

CITY OF MILFORD  
COUNCIL WORKSHOP MINUTES  
August 31, 2022

The City Council of the City of Milford convened in a Workshop Session on Wednesday, August 31, 2022, beginning at 6:03 p.m.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Daniel Marabello, Mike Boyle, Andrew Fulton, Todd Culotta, Brian Baer, Nirmala Samaroo, Katrina Wilson, and Jason James Sr.

STAFF: City Manager Mark Whitfield, Acting Chief Edward Huey, and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

Per the Limited Public Health Emergency Declaration issued by Governor John Carney on March 1, 2022, and the virtual meeting provisions provided in Senate Bill 94, Milford City Council Meetings and Workshops were held in the Council Chambers at City Hall though attendees were able to participate virtually.

*Efficiency Smart Program*

Finance Director Lou Vitola introduce Director of Account Management Tom Coyle of Efficiency Smart.

Director Vitola informed Council that Efficiency Smart is not what you call you know a true, separate third-party organization and instead are an affiliated nonprofit company. Because DEMEC is the wholesale electric supplier for the eight public power cities and towns in Delaware. DEMEC is then a member of American Municipal Power Incorporated (AMP), which is a larger joint action agency in the Midwest and reaches all the way to Delaware. Efficient Smart is a construct of AMP that is available for all its members, including DEMEC and its members to use.

He shared a great saying that goes “you must have your energy efficiency vegetables before you have your renewable energy dessert. Everybody loves wind and solar and battery storage, and all these great things that can pump renewable energy onto the grid, but one less megawatt of demand, on the grid itself, is just as good as that next incremental supply side generation.

The idea is that we initially need to get energy efficient, and then we worry about supplementing the grid with renewables though they are really happening concurrently. That is the importance of Efficiency Smart.

The Finance Director also stated that Council has probably seen a lot of work coming out of DEMEC related to regulatory lobbyist type activities intending to control the City's ability to own its own destiny in terms of renewable generation, and not be mandated to do it. However, that doesn't mean that DEMEC is necessarily taking aside against it. Instead DEMEC wants all the municipalities to own their own path with the flexibility to do what is best for its residences and community.

On the other side, DEMEC is enabling all its communities with tools like Efficiency Smart to allow incentivizing renewable energy or encourage people to save. That is where Mr. Coyle and his group comes in.

Director Vitola recalled the first three years that the City was on the Efficiency Smart program was March 2018 through March 2021. It was then renewed at that time for another three-year term with enhanced goals, not only to trim kilowatt hours but to also cut demand from the load.

This is a two-tiered approach and what Mr. Coyle will talk about.

Mr. Coyle said he appreciates the chance to come and provide a brief update. As was pointed out, the City is about halfway through this second cycle.

Scott Lynch from DEMEC is also participating virtually in case there are any questions relating to DEMEC. Carolyn Dehorty, who would normally be part of this discussion, is their local account manager in Delaware and is on vacation this week.

Mr. Coyle provided the following information:

The first three-year contract was a megawatt hour performance contract. We had a goal and ended up hitting about 110% of that goal over the three years, the lifetime savings for Milford's customers is just a little bit over \$2.8 million.

Moving forward, not only are the megawatt hour goals attached to that, but Milford was one of the first communities to get into what is called coincident peak summer kw goals. That helps Milford and DEMEC lower their transmission capacity costs and similar items.

The City Manager and his City team are sent a monthly report with an update. It breaks down the dashboard report, or megawatt hour numbers, the second page show the Kw. The number in the left-hand corner shows the goal and the actual savings. It also shows the pipeline that was built toward that goal. While not everything has not closed, a strong pipeline is being built.

The report ending on July 31, 2022, shows we are behind where we would like to be. At this time, he would prefer being above 40% in actual goals.

All energy efficiency programs have run into a problem and the entire world ran into a problem known as Covid. That caused an approximate one-year period no one could get into factories, schools, and hospitals. Getting to engage people face to face became a problem. That created issues with supply chain, and there are issues with labor.

The good news is that is all starting to go away though it has been true across the entire efficiency smart portfolio, and other efficiency programs in the country. Things have started returning to more a normal over the past six months. People are engaged and are planning projects.

We know for a fact that the Kw is harder to get than the megawatt hours and why it is a little bit further behind. Typically, you get about fifteen to twenty percent of 100 megawatt hours in a project, you will probably get about fifteen Kw. The goals are appropriately rationed that way, and how that works out.

So far, this contract is a little over a half million dollars in lifetime customer savings. That is the measure of life expectancy whether it was an LED, air compressor, or HVAC unit and how much it will save that customer for the life. Since Milford has joined the program in the past four and a half years, combined that lifetime savings for customers is slightly over \$3.3 million.

The appliance recycling program is ongoing, and fifty dollars will be paid, regardless of if it is a window air conditioner, dehumidifier, or a residential-size refrigerator or a freezer. That ends September 30<sup>th</sup>. If it is in working condition, \$100 will be paid to haul it away. That will end on September 30<sup>th</sup>. The purpose is to remove those secondary units that use a lot of electricity off the grid, and the reason for the incentive.

Ms. Dehorty will be set up at the Riverwalk Festival on September 17<sup>th</sup> with information and available for questions.

He concluded the presentation by sharing that the City of Milford's website homepage contains a link to Efficiency Smart where residents and businesses can sign up for newsletters. Newsletters are set out to businesses four to six times a year and monthly to residential customers.

### *Carlisle Fire Company Report*

City Manager Whitfield stated that Council had requested a workshop with members of the Fire Company to work out some issues. One of the items discussed was Council's desire to understand how volunteerism membership could be increased within the fire company, as well as improve response times and public outreach.

He also asked that the recent changes to the EMT personnel and some history of the program.

Chief Ryan Knowles stated he is a thirty-year member of Carlisle Fire Company and is his second term as Fire Chief. He recalled the conversations related to the volunteer issues last year. They have worked very diligently to pick up recruitment as well as their retention program. Thirty years ago, it was the place to be. It provided a place to stay out of trouble and was a place where you went and learned. Many people have furthered their career through their local fire companies.

Today's world involves parents and kids involved in travel sports of various kinds. Many parents are working two jobs and sometimes three. Parents are working nights and weekends. There is not a lot of time when people have the time to volunteer anymore.

About ten months ago, they implemented the EMT career staff who are paid at Carlisle. They have dual roles as firefight/EMTs. When the whistle blows, if possible, two EMT firefighters get on the fire truck. They also have a minimum staffing of three-volunteer members, for a total of five, that respond on the first two apparatuses. In that world, it is facing the same battle as there are not a lot of EMTs anymore.

Across the State, everyone has the same issue, and each company pulls a tug of war based on which company is paying higher, who has the best incentives, etc. Again, they regrouped and came up with a solution by trying to be the highest paying in this area to attract more career staff. Again, this is to cover the 4,000 ambulance runs a year and now to supplement fire trucks for the 700 fire calls annually.

The National Fire Protection Association (NFPA) recommends a response time of ten minutes from dispatch. In Delaware, and particularly in Kent County, where Carlisle is dispatched out of, there is a standard of six and a half minutes. If not responding by that time, they re-alert Carlisle and the next two companies. That can be Houston, Slaughter Beach, Frederica, etc.

Carlisle is well under the required response time. On working fire alarms, they are re-alerted after four and a half minutes.

He noted that a lot of their members do not live in town. They are fighting traffic, congestion, and everything related, though they are trying to get there quicker but in a safe, effective manner.

As a result, Chief Knowles does not think Carlisle has a problem with the response time, it comes to when it is needed. There may be a slight lag on the not-so-important arms, such as an oil spill on the roadway, a tree into wires, etc.

If fire trucks from other companies are seen in Milford's district at a house fire or an accident where someone is trapped, that is not because they could not get out. Instead, that is a county standard that the Kent County Fire Chiefs have adopted that basically adds an extra engine to a house fire in a hydrant district. That is something that cannot be changed.

The Chief stated they also require an additional ladder truck and an additional engine for a commercial structure. For a non-hydrant districts, they require an additional tanker and whether that is a tractor trailer tanker or a ten-wheel tanker. Accidents with an entrapment requires a second rescue truck.

If Houston, Slaughter Beach, or Ellendale have responded to a fire scene, that is because they were automatically dispatched with Carlisle, and not because they were unable to get out.

When asked about the additional funding requested from the City, Chief Knowles reiterated they are in a competitive world in the hiring of employees. They are considering incentives and ways to retain these employees. Carlisle's incentive is more money because of the competition. That is needed to keep two ambulance crews 24/7 and the purpose of the additional funding.

When asked if Carlisle has considered bringing a paramedic unit to the Milford noting that this is no longer a small city and is continuing to grow. There was a handshake about thirty years ago between Colin and Bob Stewart when Sussex took care of the other side finally, and Kent moved up the road as they were supposed to according to Councilmember Fulton.

However, this side is still a 'battleground' and whenever money starts hitting the pavement, that is when Sussex complains that their medics keep on going into Kent. Kent is eight minutes from Harrington, with lights and sirens at full

blast, to get here. When you have one on one, it can be city central in six minutes. If they have been pulled south towards Milton, then good luck. Then they are twelve.

Chief Knowles responded by stating that unfortunately, the paramedics in Delaware are controlled by the county. Carlisle does have a voice and have fought several times when they open a new paramedic station for it to be in Milford. The last one that was put in Harington and before that, it was in Frederica. They moved the one from Frederica because they preferred it in Magnolia. When Marvin Sharp was Carlisle Fire Company President, they fought until they came to a happy medium and put it in Frederica. The problem with the medic in Frederica, is Dover is so busy it continues to move north.

The fire company would love to have a paramedic here though they only have so much influence. However, the City and Council may have more influence with the County government.

It was noted the fire company have such a strong voice in Delaware and are one of the largest voting blocs out there to assist someone get re-elected and can drive things to happen.

Councilman Fulton always told Colin if they open something in Milford, to let him know and he would be stationed here, making his commute much shorter.

The Fire Chief also noted they are accepting members for the Fire Company, too, and encouraged Council to join, adding that they do not have to serve in the capacity of a firefighter. A person can serve in the capacity of an office position, which freeze up some of the other people that are firefighters. Maybe that would also prevent the firefighters from having to spend a lot of time at the fire house. He noted that he spent the last three nights until 10 pm and would help prevent the exhaustion that is currently experienced by the firefighters because of the number of calls.

Councilman James then noted that Milford is supported by a four-legged stool. Public works falls under the City Manager, police, education, and fire service. Council can have a direct effect on two of those things--public works and police. Council hires the City Manager and the Police Chief. The school district and the fire service are neither under the City's responsibility.

According to Councilman James, without a working relationship, Council will not be able to fulfil its Charter goal of making sure there is fire service and fire protection in the City of Milford.

He noted that Chief Knowles made a good point, and anyone that reads the news knows that volunteerism in the fire service has been dwindling for years. This is not specific to Milford but is a fact of life. The Councilmembers cannot sit around and just wait for that to totally dissipate, and then ask what happened and how are we going to protect our people with someone responding to the fires?

That is the reason that Councilman James recommends a partnership, which is done in other places. He gathers information to prevent speaking blind in these situations. He said it is important for Council to partner with those that provide that service. He does not yet know if there is a need for part time and some partial pay, along with other incentives and other things, to encourage people to show up and be ready to fight fires.

Councilman James said Council is charged with making those decisions and must figure out a way to make that happen. He also believes as far as the funding, if the fire company and Council can get together in a partnership, by funding a lot of those initiatives Council finds important. If Council can fund parks, land, open space, and business parks, they can find a way to do it for those that provide the fire service for the City of Milford.

He emphasized the need for a working relationship by finding a way to get it done, knowing that volunteerism is on the downward slide. Milford is growing and calls will only increase in both ambulance and fire calls.

Chief Knowles agreed stating they are here tonight to form a relationship. If not concerned about a working relationship, they do not have to be here as they have the ability to seek alternative funding, but they prefer to work with the City to come together to bring in volunteer members for the extra money they can use for the firefighter EMTs.

The main goal of any firefighter EMT working for any fire department in Delaware, is to ride fire trucks and fight fires. He explained the younger guys want to be like the big city. The Chief understands and recalls feeling that way when he was young.

He emphasized the incentive to put them on fire trucks in a busy department, such as Carlisle Fire Company, is extremely high when they can ride those firetrucks like they want too, in addition to handling the EMS runs. Carlisle's EMS runs are running because of the increase in health care facilities in Milford for the elderly. They run to a healthcare facility for inner facility transports at least five times a day. What happens, is at ten o'clock at night, these healthcare facilities become tired of this elderly person being cranky, and they don't want to take their medicine, or possibly they have been sick all day, or something similar. They are tiring of dealing with that patient and call an ambulance to transport them to the hospital. Then they don't have worry about them for twenty-four hours, though that does not occur every time.

When asked the number of individuals that are needed in the dual firefighter/EMT and/or what is the gap, Chief Knowles stated that to operate 24/7, two ambulances or twelve full-time employees. Chief Knowles stated that when a fire call and an ambulance call comes in, his priority is his fireman. The ambulance is responding to that fire scene in case something happens to the firefighter(s).

If one ambulance crew is on the firetruck, the second ambulance is following the firetruck to the fire scene. If one of the firefighters have a heart attack or the fire truck gets into an accident, they are at the scene and transported to the hospital immediately.

It is set up that should another call come in, the neighboring company will respond to take care of the second call, though that is a rare occurrence.

The Chief also said it is also set up for certain priority calls and that ambulance can be diverted to that priority emergency. To effectively do that, the two ambulances are needed. The twelve employees are needed for that to work and the purpose of the request which will allow a rotation of 24 on and 72 off.

When asked how understaffed Carlisle is, Chief Knowles said they just hired two more full-time employees, but are still six under what is needed. However, they have part-time staff that fills those gaps. Right now, that is creating a lot of overtime for the full-time employees to stay over.

He commented that the volunteer EMS is basically nonexistent anymore.

Councilman Culotta noted there are many firefighters that live outside the City. He asked what Council can do to incentivize these volunteers to live within City limits; Chief Knowles said he is open to any incentive the City wants to give them. They get a \$1,000 tax credit from the State of Delaware. That helps some and not others.

Chief Knowles lives at the tip of Lincoln, and he does not want the incentive to live in the City. He has been doing this for thirty years. If Council wants to pay Carlisle's volunteers an incentive, he is 100% for it. Whatever helps get them to the firehouse and volunteer with Carlisle. They do not even have to ride fire trucks, as he stated. The goal is to have people to fill spots.

He is also familiar that the City has employees that are members of other fire companies. He has talked with them numerous times when they're working. When the fire whistle blows and they need help, the Chief promised Council he will have them back on the job within thirty minutes in the case of a working fire. That is because additional resources arrive within thirty minutes, and he is then able to let those employees go back to their normal job.

He suggested a possible incentive for city employees who can help the fire company.

Councilmember Wilson thanked Chief Knowles for educating Council about the dual roles. She pointed out that this Council is interested in finding a way to assist the fire company more as well as the response time. They hear the response time

questions from their constituents and often ask why Houston or another fire company is assisting, and he provided those answers.

Moving forward, Councilmember Wilson said that if Council needs to be more creative to start building something for the future fire department, there is a need to know that now. In that way, they can tackle that beginning during the next budget hearing and every year after that. That needs to be done whether the money is used to hire another person or not, the funding will be available for that purpose and why Council needs to be proactive about it.

The Chief agreed with Councilmember Wilson adding he has talked with President Hazzard many times about it only being a matter of time before Carlisle has a full-time career fire department. They know that is coming. The Fire Commission has been taxed to figure out a way to start funding a career fire department.

Regarding those constituents who complain about Carlisle's response times, the cell phone apps have a two-minute delay. When it is not on the phone and listening to a scanner, it is fed from a repeater and is not live. A lot of fire companies take a bashing on social media. It's all fed from a repeater with a two to three minutes delay.

Carlisle has not reached a point where it is a concern for the Fire Commission and not close, but they do answer every call. He just placed the company back on CPR Assist devices. He also knows the whistle blows more and that Council wants to talk about that. But with CPR assist, someone needs help and that means the ambulance crews need help. The more people the better and that is why they are responding to it a lot more to assist the ambulance crews.

More times than not, the ambulance crews are drained and can go somewhere so many times before they need assistance again.

Councilwoman Wilson described a personal family experience and praised the fire company for their response and assistance that ended up saving a life.

When asked how response time is measured; Chief Knowles confirmed it starts with the alert time until the truck gets out of the door. The dispatcher pushes a button on the CAD system that activates all the equipment. From that point forward, it is a time clock until that first engine, rescue truck or ambulance responds.

It was confirmed that each ambulance has LUCAS devices which is a machine that provides automatic chest compression to a patient.

Chief Knowles then talked about the poor location of the current station today. When asked where a better location would be, he stated he is unsure. He noted that a study was done forty years ago by the University of Delaware to determine the current site, which is no longer suitable in the current day, but he recommends a professional firm be hired to determine the future site.

Councilman James recalled the Planning Commission discussing the matter several years ago and suggested something be memorialized to ensure that discussion continues.

City Manager Whitfield agrees he had talked about the work the University of Delaware does and he had informed Carlisle he would get it on Council's radar because it is their responsibility to look at the best locations.

The Chief said they talked about this at their recent board meeting and one of the issues is there have been too many handshake agreements in the past instead of a written agreement. They prefer to move forward with a standard written agreement to prevent things from falling through the cracks.

He added that it would be great for him if they had a substation south of Milford by the hospital and he only lives three miles from there. However, he may not be responding in fifteen years because he may move, in addition to the other active members.

A discussion followed regarding growth patterns and the timeline of when it may become a fire company with all paid firefighters, and the need for estimated manpower.

It was noted that Milford continues to work on a long-range plan for the City and can help Carlisle plan. In that way, at the time the change is needed, Council would have anticipated the need and planned for it and will be able to help at that time.

Councilman Boyle emphasized the need to know ahead of time to make that commitment to support Carlisle. Because of the planning, City Council can provide a location based on accurate information involving roadways, housing, etc.

The Councilman also noted that there is a need for long-range planning for their equipment as well. There is a need for the company to be aware of the types of future developments to ensure they can access those streets with their equipment, particularly with on-street parking in many developments.

Chief Knowles shared that the Fire Marshall's Office does a very good job of reviewing and commenting on all development plans from the City. It is also sent to Chief Knowles and reviews every plan and will respond if there is a concern.

Councilman Boyle said that he discussed this with Councilman James, and both got the same impression that the Chief already knew when they needed full-time paid staff. The City needs to know that information and that cannot be accomplished without working together.

The Chief said at this point, they do not know when the full-time employees are needed, because in another six months, they could increase volunteers and they could be back to where they need to be.

Chief Knowles also noted that Sussex County has ratified the problem with street width and now requires them to be a certain width because of an issue at the beach getting fire apparatus into a development.

Councilmember Boyle reiterated the need for a working relationship with long times goals, so that City Council has an understanding of what Carlisle is going to need and the projected timeline. Council wants this partnership to be successful so they can be properly supported financially.

Chief Knowles then talked about the enhancement fund uses noting that the fire company is 40 years old. The company outgrew the building at 25 years because the today, the trucks were smaller when it was built. Trucks today are two times the size three times that size.

In addition to being stacked in the firehouse, their offices have been flipped many times and their rooms have been renovated multiple times for various uses. Currently, they a new building is being constructed on their rear property.

A conversation followed regarding individual fire gear. Chief Knowles reported that the cost of five new sets of fire gear is \$26,000. Besides the cost of customizing each member, there is no guarantee they will commit to the company for the next many years. Gear is recycled until its expiration date.

Various incentives were offered including the new EMT/firefighters.

Carlisle President Tor Hazzard, also in his second term, then addressed Council.

He recalled when he was 15 years old, there was a summer paid program financially supported by the State. He and another junior member were hired by that program.

President Hazzard suggested City Council considering that as an option. He agrees they need to go to the schools and get the younger generation back in the fire service.

Referencing the 2021 Annual Report provide the following statistics:

In the ten-year span from 2000 to 2010 we saw our EMS call volume increase by 93% with an additional increase of 37% during the period 2011 to 2021. Overall, in a 21-year period our EMS call volume has increased 130%.

According to census data, Milford had a population of 6,732 in 2000. In 2010 that number had increased to 9,559, an increase of 42%. The most current census data shows a population of 12,484, an additional increase of approximately 30.5%. As the City's population continues to grow at a rate of approximately 3% a year, if our EMS call volume continues the same trend, conservatively they will be responding to 7,000 calls per year, equating to 19 calls per day on average by 2030.

Part of the presentation in March 2022, was to request additional funding to provide the EMT/firefighters on our apparatus. Two more full-time employees were recently hired for a total of six. However, that only staffs on ambulance 24/7. Carlisle has three units and with part-time help, they can attempt to staff the second unit, though his goal is to staff all three units though that is an incredible funding increase.

Right now, they want to get to two units, fully staffed 24/7. That will provide one unit dedicated to the fire scene. The other unit would provide service for additional runs in the district, which happens frequently. This past weekend, they had four ambulance runs in a three-hour time span. That was the purpose of the additional funding request in the amount of \$60,000.

They are slated to be at over 700 fire calls this year, which has never occurred in the past. The fire service is a concern, and the EMS service is a greater concern for the population of Milford. Currently, they are interviewing candidates for a Supervisor of the EMS services. The Administrative Secretary performs a dual role function and handles the administrative duties, but also schedules the EMS staff.

He also noted that the Fire Police are in their trucks almost every alarm.

When asked about the percentage of calls in the City of Milford versus outside City limits and equate the amount the City contributes to Carlisle's budget and the amount received for those calls, it is a great deal even with the increased budget request.

It was also pointed out that the same citizens in the City of Milford, are also citizens of Kent and Sussex Counties, which makes them the same groups of residents.

Through the Delaware State Fire School, the cost of training an EMT is \$500 if the person is a member of the fire department and paid by them. The cost is almost \$1,000 if a non-member.

Polytech High School also offers that training. While both Tech High Schools (Sussex) offer the training, Councilman Boyle believes it would be beneficial for Milford Schools to consider EMT classes. President Tor also noted that Milford High School recently expanded their career program to include medical nursing.

Council wanted another workshop because there are a lot of topics, they want to cover with the Fire Company because they want to assist in as many ways possible.

City Manager Whitfield also commented that several Councilmembers have asked about the fire siren that is in the middle of town and the disruption to downtown festivals to the theater, and just daily life. When he talked with Chief Knowles, he learned that most of the firefighters live outside of town. Carlisle has asked for additional signals to be activated though nothing has been done yet.

He did speak with the Chief about placing the sirens on the edge town and possibly at the four corners of Milford's boundary. The primary reason for the sirens is because the volunteers are on the road with their four ways or blue lights trying to get that of the fire hall. It is important to warn people the firefighters are on the road trying to respond.

The City Manager feels that the sirens in the middle of town is not conducive to the overall goal in terms of alerting motorists and alerting firefighters noting that only eight or so firefighters live in City limits.

Councilman Culotta said the record can reflect the siren does not bother him personally because he is used to it though his wife cannot stand it. He also receives constant complaints from his neighbors. He thinks there is a distributed model that Milford needs to return to which is quieter.

Councilman James is concerned that if we are trying to signal people that there is an emergency and firefighters trying to get through traffic to get to the fire house, now that Milford has grown, there are areas where the siren cannot be heard.

Mayor added that Georgetown has three sirens spread out throughout the community and have no complaints.

Chief Knowles said he has sympathy for the people who hear a very loud siren. But for the firefighters, it is a way of life and what they rely on. He and Mr. Whitfield discussed some possible solutions that were presented at their board meeting, and they are 100% in agreement to move forward with some alternative locations, or solutions to fix the siren issue.

Council agreed the intent is not to remove the siren, but to make it less burdensome on our residents.

Chief Knowles confirmed that two forms of notification is required, one is the pager and the other is the fire siren. If that siren is operating and any malfunction would be within the wiring, the box, or the components of that siren. The phone app is not a reliable application.

He concluded by stating they are here to establish the working relationship and are also to come up with some compromises and solutions as well.

Mayor Campbell directed the City Manager to continue working with Chief Knowles.

#### *Residential Sprinkler Incentive/Enhancement Fund Review*

City Manager Whitfield recalled the previous discussions and that Council had asked for an incentive program. At the City Manager's direction, the Planning Director put together the following memo:

#### Background

City Council held workshops on January 10, 2022, and February 23, 2022, to discuss a proposed amendment to Chapter 88 Building Construction that would adopt the 2018 International Residential Code (IRC), the 2018 International Building Code (IBC), and the 2018 International Swimming Pool and Spa Code (ISPSC). The discussions involved several stakeholders, including representatives from the Delaware Fire Sprinkler Coalition, State Fire Marshal's Office, and Carlisle Fire Company.

The City held a public hearing to adopt Ordinance 2022-19 on June 27, 2022, to amend Chapter 88 Building Construction as outlined above including a requirement to install automatic fire sprinkler systems for one- and two-family dwellings and townhouses. City Council tabled the ordinance adoption until the July 11, 2022, meeting, where City Council adopted the ordinance without the residential sprinkler requirement. Staff was asked to evaluate possible options to incentivize the installation of residential sprinkler systems in new construction.

#### Current Building Permit Charges

The below Table 1 provides a typical breakdown of City permit charges associated with the construction of a new single-family detached dwelling. Table 1 assumes a construction cost of \$200,000 and a home size of 1,800 square feet.

Table 1-Current Typical Building Permit Charges  
See 08/31/22 Council Packet

#### Sprinkler Incentive Option

To financially support the local fire companies providing service within the corporate limits of the City, the fire company enhancement fund could be increased from 0.25% to 3% of construction cost for all new construction. For a typical house

that costs \$200,000 to build, that would increase the fire company enhancement fund from \$500 to \$6,000 (see table 2 below)

Table 2 – Building Permit Charges with 3% enhancement fund charge  
See 08/31/22 Council Packet

#### Chapter 26 – Enhancement Funds

Based on the current City municipal boundary and the Urban Growth Boundary shown in the City's adopted Comprehensive Plan, properties within the City are currently served by two volunteer fire companies (Carlisle and Houston) and could eventually be served by up to three separate volunteer fire companies (Carlisle, Houston, and Ellendale).

Staff recommends removing references to a specific fire company in the title of the enhancement fund and making the charge a generic fire company fee.

Director Pierce provided the history of the residential sprinkler matter that has been before council during numerous meetings.

At the last workshop, Council requested a program to incentivize sprinkler installation.

Director Pierce then pointed out the urban growth boundary as declared in our comprehensive plan as our targeted annexation area. It is a projected growth pattern that the State has approved us to annex anything within that area. It could take the fifty years or longer. Adjustments have been made in the urban growth boundary from the 2008 plan and the update in 2018.

Also shown were the fire districts that include areas serviced by Houston Fire Company, that are on the western side of Milford, based on the municipal boundary that exists today.

On the southern end of the development area, south of Johnson Road and west of SR 30, there is a section that falls within the Ellendale Fire District. As a result, the City of Milford will eventually be served by up to three fire companies.

He recommends the Carlisle Enhancement Fund eventually should be reworded to make it a Generic Fire Company Enhancement Fund and the language generalized. Currently, the code needs to add Houston Fire Company to Section 26-2 of the Fire Enhancement Code.

Mr. Whitfield discussed the possibility of altering the fire districts with Carlisle. They informed him it is not worth the fight and alluded to lawsuits filed between Clayton and Dover Fire Companies.

Council discussed the various funding sources from the State, and Kent and Sussex County that support the fire company within their jurisdiction.

Director Pierce also provided a complete recap of the residential sprinkler topic from when it was first introduced to City Council. He then reviewed the fees that are included in the building permit cost.

Based on an average 1,800 square foot building with a \$200,000 construction value, the total building permit charge in the City is \$12,410 and again reviewed each charge.

He continued by reiterating that one of the options considered was to increase the Carlisle Enhancement Fund to a set percentage. The memo shows an increase from  $\frac{1}{4}$  of 1% to 3%. This would result in an impact of \$5,500 on the average sized house permit.

The Director indicated they made it comparable to both the Delaware Sprinkler Coalition and the National Fire Protection Association (NFPA) and consideration of what the builder's indicated was their costs. This needs to be worthwhile to choose the fire sprinklers. If making it a wash, it would most likely not be considered.

Director Pierce believes that \$5,500 is a good number if the cost is between \$2,500 and \$4,000 and worthwhile to save an additional \$1,500.

Councilman Culotta disagreed stating this is like saying, here is your price and this is the sales price. And by the way, you raised the original price. In the example it goes from a quarter of a percent to three percent is huge. When a home is built or bought, there is a three percent buyer premium, three percent seller premium. That's six percent right there. And this scenario here, you got six percent for permit fees. Now we are adding another three percent for the Carlisle Enhancement Fund.

He said when an incentive was being discussed, speaking for himself, that incentive was about \$2,000 off the \$12,000. This would incentivize the builder to install the sprinklers because a house of this size, it is about what one would spend, though maybe more. Either way, there is an incentive to do it and it is not mandated.

Councilman Culotta said we pat ourselves on the back with our electric costs. Everybody complains they are high, though they are not when compared to other companies. There has been a good job of looking at the cost of electricity and other utilities and determining what the charge will be based on what is really required.

Now you are coming back by the way, we're going to increase your startup fees. In this scenario, \$20,000 is being spent before dirt is turned over. Plus, the county wants to charge a quarter percent which makes a person want to build outside of Milford, which is one of the complaints of having the sprinkler mandate to begin with.

The county sewer fee is a pass thru cost and the City has no control over that. However, water, sewer, and electric impact fees, and the electric connection fee and when a house is built in Milford, and a connection to the main is needed, that is a cost to the person building the home and their plumber must do that.

The idea of an impact fee is the impact to the system because additional load is added. He believes there is room to play with those. The target should be \$2,000 and that would be the incentive right now.

In Sussex County, instead of the Carlisle Enhancement Fund, there is a surcharge of not less than a quarter of one percent, not to exceed half of one percent. He believes we need to look other places.

Councilman James stated that though these are sample numbers, he is unsure an 1,800 to 2,000 square foot home can be built for \$200,000. As a result, the percentage does not have to be that high to get the same bang for the buck, because we know it is going to be more than \$2,000.

Councilman Culotta said we can also mandate things. The traditional set back in Milford is eight feet side to side which calculates to about sixteen feet between structures. A variance for a lesser setback should require sprinklers. Sprinklers should be mandated in homes with five to ten feet between houses.

He does not want to give away the farm, though there is a need to dig deeper from where that can come from.

Councilman Culotta does not want to raise the fire company enhancement fund at all. This is for capital items and not operational items.

He also noted that what the City budgets for Carlisle, those people are also living in the county and in the State as well. But if you live in the county and the State, you are paying state tax and county tax, and not paying City tax. That is already a disadvantage as well.

Councilman Fulton thinks the enhancement fee should remain where it is. Other variations can be considered such as decreased setback variances with sprinkler installation mandates.

A long discussion followed about mandating sprinklers and associated startup costs to be paid by the person building/buying the home.

Councilman Culotta argued that houses are designed to have a certain burn rating. Sprinklers provide a one-hour time to escape. They do not necessarily stop the fire but provides more opportunity to get out. He asked the importance of that one hour and on a new build, not much. His house is old and that is where most of the fire and deaths in Delaware come from.

He thinks we should mandate fire alarms, though that is already done, along with smoke detectors. The Councilman does not agree with mandating sprinklers now. Until the State and county mandates it, Milford can revisit it. This is simply another requirement in Milford that builders will have to deal with.

Councilman James agrees with the idea of homes that are very close should have mandates. If one catches on fire, they will all burn down.

Director Pierce stated the building code draws the line at five feet. Nothing less than five feet separation. Then there is an interpretation of the building code that assumes there is a structure on the property line. Less than five feet starts to impact the number of openings you can have on that wall, so no windows. Less than three feet requires a full fire, rated wall, almost like a townhouse.

The homes that are being constructed as in Simpson's Crossing were approved with a minimum three-and-a-half-foot side setback by Council. Some came in at three and a half, and they have no windows on the entire side walls of those homes. However, Director Pierce pushed for them to meet the five feet.

He also noted that a lot of these new developments are not eight feet from the side. Five feet is where he tries to get them and that would essentially impact a lot of the new developments that Council has approved over the past couple decades, along with duplexes or townhouses.

When considering what has been discussed, Councilman James feels that everything that has been said is correct, but Councilman Boyle's comments need to be considered. Referring to the previous Carlisle Fire Company discussion, available volunteers impact response time, because no one could ultimately show up.

There is still a need to figure out incentives. The Councilman said we do have to keep in mind the budget, because there are always budgetary constraints. Something is going to crowd another item out. Council needs to decide the priorities and what can be given up.

Director Pierce said our permit charges are very competitive with our peer communities. He also noted that there are only three municipalities, out of fifty-seven that mandate sprinklers.

Councilman Culotta says we need to follow the counties who are not mandating sprinklers.

When asked if anyone has spoken with Lewes, Milton, or Newark and their impact on housing development sales and the sprinkler mandate, Director Pierce said they have different housing markets and the reason he has not reached out to them.

Mr. Whitfield added that Carlisle was not in favor of the money incentive, because they stated, 'you cannot put a price on a life', and their preference is to mandate the sprinklers. The additional money means nothing to them when it comes to the loss of a life.

Councilman Culotta said he had a long conversation with Sussex County's Fire Marshal Duane Fox who said the same thing. He feels that in that sense, every house should be built on a cinder block.

Councilman Fulton said there is a cost in Delaware in affordability and service. He thinks that being the number 4 municipality to mandate is a mistake for the City of Milford.

Councilman James said something is needed because life/safety is a big deal. Anytime we can buy an hour to get a family out is huge. Councilman Fulton said when a brain starts dying and there is not a paramedic that can reach that person in this city. So advanced life support in six minutes is unavailable in Milford.

He said that the counties are aware, the City government has been made aware, and previous administrations have been made aware, and internships have been contacted. The State is aware, and nothing has happened yet, and Milford is not a small little town that is a blip on a radar.

Councilman Fulton emphasized that if a variance is requested in the side setbacks, the City's terms will be sprinklers. Keeping the setback widths and is one step in adding the sprinkler system.

When asked what the .75% general government enhancement fund is used for, the City Manager said it went toward the police station.

It was suggested \$2,000 to \$2,500 be used to incentivize fire sprinklers in homes in new developments. Any variation in the deduction of setbacks makes it mandatory.

Director Pierce stated that any number will need to be broken down by size and those calculations should be done internally. The point of bringing this to Council tonight was to show them that Carlisle's boundary goes way beyond the City limits and will involve Houston Fire Company when those homes are finished, and in the future Ellendale Fire Company as we develop southwest of Route 1 beyond Johnson Road.

Solicitor Rutt pointed out with that Council is trying to micromanage the City. He suggests that considering asking the State of Delaware to impose a tax or fee of some sort, and if a sprinkler is installed, that tax or fee is decreased. That provide them the ability to make money that could be given to the firefighter volunteers in which they are paid per run. That then provides a statewide incentive program for homebuilders to install a sprinkler system.

City Manager Whitfield reiterated that Council's directive was for staff to develop an incentive program.

Councilman Culotta then stated that we could do an incentive program based on square footage with given for every 100 square feet of interior space, or the water impact fee could be reduced.

City Manager Whitfield said he would argue against reducing any of the impact fees for water, sewer and electric, just because of the projects we have coming down the pipeline.

Councilman Culotta believes there are many things the City makes revenues from and that any of those things should be considered. Councilman James pointed out the City does not make revenues on the general fund side though Councilman Culotta disagreed noting the electric side makes money.

City Manager Whitfield noted that any extra funds go back into covering operational costs. Referring to Councilman James' point in the earlier discussion about adding fund to new incentives will take funding away from project previously approved, and to be specific, there will be less money to buy land, less money for playgrounds and parkland.

Several inaudible conversations were occurring, and Mayor Campbell ended the conversation about residential sprinklers.

#### *Police Chief Search Update*

City Manager Whitfield added some memos to the packet that came from Project Manager Jon Fehlman of HRgovUSA. He presently has approximately nineteen applicants from various parts of the United States, though several appear to be local while others are from as far away as Texas.

The closing date on applications is September 15<sup>th</sup> and after that date, Mr. Fehlman will review the applicants and weed out those that do not meet our qualifications and narrow that number down before presenting them to City Council for additional review.

Councilman James asked that he not over filter and if an application is close, it should be considered.

*Adjournment*

Mayor Campbell adjourned the meeting at 8:18 pm.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder