy Director Jaclyn Quinn.

Deputy Director Quinn acknowledged that Ms. Harrison has been the project lead on the Armory. With the transition of Ms. Harrison moving into her non-profit full time, they fully support the recommendation and agree it is appropriate to terminate the DCRAC lease, though they will continue to support and partner with ECDC, in relation to the original plan for services at the Armory.

When asked specifics, Ms. Quinn confirmed that DCRAC's position is it is necessary to terminate the lease, but support Ms. Harrison's EDCD in pursuing the same goals established under DCRAC.

Councilman Marabello asked if the current provision of one year with one-year renewal were satisfactory and referenced the letter that requested a minimum five-year lease; Ms. Harrison explained that at some point, she would need to revisit

the lease term, considering the renovations and work that will be accomplished at the facility. At this particular time, she understands and would agree to the transfer of the lease for the remaining year, or an additional year's lease.

Initially, Mr. Norenberg explained that the City was to provide for a lower, no-cost lease to DCRAC in exchange for the improvements, which includes roof, floor and utility repairs and ADA requirements, though many improvements have already been made by Ms. Harrison and her team. He agrees that after one year, City Council should consider the value of the improvements in relation to the x amount of waived rent. In addition, the services that will be offered to the community should also be weighed.

Solicitor Rutt added that one concern raised by City Council was what had changed at DCRAC between the time the lease was executed in January and now.

The Deputy Director described several changes noting that the two most pertinent ones were DCRAC's capital campaign they are currently undergoing in Wilmington that is continuing. Because of that, they have been unable to launch a full capital campaign for the Armory. They do not foresee completing that for at least another year.

The second change is the growth of ECDC, which Ms. Harrison is the Executive Director. They are strong partners, but with her shifting fulltime to EDCD, they do not have the staff member in Milford to operate the Armory.

Ms. Quinn emphasized that DCRAC is a small nonprofit organization with five fulltime employees throughout the state. They run a credit union, law firm and provide advocacy and counseling services. Because of the workload, they are unable to dedicate another fulltime person to the Armory. However, Ms. Harrison will continue those efforts, but under EDCD.

Mr. Rutt also noted that the lease provides for a sublease and asked why a sublease would not work, versus terminating the current and entering into a new lease. Ms. Quinn explained that involved the inability to fundraise for the needed repairs. The other is DCRAC would be unable to provide an on-site manager which is why it makes more sense to keep this under Ms. Harrison's umbrella at EDCD.

Councilman Culotta asked if the due diligence has been done on EDCD to ensure their finances are strong enough to do the required repairs. He said it sounds like DCRAC needs to terminate the lease because it is has become a bigger project than originally anticipated.

He asked if the new lease be terminated and the process restarted with another public hearing. Mr. Norenberg recalled the public hearing relates to the conditional use which stays with the building. Mr. Rutt agreed adding there was no comments directly related to whether or not DCRAC was an appropriate agency.

In addition, the City Manager also pointed out the difficulty in stress testing a nonprofit to ensure they are capable of handling this. Instead, it should be based on City Council's comfort with the vision and capabilities Ms. Harrison has discussed on several occasions. He did express that to Ms. Quinn, particularly because EDCD has not been around as long as DCRAC, but now feels that entering into option one or two enables the City to monitor that success over the next few months or year.

The three options were then considered by Council.

Councilman James asked which option Ms. Harrison preferred; she stated that for the sake of time, either option one or two will work. Ideally, it would be option three only because of the possibility of a longer lease term.

Councilman James stated that with option three, an extension could be considered, but was not guaranteed. Ms. Harrison agreed stating she understands Council's desire to monitor their activity for one year.

Councilmember Peel then defined the stipulations for organizations who are provided City money, noting they must report to Council on a regular basis. She does feel that having a benchmark or check in to continue the partnership would be worthwhile.

When asked which option she prefers, Councilmember Peel agreed that option one or two would be beneficial for the sake of time. That would also provide an option to revisit the circumstances at a later date. She also does not feel that option three would include a longer-term lease initially.

The Solicitor clarified the existing lease ends on February 6, 2020, but includes an automatic one-year renewal, which would extend the deadline to February 6, 2021.

Councilman Culotta referenced the proposed photos of the lower level and asked for confirmation that Ms. Harrison would be willing to put this kind of money into it.

Ms. Harrison explained the photos contain a workshare space. With the lower level, the offices would be leased out and the corridor (center) would be designed as a workshare atmosphere for not only the nonprofits housed there, but for other local businesses. It would be patterned after The Mill, which is a community and coworking space in Wilmington that provides shared workspace for nonprofits, remote workers, startups and established businesses. She has a meeting tomorrow with the Chamber of Commerce to discuss the proposed plans for the Armory.

Ms. Harrison believes the lower level could be changed into a collaborative effort between the Chamber and this agency, while being mindful of the deed restrictions.

If asked how long option one or two would take, Mr. Rutt anticipated a few days, though option three will require more time.

Mr. Rutt further explained that if Council preferred a new lease under option three, the current lease would remain in place until such time City Council could vote to terminate the current lease and enter into the new lease.

Following an in-depth conversation, and a description of her plans for the building, Ms. Harrison said to create a new business plan would require at least another sixty days.

Councilman Boyle feels that option one gives an immediate transfer and removes the pressure of the February 2020 date. Council could still terminate the lease if it were to go beyond February, while still having the option to execute a new lease. He emphasized that in the end, the City is dealing with the same people, same goals and objectives. Ms. Harrison said that works for them as well.

Councilman Boyle moved to approve option one to terminate the current lease with DCRAC and transfer it to Elevated CDC, who would complete the current term, with no change of conditions, seconded by Councilman James. Motion carried with no one opposed.

NEW BUSINESS

The following ordinances were introduced by City Manager Norenberg:

Introduction/Ordinance 2019-30/Milford Marina Enterprises LLC/Conditional Use

Planning Director Rob Pierce stated this ordinance is for a conditional use required for a Planned Unit Development, known as Knight Crossing, consisting of 131 units proposed subdivision, east of Beaver Dam Road and south of Route 36.

It is scheduled for the Planning Commission agenda for Preliminary Subdivision and Conditional Use review on September 17th and will be back before City Council for a final determination on September 23, 2019.

Introduction/Ordinance 2019-31/Chapter 230-Zoning/Adding Yard Sale Definition & Amending Craft Distilleries and Microbreweries

Planning Director Pierce remarked this is a proposed amendment to the City's Zoning Ordinance, and adds a definition for yard sales as well as language related to craft distilleries and microbreweries in commercial and business park/light industrial designations.

It is also scheduled for the Planning Commission agenda for Preliminary Subdivision and the Conditional Use review on September 17th and will be back before City Council for a final determination on September 23, 2019.

Introduction/Ordinance 2019-32/Chapter 57-Planning Commission/Add Compensation of Members

Planning Director Pierce recalled Council previously approving the compensation of Planning Commissioners. The amendment adds the provision to Chapter 57. This is on the September 23, 2019 agenda of City Council for final action.

Introduction/Ordinance 2019-33/Chapter 230-Zoning/Board of Adjustment/Add Compensation of Members

Planning Director Pierce explained this mirrors the amendment to Chapter 57, but instead adds provisions to compensate Board of Adjustment members and amends the City Zoning Code.

It is scheduled before the Planning Commission for Preliminary Subdivision and the Conditional Use review on September 17th and on the September 23rd City Council for final action.

Introduction/Ordinance 2019-34/Chapter 55-Personnel

City Manager Norenberg explained this ordinance updates several areas of the Personnel Chapter and will be presented at the September 23, 2019 Council Meeting for final action to be taken.

Approval/Teamsters Local 326/Memorandum of Agreement/Bilingual Pay Differential Allowance Policy

The City Manager recalled previous conversations regarding the initiation of a Bilingual Compensation Program whereby employees will receive additional compensation who are able to speak languages beneficial to the community. Those positions are listed in the policy and employees will be required to meet minimum proficiency levels.

In order to implement for members of the Police Department Teamster's bargaining unit, a Memorandum of Understanding was created.

HR Manager Jamesha Eaddy was present and explained the focus of recruitment is the diversity of workforce to meet the population of the City. Two employees, one in customer service and the other in public works, have satisfactorily passed the bilingual proficiency exam, as of this date.

When asked how the compensated rate \$83.33 per month was determined, Ms. Eaddy explained that was the rate after this was discussed by department directors during the staff meetings. Employees who are deemed certified in more than one of the designated languages and/or American Sign Language, will be compensated at the rate of \$100.00 per month.

Councilman James said he has heard many compliments about the Customer Service Department recently, and the bilingual aspect has definitely enhanced those comments. He also feels it is vital for the police department to have someone available who is able to speak other languages and feels the compensation is minimum.

Councilmember Peel moved to authorize Mayor Campbell to execute the Memorandum of Understanding between Milford Police Department and General Teamsters Local 326, to initiate the Bilingual Pay Differential Allowance Policy, seconded by Councilmember Culotta:

Bilingual Pay Differential Allowance Policy

The City and the Union agree as follows:

- 1. Police Officers will participate in the City's Bilingual Pay Differential Allowance Policy which authorizes officers to receive additional compensation for bilingual proficiency.*
- 2. The City will determine the languages which are part of the program, the testing processes and minimum proficiency levels, and the number of employees, by position, that are eligible to participate.*
- 3. Pay will be discontinued if the officer is reassigned to a different job position, the functions of the job position no longer meet the requirements, or if the officer does not maintain proficiency.*
- 4. The program may be suspended or discontinued due to financial or other constraints at the discretion of the City. Participating officers will be compensated for all work performed under the program prior to the date the program is suspended or terminated.*

Motion carried.

Appropriation Match/P&R Grant Application/Riverwalk Extension Easement

City Manager Norenberg reported that P & R Director Brad Dennehy prepared and submitted a grant application due last Friday, related to the extension of the Riverwalk.

Mr. Dennehy acknowledged that Dan Bond and his task force were again present and have been working on the acquisition of the Vinyard Boat Yard because Joan and Sudler Lofland want to sell their properties. He agrees the Greater City of Milford needs to retain the boat yard for its historical and cultural importance. However, he is in attendance this evening to discuss the extension of the Riverwalk, which is the result of the missing link on the south side of the river that surrounds the Lofland properties.

He explained the City applied for grant funding through the Delaware Land and Water Conservation Trust fund, administered by the Department of Natural Resources (DNREC). The purpose is to continue the Mispillion Greenway through the Lofland properties which would become known as the "Vinyard Extension".

On July 1st, the City received notice that the Joint-Council had reviewed the application and the next part of the planning process should be submitted for \$50,000. This is a match grant so the City would have to contribute 50% or \$25,000. The deadline for the once-a-year grant was this past Friday, September 6th.

Since receiving the notification in July, the City's Design Professional and Mr. Dennehy have met with Mr. and Mrs. Lofland about their property. He said there is a verbal agreement with the Loflands, though they are willing to put it in writing. If the property were purchased by the City, Mr. and Mrs. Lofland would be willing to grant an easement to connect the remaining portion of the Riverwalk through their property. If they opt to sell it to a commercial developer, they are concerned the boat yard would be sold and the Loflands personal home separated and potentially sold to another individual.

Though the City may not know exactly what they would do with the entire property, he agrees with the task force though he cannot talk about how the City can purchase the property, but wants to pursue the \$25,000 matching grant to complete the riverwalk.

In order to submit the application, a letter of commitment from the City is needed stating that the \$25,000 is available which would require a confirmation by a vote of City Council.

Mr. Dennehy pointed out that when he talks about the City, he is referring to the entire Greater Milford area and not just the City of Milford.

He agrees the boat yard can be used for a number of functions, including Abbotts Mill operating programs, Great Gatsby parties on the river, weddings, etc. However, he is unsure how to obtain the funding needed to retain the Lofland

property, though his goal this evening is to get approval of the \$25,000 which will allow him to move forward with permitting and construction.

Purchase of Lofland Properties

Dan Bond then spoke about the task force he and Sher Valenzuela are heading. He said they have previously presented to City Council their idea of finding a way to preserve the Vinyard Shipyard and the broader vision for the entire fifty-acre site east on the north and south side of the river surrounding the Vinyard Shipyard.

He said this is the second step in the great vision that was created thirty years ago. The key is the Vinyard Shipyard which needs to be preserved first and the urgency on the part of the Joan and Sudler Lofland. They realize the City is not going to buy the property unless they know how it will be used, maintained and financed. That is what the task force is working on. The City provided funding to hire Architectural Alliance Consulting Plan to come up with a plan for the future of the Vinyard Shipyard and to develop a business plan how it can be financed operationally and purchased, which he reiterated the task force is overseeing.

He pointed out that a big option for purchasing the property is the State Bond Bill.

Mr. Bond then talked about a meeting at the Wilmington Water Front with their developers and learned how important the State Bond Bill was to see that development move forward. He said when looking at Wilmington and that waterfront, there has been a tremendous increase in the businesses in that area, which ultimately increased the City's tax base and revenues. Wilmington is now planning to jump over to the southside and start developing those marshlands. He believes this is what Milford can do on the Mispillion.

He emphasized the task force feels very strongly the City should purchase the Lofland properties.

Mr. Bond also recalled previous conversations about Delaware Nature Society at Abbotts Mill, who is interested in operating the facility. However, they are requiring an operational business plan which will include its uses and how it will generate enough revenues to support the activities.

He said he is happy to announce they applied for an additional grant of \$14,000 from USDA to use to promote the plan throughout the community and build support. He emphasized that support of the plan is not hard because everyone they have talked to has been supportive.

Mr. Bond commented that they will not return to City Council to move forward with the purchase until they have completed their plan for how it will work. He, along with several interested parties, went to the shipyard a few weeks ago, to look at the Lofland properties again and to confirm the support of Joan and Sudler Lofland to extend the Riverwalk through their property.

According to Mr. Bond, even though the Loflands understand the delicate sequence of purchase and access, they are very enthusiastic. The City's landscaper has come up with an alternative way the riverwalk does not go in front of their house because of the sensitivity to that property. However, they fully support the idea to keep people on the river versus going around the big boatyard and not cutting off access for boats coming in for repairs to the boatyard.

Mr. Bond agrees that as soon as the land is purchased, the task force can then move forward with obtaining the grant money from DeIDOT to start the actual construction.

Mr. Dennehy confirmed the extension would match the remaining boardwalk with raised Aztec decking on pylons along the river. The amount of land the Lofland house is on will provide enough land to extend the elevated boardwalk in front of the Loflands house.

He concluded by stating that having the Loflands gift that easement to the City is huge, though there remains some unknown questions with financing.

Councilman Marabello feels the City would be remiss if we did not take advantage of this opportunity and approve the match of \$25,000.

Mr. Dennehy then stated that to put the finances into perspective, the cost estimates of the entire construction of this area will cost more in the neighborhood of \$475,000. He also reminded Council that we just completed a \$350,000 riverwalk replacement project of which almost half of the monies came from grants.

Once this section is approved, the P&R Director will move forward with the next grant cycle for the construction costs. He confirmed the \$50,000 will only cover the costs of the planning and design by the landscaping contractor.

Councilmember Marabello moved to approve the grant match money of \$25,000 for the initial stage to be appropriated from general fund reserves, seconded by Councilmember Peel. Motion carried.

City Manager Norenberg reported that on Saturday, September 28th at 10:00 a.m. a ceremony will be held in the area of the Farmer's Market to celebrate the legislative monies received for this project.

Adoption/Resolution 2019-13/Sidewalk Waiver/A&E Property Solutions LLC/608 NW Front Street

Planning Director Pierce explained the property currently contains a vacant, dilapidated structure that A&E Property Solutions has bought and agreed to demolish, after which a new two-story structure will be built.

When reviewing the new construction permit, it was determined the City requires the installation of sidewalks as outlined in Chapter 197, unless temporarily waived by City Council. In the past Council has approved such waivers for areas that do not have sidewalks within a certain distance. In this situation, there are no sidewalks west of Lakeview Apartments west to Walgreens Pharmacy.

Streetscaping work is being planned for this area as well, though the focus is on eastern side of Milford headed toward Rehoboth Boulevard.

When questioned, A&E Property Solutions Project Manager John Cristaldi confirmed that 608 is a teardown and rebuild. The 606 property is vacant and a new structure built.

Mayor Campbell asked if anyone from the public wished to speak regarding the temporary sidewalk waiver.

Kate David of 204 South Walnut Street stated that across the street is the fire hall and she believes there is pavement on the houses that run from the fire hall up to Parson Thorne. She does not see a reason why the developer cannot get a waiver because someone can walk across the street if they need to walk on pavement.

Nina Pletcher of 428 South Walnut Street said that if you are handicapped and, in a wheelchair, a person cannot get off the sidewalk on the firehouse side to get over to the other side because there are no crosswalks. She is bringing up the handicapped issue because we have spent enough money altering the sidewalks to accommodate that though not all are handicapped accessible.

Julie Kazimiroff of 202 South Walnut Street said she studied public health and understands the benefits of complete streets and not to impose upon this kind gentleman, but the haphazard nature of the way the City is addressing sidewalks is not to the public health benefit. And it is not that simple and for example, one of our citizens or people from Milford here, brought up the point of handicapped accessibility. The whole thing is she would like to walk from here to Walgreens comfortably without any worry. She asked if there is anything within the sidewalk plan to address how to encourage people to walk in Milford, like with the riverwalk, and to make the people of Milford aware of the health benefits of walking and to fix the sidewalks of the City of Milford for the people in Milford so they can walk comfortably and not to impose on the developer. She reiterated it is must be the haphazard nature of sidewalk development issues at this point which came to her attention.

There being no additional persons wishing to speak, the floor was closed.

Councilman Boyle moved to adopt Resolution 2019-13, temporarily waiving sidewalk requirements at 608 Northwest Front Street, seconded by Councilmember Culotta:

Property Owner: A&E Property Solutions LLC
Address of Property: 608 Northwest Front Street
 Milford, Delaware 19963
Tax Map No: MD-16-183.09-01-27.00.000

*RESOLUTION 2019-13
 Sidewalk Waiver*

WHEREAS, the above stated owner has requested a waiver of the provisions of Chapter 197 of the Code of the City of Milford requiring the installation of curbing and sidewalks; and

WHEREAS, there exists justifiable reasons to waive the installation of said improvements at the present time;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. The required improvement for curbing and sidewalk as set forth in Chapter 197 of the Code of the City of Milford for the above property are hereby waived for installation at the present time.*
- 2. When in the future it is determined by the City of Milford in its sole judgment that it is appropriate to install said improvements, the property owner, its successors or assigns shall be required to complete said improvements at the owner's expense within the time required by the City of Milford.*
- 3. Waiver, as approved by the Milford City Council, on September 9, 2019, shall be reflected on the Site Plan.*

Motion carried.

Adoption/Resolution 2019-14/Sidewalk Waiver/A&E Property Solutions LLC/606 NW Front Street

Planning Director Pierce explained that this vacant property is directly east of 608 Northwest Front Street, where a new single-family dwelling will be constructed. Again, a temporary waiver, this property will be required to construct a sidewalk at the time described in the resolution.

Councilman Boyle moved to adopt Resolution 2019-14, temporarily waiving sidewalk requirements at 606 Northwest Front Street, seconded by Councilmember Peel:

*RESOLUTION 2019-14
 Sidewalk Waiver*

Property Owner: A&E Property Solutions LLC
Address of Property: 606 Northwest Front Street
 Milford, Delaware 19963
Tax Map No: MD-16-183.09-01-26.00.000

WHEREAS, the above stated owner has requested a waiver of the provisions of Chapter 197 of the Code of the City of Milford requiring the installation of curbing and sidewalks; and

WHEREAS, there exists justifiable reasons to waive the installation of said improvements at the present time;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. *The required improvement for curbing and sidewalk as set forth in Chapter 197 of the Code of the City of Milford for the above property are hereby waived for installation at the present time.*
2. *When in the future it is determined by the City of Milford in its sole judgment that it is appropriate to install said improvements, the property owner, its successors or assigns shall be required to complete said improvements at the owner's expense within the time required by the City of Milford.*
3. *Waiver, as approved by the Milford City Council, on September 9, 2019, shall be reflected on the Site Plan.*

Motion carried.

EXECUTIVE SESSION

Councilmember Peel moved to go into Executive Session reference the below statutes, seconded by Councilmember Culotta:

*Pursuant to 29 Del. C. §10004(b)(9) Personnel Matter
Pursuant to 29 Del. C. §10004(b)(4) Potential Litigation*

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:27 p.m. for the purpose permitted by the Delaware Freedom of Information Act.

Return to Open Session

Council returned to Open Session at 8:31 p.m.

Council Appointee Goals

Potential Suit

Mayor Campbell announced that no action was needed as a result of the discussion in Executive Session.

ADJOURNMENT

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

The Council Meeting adjourned at 8:33 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder