

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
October 12, 2020

The City Council of the City of Milford convened in a Workshop Session by way of a video conferencing website on Monday, October 12, 2020 at 6:36 p.m.

PRESIDING: Mayor Arthur Campbell

IN ATTENDANCE: Councilmembers Daniel Marabello, Mike Boyle, Andrew Fulton, Todd Culotta, Brian Baer, Douglas Morrow, Jason James Sr. and Katrina Wilson

STAFF: City Manager Mark Whitfield, Police Chief Kenneth Brown and Deputy City Clerk Christine Crouch.

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 October 12, 2020 Council Meeting agenda for additional information.

*Proposed Riverwalk Development/Washington Street Property*

Mayor Campbell deferred to Planning Director Rob Pierce.

Mr. Pierce provided background which led up to the potential development. He recalled that in 2015, with the assistance of Arnett Muldrow & Associates, the City prepared the Rivertown Rebirth 2025 Master Plan which was the centerpiece to the City's Downtown Development District (DDD) application. The master plan proposed several large-scale mixed-use projects on various properties in the downtown area. These projects were to be focal points of the City's DDD application to the State of Delaware in 2016. One was associated with the Washington Street property, on the southern banks of the river, east of Washington Street and west of the bridge in Bicentennial and Memorial Parks. The project known as RiverPlace was identified as a key priority mixed-use project. Also noted is the areas currently protected by land.

Around the same time the DDD application was submitted, he was introduced to David Perlmutter by Senator Carper regarding his development on the river in Seaford. He then put out a request for proposals (RFP) in 2017 to engage interested developers on this city own land. Around the same time as the RFP was put out, the Planning Commission and City Council worked on some zoning code amendments to promote the mixed-use redevelopment along the properties along the river, many of which were noted in the river town rebirth master plan for these mixed-use developments.

Director Pierce then referred to various visuals, that showed River Place, a large four-story structure including outdoor seating and commercial on the first floor that encroached into the protected lands.

As a result of the RFP, only one submission from Milford Development Associates who was represented by David Perlmutter for a five-story mixed use structure with 40 apartments and a couple retail outbuildings. However, it did not meet the guidelines of the C-2A Category due to some height concerns. The submission also lacked some more detailed work. Many of which weren't provided by the developer, because there were too many unknowns at the time, mainly the impacts of the floodplain, a wellhead protection area and conservation easements. They then tried to navigate and figure out what footprint can actually be developed.

The developer then made a similar presentation being made tonight, to the Economic Development Committee in April 2017 and the committee was amenable with moving forward. The project eventually stalled due to some on anticipated costs associated with some of these obstacles and the developer also had other projects so this was not a priority at the time.

Because of the postponements, the progress with the river town rebirth master plan was reviewed. One of the updates in 2018 showed a possible recreational development redevelopment of this site, to provide more options of using the under-utilized space.

Director Pierce then referred to the new recommendations prepared by Arnette Mulder and Associates as well. The new recommendations included a playground, splash pad, public restrooms, a pavilion and other open space that could be used for the farmers market.

Going back to this past spring, Mr. Perlmutter reached out to the city and wanted to begin discussions again about the potential development of the property along the Washington Street waterfront. It was recommended bringing Mr. Perlmutter before Council to gain a consensus before moving forward with additional city resources.

He then asked Keith Fisher and Dave Perlmutter to present their plans and get feedback from Council.

Councilman Fulton recalled this being discussed by the Planning Commission and was looked at very favorably when it had the retail component. Director Pierce agreed, sharing that the zoning category prepared, C-2A, was really geared toward the mixed-use development. There are some caveats he will discuss at the end of the discussions tonight, in addition to height limitations as well, both by the Planning Commission and Council for the new category.

Councilman Fulton wanted to clarify that one of the things that really excited the Planning Commission was the mixed use/commercial capability.

Councilmember Boyle said he has some concerns, not about this whole concept being discussed. He thinks that first, it is necessary to disassociate this project from the discussion and re-examine the overall goal of the river town rebirth plan and either affirm it or decide we want to go in a different direction. He is afraid that by discussing this plan in detail, then it would carry almost an imprimatur with it and the developer would go to the Planning Commission and the Board of Adjustment and state that Council went along with it.

He does not think we are there yet and thinks, Council has to decide whether to follow the plan that was developed or deviate from it. He agrees with Councilmember Fulton and remembers the reviews as well, and there initially a lot of buzz about the retail and the plan was significantly more appealing that what is being presented tonight.

Councilmember Boyle said if this is a mixed-use plan for the area which is prime real estate. Now Council is being asked to throw it out the window and never be able to achieve the goals that we set forth in the plan and that is a concern. He does not sense a degree of urgency in it, but does believe there is a need to discuss it in greater detail.

Director Pierce explained that tonight, the thought tonight was just to hear the developer's interest. If Council prefers the original submission and are not opposed to sponsoring land conversion for some of the park land that is tied up and the reason why they scaled back the footprint and were forced to make changes.

Director Pierce prefers for Mr. Fisher and Mr. Perlmutter to provide their plans before any further discussion occurs on their proposal.

Keith Fisher explained that what Mr. Pierce explained is exactly what the intent was a few years back. This developer loves to do a mixed use. That is in their wheelhouse and continually tries to find opportunities to do that. This time around, they were faced with is a significant reduction in what is available in real estate. The easy part was to take a piece of property (referring to visual) and see what can be done with it.

To look at the second part as a potential phase to get back into the direction of the better plan that does includes the mixed use if they can get there.

Mr. Fisher said they have worked in other jurisdictions that have a lot of the same issues with state-funded programs/open-space parts to Marina project they are doing. They were able to work with state and local officials to help get to a point where that product hit all the goals. The idea here is to take advantage of the valuable real estate., that is prime real

estate and an incredible piece of property. The developer wants to do a high-end development, gated community, luxury amenities, etc. He believes it would fit into the fabric and would bring an incredible amount of support for the retail and the businesses that already exist downtown that that needs as much help they can get given the inherent times.

He commented this in a nutshell the overriding part of the plan. And they are here to garner feedback, understand concerns and help take this plan, so the next time they come through, to find a way that it hits those markers and it becomes something everyone can be proud of.

Dave Perlmutter then stated that when he came back in the spring to meet with Planning to discuss this project further, they realized they were dealt a smaller piece of real estate basically to work with. In looking at it and seeing what they wanted to achieve, this schematic plan was created for a luxury gated community. Something very similar was done in Seaford and have brought a drone flyover that will be added to the later presentation.

He thinks this will work perfectly, in his opinion, by calling it Phase One and is what they would like to propose. It will start here with the real estate. It will be easy to get through and not have to deal with the parks. While working that out, they could come through with Phase Two that would include the retail the city wants. and we could you know

Mr. Perlmutter emphasized this will be a gated, private community that would enable people to live downtown to walk to the retail, restaurants and enjoy the downtown area. And this would basically be the and we think this would be the start of the transformation along the riverfront. Their plan, like was done in Seaford and Salisbury, is acquire additional property.

He emphasized they are not here for this little piece of land and instead to do something similar to what has been done in Seaford where over \$15 million was invested along the waterfront. They are preparing to start Phase Three there and have assembled a lot more real estate that has basically transformed their downtown and believe that can be done in Milford as well.

Councilmember Boyle asked what are phases two and three in Seaford; Mr. Perlmutter responded that phases one and two have been completed in Seaford, that include 72 apartments along the riverfront. Another 36 units are being started and after that occurs, they have acquired the former city power plant from the City of Seaford and intend to redevelop that with a restaurant and more apartments along that portion of the riverfront. They have phases five through ten that include additional properties that head up to High Street.

He said a lot of the buildings that are no longer being used have been acquired with the intent to redevelop a four-block area in downtown Seaford from the riverfront up to High Street.

Councilmember Culotta asked if this was scaled back because of the current times due to the pandemic; to the point the other Council members made that it is very attractive as a mixed-use plan versus standalone apartments. Even though it will be at the high end, the intent is to have valuable real estate that is right in the center of downtown. Park Place Restaurant is within walking distance, as well as the amphitheater next to the library.

He would prefer what was part of the Redevelopment plan. He is talking the first level and if it needs to go higher, that is something that can be discussed with public input. But the mixed use to me is what he wants to see there and what was planned.

Mr. Fisher said that it is certainly easier to do a retail development, if you know there is people there that will come and support the retail. He feels the logical transformation for any developer is where are the people going to come from to eat the food, to buy the art and do those things. So, this being phase one would be a perfect opportunity to start, and get the people and have those retailers more comfortable with leasing and renting and going that route.

In addition, Mr. Fisher said it is also difficult for the current retailers that already exist in the downtown. That is a consideration about not wanting to jump in and make the bright new shiny thing the competition to those businesses and instead, bring the residents that can walk to and show.

Mr. Fisher said the second point, is they would love to build a ten-foot taller building and take this ground level and put retail in. That might be the simplest solution from their perspective. He also knows there is some connotations that people look at when they look at a five-story building. Given the land, that typography and the architecture, they believe there may be ways to make that work.

He said there are no question that walk out apartments at grade pose some issues from a security and privacy perspective. Putting retail on the ground level will separate that and create that vertical buffer. However, they did not want to come in here with a skyscraper, if you will, and be presumptive about that. They are not averse to either of those options.

Councilmember Fulton pointed out that without the multi-use attached to this, a lot will be lost from the Riverwalk. In his opinion, it would almost be a dead zone during most of the festivities by having a larger apartment complex there without the amenities for people to go to. Every festival encompasses the whole area.

The Councilmember then reviewed the various activities that occur during these celebrations from Park Avenue to the library to either end of both parks. Although he likes the idea the complex will be high end, he would not want lose all its retail value by becoming purely residential in that area.

Councilmember James concurs with Councilman Fulton. He said without it being mixed use, it does take away some retail. He is also concerned where the basketball court will be moved because a lot of people use it. This is an area that is used by all citizens of Milford, and by putting this there without any other retail opportunities, is only relevant to those that live in the apartments. The other uses will be taken away from all other residents and visitors.

He added that the basketball court is used regularly by multicultural, multi-ethnic groups of people and is actually a gathering place and coming together of the city. In addition, all the other festivals that occur in this area, including Police Night Out, will need to be available in some form or fashion.

Councilmember Fulton said that if the basketball court has to be moved, it needs to be relocated to a spot that's not going to flood will be destroyed every couple years. Councilman James agrees adding that it also must be moved where it will be available in walking distance to all those that use it.

Director Pierce added that when it was looked at in 2017 and started the process of trying to free up some of those lands, they considered moving the basketball courts to the Franklin Street property where Parks and Recreation is, or basically a block and a half south of its current location which would still serve the general area. But based on the compacted footprint, the basketball court could technically remain in place. The footprint they went with this particular proposal includes the unprotected lands that were part of the Washington Street water plant and not part of the recreational amenities that exist today. many of these that exists today. Instead it would impact the parking lot in the grassy space to the rear, up towards the Salvation Army.

The Planning Director pointed out that if Council wants to give some direction on whether they like the grander scheme of the mixed-use concept and would like to have the city to convert some park space for private development, were some of the things taken into consideration while preparing a Federal and State conversion request for the park area thus keeping that amenity in the neighborhood. The developer was also on board with contributing towards that and acknowledged that.

When asked about the original design and the brick facade were just conceptual, Mr. Pierce explained the drawings that were prepared as part of the river town rebirth are all conceptual.

Councilmember Marabello noted that it was very attractive, adding that this property would be directly across from the Milford Public Library and asked if it would be in harmony with the design and façade of the library.

Director Pierce stressed tonight is not an approval of the project, and only a discussion about whether to proceed with further discussions. Council can have more input later if they agree to go down that path. Anything that is seen tonight can be tailored. More details would be brought to Council with what is involved with any land transfer contracts.

Councilmember Culotta appreciates Mr. Fisher and Mr. Perlmutter and believes these are the type of investors Milford needs to attract. He thinks we can work with them though he is hearing that everyone wants to see some type of mixed use as the primary driver and the city should be flexible on what is needed to allow that to occur.

After confirming this is in the DDD, Director Pierce explained it was originally listed out as a key priority project in the city's application to the State of Delaware. They would receive priority funding from the State.

Councilmember Culotta said to that point, he recommends we be flexible and help out with the costs associated with soil samples and things like that. A lot of things you run into when you're developing close to the water the city could consider this being a true public private partnership. Mixed uses would allow that to really come together.

Mayor Campbell recalled the initial plan called for three to four story max and the key factor was the retail stores on the bottom level. Though it does not have to be a restaurant, it could be a small company of some sort. He then read an email he received from the Mayor of Seaford:

Hey Archie. I believe Davie Perlmutter is before you tonight. I'm letting you know how pleased we have been with his work in Seaford and the positive impact he has made in our downtown. Because of his investment, we have seen more business and the people love living at the residents. Mulford would benefit from the work they do. My two cents, Dave.

He recalled passing the complex adding they are very impressive and appealing, though Milford probably cannot go any higher than four stories, while the pictures presented are five stories.

Councilmember Culotta said that is the point he was making, and something that should be considered. However, that is something that can be later discussed that Council consider changing the code to allow for it if that is what is needed to make this project financially feasible.

Councilmember Boyle noted that as he stated in the beginning, we don't need to go down that track and need to reaffirm or dismiss the C-2A zoning. This is going that way and now are implying we will change things.

He disagrees and does not feel we can just throw the plans away because somebody comes in with something different. The zone was developed with a lot of forethought, a lot of research and it took a long time to put it together. Dismissing the C-2A for this area, is hampering our long-term ability to develop a vibrant and attractive riverwalk. And once it is gone, it is gone.

Councilman Boyle reiterated an apartment building is not going to enhance the intent of that riverwalk to bring people into town. A good vibrant downtown development district cannot be developed if we are going to turn this into a residential zone with no other amenities. In addition, there will be other problems that can be discussed later.

Councilmember Fulton added that just down the right from this area is the shipyard area. He believes the riverwalk was never attached to that property. Director Pierce confirmed the riverwalk extends to the edge of the shipyard, stops and starts again on Columbia. There is a need to go out on SE Front Street to pickup it up.

Councilmember Fulton agreed that a multi use added to an area with the riverwalk extending through that area would be a tremendous area. Then we still have large green park area.

Mr. Pierce confirmed there is another unrelated apartment site plan on Mispillion Street that was approved by the Planning Commission.

Councilmember Marabello recalled that several units were actually sold, and in 2008, everything stopped and that plan went away.

Councilmember James agrees with Councilmember Boyle there is a strong need to discuss the vision for the green space and what we want our parks to look like, etc. And what we want the downtown to be encompassed with. This is definitely one of those things that should be discussed at the retreat.

He feels this is not all a bad concept and believes it has some barriers that are going to be hard to reconcile in his mind and how much should be residential versus commercial uses and are we real hard and fast on it being mixed use. When thinking about the skyline, it is important to decide if three, four or five stories should be permitted and not tonight.

Planning Director also noted this is on the regular agenda for Council to give direction to city staff and asked if there are any additional comments from Mr. Fisher or Mr. Perlmutter/

Councilmember Boyle suggests moving this to a different time after the retreat. He does not want to rehash this entire conversation again and still not reach a consensus. He thinks more thought is needed to the planning of that area and the proposal presented is going to require many exceptions in order to be approved.

Solicitor Rutt informed Council that when Council get to that item on the agenda, if that is the feeling, he suggests a motion be made to postpone any further discussion until a future date.

There being no further business, the Workshop Session of Council concluded at 7:20 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Transcriber

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
October 12, 2020

The City Council of the City of Milford convened their regular meeting by way of a video conferencing website on Monday, August 10, 2020. The meeting was available for public view and participation as permitted.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilmembers Daniel Marabello, Mike Boyle, Andrew Fulton, Todd Culotta, Brian Baer, Douglas Morrow, Jason James Sr. and Katrina Wilson

STAFF: City Manager Mark Whitfield, Police Chief Kenneth Brown and Deputy City Clerk Christine Crouch

COUNSEL: Solicitor David Rutt, Esquire

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#### CALLED TO ORDER

Mayor Campbell called the meeting to order at 7:05 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 August 24, 2020 Council Meeting, September 14, 2020 Committee Meeting and Council Meeting and September 28, 2020 Committee Meeting and Workshop Session. Motion to approve made by Councilmember Marabello, seconded by Councilmember Fulton. Motion carried.

#### RECOGNITION

Proclamation 2020-19/Breast Cancer Awareness Month

Mayor Campbell presented the following proclamation, declaring the month of October as Breast Cancer Awareness Month:

Proclamation 2020-19  
Breast Cancer Awareness Month

WHEREAS, Breast Cancer Awareness month is a worldwide annual campaign in October, involving thousands of organizations, to highlight the importance of breast cancer awareness, education, and research; and

WHEREAS, according to the Centers for Disease and Prevention (CDC), breast cancer is the second most common cancer among women; and

WHEREAS, one in eight women in the United States will be diagnosed with breast cancer in her lifetime and it is estimated that in 2020, approximately 30% of all new women cancer diagnoses will be breast cancer; and

WHEREAS, on average, every two minutes a woman is diagnosed with breast cancer in the United States; and

WHEREAS, increasing the public's knowledge about the importance of early detection of breast cancer diagnosis and treatment can save lives; and

WHEREAS, as we display pink ribbons and wear pink clothing to raise awareness, we also support those courageously fighting breast cancer and honor the lives lost to the disease; and

WHEREAS, this October, we recognize breast cancer survivors, those currently battling the disease, friends and families of a diagnosed patient, and applaud the efforts of our medical professionals and researchers working to find a cure.

THEREFORE, BE IT RESOLVED, I, Arthur J. Campbell, Mayor of the City of Milford, by the power vested in me, do hereby proclaim October 2020 to be Breast Cancer Awareness Month in the City of Milford and urge all our citizens and employees to be tested.

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 October 2020.

### STAFF REPORTS

#### MONTHLY POLICE REPORT

Police Chairman Boyle presented the September 2020 statics and related matters, including in their submitted report as follows:

#### Monthly Stats:

A total of 652 arrests were made by the Milford Police Department during September 2020. Of these arrests, 157 were for criminal offenses and 495 for traffic violations. Criminal offenses consisted of 21 felonies and 136 misdemeanors. Traffic violations consisted of 87 Special Duty Radar, 6 Drunk-Driving charges, 399 other.

Police officers investigated 43 accidents during the month and issued 175 written reprimands. In addition, they responded to 1392 various complaints including city requests and other agency assistance.

#### Monthly Activities:

Throughout the month of August, 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, and Municipalities of Sussex Co. conference call and numerous calls with City Government Officials, the City Manager and the public.

On Vacation out of state from September 8, 2020 – September 13, 2020.

Attended the Delaware Police Accreditation Board Meeting held via Zoom on September 15, 2020.

Attended Brandywine Counseling Board Meeting held via Zoom on September 15, 2020.

Attended Milford Senior Center Board Meeting held via Zoom on September 17, 2020.

Met with Downtown Milford Incorporated (DMI) on Main Street on September 17, 2020, in reference to the Santa House.

Met with the Director of the Delaware Police Accreditation on September 22, 2020 to discuss the beginning stages of the accreditation process for the Milford Police Department.

Meeting with Councilman Boyle on September 25, 2020.

Meeting with Lt. Huey, Admin. Asst. Sessoms and PowerDMS on September 30, 2020, to discuss the Public Facing Documents module in PowerDMS.

Training –

Training outside the department was cancelled for the Month of September 2020 due to the COVID-19 Pandemic. Officers and civilians have been assigned required training via webinars throughout the month.

SRO –

Sgt. Masten assisted the Milford School District by completing the DEMA School Safety Assessments as required by the Delaware Comprehensive School Safety Plan for Milford Senior High School, Milford Central Academy, Benjamin Banneker Elementary, Mispillion Elementary, and Lulu Ross Elementary. These are annual assessments that are required to be done and submitted through the Safe Plans program Delaware schools utilize.

Sgt. Masten reached out to Rony Baltazar-Lopez of the Delaware Department of Justice about obtaining more information about their public information efforts in Spanish. The hope is to receive translated materials in Spanish from the DOJ about a wide variety of safety related topics (scams and frauds in particular) to improve our outreach on our social media platforms to our Spanish speaking community. The National Weather Service provides material in Spanish that we have begun to utilize during our sharing of hurricane/coastal storm alerts.

Sgt. Masten and S/Cpl. Bloodsworth attended the September Business Mixer for the Chamber of Commerce of Greater Milford hosted by the City of Milford.

K9 Unit –

For the month of September 2020 the Milford Police Department K9 unit had the following stats:

K9-1 (Mason)

- Building Search 2
- Area Search 1
- Drug Sniff 5
- No Bite Apprehension 1

K9-2 (Audie) - Attended 3 day NPCA Dog Certification course.

- Building Search 5
- Disorderly Group 1
- Drug Sniff 2

| <u>Seized Items</u> | <u>Amount</u>      | <u>Value</u> |
|---------------------|--------------------|--------------|
| • Other             | Drug Paraphernalia |              |
| • Marijuana         | 28.75 grams        |              |
| • Cocaine           | .41 grams          |              |

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

Chief Brown added that for the past four years, he has chosen to recognize the Breast Cancer Awareness campaign and in addition to having the officers switch to a pink patch every year, they are now selling pink patches, hats, shirts and stuffed dogs.

PowerDMS is the software used for policies and he just purchased the module that will allow certain policies be available to the public. His intent is to make a lot of policies available to the public and only withholding ones that would display some tactical positions and procedure that should not be made public.

Other than that, his intent is make all other policies on the website.

Councilmember Morrow moved to accept the Monthly Police Report, seconded by Councilmember Marabello. Motion carried.

#### CITY MANAGER REPORT

City Manager Whitfield explained that beginning tonight, the documents contains reports from each of the department heads, who will be providing a brief overview of their report. Any specific can then be asked.

Mr. Whitfield did report we are continuing with the IT Director selection. Staff met with the second candidate today and a lot of September was spent interviewing candidates.

The other item staff continues to work on is the ERP process with Plante Moran and gathering the specifications to go out to bid probably in December/January timeframe to get an idea of what a new system will cost.

It has been determined that Central Square is not in the best of financial shape right now. Because of that, our timing is good in terms of looking for a new ERP system.

#### Finance Director Lou Vitola

The August 2020 Fiscal Year-to-Date (FY21) Financial Report was distributed to Council.

While cash and investment balances remain strong, reserve requirements and funding commitments encumber a significant portion of the balance in each fund, most notably the General Fund, Sewer Fund and the Municipal Street Aid (MSA) Fund.

The annual property tax billing totaled \$4,220,414, of which nearly \$4 million has been collected through the date of this memo.

General Fund revenues are strong through the first two months of the fiscal year. YTD revenue as a function of the annual budgeted revenue is nearly 50%, but the figure is skewed by the annual property tax billing and the controlled recognition of transfers in and reserve-funded projects, which occur on a monthly basis and match budget expectations accordingly. Adjusted for property tax billing, incoming transfers and reserve-funded initiatives, YTD General Fund revenue is still a healthy 21.6% of the annual budget, while expenditures are being monitored closely, measuring well under two months of levelized budgeted expenditures.

Enterprise Fund revenues are likewise strong through the first two months of the year, measuring nearly 20% of annual budgeted revenue. However, July and August are peak electric usage periods measured against a levelized revenue budget. The same can be said for Water and Sewer revenues this time of year, depending on temperature and precipitation. Strong Electric and Sewer revenues are offset by purchased power and Kent Co sewer fees, respectively, that exceed their respective levelized expense budgets. Nevertheless, total expenses have been controlled well, such that July and August can still be characterized as strong for the enterprise funds in total, as revenues exceeded the levelized budget by 17.5% while total expenditures exceeded the budget by only 1.6%.

The FY20 Financial Statement Preparation and Audit process began in July and continued through September. We are currently in the testing phase after delivering the final FY20 trial balance to the auditors in September.

The Billing & Customer Service Department has continued its efforts to collect past due tax and utility balances.

Past due utility accounts are being monitored through the spectrum of the Modifications to the Governor's Declaration of a State of Emergency. Extended payment plans, COVID-19 relief funds, and referrals to charitable resources are being offered to customers experiencing COVID-19 hardships, while the disconnection process has been resumed for accounts showing sustained periods with no payments or attempts to establish payment plans. Past due accounts have improved to less than 800 and less than \$225,000, down from 1,286 and over \$540,000 on August 31, 2020.

Delinquent tax accounts are being reviewed to determine the best course of action for notification and collections. Several staff recently attended complimentary bankruptcy & collections training, which will assist us as we form a plan for escalated collection efforts, including the monitions process.

The annual Workers' Compensation Insurance audit is underway by our insurer, the DeLea Founders Insurance Trust (DFIT).

A Finance & Public Works Committee meeting will be scheduled in November per the direction at the September 14, 2020 meeting to hold standing meetings every other month.

#### Public Works Director Mike Svaby

- We are investigating how to more comprehensively handle vegetation and tree growth along power alignments and other infrastructure in the ROW.
- The Streets and Utilities Division is developing a schedule to be set in conjunction with the budget cycle to ensure resources are made available to fully meet activities.
- Staff is working in conjunction with the Planning Department to build a development coordination model which will be vetted and ultimately
- Operations and Fleet Staff are reviewing a proposal to install a bulk dispensing system for Diesel Exhaust Fluid (DEF).
- We were informed by the City's waste integrator, Republic, that DSWA has had critical increases in recycling contamination at the Milford transfer station. Public Works is building an information campaign to combat recycled waste contamination that is comprised of Public Service Announcements by internet, reverse 911 calls, television, radio, and public written posting locations.
- Public Works Director met with a student and Counselor at Milford HS regarding a student internship program. Following a brief orientation, the student will be given an assignment of mutual benefit in either Engineering and/or Technical Services Divisions of the Department.
- Contractor has completed the IT room at City Hall basement and began work on the restrooms.
- We had an evaluation done by EDiS on the DMI building. We are waiting on a report.
- Lovers Lane was paved this past week.
- The next phase of sidewalk inspections has been completed. Notices will be sent in October. Additionally, sidewalk invoices for work completed this past year will be sent in November.
- Staff continues to work on the Asset Management program for water and sewer.
- We have approvals from DELDOT for the waterline installation on NE Front Street. Project will be bid in October.
- Inspection work was done at Milford Ponds, Windward on the River, Simpson's Crossing and Brookstone Trace.
- Electric did infrastructure install at Windward on the River, service installs at Milford Ponds, West Shores and Brookstone Trace.
- A severe storm took out five electric poles on Airport Road on September 3. Electric crews worked through the night to restore power.
- We received our last hook truck and the various bodies. They have been invaluable since we received them.
- Public Works crews did a lot of work on storm clean up over the month, including chipping of brush put out by citizens.
- We sent our 3rd Class lineman to Northwest Lineman College for training.
- Public Works cleaned storm drains in September.
- All streets were swept last month, including weed spraying of curb.

- We had significant issues with pumps at the new Shawnee Acre pump station, which is under warranty. The issue was the soft starts on the motors. Presently only one pump is working and we have temporary by-pass set up in case of any failure.
- We switched electric from Delivery 1 substation at the beginning of September in order for Delmarva Power to replace poles on their transmission. We put all of the City's load onto Delivery 2 while the work was performed – and we were able to test all switching devices and perform maintenance in Delivery 1 while it was all de-energized.
- We had issues with the Fork Landing pump station. The issue was rags hung up in the pumps. • Several pump stations were cleaned by CES out of Delmar as routine maintenance.
- We lost the motor on well #13. Motor to be replaced next week.
- We continue to work on the well drilling at 10th Street.

Mr. Svaby then talked about any potential impact on rates due to the critical increase in the contamination at the DSWA transfer station, the immediate consequence of that is for our recycled loads when they are delivered to the transfer station. There really is no charge for us. However, there will be a charge for loads that have greater than 10% contamination of \$75 a ton, compared to \$85 a ton to dispose of ordinary trash.

That is the reason for plans to better educate the public about how to keep recycled waste uncontaminated. One of the biggest things causing that contamination is plastic in recycle containers. Many people are unaware that recycled waste has to be free of plastic bags and that will be a big part of the education campaign using the reverse 911 calling system and flyers.

However, it will the campaign will not only be about solid waste, but will span across all four of our operating divisions here.

Councilmember Boyle recalled the recycling schedule that used to be put out twice a year and included a section that listed all recyclables that were acceptable and suggesting reinstating that.

#### Planning Director Rob Pierce

- Through the first three quarters of the 2020 calendar year, the City has issued 170 new residential construction permits and 6 new construction permits for 144 apartment units.
- The total construction investment in Milford from January through the end of September based on issued building permits was \$60,695,636.
- The City of Milford has seen 70 projects with a committed investment of over \$22.1 million within the Downtown Development District (DDD) area since September 2016 (based on permit valuations from submitted applications). The State of Delaware has committed or awarded over \$2.67 million in grant funds for both large and small commercial and residential projects in Milford. The City has waived over \$345,000 in permit fees and taxes associated with these projects in accordance with Chapter 19 Economic Development and Redevelopment and DDD program guidelines.
- The Planning Commission reviewed and approved the Preliminary Site Plan for the 1st State Self Storage project located along the east side of Route 113 south of the Route 14 intersection and the railroad easement.
- The Board of Adjustment reviewed and approved a variance from the wetland buffer requirement for the 1st State Self Storage project along Route 113. The Board also approved a use variance to reestablish the former Young/McPherson Funeral Home on North Street along with an exceedance in lot coverage and reduction in the front yard setback.
- Staff reviewed and provided preliminary comments to DelDOT on the SR1 Ultimate Corridor Preservation Plan. Staff recommended DelDOT present this material to both the Planning Commission and City Council to gather feedback.
- Staff met with DelDOT to review the preliminary traffic model findings associated with the Southeast Neighborhood Transportation Improvement District (TID). DelDOT will be presenting these findings to the City Council in the near future before proceeding with cost estimates and conceptual design work.
- The City held the second public workshop for the Bicycle Master Plan Update on September 12, 2020 which was well attended by members of the community. The Bicycle Advisory Committee will meet virtually on October 15, 2020 from 4-6pm to discuss the public workshop, policy recommendations, draft facility types and locations and next steps.
- Staff attended virtual site selector training and networking provided by the Delaware Prosperity Partnership.

- The 200 NW Front Street Townhouse Project is nearing completion of its units along NW Front Street between N. Church Street and West Street. The project was a recipient of a Delaware State Housing Authority Strong Neighborhood Housing Fund grant and DDD Large project reservation and aims to provide new homeownership opportunities in the downtown area.
- The Milford Movie Theater continues construction with a targeted opening date by the end of the calendar year.
- The Microtel along SR 1 and Silicato Parkway continues site work and continues vertical construction. Target opening date is the Spring of 2021.
- The NE Tenth Street Medical Office Building continues construction at the corner of NE Tenth Street and Silicato Parkway.
- The Royal Farms location on US Route 113 has been demolished and the new building and site improvements are nearing completion.
- The first phases of the Bayhealth/Nemours medical office building on the Sussex Health Campus are nearing completion and additional fit-out permits for the second and third floor are under construction.
- Windward on the River began construction on 144 of their 264 apartment units within 6 buildings on their project site off of Beaver Dam Road.
- Simpsons Crossing should begin new home construction in late October or early November.
- The City received a Utility Feasibility Study request for a new residential development on the Draper Farm on Williamsville Road for approximately 250 residential units.
- We have continued to meet with KP through the end of our term and I've had several meetings with Linda Parkowski and other members of KEP this month they were part of that site selector.
- We've had some follow up meetings to come up with some good ideas of how to sell central Delaware.

#### Parks & Recreation Director Brad Dennehy

- Park staff opened up both playgrounds in early September (Can-do playground at Tony Silicato Memorial Park and the one behind Parks and Recreation building). At both playgrounds new playground mulch was spread, new hand sanitizer stations were installed, and new signage stating the COVID-19 guidelines were erected.
- Bathroom at Tony Silicato Memorial park was opened up after being shut because of COVID-19. During the course of the regular work week the bathroom is wiped down several times a day and is also cleaned by an outside cleaning company.
- New park guideline signs were installed in Bicentennial Park on each side of the pedestrian bridge.
- Bicentennial bridge was power washed and painted.
- A volunteer day was held on Goat Island with volunteers from Anchor Church and Boy Scout Troop 116 with over 600 linear feet of donated wood chips being installed on the walking trail.
- Overgrown brush was also removed on Goat Island and trash which had washed up under the elevated section of the boardwalk.
- September was a wet month for grass cutting and parks crews continued to play catch up from a wet spring and summer.
- The Department obtained a new 72" zero turn mower which was approved as part of the capital equipment plan and was badly needed.
- The overgrown area of Riverwalk from N. Walnut Street to S.W Front Street was cleaned up. This section had become overgrown and several days' labor went into cutting back brush and trees.
- A meeting was held with the Director of the Boys and Girls club to discuss winter programming and Department of Health regulations pertaining to accessing the gymnasium for youth sports.
- An online meeting was held with members and staff of the Delaware Nature Society (DNS) regarding a memorandum of understanding for future programming between DNS and Parks and Recreation.
- Director met with a paving contractor to discuss up and coming paving contracts, including estimates for both basketball courts and the parking lot adjacent to the Parks and Rec. building.
- The next stage of the 2020 Outdoor Recreation Parks and Trails application was filed. This is the State grant program and Milford has applied for funding for improvements to be made along the Riverwalk regarding lighting and handrail upgrades.
- New concrete was installed at the dog park in preparation for the new third section. A new

fence will be erected in October, thus creating a third area for “active” dogs, and allowing one section to be taken off-line for routine maintenance.

- New wood chips and mulch was installed in the park area where the farmers market is held in preparation for the regional job fair which was held September 28th.
- Youth programming returned in the form of flag football (ages 7-13) and a soccer clinic (ages U8-U12) offered over a five-week period which began late September. New coaches were hired for these sports. COVID-19 requirements have meant staff have had to navigate new protocols and procedures from registrations, waivers, hand sanitizing, cleaning of equipment, reduced numbers of participants, to enforcing the wearing of masks and social distancing.
- Construction of the bathrooms at the Park maintenance building (rear building at the old Armory continues).
- Park Superintendent began a twelve-week on-line Supervisor training program, and the Director obtained a pesticide applicator certification through the Department of Agriculture.

#### Human Resources Administrator Jamesha Eaddy

- Interviews were conducted for the position of Solid Waste Operator/Collector and the new hire’s first day of employment was September 8, 2020 with the Public Works Department.
- Interviews were conducted for the position of Information Technology Director and the top three candidates are scheduled for a City onsite tour on three separate days in October.
- Onboarded new hire for the position of Police Patrolman. The new hire’s first day with the Dover Police Academy is Sunday, October 4, 2020. Bilingual testing was conducted for Spanish proficiency in which the new hire qualified for the bilingual pay differential allowance.
- A pharmacist and technician from Rite-Aid came onsite to the Public Works Department and provided voluntary flu shots for City employees and their dependents covered under one of the four State of Delaware Health Insurance Plans.
- September 9, 2020 was the launch of the Delaware Municipal Supervisory Management Academy which was spearheaded by Milford in partnership with Wilmington University. In addition to participants from Milford, the program includes participants from Lewes, Kent County, Milton, Rehoboth, Newark, Newport and Seaford for a total of 25.  
Instructors: Dr. Frank Ingraham, Dr. Kathy Kennedy-Ratajack, Dr. Rob Rescigno, Jen Cohan, and John Yeomans  
8 Course Modules: Leadership, Managing Performance and Performance Appraisals, Employee Benefits and Onboarding, Strategic Planning, Managing Workflow and Budgeting, Motivating Employees and Customer Service, Quality Interviews and Candidate Selection, and Managing Conflict and Successful Supervision.
- The Reward and Recognition Committee will not plan the 2020 Holiday Party due to COVID-19 restrictions. In lieu of the holiday party, the City will provide a turkey for Thanksgiving and a ham for Christmas for City employees and applicable City boards.
- The Reward and Recognition Committee also partnered with the Greater Milford Boys & Girls Club for the Adopt-A-Family Holiday program in which City employees can volunteer to purchase an item from the family’s holiday wish list. Last year, we were able to purchase all items on that particular family’s holiday wish list.

Ms. Eaddy further explained that one of the needs across all the municipalities is supervisory training. Wilmington University partnered with the municipalities to provide eight course modules and instructors. It originally supposed to launch in May, but due to Covid-19, it was pushed back. The sessions are now conducted via zoom and include breakout sessions.

They hope to start the program again in January 2021 in order to get a full rotation of all the supervisors or anyone who may potentially be a supervisor in the near future.

Councilmember Boyle commended Ms. Eaddy for this initiative that will have maximum value to all the municipalities adding it is simple, but great idea.

MONTHLY FINANCE REPORT

Finance Chair James reported on a few highlights. The change in total enterprise reserve balances decreased by \$495,000, restricted cash is less restricted by \$792,000 which is a change in net reserve cash available positive of \$297,000. Net reserve cash available after all restrictions, as of the end of August, is approximately \$10,586,000.

There is a \$10,000 increase in the general fund revenue budget in the Planning and Zoning line item and he does not see an offset in the budget expenses. Though he is sure the Finance Director will speak to that.

Year to date general fund revenues are greater than expenses by \$3.9 million primarily due to the collection of property taxes though expenses will catch up as the year lapses. Enterprise fund reserves, total enterprise fund reserves, are greater than expenses on a year to date basis by a total of \$970,718.

Chairman James has made a request to Lou to work towards providing from the operating P&L perspective. We now have July and August behind us and we will now add the next ten months with adjustments, up or down based on how we're trending. He would like to have that as each month elapses though he understands the new Finance Director has a full plate right now and this is not something urgent but is something they will be working on.

Finance Director Vitola said he will need to follow up with Chairman James with an answer on the \$10,000 budget change in Planning and Zoning line item.

He then provided the following review:

Page one:

Tax investment activity is largely stable, especially the operating cash. Special purpose funds were consumed for their intended uses as budgeted, while water and sewer reserves were used mostly for Southeast Second Street improvements and some other reserve-funded capital as noted at the bottom of page one.

The impact the collections were strong in August, as a result of the permit activity across several different projects as previously mentioned in the Public Works report.

Page two:

Councilman James covered the reserves and the changes in the reserve balances from last month.

To be to be a little more detailed about his request for the future, the way this has historically been presented was through cash reserves. Only shown were the general fund, water funds, sewer funds and electric funds. Basically, the ending balance, as of the end of the month was reported as seem pm the page one.

Also, only all of the projects, activities and minimum cash requirements that encumber those balances are shown. Not shown are any prospect of any growth in those cash balances. It is very conservative but a finance report often is. But it is unrealistic, in the sense that there may be and could be some growth that would improve the uncommitted reserve balance.

It really first came to light when the last two boxes on the bottom right and middle were added and the municipal street aid reserves and realty transfer tax reserves.

In the case of municipal street aid, we know by the time the fiscal year starts, how much the state is going to provide in municipal street aid funding based on street mileage and the city's population. Not only is the balance shown at the end of the current month, we area also showing the receipts that fund is going to receive, then the projects that are encumbering that future balance to a more accurate picture of the uncommitted reserve balance.

That will be attempted in the general fund water, sewer and electric funds in addition to municipal street aid and real estate transfer taxes.

Other than that, not a ton of difference from the July report and the most notable differences coincide with the cash report itself and the changes in the ending balances.

Revenues across the board are strong in the first two months of the fiscal year. On page three, the general fund revenues are already 49% of the annual budget in just two months. Part of that includes the annual property tax billings as was previously mentioned and part is driven by transfers in which we record with equal monthly entries that correspond perfectly with the levelized budget.

Enterprise funds are showing ahead of the levelized budget, but only ahead because utility revenue and electric revenue, in particular, is naturally strong in those three peak months of July and August. The key with this style of revenue and expense reporting is to measure the degree to which the actual year-to-date revenues and expenses vary from the budget. Through August, actual revenues exceed the budget revenue by a far greater degree than the extent to which the actual expenditures exceed the budget.

One critical thing about the utility operation so far in the fiscal year is that they are operating in a positive margin, even after considering the transfers to the other funds, namely the electric funds transfer to the general fund.

His only caution is that it's still early in the fiscal year and part of the expense control is related directly to the City Manager's direction to staff hold off on non-critical capital spending until a clear picture of the city's financial position emerges.

Revenues are strong and expenses have been managed very well, but there are other purchases and other expenses that are likely to show up in the back end of the fiscal year.

He will not go detail by detail through the expenditures versus the budget. The same is true for the interservice departments.

Councilmembers James and Marabello both commended Mr. Vitola for provide the comprehensive information and is very pleased with the results.

Councilmember Marabello also referenced the line item for the Ladybug Festival funding and questioned the return of the \$30,000 and the current balance. Finance Director Vitola will follow up on that matter and provide the findings to Council.

Councilmember Boyle moved to accept the City Manager's Report and the Monthly Finance Report, seconded by Councilmember James. Motion carried.

Councilmember Boyle also commended the change in the City Manager's report and the addition of having his directors present their own report and feels it is an excellent opportunity to hear from them and appreciate the opportunity for Council feedback.

#### COMMITTEE & WARD REPORTS

Councilmember Culotta said he has received several complaints about speeders on South Walnut Street and the Police Chief addressed that and he got good feedback from his residents who are very happy with the response.

Councilmember James received a call from a constituent on Northwest Front Street. He is concerned about the character of the city and wants to know that public Works solid waste can be more proactive when they observe trash in the street, like big items. When they ride by in the truck and asked that they take on the back of the truck instead of waiting for someone to complain. In other words, just address it.

In addition, there are complaints about barking dogs though he didn't want to be the one to have to call the police on another neighbor. But the police have been seen riding by and hear the loud barking or other loud noises, simply address it because neighbors are reluctant to call the police.

This constituent also asked if there is a noise ordinance that prohibits loud mufflers on motorcycles or cars and is it enforced by the police.

This person is very interested in the city and does pick up trash and contributes to the cleanliness and good of the community.

Councilman James informed him he would bring it to Council and asked that it be addressed.

Councilmember Wilson asked if the City Manager had an opportunity to contact the owners of the Food Lion Shopping Center about the condition of their parking lot and in particular, the large potholes that are creating safety concerns.

Mr. Whitfield said that Planning Director Pierce has his enforcement staff reach out to the owners of the property.

#### COMMUNICATION & CORRESPONDENCE

##### *2019-2020 Municipal Electric Utilities Renewable Portfolio Standard/DEMEC*

The City Manager shared that DEMEC is required by law to make sure that all government bodies of their member municipalities receive this report. Should anyone have questions, he will pass them on to DEMEC.

##### *SCAT Update*

SCAT Dinner is scheduled November 4<sup>th</sup> in Ocean View. Please RSVP to the Deputy City Clerk no later than October 21<sup>st</sup>.

#### UNFINISHED BUSINESS

No items.

#### NEW BUSINESS

##### *Authorization/Draft Land Disposition Contract/Washington Street Property*

Director Pierce discussed the request, that was related to the earlier workshop session involving the Rivertown Rebirth 2025 Master Plan and the reduced footprint that now contains only multi-family residential units with no associated commercial.

Councilmember Boyle stated that based on the earlier discussion, he moved to postpone any action until a later meeting and allow City Council to dedicate some future time to evaluating the C-2A zoning district and either reaffirm or make changes.

##### *Council Retreat*

Mr. Whitfield then confirmed that he is still working with the facilitators of the upcoming Council Retreat to work out details and dates. He prefers to get sessions underway with facilitators and have a follow up meeting later.

##### *Funding/City Facilities/Citywide LED Project*

Public Works Director recalled that back in December 2019, City Council approved a recommendation to upgrade the City's current lighting situation to LED technology within all city facilities, funded with a mix of three different grant/incentive-based sources (almost \$91,000) and FY20 Capital Funding (\$30,000).

During the final walk through, it was discovered they originally undercounted several areas during their assessment of our facility. As a result, the material and installation costs increased by \$32,173.23. A revised rebate application has been

resubmitted to DNREC to reflect the recount and associated increase. On October 5, 2020, we received the attached notice that reflects a new rebate increased from \$10,702 to \$29,667. All materials have been ordered and are currently stored at the Public Works Facility.

Moving forward, staff recommends the professional services of EDiS to ensure the best installation practices for this project. With the increase in costs, related to the additional materials and professional services, \$19,904.15 is needed to complete the project. Fortunately, the increase in the DNREC Grant and the Green Energy Funds are sufficient to cover the updated costs, and provides the ability to replenish the capital funding used for the project.

Councilmember Marabello moved to authorize the additional funding request of \$19,904.15 and proceed with the installation of the LED material and professional services of EDiS with funding from the Green Energy Fund, seconded by Councilmember James. Motion carried.

*Adoption/Resolution 2020-28/City Holiday 2020 Schedule Modification*

*Adoption/Resolution 2020-29/City Holiday 2021 Schedule*

*City Manager Marabello then discussed the two resolutions, with regard to City holidays. Sussex County has Cancel the return day all day. That was slated for November 5<sup>th</sup>. Typically, City employees receive a half day holiday on that day.*

*What has been proposed, instead of having a half day on November 5<sup>th</sup> and December 31<sup>st</sup>, combine the two and provide a full day on December 31<sup>st</sup> and that is the proposal for the remainder of this year.*

*As was previously discussed, also proposed for 2021 is the observance of Juneteenth holiday. Because Juneteenth falls on a Saturday, staff proposes to observe the holiday on Friday, June 18.*

*Also, because Christmas falls on a Saturday in 2021, it will be observed on Monday, December 25<sup>th</sup>, since Christmas Eve is on Friday and that day is already a holiday. For New Year's Eve 2021, and New Years' Day is on Saturday, a full day holiday will be observed on Friday, December 31, 2021, in lieu of the 1/2 day for New Years' Eve.*

*He has talked with both unions who are in favor of the proposals.*

Mayor Campbell opened the floor to public comment on the two resolutions. No one responded and the floor was closed.

Councilmember Fulton moved to authorize the modification to the 2020 Holiday Schedule by adopting Resolution 2020-28, seconded by Councilmember Culotta:

RESOLUTION 2020-28  
MODIFICATION TO 2020 HOLIDAY SCHEDULE

WHEREAS, Chapter 55 of the City of Milford Code governs personnel policies for all City of Milford employees and is intended to inform employees with important information about the City's rules, policies, practices, and procedures, as well as educate them on their own privileges and responsibilities; and

WHEREAS, Chapter 55 has been modified and supplemented on many occasions since its enactment, and on April 9, 2018, following a review of notable amendments, it was recommended that City Council rescind Chapter 55, in its entirety, and replace with a new Chapter 55; and

WHEREAS, Section 7.3 of Chapter 55 of the City Code, entitled Holidays, currently states the City will grant holiday time off to all employees on all legal holidays, officially adopted and approved by the Milford City Council each calendar year and that all City offices shall be closed during designated City holidays; and

WHEREAS, the even-year Return Day is a four-hour holiday for employees, though associated festivities will not be held this year due to regulations and restrictions tied to the pandemic and concern for public health; and

WHEREAS, in lieu of the four hours of holiday time identified in the 2020 Holiday Schedule on that day, it is recommended employees work their regular schedules and that Council authorize its amendment by transferring those four hours to the New Year’s Eve holiday; and

WHEREAS, previously approved as a four-hour holiday, this combination will allow employees to enjoy a full-day, or eight hours of holiday time, to spend with family and friends; and

WHEREAS, City employees shall be granted holiday pay, or accrual time, in accordance with Chapter 55, or their respective collective bargaining agreements.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Milford, during a lawful session duly assembled on the 12<sup>th</sup> day of October 2020, by a favorable majority vote, authorize the following holidays, as amended, be observed from December 31, 2019 – January 1, 2021:

| <i>Holiday</i>              |            |  | <i>Holiday</i>           |                   |
|-----------------------------|------------|--|--------------------------|-------------------|
| New Year’s Eve (Four Hours) | 12/31/2019 |  | Election Day             | 11/03/2020        |
| New Year Day 2020           | 01/01/2020 |  | Veterans Day             | 11/11/2020        |
| MLK Jr. Birthday            | 01/20/2020 |  | Thanksgiving             | 11/26/2020        |
| Presidents Day              | 02/17/2020 |  | Day After Thanksgiving   | 11/27/2020        |
| Good Friday                 | 04/10/2020 |  | Christmas Eve            | 12/24/2020        |
| Memorial Day                | 05/25/2020 |  | Christmas                | 12/25/2020        |
| Independence Day            | 07/03/2020 |  | New Year’s Eve           | 12/31/2020        |
| Labor Day                   | 09/07/2020 |  | <i>New Year Day 2021</i> | <i>01/01/2021</i> |

Motion

carried.

Councilmember Fulton moved to authorize the 2021 Holiday Schedule by adopting Resolution 2020-29, seconded by Councilmember James:

RESOLUTION 2020-29  
AUTHORIZATION OF 2021 HOLIDAY SCHEDULE

WHEREAS, Chapter 55 of the City of Milford Code governs personnel policies for all City of Milford employees and is intended to inform employees with important information about the City’s rules, policies, practices, and procedures, as well as educate them on their own privileges and responsibilities; and

WHEREAS, Chapter 55 has been modified and supplemented on many occasions since its enactment, and on April 9, 2018, following a review of notable amendments, it was recommended that City Council rescind Chapter 55, in its entirety, and replace with a new Chapter 55; and

WHEREAS, Chapter 55, Section 7.3 of the City Code, entitled Holidays, currently states the City will grant holiday time off to all employees on all legal holidays, officially adopted and approved by the Milford City Council each calendar year and that all City offices shall be closed during designated City holidays; and

WHEREAS, City employees shall be granted holiday pay, or accrual time, in accordance with Chapter 55, or their respective collective bargaining agreements.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Milford, during a lawful session duly assembled on the 12<sup>th</sup> day of October 2020, by a favorable majority vote, authorizes the following holidays be observed from December 31, 2020 – January 1, 2022:

| Holiday                    | Date Observed      | Day             |
|----------------------------|--------------------|-----------------|
| <i>New Year’s Eve 2020</i> | <i>December 31</i> | <i>Thursday</i> |

|                                  |             |          |
|----------------------------------|-------------|----------|
| New Year's Day 2021              | January 1   | Friday   |
| Martin Luther King, Jr. Birthday | January 18  | Monday   |
| President's Day                  | February 15 | Monday   |
| Good Friday                      | April 2     | Friday   |
| Memorial Day                     | May 31      | Monday   |
| Juneteenth                       | June 18     | Friday   |
| Independence Day                 | July 5      | Monday   |
| Labor Day                        | September 6 | Monday   |
| Veterans Day                     | November 11 | Thursday |
| Thanksgiving                     | November 25 | Thursday |
| Day After Thanksgiving           | November 26 | Friday   |
| Christmas Eve                    | December 24 | Friday   |
| Christmas                        | December 27 | Monday   |
| New Year's Eve                   | December 31 | Friday   |

Motion carried.

*Adoption/Resolution 2020-30/Scheduling of Public Hearing/Police Facility Borrowing Referendum*

City Manager Whitfield referenced Resolution 2020-30 that sets the date of the public hearing for the potential bond issue for the new police station.

He then reviewed the provisions of the borrowing adding that the public hearing is scheduled for December 14<sup>th</sup>. The City Charter requires the vote on the ordinance no more than 30 days, but no less than 60 days from the time of the public hearing and its adoption.

The public hearing was pushed to December 14<sup>th</sup> to allow the schedule of having the vote the end of January 2021. It will also provide time for the Finance and Police Committee to discuss various funding options at their respective meetings during the month of November.

Adopting this resolution does not mean that Council is approving the \$20 million at this time and that action will be needed at a later date.

The floor was opened for public comment on the resolution. No one responded.

Councilmember Fulton moved to adopt Resolution 2020-30 scheduling the public hearing for the proposal borrowing of up to \$20 million on December 14, 2020, seconded by Councilmember Morrow:

RESOLUTION 2020-30  
 AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS  
 IN AN AMOUNT NOT TO EXCEED \$20,000,000 AND  
 SCHEDULING OF PUBLIC HEARING ON DECEMBER 14, 2020

WHEREAS, the City Council of the City of Milford, Delaware (“Council”) has been advised that up to \$20,000,000 is required to finance the design, construction, and equipping of a police station and to complete other necessary infrastructure improvements in connection therewith as well as other miscellaneous capital projects (the “Capital Project”).

WHEREAS, the Capital Project is expected to be financed through the issuance of the City of Milford General Obligation Bonds, in one or more series or subseries (the “Bonds”).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILFORD:

The Council hereby proposes unto the electors of the City that an amount of money not exceeding \$20,000,000 (exclusive of original issue discount) be borrowed to pay for the costs of the Capital Project and to pay the costs associated with the financing. The borrowing is expected to be accomplished through the issuance of the City's General Obligation Bonds, in one or more series or subseries.

The average rate of interest on the Bonds shall not exceed 5%.

The Bonds shall be secured by the full faith and credit of the City.

The Bonds shall be paid or funded from the tax revenues of the City.

The City be authorized to use the proceeds of the Bonds to fund the Capital Project and will be authorized to use a portion of the proceeds of the Bonds to pay costs associated with the issuance of the Bonds.

The City Council hereby establishes that a Public Hearing upon this Resolution and the proposed borrowing described herein shall be held on Monday, December 14, 2020 at 7:00 p.m. in the Joseph "Ronnie" Rogers Council Chambers at Milford City Hall located at 201 South Walnut Street, Milford, Delaware 19663 (the "Public Hearing Venue"), and hereby directs that notice of such hearing be published and posted as required by Article VIII of the Charter of the City of Milford. If the Public Hearing Venue remains closed to the public on the date of the Public Hearing, the City Council reserves the right to host the meeting virtually.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 12<sup>th</sup> day of October, 2020.

s/Mayor Arthur J. Campbell  
Attest: s/City Clerk Teresa K. Hudson

Motion carried by unanimous roll call vote.

#### EXECUTIVE SESSION

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

Pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements, or sales or leases of real property

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:28 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

Return to Open Session

Council returned to Open Session at 8:49 p.m.

Councilmember Fulton moved to authorize payment of \$35,000 from water reserves as discussed in Executive Session discussion, seconded by Councilmember Culotta. Motion carried.

ADJOURNMENT

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

The Council Meeting adjourned at 8:51 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Transcriber