

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
November 12, 2019

The City Council of the City of Milford met in Workshop Session on Tuesday, November 12, 2019 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware at 6:31 p.m.

PRESIDING: Mayor Arthur Campbell

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

STAFF: City Manager Eric Norenberg, Lieutenant Gary Bailey and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

*Council Retreat Follow-Up:*

*Public Comment at Meetings*

Councilmember Marabello explained that a number of our residents want to have a voice and want to get involved in the matters before Council. He recalls when this was done when he was Mayor, and he feels it may have been abused a couple of times, but most of the time it ran very efficiently. On a number of occasions, no one signed up to speak.

There was concern express about permitting residents to speak about anything. Councilmember Wilson recalled when it was limited to the items on the Council agenda, and is concerned about some of the topics that could be discussed publicly. In many occasions, Council may not be familiar with the facts and know nothing about it at that time. In those situations, there would be a need for it to be postponed until the next meeting or referred to the City Manager or a Department Head.

She also recalled when it was first starting, people would come in and start complaining about other people and employees, which is why that had to be stopped and the rules were tweaked and it became discussion only about the items on the agenda.

It was confirmed that Mayor Campbell would have to control it and if someone started saying things that could have consequences, they would need to be stopped. In addition, to a time limit per person.

When asked if the comment would be permitted at the time the items comes up on the agenda, everything would then be subject to public comment.

Several scenarios were discussed about the manner in which public comment would be allowed.

Councilmember Boyle recalled there was a specific time set prior to the meeting, at which time any citizen could make a comment. Councilmember Wilson agreed it was done in that manner then.

Council agreed it was not a question and answer session. This only allowed comment by the public, but it did not involve a back and forth exchange. It was also agreed that any concerns would be redirected to the appropriate staff.

Councilmember Peel feels that a town hall meeting is a better format for people to come in and talk about things that concern them, then look for patterns and identify those matters that need to be worked on. She feels that having it at the beginning of the Council meeting, may be more frustrating.

Councilmember James pointed out that if there is no town hall meeting, he feels that a public comment session does need to be added at the beginning of the meeting. Regardless, if Councilmembers want to hear from their constituents, the town

hall format affords that opportunity in a greater way with dialogue, versus them having three minutes before a meeting that Council is unable to respond to.

It was agreed that each person would be limited to one, three-minute opportunity, but a maximum of fifteen minutes total.

Solicitor Rutt agreed that perimeters need to be established, otherwise it will end up being a free for all.

Councilmember Culotta said a town hall format is better because anyone can talk about anything. From that meeting, an item can be added to the agenda if necessary. If someone wants to comment on an agenda item, it can be done at the end of the meeting, three minutes per person, for a maximum of fifteen minutes.

He agrees we do not need a free for all at every Council meeting.

The City Manager referenced the Order of Procedure and Policy for how meetings flow adopted by City Council. That document will need to be amended to accomplish what Council wants to do.

He recommended that Councilman Marabello, City Clerk Hudson and he can meet and discuss the revisions, based on the discussion tonight. The document can then be brought back for consideration within the next couple of meetings.

#### *Live Streaming of Meetings*

Councilman Culotta recalled live streaming Council meetings so that our residents can have visibility when they are unable to be in attendance. In addition, those recordings can be accessed, including by the media, for reporting purposes.

He also recalled the 30/60/90-day project period.

Councilman Culotta likes that and believes we need to ask our IT Staff to come up with solutions and platforms to allow that.

Mr. Norenberg advised that the City Clerk had asked him to talk to some of the vendors at his annual conference he recently attended. There are a number of options that will need to be considered, adding there is a range of sophistication from one camera to one in which the video is broken up so that after the meeting you can go to the agenda item and connect to that related agenda.

In addition, there is a range of costs from very inexpensive to very robust and effective for Council and the public to have access later on. Some of the materials he requested are now trickling into Mrs. Hudson now and within the next month or so, there should be enough time to review the documents and provide a range of options.

He also recommended that Councilman Culotta be included in that process as well.

#### *Town Hall Meetings*

Councilmember James said that initially, there was a need to determine the requirements for holding a town hall meeting and that has been done. One of the major hurdles is there must be minutes. Advertising and preparing the agenda is not a big issue. However, minutes have to be taken.

Currently, the discussion is who will be taking the minutes. He feels there is a need to consider the additional burden to the City Clerk, which could be an issue considering the number of hours they work now because of the City's transcription needs.

Councilman James asked if minutes have to be taken by the City Clerk or the Deputy City Clerk and properly submitted; Solicitor Rutt said they can even be recorded. As long as the City keeps the tape and the trick to that is having the person that speaks identify them each time. Even if there is a back and forth conversation, they will need to say this is Mr. Smith again, this is Ms. Wilson again. He emphasized there is a need for identity and there ever is a question and the meeting will need to be transcribed, that is the biggest hurdle for court reporters who have to listen and transcribe minutes when they do not know who is speaking. In many cases, the transcripts often say 'unknown speaker'.

Mr. Rutt reiterated that the meeting can be just recorded but a good sound system is needed, as well as the recording in a safe place.

Councilmember Culotta pointed out, that also ties into the live streaming. Those recordings need to be stored but always accessible publicly.

Councilmember James also recalled the various levels of town hall meetings that can be considered, and whether they will be ward meetings or town hall meetings by Council as a whole. All of that is doable as long as FOIA is followed. So, either a ward town hall meeting could be arranged or a citywide town hall meeting.

When asked if it had to be at City Hall, Mr. Rutt said it can be held anywhere including the fire hall or a church or anywhere a large group can be gathered.

The City Clerk then pointed out the problem doing it off site is the recording aspect. He agreed the recording is the problem in that situation, though it could even be video taped by someone with a tripod and a camera, as long as they can pick up the sound.

Councilman James feels it would wise if the City would arrange for a citywide, full Council, town hall meeting. In the meantime, ward representatives can work out their individual ward town hall meetings.

It was agreed that a neutral location would be more appropriate in this situation.

Mr. Rutt confirmed that an individual Councilmember can meet with their constituents. However, any open meeting in which the public is invited, would fall under FOIA and a record of the meeting is required, in addition to agenda posting, etc.

It was agreed this would be done citywide and by wards as needed. Councilman James suggest that if individual Ward Representatives want to plan their town hall meetings, they can do that as long as they comply with FOIA. In the meantime, Council needs to decide when to hold the first citywide town hall meeting.

Solicitor Rutt agreed with Mrs. Hudson there will need to be some guidelines on how to maintain meetings and recordings. There needs to be a central depository for those because any minutes from any public body meeting, such as a town hall meeting, and someone wanted to hear the recording at a later date, has to be made available.

Councilman James said that the Solicitor and City Clerk need to provide the best practices on how to do this to prevent any errors

Councilman Boyle recommends they be made available on line, in addition to being a permanent record. Mr. Rutt will follow up with Chip Guy the Communications Expert in Sussex County. Their Council lives streams their minutes, but have hard notes as well.

The Planning Commission and the Board of Adjustment have their meetings recorded and he is the person in charge of FOIA and is very familiar with what is required to maintain those records.

Councilman Culotta added that should we use a third party for live streaming, they also provide cloud storage, accessibility, etc., all in compliance with FOIA.

Councilmember Peel said the other option, though she is not familiar with the related law, if there is virtual moderation, for example. She would also be interested if, in addition to the people in the room that are participating, that others be allowed to interact virtually and have the opportunity to pose questions and are read by a moderator that is managing the computer.

When asked how to contact the expert at Sussex County, Mrs. Hudson announced that Mayor Campbell will be attending the annual FOIA Coordinator Training with the City's Deputy Clerk next week and that he will be very happy to ask that question of the attorneys in the room.

Mrs. Hudson said she will be out of town at her mid-year board meeting and this will provide a great opportunity for Mayor Campbell to ask the panel of State Attorneys the several questions he has had over the past year.

#### *Workshop Meetings*

It was agreed this was handled and in fact, any item on an agenda, where there is insufficient time to properly discuss an item, it would be added to the next workshop for a deeper dialogue.

Councilman James explained the intent of this topic was to avoid having meetings until 10:30 or 11:00 at night, and rushing into a resolution because it has gotten late and everyone is tired.

Councilman Culotta agreed, adding that should that situation occur, action would be deferred and one of the Councilmembers make a motion to add to a workshop agenda.

Because of the resolution, no further discussion needed.

#### *Tree Removal/Delaware Avenue*

At this time, Councilmembers Culotta and Brooks recused themselves do to involvement of relatives in this situation.

When asked for comments, Councilmember Morrow pointed out it has been common practice for thirty years to remove trees on private property. He thinks we need to continue this practice until new rules and regulations are established. He recommends it be added to a workshop agenda and discuss it. In the meantime, any request that comes in needs to be acted on even though they don't come up that often.

Councilmember Peel said she feels we are reversing precedence.

Councilmember Morrow said we just need to keep doing what we are doing and then come up with some regulations and vote on those.

When asked what happens if another request comes in, Councilmember Morrow said until we take action and set rules and regulations with public hearings, what we have done in the past is our policy. That needs to be continued at this point.

Councilmember Marabello asked when the policy was established noting that this has been discussed for some time.

Councilmember James asked if our Code addresses this matter.

City Manager Norenberg explained that the question before Council involves private property and asked the Solicitor to comment on his research. In addition, the Public Works Director has worked with the Solicitor trying to articulate why it is not the public's responsibility to remove trees from private property.

Councilmember Peel pointed out that in 2015, the land was documented as City owned. Solicitor Rutt stated that someone at Public Works did that, though he is unsure why that was done.

It was confirmed the property is not documented as City property for tax purposes.

Councilmember Morrow only wants to be fair to the citizens and feel we should move forward with any current requests and does not want to do something, when someone else comes in and all of a sudden, we don't do it anymore. That could lead to a lot of other false accusations.

When questioned, Councilmember Peel noted that the monthly report written by J. Anderson of the City's Electric Department stated:

*11/2/15 & 11/3/15 Electric Crew removed 2 big trees on Delaware Ave due to being split to the base and dead (part of Cole Alley-City Owned)*

She asked how was it was City-owned in 2015 and not now and was it transferred or sold.

Councilman Marabello noted that this was written in error or the employee was incorrect unbeknown to her.

Councilmember Morrow thinks we are forced to continue with this practice until we can make new rules.

Solicitor Rutt explained this involves a 12-foot alley and referred to the map and photo included in the packet. He noted there are lots that front Delaware Avenue and lots that front East Clarke Avenue and the alley is showing as a paper alley on the subdivision. But there is no physical alley there and instead is a paper street.

Councilmember Wilson said that same thing occurred on North Street when the property owner was informed the tree was on private property.

Solicitor Rutt said he was unable to find any documents that corroborate the alley is or was City-owned. He said there are no property records that show the property was gifted to the City or that it was accepted to make it a completed gift or contract offer and acceptance.

Councilmember Morrow recalled the alley that Seawatch was granted.

Solicitor Rutt also advised that more than ten years ago, he litigated a case related to the alley in the area behind the tower. There was a decision by the Court of Chancery regarding the alley between had been the Banking House and Earl Francis' home. The courts ruled they were private alleys and were referred to as coal alleys because they served as an access to get coals to the rear of those homes.

He also shared that the definition of alley in the City Code (Subdivision Ordinance) is a service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Councilman Morrow recalled what the City did for the alley between the neighbors on Southeast Front Street and Warfel and Seawatch. Solicitor Rutt explained that was Evans Street, which required an official abandonment procedure. The same procedure was followed on West Clarke that extended onto the west side of Lakeview Avenue.

At the time, he and Mrs. Hudson recommended to City Council an easier way to handle such abandonments, though an ordinance was required. He noted that the City of Dover has a process called the abandonment of streets and alleys, unimproved.

Solicitor Rutt pointed out that the fact there is a tree in the alley demonstrates it was not used for public transportation. He suggests we look at the ordinances in other towns and set up a process to address these cases, regardless of what occurs tonight.

City Manager Norenberg expressed concern about the number of privately, owned alleys, forgetting what was done in the past, but consider the future obligations if we continue to provide this service. He asked if this will set a precedent going forward for the next forty years that will be much more expensive than what can be paid. He feels it is better to set a policy now that makes it clear.

Councilman Morrow argued the City set a precedent for the last thirty years.

Councilmember Peel asked if we have a policy for trouble service calls because that is what this is in response to. Mr. Norenberg said Jeff Portmann has no recollection of this and he stated he was unaware of this. Both employees involved in this situation are both gone. In fact, coal alley was misspelled and there are no utility lines that run through this area. He is unsure what facts determined this was the City's responsibility, though he is willing to do more digging.

Mayor Campbell asked for a motion.

Councilmember Morrow suggests we go ahead and cut this tree down and then put a hold on everything else because there are no other active requests. Councilmember Wilson recalled that six months to a year ago, an individual property owner

on North Street had inquired about a tree. They were told it was in an alley and it was that person's property and the City would not remove the tree and that it was the responsibility of the owner.

Councilmember Marabello asked how the City can answer another property owner that finds out a big tree is taken down by the City though they have a big tree that may even be closer to get to and how do we respond when this tree is being removed. Councilmember James agreed that is a very good question because we have already had other residents that have been denied the service.

Councilmember Boyle stated to Councilmember Morrow's point, there is no policy. He agrees we need to establish a policy that will encompass all similar situations within the City limits. If we decide it is not the City's responsibility because the tree is on private property at a certain point, from that day forward, that is the way it will be. Or, we can continue down the path this has been done.

Councilmember Morrow recommends we remove this tree and then put a moratorium on any future trees so we can get a handle on it.

Mr. Norenberg pointed out that is what the Public Works Director tried to do a month ago, but based on the precedent on North Street.

Public Works Whitfield stated that rightly or wrongly, a moratorium was put in place about three and a half years ago. At that time, he looked at each location and if it was an alley that was not open to the public, and he could find no property records the land had been dedicated or even offered for dedicated, he would not do anything with the tree.

Mr. Whitfield added there are similar situations where the City did not take the responsibility and the tree on North Street was even more evident because there was actually a building sitting in the middle of the alley so there is no way it was opened or used. Though there is no building that sits in the middle of this alley, the City would not have planted a tree there either.

Mr. Norenberg referenced the sheds that are partially or completely in the alleyway as well, which can be seen by the aerial view included in the packet.

When asked the premise for making the decision on North Street, Mr. Whitfield explained his background is actually in property surveying, in addition to dealing with alleys for more than thirty years. He had the same situation in the other municipalities though he dealt with it. A lot of people do not understand what an alley is, particularly when they are not open. When there is an alley, and the municipality has never accepted or used it, does not preclude someone's private rights. As a result, everyone within that subdivision still has the right of access to use that alley as they deemed fit.

Mr. Whitfield continued by stating an alley can be both public and it can be private. In all the maps he has looked at, there is no place that indicated this was a public alley. It just stated 12-foot alley. However, all the other streets that were public were shown as public right-of-ways. This one was not.

The Solicitor explained that because this subdivision is so old, the plat is very bare and does not show all the things that have to be added today.

Councilmember Peel confirmed the City has interpreted it to be private for the purpose of justification.

Solicitor Rutt also noted that DelDOT publishes a list of City owned streets and State maintained street within municipalities. This does not show up anywhere on the publication for Milford, even as an alley.

The presumption in these situations is that the adjoining landowners own to the middle and can maintain it.

Councilman Boyle said the description may not be consistent with the plat itself even though the dimensions are 186 feet. Then it shows the alley though there is something wrong. If it is private property, either the plat is wrong and the property line is really 192 feet. Or the plat is drawn incorrectly.

Councilman Peel said what has been done for the past three and a half years is acting on something operationally that there probably wasn't something in writing to say what the City was going to do. It was discovered based on Mr. Whitfield's expertise, but when City Council has to answer to this, there is a need to find legal justification because it is not written in the code. Her questions are should there be something added to prevent this type of debate or what do we do about all the people that were told no during that we are unaware of.

Solicitor Rutt agreed and he suggested that something is needed to address this. He also stated to Councilmember Boyle, looking at this documentation, there was a question about the lot itself and it is now the subject of a decree in the Court of Chancery from 2010, as to what that property is. If it was surveyed now and it was determined it is different, it does not matter because there is a court decree as to what those dimensions are and where it lies.

Discussions continued about proceeding with the removal of this tree, until such time this can be researched and a definite policy put in place.

Councilmember Wilson agrees, except for those that have already been denied by the City to remove the tree, based on the information the City Planner had at the time. She confirmed the tree is still there and there is an alley there.

It was agreed that whatever action is taken, should govern any open requests and not satisfied. The City cannot only remove this one tree without providing the same service to the other property owner.

Solicitor Rutt added that if Council approves the tree removal, permission will be needed to go across the property owner's land because there is no way to get there. The City will need to be very careful because large and heavy equipment will be needed with the hope no further damage is done.

Councilman Morrow suggests removing the tree that is already down. Mr. Whitfield agreed the crews will need to cross private property to get to the tree. The other problem is this tree is too large to be thrown into a chipper which will require a loader to go back and carry the large chunks out. His fear is the loader will cause a lot of yard damage in order to get back there. Councilman Morrow said the person who asked for the tree to be cut down, is the property that should be used to access the area and have them sign a waiver.

Councilman Boyle recommends that Council impose a moratorium on future requests, address these two trees and develop a policy to define these situations moving forward.

For the record, Mr. Whitfield said he has denied several trees over the last three and a half years and the most recent, involved Milford School District, so there are more than two trees that will need to be addressed, and possibly six to eight.

He stated that his decision was based on common property law, and in his opinion, it is private property and the City never had any jurisdiction over the property, therefore, he does not believe a policy is needed.

Council agreed it would be added to the next Council agenda.

There being no further business, the Workshop concluded at 7:38 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
November 12, 2019

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Tuesday, November 12, 2019.

PRESIDING: Mayor Archie Campbell

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

STAFF: City Manager Eric Norenberg, Police Lieutenant Gary Bailey and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:37 p.m.

INVOCATION AND PLEDGE

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

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

APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the October 14 and October 28, 219 Committee and Council Meetings. Motion to approve made by Councilmember Brooks and seconded by Councilmember James. Motion carried.

RECOGNITION

*Proclamation 2019-20/Pancreatic Cancer Day*

Mayor acknowledged Pancreatic Cancer Days is November 21<sup>st</sup> in the City as proclaimed in below document:

PANCREATIC CANCER DAY

*WHEREAS*, during 2019, an estimated 56,770 people in the United States will be diagnosed with pancreatic cancer, one of the deadliest cancers, and 45,750 will die from the disease; and

*WHEREAS*, pancreatic cancer surpassed breast cancer in 2016 to become the third leading cause of cancer death in the United States, and is projected to become the second leading cause by 2020; and

*WHEREAS*, pancreatic cancer is the only major cancer with a five-year relative survival rate in the single digits at just nine percent; and

*WHEREAS*, when symptoms of pancreatic cancer present themselves, when is generally in its later stages, 71 percent of pancreatic cancer patients die within the first year of their diagnosis; and

*WHEREAS*, with the lowest survival rate of all major cancers, approximately 180 associated deaths will occur in Delaware in 2019; and

*WHEREAS*, there will be an estimated 418,451 new pancreatic cancer cases diagnosed worldwide in 2020; and

*WHEREAS*, the good health and well-being of the residents of the City of Milford are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes and effective treatments.

*NOW, THEREFORE, I*, Arthur J. Campbell, Mayor of the City of Milford, by the power vested in me, do hereby proclaim November 21, 2019 as Pancreatic Cancer Day in the City of Milford.

*IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Seal of the City of Milford to be affixed this 12<sup>th</sup> day of November 2019.

#### MONTHLY POLICE REPORT

Police Committee Chairperson Wilson presented the monthly Police Report, acknowledging the work of our police officers due to increasing dangers in our community.

Councilmember Boyle suggested a minor formatting change in the report, related to written reprimands. In addition, Councilmember Brooks noted the department has 200 more complaints this year in comparison to last year. He also noted the substantial increase in arrests.

It was also shared the increase in traffic arrests may be the results of having five additional officers and a full complement, in comparison to the past two years. Councilmember Brooks then commented on the decrease in fines, though arrests have increased.

When asked the crime rate status, Captain Bailey said it is staying the same. He said the additional complaints entail service calls, because the department documents every call, not just crimes. He further explained that larger departments than Milford do not respond to smaller items though Milford responds to everything. That is why Milford's numbers always look higher when compared to others. He said Milford has its fair share of crime, though the higher numbers do not mean crime is on the rise.

Councilmember Brooks agreed that there are 60 more criminal arrests this year, which means there is a lot more criminal activity, to be honest. Mayor Campbell added that Chief Brown is now calling Council whenever something happens immediately, which Council appreciates.

When asked the main crime related to the increase in felonies, Captain Bailey believes it involves thefts which includes shoplifting and thefts due to the opioid problem throughout the country, though that is his personal opinion.

It was confirmed that the report compares the previous month compared to the previous month the year prior, and then the totals as of the end of that same month each year.

Captain Bailey then reminded Council the crime mapping map that Chief Brown discusses with Council is available for public view on the Police Department's webpage.

Police Committee Chair Wilson moved to accept the report, seconded by Councilmember Culotta. Motion carried.

#### MONTHLY CITY MANAGER REPORT

Mr. Norenberg referenced his City Manager Report, in addition to the number of updates in his Friday emails. There being no questions,

The City Manager also noted that the Public Works Crew completed the holiday lighting at City Hall and Finance for the Lighting Ceremony on Saturday, November 30<sup>th</sup> at 5:00 p.m.

Councilmember Boyle moved to accept the City Manager Report, seconded by Councilmember Peel. Motion carried.

## MONTHLY CITY FINANCE REPORT

Through September 2019, or 25% of the fiscal year, Finance Committee Chairman James reported the total of all funds are up \$4.4 million over August. Major changes a \$2.8 million increase in bank/cash/general fund, \$1.2 million increase in bank/cash/electric though there was a decrease of \$21,600 in water reserves and \$15,000 in electric reserves for a total decrease of \$35,000.

In addition, there was a \$92,000 increase in impact fees, of which \$42,000 came from water, \$25,000 from electric and \$24,000 from sewer.

The operating revenues are outpacing the expenses by \$5.3 million, of which \$4 million is real estate tax. In property taxes, 97.5% of the anticipates taxes have been collected. Currently, the City-wide net position is 11.79%. Removing the general fund (which includes real estate taxes) is 5.48% ahead.

Chairman James also shared that 97% of the overall property taxes have been collected and wonders if will be at a higher percentage of the anticipated property taxes and asked if Council can be updated on the current number of uncollected taxes.

Mayor Campbell said he asked Customer Service Supervisor Suzannah, who informed him that of the \$500,000 owed, we have collected \$416,000.

Chairman James then announced that UFS will be here Monday, December 12th to present the results of the Cost of Living Study. One of the main questions is what reserves are available that can be used for future needs of the City. In addition, do we have a good rate structure for our current customers in order to be solvent, as well as be able to recoup any future expenses that are needed to continue providing quality service to water, electric and sewer customers.

In addition, how this funding can apply to the safety of our community and the construction of new police station.

Chairman James also noted that a draft audit report will be provided in December for review so that questions can be asked before the final report is accepted.

Mr. Norenberg then confirmed the current balance the \$500,000 that was due on delinquent property taxes, the current balance is \$488,000 of which almost \$310,000 is still pending this year, which leaves a balance of \$178,000 from the prior years, though most of those property owners have entered into payment plans.

Chairman James moved to accept the September 2019 Finance Report, seconded by Councilmember Wilson. Motion carried.

## COMMITTEE &amp; WARD REPORTS

*Code Purple*

Councilmember Wilson announced that Code Purple is in effect due to recent and expected freezing temperatures. Avenue Church is again housing man and the Nazarene Church is housing woman and children.

She emphasized the need for volunteers to assist at those shelters in addition to clothing, coats, scarves and hats.

*LED Replacement Lighting Project*

Councilmember Culotta said he has received emails and texts from residents who are very pleased with the new lighting that has been installed. He then asked Public Works Director Whitfield when Walnut Street is scheduled. Mr. Whitfield explained that purchases have been made, though the equipment has not yet been received for Walnut Street, though it is a priority area and he hopes to have it started by the first of the new year.

## COMMUNICATIONS &amp; CORRESPONDENCE

Nothing to report.

## UNFINISHED BUSINESS

*Authorization/Kent Economic Partnership Annual Agreement*

City Manager Norenberg referred to the agreement in the packet that is expiring from last, in addition the proposed agreement for 2020. He and KEP Executive Director Linda Parkowski have worked out some minor communication issues and updates, which he has been providing Council through his Friday email updates.

Ms. Parkowski was in attendance and addressed Council following up from her presentation on October 28<sup>th</sup>.

She reported that the Retail Coach representative was at one of trade shows she attended. They also hosted a City Manager Meeting approximately 6 weeks ago, at which time Retail Consultant Rick Ferrell, was present and proposed to run gap analysis for each community participating with KEP at a proposed reduced cost, which will be a significant savings.

Ms. Parkowski again mentioned they will be updating the Rockport study next year, which will involve each community, as a countywide project. Rockport will also be providing a reduced rate for each community participating.

She concluded by saying her focus moving forward is healthcare, as she continues to work with the Wellness Center and Bayhealth in Milford.

Councilman James said he appreciates the efforts toward healthcare, but still has concerns adding that somethings will happen organically. Milford is already a healthcare destination to a large degree. When talking with constituents, they are talking about retail, shopping, entertainment, eateries, etc. He wants to satisfy their needs and wants, and hopes that there is a broader view beyond healthcare.

Ms. Parkowski agreed though she explained that when a company comes in today, they want to make sure the whole package. Though 75% of their focus is to obtain high paying jobs in this area, the other 25% is on retail and commercial, which will fill in once the jobs are available.

Councilman Culotta prefers City Council deciding on what direction to take and he feels healthcare is going to happen. Having relationships with particular buyers, that is still important.

Ms. Parkowski asked if organically 100 jobs will be created to fill the Wellness Center; that will not happen without marketing and promotion. She feels a healthcare office like Lessard is developing may come organically. But Milford is not going to get 100 to 150 jobs without any promotion, pitch or effort.

She feels there is a need for national companies in Milford and homework has to be done on the retail side as well.

When asked what KEP has accomplished this past year, Ms. Parkowski said this past year was building. There was no website, no phone calls coming in about economic development. A website had to be built and marketing materials were created. She traveled to nine different trade shows and marketed Kent County outside of the county.

Ms. Parkowski reiterated that Delaware is hard enough to be known, let along Central Delaware. The phone is now ringing, the contacts are coming in and no, there has not been any interest in Milford yet. However, they continue to pitch Milford. She currently has eight active projects to bring in 355 jobs and \$120 million worth of investment.

She also pointed out an interested company will take about two years to actually land here.

Ms. Parkowski then explained the detailed process discussed at the previous meeting.

In addition, Councilman Boyle added that though once the jobs are here, the other things, including retail, will happen. Though retail is a narrow focus, KEP has a broader focus and specialize in certain areas in different years, but not to the exclusion of anything else that comes along.

Councilman Boyle agrees it is a tough decision on where to spend the money and the results the City wants to get. In terms of business development, he believes it is realistic to expect this will take time.

Councilman James then talked about how some situations come to fruition quickly, while others take much longer. However, he does not believe it is advantageous to focus on only healthcare. There is the ability to do more than one thing at a time. Unfortunately, he does not hear anything except a focus on healthcare. He recalled earlier conversations about the many retail options that were available in Milford many years ago. In spite of that, there is a lot of that development in towns around Milford and he believes there is a reason why.

Ms. Parkowski agrees healthcare is not the only focus and the reason they are getting Rockport to refresh their study. Initially, they came up with three target areas—distribution/logistics/manufacturing, healthcare and business/legal services. She feels Milford could be prone for business and legal services, in addition to healthcare. Should a large number of healthcare jobs come in, the business and legal services will be needed.

She also reminded Council the Maryland's minimum is increasing in 2024. That provides Central Delaware a short window to target small to medium size manufacturers. She assured those present, that those calls are coming in to her office and they are pitching Milford, in addition to the other communities. It could still take two years, but an active project in Milford is more comfortable.

Ms. Parkowski said she is asking City Council to renew the contract at this certain rate. They budgeted for that amount and she promised that she will work as hard as she can. She had no idea up until three weeks ago there was any discontent with City Council so she was unable to overcome that in the past three years.

They plan to work hard and market and promote Milford to try and land something here. She asked that Milford stand with her for one more year to see what can be done together.

When asked what has been landed for Kent County, Ms. Parkowski said of the 8 projects, they are confident they will land 6 projects.

Councilman Culotta pointed out it takes six months to do a site plan. He agrees there needs to be some measurables and at least, we have talked to x amount of people and we have this opportunity. But in the short term, he agrees to renew the contract for one more year. He emphasized it will be reviewed from a business development standpoint to ensure it is working.

Councilman Morrow referred to Retail Coach, stating that he does not believe one person is able to do the work and he agrees we need to support this entity involved, in addition to the Chamber, Sussex County Economic Development, our Planner, etc. In addition, the ease of the planning process which appeals to most businesses especially in the beginning.

He does not think this is a bad investment when you consider a \$45 million budget.

Councilmember Peel suggested they provide updates to Council, just as the other entities the City supports do. Councilmember James agrees there is also a need to communicate to KEP what it is Milford wants.

Ms. Parkowski agreed to provide reports and provide data on inquires and this is what is being done in response, where she has gone to market Milford, etc. She is more than happy to be more communicative so that City Council knows what is going on first hand as it is developing.

Councilmember Peel moved to renew the \$30,000 Kent Economic Partnership contract for the next year, seconded by Councilman Culotta. Motion carried.

## NEW BUSINESS

*Introduction/Ordinance 2019-38/Chapter 230-Zoning/Sign Regulations*

City Manager Norenberg introduced the following ordinance on behalf of Planning Director Pierce:

**ORDINANCE 2019-38**  
CODE OF THE CITY OF MILFORD  
PART II-GENERAL LEGISLATION  
CHAPTER 230-ZONING  
SIGN REGULATIONS

WHEREAS, the regulating of signage throughout the City is necessary to balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, the need for adequate identification, communication, and advertising; and

WHEREAS, Chapter 230 of the Code of Ordinances provides for such regulations; and

WHEREAS, after a review of sign regulations, City Council has determined it is in the best interest of the City to update and further clarify regulations regarding the size, style, location, and maintenance of signage; and

WHEREAS, many of the present sign regulations have been in existence for many years; and

WHEREAS, recent amendments to State statutes regarding the regulation of signs require modification of the current City Code.

Dates:

Planning Commission Review & Public Hearing: November 19, 2019

City Council Introduction: November 12, 2019

City Council Public Hearing: November 25, 2019

(Complete version in Council Packet).

A final determination is scheduled during the Council Meeting on Monday, November 25<sup>th</sup>.

*Introduction/Ordinance 2019-39/Judith Diaz on behalf of The Chaney Center LLC/Conditional Use*

City Manager Norenberg introduced the following ordinance on behalf of Planning Director Pierce:

**ORDINANCE 2019-39**

Judith Diaz on behalf of The Chaney Center LLC for a Conditional Use for a Daycare on 2.09+/- acres  
in a C3 (Highway Commercial) Zoning Districts.

Property is located at the southeast corner of N Rehoboth Blvd and NE Front St intersection,  
addressed as 600 NE Front Street, Milford, Delaware.

Present Use: Shopping Center;

Proposed Use: Shopping Center with Daycare to be known as Little Bucs Learning Center.

Tax Map MD-16-183.07-01-029.00, -030.00

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing on November 19, 2019; and

WHEREAS, Milford City Council will hold a Public Hearing on November 25, 2019 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 allow a Conditional Use for a Daycare to be known as Little Bucs Learning Center as herein described.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

*Section 1.* Upon the adoption of this ordinance, Judith Diaz on behalf of The Chaney Center LLC is hereby granted a Conditional Use Permit to allow a Daycare to be known as Little Bucs Learning Center in accordance with the application, approved plans and any conditions set forth at the Public Hearings.

*Section 2.* Construction or operation shall commence within one year of the date of issuance of the permit otherwise the conditional use becomes void.

*Section 3.* Dates.

Planning Commission Review & Public Hearing: November 19, 2019

City Council Introduction: November 12, 2019

City Council Public Hearing: November 25, 2019

A final determination is scheduled during the Council Meeting on Monday, November 25<sup>th</sup>.

*Introduction/Ordinance 2019-40/Liborio Watergate LLC/Amended Conditional Use and Amended Final Major Subdivision*

City Manager Norenberg introduced the following ordinance on behalf of Planning Director Pierce:

**ORDINANCE 2019-40**

Liborio Watergate LLC for an Amended Conditional Use and Amended Final Major Subdivision of 47.39 +/- acres into a 276-unit subdivision consisting of 33 single family units, 10 single family units (court), 48 duplex units, 129 townhouse units, 56 apartment units, and 1 daycare center in an R-3 Zoning District.

Property is located along the east side of Marshall Street approximately 650 feet north of the Elks Lodge Road intersection, Milford, Delaware.

Present use: Vacant Land

Proposed Use: Planned Unit Development to be known as Watergate.

Tax Map: 3-30-11.09-030.00 & 031.00

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for an amended conditional use and for final approval of an amended plat; and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing on November 19, 2019; and

WHEREAS, Milford City Council will hold a Public Hearing on November 25, 2019 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 amended conditional use and amended plat, as herein described.

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

Section 1. Following adoption of Ordinance 2019-40, and upon the effective date, Liborio Watergate LLC is hereby granted an Amended Conditional Use and Amended Final Major Subdivision to allow 33 single family units, 10 single family units (court), 48 duplex units, 129 townhouse units, 56 apartment units, and 1 daycare center, in accordance with the application, approved plans, and any conditions set forth at the Public Hearings.

Section 2. Construction or operation shall commence within one year of the date of issuance of the permit otherwise the conditional use becomes void.

Section 3. Dates.

Planning Commission Review & Public Hearing: November 19, 2019

City Council Introduction: November 12, 2019

City Council Public Hearing: November 25, 2019

A final determination is scheduled during the Council Meeting on Monday, November 25<sup>th</sup>.

#### *Independence Commons Lot Sale/Minor Subdivision*

City Manager Norenberg shared the City has received an offer to purchase one acre of a three-acre Lot 16 at West Liberty Way. A buyer is interested in subdividing the lot into an one-acre and two-acre lot. The one-acre lot would be used for a medical office building and there is another offer for the two-acre portion, that could be a veterinary clinic/animal hospice.

The buyer has offered the standard \$100,000 for the one-acre portion in addition to covering the costs associated with the subdivision of the lot.

The conveyances for the development is prohibited without City (Council) permission.

This was presented to the Community and Economic Development Committee earlier to recommend authorizing the subdivision and proceeding with the sale of the lot.

Both the medical office, as well as the veterinary services are by right uses and would not have to return to City Council for any additional authorizations.

It was confirmed that all lots shown on the north side of West Liberty are one-acre lots established at \$100,000, which this buyer is willing to pay for the one-acre.

The City Manager confirmed that R&R Realty is handling the potential transaction and the potential buyer has already provided a down payment and signed the contract, included in the packet.

Councilmember Culotta moved to authorize the subdivision of Lot 16 on West Liberty Way, into a one and two-acre lot, seconded by Councilmember James. Motion carried.

#### EXECUTIVE SESSION

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

*Pursuant to 29 Del. C. §10004 (b)(9) for the purpose of discussing personnel matters in which the names, competency and abilities of individual employees are discussed.*

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:32 p.m. for the purpose permitted by the Delaware Freedom of Information Act.

#### *Return to Open Session*

Council returned to Open Session at 9:07 p.m.

#### *Personnel Matter*

Councilmember Wilson moved that subject to changes discussed in Executive Session, Council hereby authorizes Mayor Campbell to execute the agreement and the letter presented to City Council be accepted, seconded by Councilmember James. Motion carried.

ADJOURNMENT

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

The Council Meeting adjourned at 9:11 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder