

MILFORD CITY COUNCIL
MINUTES OF MEETING
October 26, 2020

The City Council of the City of Milford convened in a Workshop Session by way of a video conferencing website on Monday, October 26, 2020 at 6:06 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 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 October 26, 2020 Council Meeting agenda for additional information.

Proposed Riverwalk Development/Washington Street Property

Planning Director Rob Pierce provided the following history and review of this matter:

In 2015, with the assistance of Arnett Muldrow & Associates, the City developed the Rivertown Rebirth 2025 Master Plan which was the centerpiece to the City's Downtown Development District (DDD) application. The downtown master plan proposed a mixed-use development along the southern banks of the Mispillion River between Washington Street and the Memorial Park bridge called RiverPlace (see page 19 of the master plan). Several of the large-scale projects proposed in the downtown master plan were focal points of the City's DDD application to the State of Delaware in 2016, for which RiverPlace was identified as a Key Priority Project.

In 2017, the City solicited proposals for the development of this land along the Mispillion River in downtown Milford (see Exhibit A and Exhibit B for location). The purpose of the Request for Proposals (RFP) was to seek qualified developers to construct a mixed-use project consistent with the recommendations of the City's Downtown Master Plan. Around the same time, the City's Planning Commission and City Council developed the language for the C-2A Riverfront Development zoning category to promote these mixed-use development recommendations (see enclosed for copy of C-2A zoning code).

As a result of the RFP, staff received one land development proposal for a five-story mixed-use project with commercial on the first floor and forty (40) market rate apartment units above. The proposal included amenities for the residents, including a fitness center and rooftop terraces, and included two additional retail buildings along the Riverwalk. The proposal did not meet the height requirements under the C-2A zoning code. Additionally, the proposal lacked the requested scaled site plan drawings, floor plan dimensions, detailed work plan and schedule. Many of these were not provided because the developer believed the project site contained too many unknown variables that would have an effect on the eventual development of the site. These included the 100-year floodplain, a well-head protection area, and lands that are currently protected through the Delaware Trust Fund and Land Water Conservation Trust Fund. The developer was unsure of the exact footprint that was available for development and the City would need to work with DNREC and the federal government to relocate the protected lands in order to make the property viable for mixed-use development.

The developer made a presentation to the City's Economic Development Committee on April 24, 2017 (see enclosed minutes). The Economic Development Committee was amenable with moving forward with the Land Disposal Contract for the mixed-use development, but the project eventually stalled due to unanticipated costs associated with the open space conversion (approximately \$50,000 for archaeological studies and appraisals), the unknown of whether the conversion

would be approved by the federal government and the developers need to focus on projects in Seaford, DE and Salisbury, MD.

As a result of stalled discussions, the City pivoted on its long-term vision for this property. In 2018, a “Downtown Roadmap Report” was prepared by Arnett Muldrow & Associates to assess the master plan implementation success and make new recommendations to enhance downtown redevelopment efforts. Appendix 7 of the Roadmap Report (see attached) proposed recreational enhancements on this property including a new playground, splash pad, public restroom, and an open-air pavilion that could be used during festivals and the farmer’s market. These recommendations for repurposing the Washington Street property for recreational use were made a part of the City’s Strategic Plan later that year.

The site is impacted by a well-head protection area (Exhibit F) and the 100-year floodplain (Exhibit E). The City intends to discontinue the use of the existing well due to age and structural issues and any development of the property would need to adhere to the City’s floodplain ordinance either by elevating the structures or placing fill within the floodplain.

As shown on Exhibit G, the unprotected areas of the targeted development area are limited to 0.88 +/- acres of land. If additional land is needed to develop a proposal similar to what was shown on the Rivertown Rebirth Master Plan, the City would need to submit a land conservation conversion request to the State and Federal government. The conversion request would require us to identify replacement land that would offset the monetary and recreational value of the conversion site. Staff identified one of the business park lots adjacent to Silicato Memorial Park on E. Liberty Way as a possible replacement site. Additionally, any recreational amenities removed by the conversion would need to be replaced. Staff had recommended relocating the existing basketball court to the Franklin Street parks & recreation facility at the cost of the developer.

The conversion application requires sign-off from several State and Federal agencies, including US Fish and Wildlife, DNREC Fish & Wildlife, USDA NRCS, DNREC Delaware Coastal Management Program, DNREC Division of Water Resources and State of Delaware Historic Preservation Office. The City solicited letters from all State agencies back in 2018 and received a request from the State Historic Preservation Office to perform a Phase I Archaeological Study of the conversion site. Staff estimates this to cost approximately \$30,000 to complete. Depending on the findings of the study, the State Historic Preservation Office could sign-off on the conversion request or request additional studies.

In addition to the \$30,000 study, the City would have to perform appraisals on the conversion site and the replacement site to determine value. The cost of the appraisals would be approximately \$5,000.

Development on the Washington Street property would be controlled by City Council, including details related to cost, reimbursable expenses, architectural reviews, land uses, etc., all of which would be outlined in a Land Disposition Contract between the City and any developer.

Mr. Pierce said he is seeking guidance from City Council on whether to entertain land development proposals on the Washington Street property, and if so, to what extent, or whether City Council would like to keep the property as open space and explore other recreational amenities.

City Manager Whitfield said one of the reasons they wanted to bring it back to Council so soon is because there are two somewhat conflicting reports and recommendations. It was a previous Council that endorsed these and is the reason it is being brought back to the current Council to see what direction they want. He also thinks we also owe the developer some answer in terms of whether the city is even interested in entertaining any type of development. From the City Planner and his standpoint, public land is always somewhat hard to come by. Giving up public spaces is difficult to do, but it depends on what Council wants to see in terms of any future development, whether it be recreational or economic.

Councilmember Culotta stated that his initial thoughts were that apartments alone, would not work. He wants to see a mixed-use situation. But in that time, he has spoken to many residents, as well as the comments on Facebook and when Milford Live reported it.

His personal thoughts are there is only one chance to utilize open space. And once that is gone, it is gone forever. He would like to see it remain open space, or a portion of it. He would like the basketball courts remain where they are and some type of Can-Do Playground or similar, that would attract families and foot traffic to our downtown.

Councilmember Morrow said he was around when this was first considered. He recalled the plan was to keep the majority of the project open space with a nice splash pad and some chairs around. He is more favor of keeping it open space and he thinks it is too small after going down there and walking around.

He said it is too small for a three, four story development. He would like the basketball court stay and a splash pad like Bethany Beach has. He also would like a good spot for food trucks when we have festivals, adding it is the center of town for events.

Councilmember Morrow feels it should be open space especially if the developer is getting it for free.

Councilmember Fulton would like to see stay open space with recreation being the key factor. With it being open space with the city fairs and other events, will attract more family usage and more people downtown. He feels the apartments discussed do not fit within the downtown area.

Though he understands that Seaford is doing quite well with these developers, that is not the area for them to start developing. He suggests they perhaps consider the old firehouse and do something with that down the road, but not in this area.

Councilmember James concurs with the other three councilmembers who have spoken. This is an area that is currently used frequently by the public. He has even seen people, especially during this pandemic time, actually exercising in that area.

With that said, Councilmember James feels there is a need to enhance the open space to attract more people to make it more usable. However, it needs to remain public land for public use and he strongly feels that way.

Councilmember Boyle agrees with the other Councilmembers and there is only one shot at this. Plus, there are some development issues on the site. It is still in a floodplain and there is still a sewage pumping station there. It is a well head protection area. He feels there are too many things about that site versus simply building on it.

He recalled receiving a publication that talked about the work the city is putting into the basketball court—new nets, new painting, etc.

Councilmember Boyle said there is only so much that can be done to help the kids in this town and that basketball court is one of them. Even if the city had a Summer Basketball League, there are many things that can be done that will bring families downtown and give the kids that live close to downtown something to do. He is in favor of leaving it as open space and enhancing it as Councilmember James mentioned.

Councilwoman Wilson recalled that when this group first came to the city, if she remembers correctly, she was in support of the development. She still does not think it's a bad idea, but wanted more of a mixed community down there, with shops, living and recreation. She definitely never wants to see the basketball courts gone and space for walking. She has had several people contact her, many have lived in this community all of their lives, in addition to young millennials who were very excited about this development going downtown and thought that it would definitely be a great asset and the future of the city.

However, she wasn't as pleased with the development itself. She expected the plan to be more grand than what was presented.

The plan was to bring a lot of individuals who preferred that type of lifestyle as was entertained in the beginning, though it was controversial as far as the activity and recreation part. She is willing to agree, if the majority want to keep it open space and recreation. Though, she really likes both scenarios.

Director Pierce asked Council to keep in mind that if we were to pursue any kind of development, the city would have control over a lot of things, including costs land use, architectural features and how it looks. He asked Council to keep in mind if this isn't the right place for a project like this, there could be something come up in the future on city owned land that could attract interest a developer in one of our worn-down parking areas, for example. The city will maintain full control and Council will have the ability to comment on those items.

Councilmember Culotta is willing to work with this particular developer but does not think this particular property is ideal for that, when compared to other uses. He thinks there is a need for livable space downtown and a need for change especially for millennials. But this particular spot is more ideal for recreational uses.

Councilmember Marabello said he concurs with two things. The fact that the property was too small to begin with and to get something that looks nice. The downtown plan states the district shall preserve the character of the adjacent properties and provide something attractive. That project presented does not conform to either of those two items. He thinks it is best to hold it and leave it the way it is now for recreation.

Councilmember Baer agrees it should remain as open space and be used for recreational uses and makes the most sense. He also agrees there just isn't enough space for what they were planning to do and it would look really crazy and somewhat damage the look of the Riverwalk. He is definitely in favor of keeping it open space and enhancing it with other recreational facilities and maybe enhancing the basketball court itself with some lights so people could play a little later in the evening and maybe have them be turned off at 9'ish at night so people can continue playing there.

Councilmember Marabello added that we should not accept a lesser design and instead, focus on the best type of design.

After further conversation, it was agreed the consensus is to leave the area as open space for recreational purposes and to work out with Parks and Recreation some of the items included in the report, though some may be part of the five-year capital improvement plan.

Mr. Whitfield informed Council he will add to the next agenda for Council to take formal action.

There being no further business, the Workshop Session concluded at 6:43 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
October 26, 2020

The City Council of the City of Milford convened their regular meeting by way of a video conferencing website on Monday, October 26, 2020. The meeting was available for public view and participation as permitted.

PRESIDING: Mayor Archie Campbell

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

STAFF: City Manager Mark Whitfield, Police Captain Gary Bailey 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 October 26, 2020 Council Meeting Agenda for additional information.

CALLED TO ORDER

Mayor Campbell called the meeting to order at 6:50 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

Mayor Campbell presented the following proclamations. The first celebrates Extra Mile Day in the City on November 1st and the second declares October as Milford Goes Purple Month in an effort to raise awareness of those suffering with drug and alcohol addictions and the assistance that is available.

Proclamation 2020-20/Extra Mile Day in the City of Milford

EXTRA MILE DAY

WHEREAS, the City of Milford is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively "go the extra mile" in personal effort, volunteerism, and service; and

WHEREAS, Milford is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, Milford is a community which chooses to shine a light on and celebrate individuals and organizations within its community who "go the extra mile" in order to make a difference and lift up fellow members of their community; and

WHEREAS, the City of Milford acknowledges the mission of Extra Mile America to create 500 Extra Mile cities in America and is proud to support "Extra Mile Day" on November 1, 2020.

NOW THEREFORE, I, Arthur Campbell, Mayor of the City of Milford do hereby proclaim November 1, 2020, to be Extra Mile Day and urge each individual in the community to take time on this day to not only "go the extra mile" in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 26th day of October in the Year of Our Lord, Two Thousand Twenty.

Proclamation 2020-22/Milford Goes Purple

Councilwoman Wilson shared this is an initiative adopted by many surrounding cities and she felt it was appropriate for the City of Milford to be a part of effort, particularly with our partnerships with the police department and the mental health initiative this is being considered. This shows our support of the effort to assist individuals impacted by drug and alcohol abuse and are fighting mental health battles.

MILFORD GOES PURPLE MONTH

WHEREAS, Delaware Goes Purple is a statewide initiative led by the Sussex County Health Coalition (SCHC) based out of Georgetown Delaware;

WHEREAS, in 2018, SCHC led the effort to reduce the stigma of addictions, inspired by The Herren Project™ Go Purple campaign;

WHEREAS, the purpose of Going Purple is to raise awareness and reduce the number of Delawareans suffering with drug and alcohol addiction and to share that recovery is possible;

WHEREAS, those struggling need to know that their disease is not one they should be ashamed of, or keep hidden;

WHEREAS, this year's project stresses the importance of educating people, especially parents and children, about how the path to addiction most often begins with prescription medications;

WHEREAS, nearly every day, someone in Delaware loses their battle with heroin, prescription painkillers and other addictive drugs;

WHEREAS, to date, the State of Delaware has lost 175 people to overdose deaths;

WHEREAS, Delaware Goes Purple empowers each community to stand up to erase the stigma and to support those individuals who need it the most through informed conversations about alcohol dependence, prescription pills and drug addiction.

NOW, THEREFORE, I, Arthur J. Campbell, by virtue of the authority vested in me as Mayor of the City of Milford, do hereby declare October 2020 as:

Milford Goes Purple Month

in hopes of making an impact and to assist in turning the tide of this epidemic by challenging community leaders, residents, teachers, students, businesses and their employees to work together to become part of the solution.

COMMUNICATIONS & CORRESPONDENCE

City Manager Whitfield reminded Council that an email had been sent with regard to individual schedules and their availability the week of November 16th. In order to solidify the date, he asked that Council respond within the next couple of days.

Currently, the retreat will begin around 6:00 pm and finish up by 9:00 pm.

UNFINISHED BUSINESS

Authorization/Updated Milford Police Construction & Referendum Schedule

***City Manager Whitfield asked that Council consider establishing a change to the previous approved schedule for the bond approval for the new police station. Because the public vote on the bond must be done within at least 30 days after and no more than 60 after the public hearing, the public hearing is now proposed for December 14, 2020. Additionally, it was recommended the public vote take place on a weekday rather than a weekend. Based on experience of the City Clerk, voter participation is higher than when the referendum is held on a weekend. For this reason, staff recommends the vote on the bond referendum be scheduled for Tuesday, January 26, 2020.

Councilmember James moved to adopt the updated Milford Police Department Construction and Referendum Schedule, as noted, seconded by Councilmember Wilson:

<u>Date</u>	<u>Action</u>
10/12/2020	<i>Council Resolution for Issuance of General Obligation Bonds</i>
11/09/2020 12/14/2020	<i>Public Hearing and Vote on Resolution</i>
01/30/2021 01/26/2020	<i>Public Vote on Bond Referendum</i>
02/22/2021	<i>Award Contract for Architect</i>
10/01/2021	<i>Advertise for Building Construction</i>
09/03/2021	<i>Potential Issuance of \$10 million BQ Bond #1</i>
11/08/2021	<i>Award Construction Contract</i>
12/01/2021	<i>Start Construction</i>
09/01/2022	<i>First Tax Increase for Bond #1</i>
09/09/2022	<i>Potential Issuance of \$10 million BQ Bond #2</i>
09/30/2022	<i>First principal payment on Bond #1</i>
03/01/2023	<i>Construction Complete</i>
09/01/2023	<i>Second Tax Increase for Bond #2.</i>
09/30/2023	<i>First principal payment for Bond #2; Second principal payment for Bond #1</i>

Motion carried.

NEW BUSINESS

Downtown Milford, Inc. (DMI) Building Structural Evaluation Report/207 South Walnut Street

Public Works Director Svaby submitted the following report on the current home at 207 South Walnut Street owned by the City of Milford:

The City of Milford purchased 207 South Walnut Street on August 16, 2012 for \$237,500 from Louise Miles. At the time of purchase, City Council plans for the property was to demolish the house for future City Hall expansion. On September 24th, 2020, Pilottown Engineering conducted a structural review of the building. In their review, Pilottown identified the building's original construction date of 1850 and noted the acute structural challenges presented by multiple modifications to many elements of the building, making it very difficult to attain Code compliance. Pilottown believed that ADA compliance would be cost-prohibitive to achieve given the property's footprint.

Moreover, its complete lack of any parking or access to any such amenity is detrimental to its value as a residential property. ADA compliance is going to be cost prohibitive, because it's actually a postage stamp property with no ability to allow for ADA access in terms of entrance ways to the building, unless it's connected to City Hall.

With these challenges before us, the City of Milford is faced with two options – to either raze the building and keep the land for future development **or** sell it as is. Estimated demolition costs range between \$30,000 - \$35,000; this estimate will be impacted by the building materials that are identified on the site and the related tipping fees. Zillow unofficially estimates the building's retail value of \$186,000. ADA compliance is going to be cost prohibitive, because it's actually a postage stamp property with no ability to allow for ADA access in terms of entrance ways to the building, unless it's connected to City Hall.

Councilman Culotta pointed out this is only about two houses from his home, and he knows it needs a good bit of attention. However, paying \$237,500 for it several years ago now, and now we are going to pay another \$30,000 to \$40,000 to demolish it.

In his opinion, the house from a residential standpoint is really not that bad, though cosmetically it needs a lot of renovating. He thinks it should be sold and if we are able to get \$175,000 or more in an open sale, he would prefer someone upgrade though he understands it will take some work. It is a historic that does a lot for our downtown.

He does not see the City using it for any purpose and from a sidewalk standpoint, it has a retaining wall and is three feet off the ground. He prefers it be put on the open market but if not sold within six to twelve months it should be revisited and demolition considered.

Councilmember Fulton suggested getting an appraisal done by a real estate agent and then compare a course of action. He agrees we should try and sell it, but definitely obtain an appraisal first.

Councilmember Boyle agreed adding he has an affinity for older homes, plus the fact it is well suited for the nature of the neighborhood. He also agrees there are some drawbacks including the lack of parking access, but something may be worked out with access through the City parking lot. He understands work and upgrades are needed, though it is actually a very attractive house.

Councilman Morrow, Councilman James and Councilmember Wilson agree with the suggestions made by other Councilmembers.

Councilman James noted that Council has an obligation to the taxpayer to try to recoup some of the money that has been put into the property by trying to sell it. Perhaps it will attract someone that likes to work on older homes and it could end up being a win-win for everybody.

Councilwoman Wilson recalled when the City purchased it and the residents did share City Hall's parking lot so access was never a problem.

Solicitor Rutt believes that there was an agreement, in the form of a license agreement, to provide parking to the property.

Councilman Marabello said the City does not need the land at this point especially for parking because of the lot that was purchased across the street for parking. He thinks we need to see what we can get though a lot of work will be needed and a lot of money invested.

Councilman Culotta shared that he lives at 211 South Walnut and he just had his home appraised at \$285,000. However, they did purchase it as a bank foreclosure and also had to put a lot of work into it. He feels there is value in this property as well, especially for a homeowner that wants a downtown type of lifestyle.

He then talked about the alley that runs behind his home, that turns and goes back out to South Washington. He was told that previously, that alley went straight through next to his garage and neighbors, and onto this property, exiting onto the city parking lot.

Councilman Culotta asked if that alley can be reopened for if it has been encroached upon long enough that is not possible. He would like to learn that history.

City Manager Whitfield believes the alley has been closed for more than twenty-one years, which makes it a closed alley. However, that does not prevent any adjacent property owners to petition to reopen it. By opening the alley, the city could take it over and make any necessary improvements.

City Manager Whitfield because his concern is the amount of money and work needed to get it ready to sell. One example is the chimney that is pulling away from the house and sinking. At some point, that chimney structure will need to be addressed. Therefore, he recommends it be sold 'as is'.

Council directed the City Manager to sell the property 'as is'.

Director Svaby also noted that if there is interest in purchasing it for commercial purposes, he believes it is zoned R-2. Commercial purposes would require the ADA upgrades, which he believes are physically prohibitive. That would create additional complications and emphasized the need for a residential purpose only.

Councilman Culotta suggested opening the fence up on the property to allow access through the city hall parking lot. Director Svaby explained there is basically a 12:1 slope required to have ADA access that would require substantial distance going out well into the parking lot.

Councilmember Baer agrees the house has a lot of character and charm and he would like to remain in the city with the hopes of it being fixed up.

Councilmember Culotta moved that the property at 207 South Walnut Street be appraised and accordingly be placed on the open market to be sold as is for use as residential, seconded by Councilmember Boyle.

When questioned, Mr. Whitfield informed Council that he alerted DMI of both the condition of the building and that Council would either want to sell the building or raze the building. He also gave them to the end of December to relocate and they are already in that process.

Motion carried with no one opposed.

Resolution 2020-31/Sidewalk Waiver/Mispillion Realty LLC/327 S DuPont Blvd

Planning Director Pierce submitted the following request from Developer James Masten, for a temporary sidewalk waiver for a minor subdivision of land along South DuPont Boulevard, approximately 150 feet north of the Marvel Road Intersection where it comes out to Lakelawn:

Please accept this request for a sidewalk waiver for the property located at 327 South Dupont Highway. There are no adjacent sidewalks in either direction as far as the eye can see. Furthermore, the southern property line is a ditch that cannot be crossed, and the installation of the sidewalk would require filling wetlands. Thank you for your assistance. Call with any questions or clarifications, if necessary.

Director Pierce noted this involves one parcel of land to be subdivide into three parcels. That process is being handled through the administrative review process and is contingent upon some utility reviews from the engineering division. One outstanding issue is the sidewalk which must be addressed by Council. For reference purposes, between the railroad tracks south of SR 14 and Milford Ponds, which is the southern limits on 113, there is only a small section of sidewalk at the corner of Lakeview Avenue where it comes out to US Route 113.

As a result, he is not opposed to a temporarily wavier until a later time.

Director Pierce added that work continues on the Bicycle Master Plan update and the opposite side of the road has been identified as the preferred location of a shared use path so it really would not be affected by some of the other planning items going on right now.

It was confirmed that Mr. Masten was not in the Zoom meeting.

Director Pierce confirmed the combined width of frontage of the three lots was just shy of 450 feet.

He also added that if approved, the sidewalk requirement would be waived and not something inspected as part of the building permit issue, until such time the city decides it needs to be installed. Presently, there is no plans for a pedestrian project on that side of the highway.

Solicitor Rutt recommended stating how temporary it is if for example you know when, if and when the city does develop.

Councilmember James added that some of that language already exists in the resolution. He also noted that unlike the sidewalk issue on SR 14, this is a sidewalk that currently leads nowhere. Other than the very small piece of sidewalk on Lakeview and US Route 113, there are no sidewalks anywhere on that side. In addition, there are no on the books for when sidewalk will be installed. As a result, he does not see a reason for a denial and is willing to authorize the waiver especially in light of the language that is included in the resolution itself.

However, Councilmember James does strongly recommend that the city formalize a citywide plan for sidewalks. In that manner, when a developer comes before the city, they will know what the city's plans are for sidewalks, including time and location. And at some point, that can be shared with Council for comments. But that will provide clear direction for developers.

In addition, he feels that at some point, we could to a position where these matters could be moved away from being a Council matter and instead handled administratively. They would then have all the information and in Councilmember James's opinion, this is not the best way to handle it because it is too bureaucratic. Instead work toward becoming more Business-friendly and streamline things. This is just another hurdle in his opinion.

Councilwoman Wilson agrees with Councilmember James and though the city already had a plan in place with regard new developments being required to install sidewalks. But she also understands there is always an exception so it would make sense it let the Planning Director and Public Works determine whether these things should be waived or not.

Councilmember Boyle agrees there is a requirement to have sidewalks and suggests that paragraph two in the letter, somewhat reinforces that. He asked if this will be subdivided and sold in parcels and asked if the restriction could be added to each deed to prevent any future problems at the time sidewalks will need to be installed.

Solicitor Rutt said that could be done. Another option is to add language to the resolution that the developer shall make reference to this resolution and any sale or transfer is subject to it.

When asked if the resolution is recorded, Mr. Pierce stated that a note could be added to the record plan for the subdivision, which would then be recorded at the county. Though not every buyer looks at the record plan, it would be recorded at the county. Many times, development restrictions or caveats are added to the record plans.

Solicitor Rutt stated that typically, when somebody buys a property, they would do a title search in that county which would divulge the information. Even without a title search, then they are given constructive notice by the fact that it is a public record.

The Solicitor suggests the city require the developer to put a notation on the deed that the sale is subject to the resolution and number of the City of Milford. Then it is up to the developer/purchaser to find out just what that says.

Councilmember Boyle believes that if Council agrees to give administrative authority, there is a need for set language and a mandate it be placed on the deed to prevent fighting with an owner down the road about installing a sidewalk.

Solicitor Rutt said it should be made a requirement that any sidewalk waiver gets recorded in the respective County. In this case, it would show the tax map number so that the purchaser receives public notice of the requirement, adding there is two ways of doing it.

Councilman Boyle emphasized the need to have clear language.

City Clerk Hudson pointed out the language in the resolution has been updated as a result of Council's previous discussion and number five, specifically states that the temporary sidewalk waiver must be made part of the record plan.

Solicitor Rutt recommends adding a sixth condition that any out conveyance of the property or the deed of any out conveyance must reference this particular resolution. He recommends adding any out conveyance must and shall be under and subject to the resolution and add the number.

When asked if there was any public comment, no one replied and the comment session was closed.

It was noted that any language change will require an ordinance to amend the associated code.

Director Pierce said that in addition to himself, the Public Works Director and City Engineer can put together a rough sketch of areas of the city that may be more favorable for consideration of a wavier, though that can be reviewed at a later meeting with the amendment.

Councilmember Boyle moved to adopt Resolution 2020-31 with the stipulation that paragraph six be added to reinforce the city's position, include the resolution number, and the authority of the city, and that info carry with the deed or record plan should the property be sold at a future date, seconded by Councilmember James:

RESOLUTION 2020-31
SIDEWALK WAIVER

Property Owner: Mispillion Realty LLC
Address of Property: 327 South DuPont Boulevard
Milford, Delaware 19963
Tax Map No: 1-30-3.07-043.00

WHEREAS, the above stated property owner has requested a waiver of the provisions of Chapter 197-Streets and Sidewalks of the Code of the City of Milford that requires the installation of curbing and sidewalks; and

WHEREAS, the property owner, is of the opinion, there exists justifiable reasons to request the temporary waiver of the required curbing and sidewalks.

Now, Therefore, Be It Resolved by the City of Milford:

1. The required improvements for curbing and sidewalk as set forth in Chapter 197 Streets and Sidewalks of the Code of the City of Milford ("Chapter 197") for the above property are hereby temporarily waived.
2. At such point in the future when determined by the City of Milford, in its sole judgment, that it is appropriate to install said improvements, the property owner, its successors or assigns, shall agree to install sidewalks in accordance with Chapter 197.
3. Said improvements must be completed, within the time mandated by the City of Milford, but not later than six months of receipt of notification, if agreed by the City of Milford Planning Office, and shall be at the owner's expense.
4. Should above property owner, its successors or assigns, fail to abide by conditions outlined in Resolution 2020-31, authorization for occupancy may be withheld.
5. The authorization to waive sidewalk(s) installation, as approved by Milford City Council on October 26, 2020, shall be reflected as a temporary waiver on the Record Plan.
6. (as described in motion)

Motion carries.

Reauthorization/Sewer & Water Funding/Fencing

Director Svaby presented the public works request for a total of \$47,500, at this point in time, to replenish funds that were lost previously due to time constraints on two previously capital funded budget efforts—one for the water reserves and one from the sewer reserves. Requested is \$19,500 in water reserves and \$28,000 from sewer reserves to replace fence damages from the storm and add a fence to the Lighthouse pump station site to keep it secure.

The request is for a total of \$47,500 to reestablish both of funds that has been cleared with the finance department.

Councilman James asked that in the future, Council be provided with a list of capital items that may or will be removed following the three-year period, as he would appreciate a little more time to review.

Councilman Marabello moved to authorize \$19,500 from Water Reserves and \$28,00 from Sewer Reserves to repair a damaged fence, and purchase/install new fences around Wells 4 & 5, seconded by Councilmember Baer. Motion carried with no one opposed.

ADJOURNMENT

Before adjourning, Captain Gary Bailey was acknowledged for attending on behalf of Chief Brown who was out of state. There being no further business, Councilmember Boyle moved to adjourn the Council Meeting, seconded by Councilmember James. Motion carried and meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
October 26, 2020

The City Council of the City of Milford convened their regular meeting by way of a video conferencing on Monday, October 26, 2020. The meeting was available for public view and participation as permitted.

PRESIDING: Mayor Archie Campbell

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

STAFF: City Manager Mark Whitfield, Police Captain Gary Bailey 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 October 26, 2020 Council Meeting Agenda for additional information.

CALLED TO ORDER

Mayor Campbell called the meeting to order at 6:50 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

Mayor Campbell presented the following proclamations. The first celebrates Extra Mile Day in the City on November 1st and the second declares October as Milford Goes Purple Month in an effort to raise awareness of those suffering with drug and alcohol addictions and the assistance that is available.

Proclamation 2020-20/Extra Mile Day in the City of Milford

EXTRA MILE DAY

WHEREAS, the City of Milford is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively "go the extra mile" in personal effort, volunteerism, and service; and

WHEREAS, Milford is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, Milford is a community which chooses to shine a light on and celebrate individuals and organizations within its community who "go the extra mile" in order to make a difference and lift up fellow members of their community; and

WHEREAS, the City of Milford acknowledges the mission of Extra Mile America to create 500 Extra Mile cities in America and is proud to support "Extra Mile Day" on November 1, 2020.

NOW THEREFORE, I, Arthur Campbell, Mayor of the City of Milford do hereby proclaim November 1, 2020, to be Extra Mile Day and urge each individual in the community to take time on this day to not only "go the extra mile" in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 26th day of October in the Year of Our Lord, Two Thousand Twenty.

Proclamation 2020-22/Milford Goes Purple

Councilwoman Wilson shared this as an initiative adopted by many surrounding cities and she felt it was appropriate for the City of Milford to be a part of the effort, particularly with our partnerships with the police department's mental health initiative brought before Council by Councilman James. This shows our support of the effort to assist individuals impacted by drug and alcohol abuse who are fighting mental health battles.

MILFORD GOES PURPLE MONTH

WHEREAS, Delaware Goes Purple is a statewide initiative led by the Sussex County Health Coalition (SCHC) based out of Georgetown Delaware;

WHEREAS, in 2018, SCHC led the effort to reduce the stigma of addictions, inspired by The Herren Project™ Go Purple campaign;

WHEREAS, the purpose of Going Purple is to raise awareness and reduce the number of Delawareans suffering with drug and alcohol addiction and to share that recovery is possible;

WHEREAS, those struggling need to know that their disease is not one they should be ashamed of, or keep hidden;

WHEREAS, this year's project stresses the importance of educating people, especially parents and children, about how the path to addiction most often begins with prescription medications;

WHEREAS, nearly every day, someone in Delaware loses their battle with heroin, prescription painkillers and other addictive drugs;

WHEREAS, to date, the State of Delaware has lost 175 people to overdose deaths;

WHEREAS, Delaware Goes Purple empowers each community to stand up to erase the stigma and to support those individuals who need it the most through informed conversations about alcohol dependence, prescription pills and drug addiction.

NOW, THEREFORE, I, Arthur J. Campbell, by virtue of the authority vested in me as Mayor of the City of Milford, do hereby declare October 2020 as:

Milford Goes Purple Month

in hopes of making an impact and to assist in turning the tide of this epidemic by challenging community leaders, residents, teachers, students, businesses and their employees to work together to become part of the solution.

COMMUNICATIONS & CORRESPONDENCE

City Manager Whitfield reminded Council that an email had been sent with regard to individual schedules and their availability the week of November 16th. In order to solidify the date, he asked that Council respond within the next couple of days.

Currently, the retreat will begin around 6:00 pm and finish up by 9:00 pm.

UNFINISHED BUSINESS

Authorization/Updated Milford Police Construction & Referendum Schedule

City Manager Whitfield asked that Council consider establishing a change to the previous approved bond approval schedule for the new police station. Because the public vote on the bond must be done within 30 days after and no more than 60 after the public hearing, the public hearing is now tentatively set for December 14, 2020. Additionally, it was recommended the public vote take place on a weekday rather than a weekend. Based on past experience of the City Clerk, voter participation is higher when an election/referendum is held Monday thru Thursday. For this reason, staff recommends the vote on the bond referendum be scheduled for Tuesday, January 26, 2020.

Councilmember James moved to adopt the updated Milford Police Department Construction and Referendum Schedule, as noted, seconded by Councilmember Wilson:

<u>Date</u>	<u>Action</u>
10/12/2020	Council Resolution for Issuance of General Obligation Bonds
11/09/2020 12/14/2020	Public Hearing and Vote on Resolution
01/30/2021 01/26/2020	Public Vote on Bond Referendum
02/22/2021	Award Contract for Architect
10/01/2021	Advertise for Building Construction
09/03/2021	Potential Issuance of \$10 million BQ Bond #1
11/08/2021	Award Construction Contract
12/01/2021	Start Construction
09/01/2022	First Tax Increase for Bond #1
09/09/2022	Potential Issuance of \$10 million BQ Bond #2
09/30/2022	First principal payment on Bond #1
03/01/2023	Construction Complete
09/01/2023	Second Tax Increase for Bond #2.
09/30/2023	First principal payment for Bond #2; Second principal payment for Bond #1

Motion carried.

NEW BUSINESS

Downtown Milford, Inc. (DMI) Building Structural Evaluation Report/207 South Walnut Street

Public Works Director Svaby submitted the following report on the current home at 207 South Walnut Street owned by the City of Milford and used by Downtown Milford:

The City of Milford purchased 207 South Walnut Street on August 16, 2012 for \$237,500 from Louise Miles. At the time of purchase, City Council plans for the property was to demolish the house for future City Hall expansion. On September 24, 2020, Pilottown Engineering conducted a structural review of the building. In their review, Pilottown identified the building's original construction date of 1850 and noted the acute structural challenges presented by multiple modifications to many elements of the building, making it very difficult to attain Code compliance. Pilottown believed that ADA compliance would be cost-prohibitive to achieve given the property's footprint.

Moreover, its complete lack of parking or access to any such amenity is detrimental to its value as a residential property. ADA compliance is going to be cost prohibitive, because it's actually a postage stamp property with no ability to allow for ADA access in terms of entrance ways to the building, unless it becomes connected to City Hall.

With these challenges, the City of Milford is faced with two options – to raze the building and keep the land for future development or sell 'as is'. Estimated demolition costs range between \$30,000 - \$35,000. This estimate will be impacted by the building materials identified on the site and the related tipping fees. Zillow unofficially estimates the building's retail value of \$186,000.

Councilman Culotta pointed out this is home is only two houses from his home, and he understands it needs a good bit of attention. However, paying \$237,500 for it several years ago now, and now paying another \$30,000 to \$40,000 to demolish it does not make sense.

In his opinion, from a residential standpoint, the house is really not that bad, though cosmetically it does need a lot of renovating. He believes it will sell for around \$175,000 or more in an open sale and he prefers someone upgrade it even though that will take some work. Historic homes, regardless of their condition, do a lot for our downtown.

He does not see the City using it for any purpose and from a sidewalk standpoint, it has a retaining wall and is three feet off the ground. He prefers it be put on the open market to be sold. If not within a six to twelve month period, it can be revisited by Council and the demolition considered.

Councilmember Fulton suggested getting an appraisal done by a real estate agent and then compare each course of action. He will agree we can try and sell it, but definitely obtain an appraisal first.

Councilmember Boyle agreed adding he has an affinity for older homes, plus the fact it is well suited for the nature of the neighborhood. He also agrees there are some drawbacks including the lack of parking access, but perhaps something may be worked out by allowing access through the City parking lot. He also understands the work and upgrades that are needed, though he feels it is a very attractive house.

Councilman Morrow, Councilman James and Councilmember Wilson agree with the suggestions made by other Councilmembers.

Councilman James noted that Council has an obligation to the taxpayer to try and recoup some of the money that has been put into the property by trying to sell it. Perhaps it will attract someone that likes to work on older homes and it could end up being a win-win for everybody.

Councilwoman Wilson recalled when the City purchased it and the residents had to share City Hall's parking lot so that access was never a problem.

Solicitor Rutt believes that there was an agreement, in the form of a license agreement, to provide parking for the property.

Councilman Marabello said the City does not need the land at this point especially for parking because of the lot that was purchased across the street (Washington) for parking purposes. He thinks we need to see what we can get though a lot of work and money will have to be invested.

Councilman Culotta shared that he lives at 211 South Walnut and he just had his home appraised at \$285,000. Though at the time they did purchase it as a bank foreclosure and he has had to put a lot of work into it. He feels there is value in this property two houses from his as well, especially for a homeowner that wants a downtown type of lifestyle.

He then talked about the alley that runs behind his home, that turns and goes back out to South Washington. He was told that previously, that alley went straight through his now-garage and his neighbors, and exited into the city parking lot.

Councilman Culotta asked if that alley can be reopened because it has been encroached upon long enough. He would like to learn the real history if that were the case.

City Manager Whitfield believes the alley has been closed for more than twenty-one years, which makes it a closed alley. However, that does not prevent any adjacent property owners from petitioning to reopen it. By opening the alley, the city could take it over and make any necessary improvements.

City Manager Whitfield then pointed out that one somewhat urgent problem is the chimney that is pulling away from the DMI house and is sinking. At some point, that chimney structure will need to be addressed and because of that and other problems, he recommends it be sold 'as is'.

Council then directed the City Manager to sell the property 'as is'.

Director Svaby also noted that if there is interest in purchasing it for commercial purposes, he believes it is currently zoned R-2 and have to be rezoned. Commercial purposes would require the ADA upgrades, which he believes are physically prohibitive. That would create additional complications and emphasized the need for as residential purposes only.

Councilman Culotta suggested opening the fence up on the property to allow access through the city hall parking lot. That is how the property was initially accessed before the prior owner asked for use of the City parking lot. Director Svaby explained there is basically a 12:1 slope required to have ADA access that would require substantial distance going out into the parking lot as well.

Councilmember Baer agrees the house has a lot of character and charm and he would like to remain in the city if it were able to be fixed up.

Councilmember Culotta moved that the property at 207 South Walnut Street be appraised and accordingly placed on the open market to be sold as is for use as residential, based on tonight's conversation, seconded by Councilmember Boyle.

When questioned, Mr. Whitfield informed Council that he alerted DMI of both the condition of the building and that Council would either want to sell the building or raze the building. He also gave them to the end of December to relocate and they are already in that process.

Motion carried with no one opposed.

Resolution 2020-31/Sidewalk Waiver/Misphillion Realty LLC/327 S DuPont Blvd

Planning Director Pierce submitted the following request from Developer James Masten for a temporary sidewalk waiver for a minor subdivision of land along South DuPont Boulevard, approximately 150 feet north of the Marvel Road Intersection where it comes out to Lakelawn:

Please accept this request for a sidewalk waiver for the property located at 327 South Dupont Highway. There are no adjacent sidewalks in either direction as far as the eye can see. Furthermore, the southern property line is a ditch that cannot be crossed, and the installation of the sidewalk would require filling wetlands. Thank you for your assistance. Call with any questions or clarifications, if necessary.

Director Pierce noted this involves one parcel of land to be subdivided into three parcels. That process is being handled through the administrative review process and is contingent upon some utility reviews from our engineering division. One outstanding issue is the sidewalk which Council must address. For reference purposes, between the railroad tracks south of SR 14 and Milford Ponds on Route 113, there is only a small section of sidewalk at the corner of Lakeview Avenue that extends to US Route 113.

As a result, he is not opposed to a temporary wavier until a later time when it is more appropriate to install.

Director Pierce added that work continues on the Bicycle Master Plan update; the opposite side of the road has been identified as the preferred location of a shared-use path so it really would not be affected by some of the other planning items going on right now.

It was confirmed that Mr. Masten was not in the Zoom meeting.

Director Pierce also noted the combined width of frontage of the three lots is just shy of 450 feet.

He also added that if approved, the sidewalk requirement would be waived until the time the city decides it needs to be installed. Presently, there are no plans for a pedestrian project on that side of the highway.

Solicitor Rutt recommended stating how 'temporary it is' to know when and if, the city believes it should be installed.

Councilmember James added that some of that language already exists in the resolution. He also noted that unlike the sidewalk issue on SR 14, this is a sidewalk that currently leads nowhere. Other than the very small piece of sidewalk on

Lakeview and US Route 113, there are no sidewalks in any location on that side. In addition, there is no language for when a sidewalk is required to be installed. As a result, he does not see a reason for a denial and is willing to authorize the waiver, especially in light of the language in the resolution itself.

However, Councilmember James does strongly recommend that the city formalize a citywide plan for sidewalks. In that manner, when a developer comes before the city, they will know what the plans are for sidewalks, including time and location. And at some point, that can be shared with Council for comments and will provide clear direction for developers.

In addition, he feels that at some point, we should consider moving these matters from Council and instead having them handled administratively. In Councilmember James's opinion, this is not the best way to handle it because it is too bureaucratic. This is just another hurdle in his opinion.

Councilwoman Wilson agrees with Councilmember James and pointed out the city already has a plan requiring all new developments to install sidewalks. But she also understands there is always an exception though she agrees the Planning Director and Public Works should handle such waivers.

Councilmember Boyle agrees there is a requirement for sidewalks and suggests that paragraph two in the letter somewhat reinforces that. He asked if this will be subdivided and sold in parcels that the restrictions are added to each deed to prevent any future problems at the point sidewalks need to be installed.

Solicitor Rutt said that could be done. Another option is to add language to the resolution that the developer make reference to this resolution and any sale or transfer of the property is subject to it.

When asked if the resolution is recorded, Mr. Pierce recommended a note be added to the record plan for the subdivision, which must then be recorded at the county. Many times, development restrictions or caveats are included on the record plans.

Solicitor Rutt stated that typically, when somebody buys a property, they would do a title search in that county and such information would be divulged. Even without a title search, they are given constructive notice by the fact that there is a public record.

The Solicitor suggests the city require the developer to add a notation to the deed that the sale is subject to the resolution and number of the City of Milford. Then it is up to the developer/purchaser to find out what it states.

Councilmember Boyle believes that if Council agrees to give administrative authority, there is a need for set language and a mandate on the deed to prevent fighting with an owner down the road about installing a sidewalk.

Solicitor Rutt believes that any sidewalk waiver should be recorded in each respective County. In this case, it would show the tax map number so that the purchaser receives public notice of the requirement, thus adding another layer.

Councilman Boyle emphasized the need to have clear language.

City Clerk Hudson pointed out the language in the resolution has been updated as a result of Council's previous discussion and number five specifically states that the temporary sidewalk waiver must be part of the record plan.

Solicitor Rutt recommends adding a sixth condition that any out conveyance of the property or the deed of any out conveyance must reference this particular resolution. He recommends adding any out conveyance must and shall be under and subject to the resolution and add the number.

When asked if there was any public comment, no one replied, and the comment session was closed.

It was noted that any language change will require an ordinance to amend the associated code.

Director Pierce said that he will work with the Public Works Director and City Engineer to put together a rough sketch of areas of the city where waivers can be considered. That can then be reviewed at a later Council meeting.

Councilmember Boyle moved to adopt Resolution 2020-31 with the stipulation that paragraph six be added to reinforce the city's position, include the resolution number, and the authority of the city, and that info carry with the deed or record plan should the property be sold at a future date, seconded by Councilmember James:

RESOLUTION 2020-31
SIDEWALK WAIVER

Property Owner: Mispillion Realty LLC
Address of Property: 327 South DuPont Boulevard
Milford, Delaware 19963
Tax Map No: 1-30-3.07-043.00

WHEREAS, the above stated property owner has requested a waiver of the provisions of Chapter 197-Streets and Sidewalks of the Code of the City of Milford that requires the installation of curbing and sidewalks; and

WHEREAS, the property owner, is of the opinion, there exists justifiable reasons to request the temporary waiver of the required curbing and sidewalks.

Now, Therefore, Be It Resolved by the City of Milford:

1. The required improvements for curbing and sidewalk as set forth in Chapter 197 Streets and Sidewalks of the Code of the City of Milford ("Chapter 197") for the above property are hereby temporarily waived.
2. At such point in the future when determined by the City of Milford, in its sole judgment, that it is appropriate to install said improvements, the property owner, its successors or assigns, shall agree to install sidewalks in accordance with Chapter 197.
3. Said improvements must be completed, within the time mandated by the City of Milford, but not later than six months of receipt of notification, if agreed by the City of Milford Planning Office, and shall be at the owner's expense.
4. Should above property owner, its successors or assigns, fail to abide by conditions outlined in Resolution 2020-31, authorization for occupancy may be withheld.
5. The authorization to waive sidewalk(s) installation, as approved by Milford City Council on October 26, 2020, shall be reflected as a temporary waiver on the Record Plan.
6. (as described in motion)

Motion carries.

Reauthorization/Sewer & Water Funding/Fencing

Director Svaby presented the public works request for a total of \$47,500 to replenish funds that were lost due to time constraints on two previously capital-funded budget efforts—one in water reserves and one from sewer reserves. Requested is \$19,500 in water reserves and \$28,000 from sewer reserves to replace fence damages from the storm and add a fence to the Lighthouse pump station site to keep it secure.

The request is for a total of \$47,500 to reestablish both funds as cleared by the finance department.

Councilman James asked that in the future, Council be provided with a list of capital items that may or will be removed following that three-year period.

Councilman Marabello moved to authorize \$19,500 from Water Reserves and \$28,00 from Sewer Reserves to repair a damaged fence, and purchase/install new fences around Wells 4 & 5, seconded by Councilmember Baer. Motion carried with no one opposed.

ADJOURNMENT

Before adjourning, Captain Gary Bailey was acknowledged for attending on behalf of Chief Brown who was out of state.

There being no further business, Councilmember Boyle moved to adjourn the Council Meeting, seconded by Councilmember James. Motion carried and meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder