

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
June 8, 2020

The City Council of the City of Milford convened their regular meeting by way of video conferencing on Monday, June 8, 2020. The meeting was available for public view and participation as permitted.

PRESIDING: Mayor Archie Campbell

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

STAFF: City Manager Mark Whitfield, Police Chief Kenneth Brown and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

In an effort to adhere to social distancing protocols and best practices imposed by Governor John Carney's State of Emergency Declaration effective March 13, 2020, the City of Milford has canceled all public gatherings until further notice. See June 8, 2020 Council Meeting Agenda and Packet for additional information.

#### CALLED TO ORDER

Mayor Campbell called the meeting to order at 7:01 p.m.

#### INVOCATION AND PLEDGE

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

#### APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the April 27, 2020 Council Meeting, May 11, May 18, May 20 and May 26, 2020 Council Meeting and Budget Workshops. Motion made to approve by Councilmember Brooks, seconded by Councilmember Culotta. Motion carried.

#### RECOGNITION

##### *University of Delaware Interns*

City Engineer James Puddicombe introduced the new summer Interns from the University of Delaware. Alex Beam is a Civil Engineer and Samantha Lee is a Construction Engineer that will be working on several projects that will be presented to City Council upon their conclusion.

#### MONTHLY POLICE REPORT

Councilmember Wilson presented the report on behalf of Chief Brown:

##### *Monthly Stats*

*Due to COVID-19 Pandemic and limited staffing throughout the month of May 2020, stats are extremely lower than normal.*

##### *Monthly Activities:*

*Throughout the month of May participated in numerous conference calls and virtual meetings in reference the COVID-19 and the Governor's Emergency Order for the State of Delaware. This includes weekly Fire and Police conference calls, calls with the Governor, monthly State and Sussex Chiefs meeting, COVID-19 JAG conference*

*call, City budget conference calls and Municipalities of Sussex Co. conference call and numerous calls with City Government Officials, the City Manager and the public.*

#### *Training -*

*All Training outside the department was cancelled except for firearms recertification for the Month of May 2020 due to the COVID-19 Pandemic. Officer have been assigned required training via webinars throughout the month.*

#### *SRO-*

*Due to the COVID-19 Pandemic all schools are closed for the remainder of the FY19-20 School Year. Community Policing officers have been supplementing shifts for the past two months. Sgt. Masten participated in an event sponsored by DPH/HMA and join them when handing out 50 kits of naloxone and educating the Milford community on same.*

#### *K-9 Unit*

*K9 Unit was sent to Dover to assist with the protest. While there, the K9 unit was utilized on a felony traffic stop of a suspect vehicle that had just shot at a Police vehicle and fled the area.*

*K9 Unit was utilized for crowd control after several shots were heard in on North Street. Upon arrival, the dog was utilized to help disperse a large crowd that had gathered.*

*K9 Unit was used on a traffic stop in which it alerted on T.16 that was found in the front passenger seat.*

*K9 Units were utilized to clear several businesses & residences throughout the month after finding open doors while on patrol or at the request of homeowners.*

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*K9 Units were utilized to clear several businesses & residences throughout the month after finding open doors while on patrol or at the request of homeowners.*

*Due to the COVID-19 Pandemic stats for the K9 Unit are still lower than usual for the Month of May 2020.*

Councilmember James asked what criteria is used when the K9 is dispatched or called into duty; Chief Brown advised it is usually for felony-level crimes. He added they have very serious criteria that has to be met before they can be deployed. However, the unit maybe used as a deterrent in some instances, such as a large crowd.

Councilmember Boyle moved to accept the report, seconded by Councilmember James. Motion carried.

#### MONTHLY CITY MANAGER REPORT

City Manager Whitfield referenced the report, noting that because of the early Council meeting, a number of staff were unable to complete their reports, though he will later provide that information.

He commented that even though there were no significant highlights, with everyone at home and the schools not in session, the City is collecting a lot more waste that must be taken to the transfer station. Because of that, the City will see a significant increase in landfill fees.

When asked if those additional costs have been incorporated into the FY21 budget, Mr. Whitfield said yes though more importantly, they are figured in on the year-end estimates.

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

#### MONTHLY CITY FINANCE REPORT

Finance Chairman James reviewed the April report noting the total of all funds decreased from March to April by \$1.1 million. The major decrease was in the cash bank balance of \$96,200, with the majority was the result of general fund expenses of \$582,000.

Cash in the sewer fund decreased from \$503,000 to \$299,000. The major portion of debt from the sewer fund was \$162,000 paid to Kuhn Construction for the USDA Shawnee Acres Pump Station Project and \$40,000 related to normal maintenance.

Reserves decreased by \$306,000, with expenses from water reserves of \$41,000 paid to Teal Construction for the Southeast Second Street Utility Project. Impact fees increased by approximately \$27,000 and Police/General Government Enhancement Fees by \$55,000.

For the operating budget, 83% of the year has now elapsed, with revenues at 84% and expenses at 73%.

Electric revenues are \$2.5 million over budget and water/sewer/wastewater revenues between \$900,000 and \$1.2 million are projected over budget this year.

Chairman James also pointed out the real estate property tax budget was \$4.15 million year to date with 99.9 percent collected.

The weakest area is in sewer revenues which are 10 to 11% below budget though all other areas are solid.

This year may be slightly better than last year, with a couple months left to go as revenues are expected to exceed expenses as is the norm.

He also noted the general fund budget increased by \$80,000 with \$10,000 added to Planning and Zoning legal fees and \$70,000 added to the Police budget for legal services as well.

When asked if delinquent taxes are included in the year-to-date total, Mr. Whitfield said he will get that information from the Finance and Customer Services Departments. Councilmember Marabello also asked Mr. Whitfield to confirm the \$140,000 has been paid to Carlisle Fire Company.

He also verified the final year of the three-year commitment involving restricted funding for the additional five police officers ends June 30, 2021.

Chairman James also asked for some information regarding the cost of service minimum cash for electric reserves and operating costs though UFS did not provide the number that should be kept in the reserve account. City Manager Whitfield explained that they do not break it out and only provided a lump sum they believe is needed in cash reserves though he, along with the Finance Director and City Accountant, will attempt to get additional information.

Because of the hold that has been on the payment of utilities as a result of Covid-19, the City is anxious to receive the criteria for paying back those past due utility accounts. The City Manager added that the Governor's staff has stated the criteria would be the same across the board with a minimum term related to the payback timeline.

He shared there is roughly \$275,000 in delinquent utility accounts in the City which will need to be addressed.

Mr. Whitfield confirmed the City began to send out delinquent notices the latter part of May which did spur some payments once customers understood their financial situations and many have already set up payment plans.

Councilmember Wilson moved to accept the April 2020 report, seconded by Councilmember Boyle. Motion carried.

#### COMMITTEE & WARD REPORTS

No items.

## COMMUNICATIONS &amp; CORRESPONDENCE

*Upcoming Annual Election*

Councilman Boyle reported that anyone not involved in the election, has probably not had the opportunity to observe the amount of work the City Clerk and Deputy City Clerk have been doing to encourage voter registrations, while purging the list to ensure it is updated. They have spent an enormous amount of time taking registrations over the telephone as well.

In addition, they followed up with the absentee ballot charge and prepared and mailed absentee ballot applications to all registered voters.

A couple of errors were reported to Mrs. Hudson who promised the voter that if necessary, they would call every voter personally to make sure they received their ballot. In his opinion, these employees have gone far beyond what was expected and he really wants to commend them on that work.

As a result, he feels the election will go smoothly thanks to their efforts.

Mayor Campbell said he has witnessed the amount of work they have done and no one would believe how many absentee applications were mailed out, and how organized the system was. He agrees they definitely deserve to be applauded and Council agreed.

Ms. Hudson thanked Council adding that the work was completed as a team.

*Truitt Avenue Extended Sign*

Councilmember James also thanked the City Manager and his staff for the quick action in getting a “Watch Children” sign installed for a new resident who has a child with special needs. He said that was very important to the family and appreciates it.

Councilmember Wilson also thanked Mr. Whitfield.

*City Engineer*

Mayor Campbell then expressed his appreciation to City Engineer James Puddicombe for coming to his aid with a number of recent concerns.

*Milford Senior Cruise*

Mayor Campbell reported that Chief Brown worked with Principal Jesse Parsley, along with the School Superintendent and himself, to make the event happen which has been scheduled for June 17<sup>th</sup>. Because Chief Brown agreed to change the route, the cruise can proceed.

Councilman James thanked those involved who allowed this long-standing tradition in Milford to occur.

Mayor Campbell thanked Chief Brown for riding around to ensure the route was safe.

In addition, Milford High School graduation has been scheduled on June 18<sup>th</sup> at which time the graduates will be social distancing with seating arranged over the entire football field at the stadium.

## UNFINISHED BUSINESS

*Status/City Funding/2020 Canceled Ladybug Festival*

A request was received from DMI Executive Director Trish Gerken related to the \$30,000 contribution received from the City for this year's event.

DMI President Peggy Reilly referenced the memo stating the Ladybug Festival will be deferred until September of 2021, to prevent any loss of funding:

*Dear Council, Mayor Campbell, and Mr. Whitfield:*

*Downtown Milford, Inc graciously accepted funds in the amount of \$30,000 for the Ladybug Music Festival scheduled for September 12, 2020. As an economic driver for Downtown Milford and a community celebration for the Greater Milford area and beyond, we believe in the value of the festival and appreciate your continued support.*

*After careful consideration and guidance from community stakeholders, it has become apparent health concerns due to COVID-19 will make it unsafe for us to gather together in person for the 2020 Ladybug Festival. With crowd participation expected to reach beyond 5,000 people, it does not seem feasible to be able to practice social distancing and CDC guidelines for gatherings.*

*DMI paid a deposit of \$5,000.00 to Gable Music Ventures on March 1, 2020 to secure our date and event. Currently, we have the remaining \$25,000 funds appropriated to this event. We were able to defer our 2020 deposit for a September 2021 event. It is our wish to be able to use the remaining funds for a 2021 Ladybug Music Festival.*

Finance Chairman James reported that at the last Council meeting, there was a decision made to budget the \$30,000 in the new fiscal year budget, but the \$30,000 earmarked for this year's festival should be returned to the City. He said there was a question about the \$5,000 deposit, and whether it would be returned to DMI.

President Reilly asked if Council is willing to defer the money until 2021. Councilmember James explained that has been taken care of through the allocation of that same amount in next year's budget. However, there may still be a need for a review and reconsideration of the amount next year, though at this point, that is Council's intent.

Ms. Gerken added that they wanted to make that formal request, though they also want to make sure the correct protocol has been followed.

Councilmember Marabello reiterated the \$30,000 is already included in the new budget for this purpose. He then questioned the reliability of the Gable organization; President Reilly said it appears they are very reputable though she has no guarantee. In addition, there is the potential they could lose the \$5,000 though they have asked for a 2021 date and are proceeding with plans and marketing materials.

When asked by the Solicitor the possibility of getting the deposit back, President Reilly noted that currently they are treating it as a deposit for the 2021 event, but are willing to inquire.

Mr. Rutt confirmed DMI received the assurance the deposit would go toward the next event and Ms. Reilly said it was documented as part of a series of emails related to the 2021 event.

Ms. Gerken also explained the \$5,000 deposit is normally required several months in advance to assist with the costs of the marketing materials and to secure the date.

It was agreed by Council that DMI should make the attempt to get the \$5,000 deposit back from Gable, understanding it must be paid several months prior to next year's event. In addition, the \$30,000 has been budgeted in the FY21 budget.

Ms. Reilly agreed to request the \$5,000 be returned and will then follow up with Council. Solicitor Rutt offered to provide an opinion as to the language in the contract related to the return of the deposit.

*Adoption/Resolution 2020-19/City of Milford Fiscal Year 2020-2021 Budget & Capital Program*

City Manager Whitfield presented the final resolution which adopts the Fiscal Year 2020-2021 budget, and reviewed the projected revenues, expenditures, debt services and capital services in accordance with the projected budget. He also included with the budget a memo with highlights and a report showing all related questions and answers from the past few months. He also commented how the current fiscal condition of the City is stable and the proposed budget is a balanced budget. However, there are some revenue sources that will need to be reviewed over the next year.

Mayor Campbell opened the floor for public comment on the resolution. No one replied and the floor was closed.

Councilmember James thanked City Manager Whitfield and City Accountant Sandra Peck for entertaining all the questions. He said this is his second budget and finds this process a much more transparent and informative one, particularly with the question and answer document, which can always be referred to at a later date.

He commended Mr. Whitfield and his team. Councilmember Marabello agreed adding it was the best budget process he has seen since he moved to Milford. Councilmember Peel added that this has been exceptional and appreciates the manner in which Council was able to view the various discussions that occurred throughout the course. She also applauded Mr. Whitfield for allowing the additional input from all his department heads and team. She feels there is a lot to be said to involve them, because they helped shaped the budget, which allowed a better understanding of their roles and fiscal responsibilities to the City. She is unaware of that ever happening to that degree and applauds his efforts.

The Mayor and Councilmembers concurred.

Mr. Whitfield commended Ms. Peck for the amount of time and effort she devoted to this budget, which included a number of night and early morning hours, as well as weekends, and appreciates her commitment to seeing this successfully completed.

Councilmember Marabello moved to adopt Resolution 2020-19, adopting the City of Milford Budget for FY 2020-2021, in the amounts outlined in the resolution, seconded by Councilmember James:

RESOLUTION 2020-19  
ADOPTING THE CITY OF MILFORD  
*FISCAL YEAR 2020-2021 BUDGET & CAPITAL PROGRAM*

WHEREAS, the operating and capital budgets of the City of Milford for the Fiscal Year 2020-2021 were prepared and submitted to the City Council by the City Manager in accordance with Article VI 'Financial Procedures' of the City Charter; and

WHEREAS, the City Council was presented with the proposed budget following a comprehensive study and review while meeting in public sessions on May 18, 2020 and May 20, 2020; and

WHEREAS, in the opinion of the City Council, the budget accurately, as possible, reflects the city's anticipated revenues and expenditures for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILFORD, that the City of Milford's Operating Budget for Departments shown under General Fund as Administration, Planning and Zoning, Code Enforcement and Inspections, Finance, Information Technology, Police, Streets Division, Parks and Recreation and Council; and the Water, Sewer, Sanitation and Electric Divisions was adopted and approved as the budget of the City of Milford for Fiscal Year 2020-2021 in the following amounts:

Operations and Maintenance - \$40,984,611  
Debt Service - \$1,092,770  
Capital Program - \$1,972,821  
Total Expenditures - \$44,050,201

A copy of said budget, is on file in the Office of the City Clerk, as was adopted by majority vote of Milford City Council on the 8th day of June 2020.

Motion carried by a unanimous vote.

## NEW BUSINESS

### *Bid Award/Account Authorization/NW NE Front Street Sewer Line Rehabilitation Project*

City Engineer James Puddicombe reported that three bids were received for the Northeast/Northwest Front Street Sewer Line Rehabilitation.

The lowest bid was contingent upon changing some of the material specifications, which is not permitted in a sealed bid process. Because of that, it could not be considered.

As a result, he is recommending the contract be awarded to Pleasants Construction, Incorporated in the amount of \$1,362,218.

The City Engineer also recalled a previous discussion regarding a need to amend the funding source from sewer reserves to sewer impact fees, because the majority of the work was the result of the increase in capacity.

The increase of \$273,894.85, will need to be added to the \$211,781, previously authorized for payment from the sewer reserves, for a total payment of \$485,675.85, and will now be funded from the sewer impact fees. The remaining amount will be funded by USDA Grants and Loans, as is indicated in the cost estimate included in the corresponding packet.

Councilmember Boyle moved to award the Northwest/Northeast Front Street Sewer Line Rehabilitation Project to Pleasants Construction, Incorporated, contingent upon USDA approval in the amount of \$1,362,218, and the authorization of \$485,675.85 to be paid from Sewer Impact Fees, thus eliminating the previous authorization of \$211,781 from Sewer Reserves, seconded by Councilmember Culotta. Motion carried with no one opposed.

### *Appointment/City of Milford Planning Commissioner*

Planning Director Pierce recalled that in January, a Planning Commissioner resigned from the seven-member board. A second vacancy will be occurring when another commissioner moves outside of Milford.

He reported that Mark Redden had expressed interest and previously submitted his application for the Board of Adjustment. Because of his background and experience as an architect, Mr. Pierce believes he will be an excellent candidate.

Mr. Pierce interviewed Mr. Redden and is recommending his appointment.

Mr. Pierce also shared there is presently no representation from the Fourth Ward though it has always been a goal of the City to keep equal representation from all four wards. Councilman James said he has been speaking to a potential candidate from the Fourth Ward who may be applying.

Councilmember Culotta confirmed the appointment of Mark Redden to the Planning Commission, to fill the remaining term left by Commissioner Ray Lynch, seconded by Councilmember Peel. Motion carried with no one opposed.

*Status/Milford Aquarium/William Pilecki*

Mr. Whitfield presented the following request from Mr. Pilecki:

*Please review the attached Contract between The City of Milford and the Milford Aquarium (see corresponding Council packet). Per the terms of the contract the City has the right of first refusal to purchase the contract for the sum of \$23,000. I have discussed this with Mayor Campbell and he has chosen not to make a decision.*

*Under the direction of Council, I am giving you thirty days to exercise your right of first refusal. If I do not receive a response by June 20, 2020, it will be deemed a waiver of the City's right to purchase and a consent for the Aquarium to sell the plan to a third party.*

The City Manager reminded Council the agreement was signed in 2016, at which time the City of Milford provided some funding toward the feasibility study that was done, but is no longer involved.

Mr. Rutt reviewed the contract which includes some provisions that he does not know happened or not. From his assessment, he concluded that several conditions were discretionary on the part of the City and the City is not obligated to do this.

Following a brief discussion, Councilmember James moved to decline the offer to pay \$23,000 and instead allow the aquarium organization to market and sell the plan, without any further involvement of the City, seconded by Councilmember Brooks. Motion carried.

*Introduction of Ordinances:*

*Ordinance 2020-15  
Code of the City of Milford  
Part I-Administrative Legislation  
Chapter 55-Personnel*

Mayor Campbell introduced Ordinance 2020-15, amending Chapter 55 entitled Personnel of the City Code.

City Manager Whitfield said this involves the clarification of items in the Personnel Ordinance and adds some minor language that relate to our current practices. It is scheduled to be adopted at the June 22, 2020 Council meeting.

*Ordinance 2020-16  
Wright Mortuary on behalf of Congregation of the Most High Yahvey, Incorporated  
Conditional Use to allow an Undertaker on 0.94 +/- acres in a C2 Zoning District.  
Property is located at 9 SE Second Street, Milford, Delaware.  
Present Use: Church; Proposed Use: Undertaker.  
Tax Map: 3-30-6.20-041.00*

Mayor Campbell introduced the Ordinance, noting this is the building is directly across from the City's Finance Department and was previously the Milford Moose Lodge, prior to them building off Kirby Road.

Planning Director Pierce provided a brief synopsis of the request. The Planning Commission will hear the application on June 16<sup>th</sup>, with a final public hearing scheduled before Council on June 22, 2020.

EXECUTIVE SESSION

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

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

*Pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation*

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:24 p.m. for the purposes permitted by the Delaware Freedom of Information Act.

*Return to Open Session*

Council returned to Open Session at 9:46 p.m.

*Personnel Matter*  
*Personnel Matter*  
*Personnel Matter*  
*Legal Matter*

No action required by City Council on the items discussed during the Executive Session.

ADJOURNMENT

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

The Council Meeting adjourned at 9:47 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder