

CITY OF MILFORD
COUNCIL MEETING MINUTES
October 9, 2023

The City Council of the City of Milford met in Regular Session on Monday, October 9, 2023, in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Archie Campbell

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

STAFF: City Manager Mark Whitfield, Police Chief Cecilia Ashe, and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

PUBLIC COMMENT SESSION PRIOR TO MEETING

With no one signed up to speak, and the Public Comment Session was closed.

CALL TO ORDER

Mayor Campbell called the meeting to order at 6:08 p.m., prior to the scheduled Public Comment period.

INVOCATION AND PLEDGE

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

ORDINANCE REVIEW/PUBLIC COMMENTS/FINAL DETERMINATION

Ordinance 2023-38/Electric Tariff/Appendix B/Transfer of Fees to City Fee Schedule

Electric Director Tony Chipola referenced the ordinance amending the existing electric tariff. The major points for review are the removal of any language within the document related to specific electric fees. Those fees are being stricken from the tariff and transferred to an external document of city fees. There were also some language discrepancies that had to be rewritten to align with the rest of the sections. Minor changes have been made for clarification and consistency and the rate classes had some language discrepancies that were updated to align with the remaining language.

The floor was open to public comment. No one responded and the floor was closed.

With removal of any display of rates in the tariff, there will be one document that will contain all rates charged for all utilities and services by the City of Milford.

When asked how DEMEC handles solar renewable energy credits (SRECS), City Manager Whitfield said that the City of Milford can purchase SRECS and DEMEC will act as Milford's broker in that situation. The City of Newark does that and if interested, he will have to get more information from DEMEC.

Councilman Baer asked if people with solar panels receive SRECS and who do they come from; Mr. Chipola advised that the SRECS do not fall under the city's responsibility.

Finance Director Lou Vitola explained that each deal that is made between the solar customer and the installer, and they may as part of the contract, be signing away their monetary interest in SRECS, but that is privately negotiated and outside the purview of both DEMEC and its members cities, of which Milford is one. Therefore, the city is not involved in purchasing, trading, or selling SRECS to and from property owners within the city.

Councilmember Boyle moved to adopt 2023-38 amending the City Electric Tariff/Appendix B, to include the transfer of Fees to the City Fee Schedule, seconded by Councilmember James. Motion carried with no one opposed.

APPROVAL OF PREVIOUS MINUTES

Councilmember Culotta moved to approve the minutes of the June 26, 2023, and July 10, 2023 Council Meetings, and the July 17, 2023 Special Council Meetings, as presented, seconded by Councilmember Baer. Motion carried.

RECOGNITION

Introduction/New City Employees

Public Works Director Mike Svaby stated that on September 18, 2023, Frederick Douglas began working as a Public Works Equipment Operator in Solid Waste. He is an experienced driver from Baltimore City and will report to Brian Jester, Building Operations and Maintenance Supervisor. He provided Council with details of his youth and work history and is excited to work for the city.

The following four proclamations were presented on behalf of Mayor Campbell for the designation as indicated:

Proclamation/2023-20/Dysautonomia Awareness Month

PROCLAMATION 2023-20 Dysautonomia Awareness Month

- WHEREAS, Dysautonomia is a group of medical conditions that result in a malfunction of the autonomic nervous system, which is responsible for "automatic" bodily functions such as respiration, heart rate, blood pressure, digestion, temperature control and more; and
- WHEREAS, Dysautonomia impacts over 70 million people around the world, and includes conditions such as Diabetic Autonomic Neuropathy, Vasovagal Syncope, Pure Autonomic Failure, and Postural Orthostatic Tachycardia Syndrome; and
- WHEREAS, Dysautonomia impacts people of any age, gender, race, or background, including many individuals living in the City of Milford, Delaware; and
- WHEREAS, Dysautonomia can be very disabling, and this disability can result in social isolation, stress on the families of those impacted, and financial hardship; and
- WHEREAS, Some forms of Dysautonomia can result in death, causing tremendous pain and suffering for those impacted and their loved ones; and
- WHEREAS, Increased awareness about Dysautonomia will help patients get diagnosed and treated earlier, save lives, and foster support for individuals and families coping with Dysautonomia in our community; and
- WHEREAS, Dysautonomia International, a 501(c)(3) nonprofit organization that advocates on behalf of patients living with Dysautonomia, encourages communities to celebrate Dysautonomia Awareness Month each October around the world; and
- WHEREAS, We seek to recognize the contributions of medical professionals, patients and family members who are working to educate our citizenry about Dysautonomia in the City of Milford.

NOW, THEREFORE, BE IT RESOLVED, I, Arthur J. Campbell, Mayor of the City of Milford, by the power vested in me, do hereby proclaim the month of October 2023 to be Dysautonomia Awareness Month in the City of Milford.

Proclamation 2023-21/National Customer Service Week

PROCLAMATION 2023-21 Recognizing National Customer Service Week in the City of Milford

- WHEREAS, National Customer Service Week was first championed by the International Customer Service Association in 1984, proclaimed a National Event by Congress in 1992, and is now celebrated the first full week of October every year; and
- WHEREAS, Customer Service Professionals work the front lines and are often the first to meet new customers and make a

- positive impact on behalf of the City; and
- WHEREAS, Through the use of responsive policies and procedures, and by demonstrating simple courtesy, Customer Service Professionals go a long way toward ensuring customer satisfaction; and
- WHEREAS, Having the passion to serve Milford's customers by supporting the City's efforts to deliver safe and reliable power, clean drinking water, sanitary wastewater and solid waste collection and disposal by maintaining a positive attitude when facing adversity, are personal goals of every Customer Service Professional in the City of Milford; and
- WHEREAS, We celebrate National Customer Service Week to recognize the phenomenal job that Cash Operations & Revenue Supervisor Suzannah Frederick and her Customer Service Professionals do fifty-two weeks a year and because they understand their significance to the residents and businesses in the City of Milford; and
- WHEREAS, The theme of this year's National Customer Service Week is "Celebrate Service" to recognize the value of service and the contributions of our frontline team who pours their time, energy, and compassion into the work of servicing customers, most often without recognition; and
- WHEREAS, We applaud the value of the friendly, face-to-face, personal service that Cash Operations & Revenue Supervisor Suzannah Frederick, Billing Clerk I Julie Eisenbrey, Billing Clerk I Vicky Love, and the Service Professional Team eagerly provide to residents, property owners, businesses, and industries within our city by constantly looking for ways to assist and improve.

NOW, THEREFORE, BE IT RESOLVED, I, Arthur J. Campbell, Mayor of the City of Milford, by the power vested in me, do hereby proclaim October 2-6, 2023, to be National Customer Service Week in the City of Milford.

Proclamation 2023-22/Public Power Week

PROCLAMATION 2023-22
Recognizing Public Power Week Beginning October 1, 2023

- WHEREAS, the utility customers of Milford, Delaware, place a high value on local choice through our city-owned, not-for-profit electric utility; and
- WHEREAS, the City of Milford Electric Utility provides our homes, businesses, schools, social service, and local government agencies with reliable, efficient, and safe electricity employing sound business practices designed to ensure the best possible service at the lowest possible rates; and
- WHEREAS, the City of Milford Electric Staff, under the management of Electric Director Tony Chipo and his Professional Utility Team, is a valuable asset that contributes to the well-being of local citizens through energy efficiency, customer service, environmental protection, economic development, and safety awareness; and
- WHEREAS, the City of Milford Electric Utility is a dependable and trustworthy institution whose local operation provides many consumer protections and continues to make our community a better place to live and work and contributes to protecting the global environment.

NOW, THEREFORE, I, Mayor Arthur J. Campbell, do hereby proclaim October 1 to 6, 2023, as "PUBLIC POWER WEEK" in our community as Milford City Council continues to work to bring low-cost, safe, reliable, and sustainable electricity to our homes and businesses just as it has since the day it was created to serve all customers within Milford's Electrical Service Territory.

Proclamation 2023-23/Cybersecurity Awareness Month

PROCLAMATION 2023-23
National Cyber Security Awareness Month

- WHEREAS, the City of Milford recognizes the vital role technology has in our daily lives and the future of our Nation and State, whereby today many critical infrastructure sectors are increasingly reliant on information systems to support financial services, energy, telecommunications, transportation, utilities, healthcare, and emergency response systems; and
- WHEREAS, internet users, citizens, and information infrastructure face an increasing threat of malicious cyber-attack, significant financial and personal privacy losses due to identity theft and fraud; and

WHEREAS, throughout October, in recognition of Cybersecurity Awareness Month, the Department of Homeland Security is committed to raising awareness about ways to combat the constant and ever-increasing danger from cyber threat actors; and

WHEREAS, Milford's IT Director Bill Pettigrew and IT Experts Denham Dodd, Paul Beebe, and Mike Smith maintain the security of cyberspace is a shared responsibility in which all of us have a critical role; and

WHEREAS, by integrating cybersecurity into the overall cultures and operations of the City of Milford, the Department leads by example; and

WHEREAS, the Cybersecurity and Infrastructure Security Agency (CISA) a division of the U.S. Department of Homeland Security, and its Cybersecurity Advisor, and the Delaware Department of Technology and Information have declared October as National Cyber Security Awareness Month.

NOW THEREFORE, BE IT RESOLVED, that I, Arthur J. Campbell, Mayor of the City of Milford, do hereby proclaim that all residents and businesses within the City of Milford support October 2023 as Cybersecurity Awareness Month; and

MONTHLY STAFF REPORTS

Complete reports from each department were included in the council packet.

Police Report

Chief Ashe delivered a detailed report of the officer's monthly statistics and department activities during the month, including those within the Behavioral Health Unit.

Councilmember Wilson moved to accept the monthly police report, seconded by Councilmember Baer. Motion carried.

City Clerk

City Clerk Hudson provided a review of June activities within the clerk's office.

Councilmember Boyle moved to accept the monthly city clerk report, seconded by Councilmember Wilson. Motion carried.

Monthly City Manager Report

City Manager Whitfield talked about several items handled with staff members over the month.

Public Works Department

Public Works Director Svaby reviewed the highlights included in his report.

Electric Department

Electric Department Director Tony Chipola supplied information related to his department.

Planning & Zoning Department

Director Rob Pierce provided a quick synopsis of his department's accomplishments in September.

Parks & Recreation Department

Parks & Recreation Director Brad Dennehy highlighted several items, noting the pickleball courts are expected to be completed by the end of the month.

Human Resources

Human Resources Director Jamesha Williams provided HR highlights from the previous month.

Economic Development & Community Engagement

Administrator Sara Bluhm shared details of several activities she was involved in during September.

IT Department

IT Director Pettigrew provided a complete review of his monthly report.

Finance Department

Finance Director Lou Vitola provided details of finance and customer service staff undertakings.

Councilmember Fulton moved to accept the city manager and associated departmental reports, seconded by Councilmember Baer. Motion carried.

COMMUNICATIONS & CORRESPONDENCE

Councilmembers Baer and Samaroo are distributing invitations to the Meet the Chief Event and have received a lot of good feedback. They also received comments on the new marijuana law. Councilman Fulton said people are confused and think that Milford can ban marijuana within the city boundaries and emphasized that is not part of the law.

Solicitor Rutt pointed out this is not on the agenda and should not be discussed.

Councilmember Wilson talked about the successful Faith & Blue event held in the Bicentennial Park on October 6th that was spearheaded by Sergeant Tim Maloney.

UNFINISHED BUSINESS

Authorization/Downtown Restroom Project

Public Works Director Mike Svaby said this is a follow up to the last discussion on September 20th and the request for additional information.

Council noted that at the previous meeting, they had asked for information on four to five stalls and questioned if there was a problem with space. Director Svaby talked about the buildable footprint with the walkable sidewalk and the slope necessary for ADA access.

Originally two to three stalls were requested, and the chosen location was across from the library. The general neutral restrooms were preferred, and it was determined they were most practical for family use as a group.

The Cortez, Dakota, and Kodiak models were then discussed and would fit in the planned space.

The budget identified and remaining are as follows:

CIP Budget	\$282,500.00
Site Cost/Utilities	\$80,000
Remaining Restroom Unit Budget	\$202,500.00

The Cortez unit was previously presented. The two units that would fit in the same space are the Kodiak unit for \$182,000 and the Dakota at a cost of \$186,000. The benefit of the Dakota is it fits in the buildable space, has front facing entrances, provides two stalls for women and one stall/urinal for men, and fits within the available budget of \$186,000.

Both alternative models have more stalls, but going larger than this, will require an adjustment in the budget and a possible alternative location.

It was confirmed that the projected costs do not include utility connections, which will be an additional fee. Also confirmed that electric service is available to this site as well.

The second-choice location on South Walnut Street was also considered.

The consensus seems to be that the location across from the library was more centrally located to the various recreational amenities downtown, as well as the farmers markets and similar events.

It was determined that a stick-built unit was higher per square foot than the prefab, though Director Svaby is willing to investigate that further.

He noted there is a six-month lead on the prefab units. That would accommodate preparing the site so that on delivery day, the crane could drop that in place with all utilities aligned and operating in time for the spring activities. It was also agreed to explore solar opportunities once the unit was in place.

Director Svaby was directed to come back with additional options for the basic prefab unit and information on stick-built units to also be considered.

Councilmember Culotta moved to postpone any action until additional information is received from Director Svaby, seconded by Councilmember Baer. Motion carried by a vote of 5-3 with Councilmembers Boyle, Wilson, and Fulton casting dissenting votes.

NEW BUSINESS

Municipal Electric Utilities Renewable Portfolio Standard Compliance 2022-2023 Report

City Manager Whitfield said State Law requires this information be provided to the legislative body though no action is needed.

Adoption Resolution 2023-17/Updated Fee Schedule (Adds Fences & Electric Rates)

Resolution 2023-17 incorporates the newest electric fee schedule into the City Comprehensive Fee Schedule, in addition to the newest permit fee now required by the Planning and Zoning Office for fence installations.

The floor was open to public comment. No one responded and the floor was closed.

Councilmember Fulton moved to adopt Resolution 2023-17, seconded by Councilmember James:

RESOLUTION 2023-17

AUTHORIZATION OF CONSOLIDATED CITY FEE SCHEDULE

WHEREAS, the City Council of the City of Milford has the authority to establish fees for various services; and
WHEREAS, City Staff reviews costs reasonably borne by the City in providing those services, the beneficiaries of those services, and the revenues produced by those paying fees and charges for special services; and
WHEREAS, City Council finds that providing these services are of special benefit to applicants both separate and apart from the general benefit to the public; and therefore, in the interest of fairness to the general public, it is better recovering the costs from applicants who have sought or require the City's services by maintaining a schedule of fees; and
WHEREAS, City Council Resolution Numbers 09/08/2008, 2013-14, 2013-20, 2014-09, 2015-19, 2016-12, 2016-17, 2017-06, 2018-02, 2018-14, 2019-01, 2019-02, 2019-05, 2019-09, 2019-11, 2019-15, 2020-04, 2020-05, 2020-06, 2020-22, 2020-23, 2020-24, 2020-27, 2020-33, 2020-43, 2020-44, 2202-03, 2023-12, and 2023-13 are hereby rescinded upon the effective date described in Section 2 of this Resolution; and
WHEREAS, the adoption of a current and comprehensive City Fee Schedule will assist the public, as well as City staff, in readily locating fees, while continuing the City's quest for governmental transparency; and
WHEREAS, the fees within the consolidated City Fee Schedule will be evaluated no less than on an annual basis to ensure quality services continue to be provided while practical, but necessary cost recovery fees are measured; and
WHEREAS, the updated City Fee Schedule contains eradicated City Electric Utility rates and fees, previously defined in Appendix B-City of Milford Electric Tariff, and properly referenced by Ordinance 2023-38, adopted on this date and effective October 19, 2023; and
WHEREAS, a new Planning and Code permit fee for the installation of fences is also incorporated to cover expenses associated with inspection and administrative costs.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Resolution 2023-17, to be known as the consolidated City Fee Schedule, attached hereto, is hereby adopted.

Section 2. All fees and rates adopted by Resolution 2023-17, including those that are new or adjusted, shall become effective October 19, 2023.

Section 3. Although most City fees are inclusive, this consolidated Fee Schedule may not show all fees and penalties authorized by administrative rules or in a city contract, such as concession and franchise fees.

Section 4. It is the intention of the City that future versions of this document show all rates and fees and shall distinguish those that are being proposed at the time of the adoption.

Section 5. The City Fee Schedule will be available on the City of Milford website or by contacting the City Clerk's Office at Milford City Hall.

Motion carried.

Award/Professional Service/Deep Creek/Herring Branch Greenway Phase I

City Manager Whitfield presented the following request from Director Brad Dennehy for the first phase in the development of the Sharp Farm:

A proposal from Becker Morgan Group (BMG) for professional services for Deep Creek/Herring Branch Greenway Phase I. Earlier this year, BMG completed concept plans for Phase I of the Greenway, which will serve as the basis for the additional work proposed.

The proposal is to prepare the associated construction documents and prepare site plan applications for submission to Sussex County. The park improvements include entrance road and parking lot, utility extension into the site, playground, bike paths, sidewalks, and other related sitework. The proposal calls for a stated fee of \$80,000 to be billed periodically as work is performed, plus the firm's out-of-pocket expenses, including application/permit fees required by state/county agencies.

Funding for this project was approved in the FY24-28 Capital Improvement Plan and has been obtained entirely through grant proceeds, including \$250,000 from the FY23 Bond Bill, \$200,000 from the FY24 Bond Bill, and \$200,000 from Community Transportation Funds in FY24.

Councilmember Boyle moved to accept the Becker Morgan Group proposal for the base amount of \$80,000 for professional services, plus actual costs required to produce construction documents and prepare site plan applications for Sussex County, to be funded through a combination of Bond Bill and Community Transportation Funds.

Motion carried with no one opposed.

ADJOURNMENT

Councilmember Boyle moved to adjourn the meeting, seconded by Councilmember Fulton. Motion carried.

The meeting was adjourned by Mayor Campbell at 7:46 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder