

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 28, 2020

The City Council of the City of Milford convened in a Workshop Session by way of a video conferencing website on Monday, September 28, 2020 at 6:45 p.m.

PRESIDING: Mayor Arthur Campbell

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

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

COUNSEL: Solicitor David Rutt, Esquire

ABSENT: Councilmember Katrina Wilson

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 September 28, 2020 Council Meeting agenda for additional information.

DEMEC Presentation President/CEO Mr. McCullar

Mayor Campbell introduced DEMEC's CEO Pat McCullar for the presentation.

Mr. McCullar provided the following information:

DEMEC was created as a joint action agency back in 1979 and Milford was one of the founding six municipalities. DEMEC is owned by and dedicated to serve the member utilities throughout state of Delaware. Its mission is to advance the principles of public power of community ownership and provide reliable energy supply and services to its members owners communities. The City of Milford has strongly supported DEMEC and public power for over 40 years and owns 18% of the maximum equity.

Powering financial success together, as of December 31, 2019 DEMEC had:

Assets \$132,556,876, Operating Revenue \$137,476,264, Bonds Outstanding \$69,313,295, Net Margin \$12,287,156, Distributions to Members \$7,780,171 and Distribution to Milford \$1,579,375. Distribution to members is done every year.

We're powering savings together by developing an operating a design portfolio of supply resources went up. We own generation assets. We have aggregated power contracts with other generation that are part of a designed risk hedging policy. We diversify our contracts. We stagger the maturities and make sure we score the financial health and credit worthiness of the generators that we enter into contracts with.

This reduces our supply and price risk over the short and long term. We then balance on an hourly basis for load and supply in the PJM spot market PJM is the regional transmission organization in the middle. Mid Atlantic covering 13 states and the District of Columbia. We are a founding member charter member of PJM Spot Market. PJM is the regional transmission organization in the Mid Atlantic covering 13 states and the District of Columbia. DEMEC is a founding charter member who have about 600 members now, up from 150 members in 2001.

This optimized power supply portfolio provides very stable low-cost reliable wholesale power supply to Milford, and other DEMEC member communities.

The mix, when delivered to its members, comes from:
Fremont Energy Center Supplies 41%

Laurel Hill Wind Farm 10%
Milford Solar 1.4%
Bloom Fuel Cells .2%
Smyrna Solar .1%
Remaining part comes from market purchases of 44%

DEMEC invested \$115 million in more than 310 megawatts of supply and renewable assets-solar, wind and still predominantly natural gas.

The Beasley power station is 100-megawatt natural gas peaking power plant located in Smyrna, Delaware which is operated about 5 to 10% of the hours per year to make sure that when the peak demand for energy is needed, that demand can be met at the lowest cost possible

The Fremont Energy Center is a highly efficient 700-megawatt combined cycle natural gas plant. DEMEC owns 150 megawatts out of this 675-megawatt plan and is owned 100% by public power utilities.

Laurel Hill wind farm is 30 wind turbines along a seven-mile ridge in central Pennsylvania and provides 69 megawatts of renewable energy and DEMEC receives 100% of the output.

The Milford Solar Generation Plant has 13 megawatts generated from 62,000 crystalline silicon solar panels located on 70 acres. This injects energy into the Milford grid behind the meter and supplies about 8% of the City's energy requirements each year.

DEMEC is also increasing renewable generation investments. In addition to Milford Solar, the Dover Sun Park, Seaford McKees Solar Park in Newark, Clayton, New Castle and Smyrna Solar. There is enough renewable energy generation in the state to power 24,000 homes.

Over the past six years from investments in the natural gas fire generation and purchasing contracts from efficient generators, has lowered the wholesale electric rate by 25% over that period. DEMEC is proud of those savings for their member communities and is one of the things that has enabled Milford to be one of the lowest cost electric providers in the State of Delaware.

There are 11 utilities in the State serving customers. The top four lowest cost utilities are all public power utilities and Milford is among them.

Our community utilities have very powerful incentives to get the desired development in our communities due to very low nonprofit electric rates, one stop permitting and the capacity to grow and provide infrastructure for new businesses or for businesses that continue to grow.

DEMEC is committed to following the State's current guidance of 25% renewable energy by 2025 though not obligated to do so. As a group, DEMEC members have chosen as a group to do that while minimizing costs.

Recently it was revealed by the Public Service Commission that Delmarva Power and Light was charging 19% additional cost to their customers for the renewable energy, they've invested in. For DEMEC's member utilities, our cost is below 4%.

Developing renewable energy product projects will continue as needed by our members and like to locate them behind the meter which allows reduced costs of capacity and transmission

DEMEC is also committed to reducing the impact on our environment through these carbon savings and reducing greenhouse gases.

The mission is lowest cost to meet the goals. The board of directors, which are member communities, set the goals. The job is to meet those goals at the lowest possible cost.

Also offered is an energy efficiency program called Efficiency Smart. All eight member communities have enrolled in Efficiency Smart that benefits all customer types and the community as a whole. This program reduced electric use by 2.6 million kilowatt hours in these communities.

New technologies are high priorities. Battery storage, while it's not really ready for prime time on the utility scale, is getting there. Opportunities are being sought on how to increase the number of charging stations in our communities as well as how other utilities are responding to customers that are charging their vehicles at home. That affects the demand curve and is a new demand on electricity.

A very robust professional training program is sponsored by DEMEC in Delaware versus sending people out of state too expensive seminars and pay travel and hotel costs. A very large training facility is available at the Smyrna office and guest lecturers, state of the industry experts and future looking speakers do training on site at no additional cost to our members.

Additional training programs have also been developed for line workers including safety rescue certifications and are developing a new training lineman yard to provide more opportunities. A lot of times, the only choices have been to send them out of state to very expensive training programs. They are now going to bring this program to them, while they are available should there be an emergency in their community.

The demand is very great and a much larger facility is needed to make sure that all the training gets done and all certifications can be achieved by our line workers.

DEMEC is continuing to invest in the right kind of generation as we go forward. The community power requirements are increasing, businesses are expanding and electrification is underway. Technologies are always developing and DEMEC is going select those that will be most valuable to our communities.

DEMEC's wholesale power supply cost reductions have allowed Milford to lower their rates for the past three years and have become one of the lowest cost power providers in the state. The training programs, improve the skills and knowledge of Milford employees at no additional cost to Milford budget.

DEMEC professional staff is at Milford's disposal at a fraction of the cost that would be incurred to have their own professional staff, either on board or contracted. As needs arise for Milford, DEMEC will continue to design and implement programs to meet those needs for Milford. DEMEC will continue to listen to Milford, and the other members to understand their needs and design programs and services to continue to help members be successful.

Reach out to your DEMEC team for any needs or challenges.

Councilman Marabello talked about the reliability to anything, including renewables. He asked the reliability of the solar plans in Milford; Mr. McCullar said they have been highly reliable with very few equipment failures. It is a very well-designed facility and has never had a significant outage. It has a very high uptime and is always putting out energy

Councilmember Culotta commented how electric vehicles are becoming more the norm and asked how the city can work with local businesses, shopping centers or gas stations to incentivize them install charging stations; Mr. McCullar said they are presently looking at opportunities to get grants to make financial incentives. They are offering designs of what electric charging stations can look like, though they believe it will organically take off by itself as the number of electric cars on the roads increase and those charging stations are needed. He believes people are going to see business opportunities in making a relatively small investment by installing a charging to make sure that they're serving their customers.

Councilmember Culotta asked what can be done in the meantime to talk about this; Mr. McCullar said they have tasked their Energy Services Manager Emily Green with that challenge. She is working on sources of grant funding that are

available, in addition to what kind of offers can be made to customers to further incentivize them to install the charging stations.

Councilmember James thanked Mr. McCullar and asked if there is an appetite or is it economical to have Milford invest additional dollars power generation like the solar farm. Mr. McCullar pointed out that any community can choose to make investments in additional renewable energy. However, they find the most efficient way to achieve these goals is to do it as a group because DEMEC can develop larger facilities, lower the economics and lower the cost of producing those facilities.

The DEMEC Board of Directors, one representing each the community members, have vigorous discussions about what they want the path forward to be for renewable energy. DEMEC will at least create a base for everybody of 25% by 2025. If any of the communities decide to have a higher goal, they can come to DEMEC and say they have a higher goal. DEMEC will then identify and present the lowest cost solutions to providing that additional renewable energy to your community.

City Manager Whitfield added that the city is always looking for ways to partner with local companies. He talked with Purdue several years ago about possibly partnering with them by using some of their excess energy at the plant to operate a turbine. Anytime a local company wants to do something on a renewable side, the city is always interested in that partnership. Mr. McCullar noted that DEMEC is always happy to assist with those endeavors.

Mr. McCullar concluded by thanking Council for the opportunity adding that DEMEC is always available to assist with information or answer questions.

There being no further business, the Workshop Session of Council concluded at 7:10 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 28, 2020

The City Council of the City of Milford convened their regular meeting by way of a video conferencing website on Monday, September 28, 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 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 September 28, 2020 Council Meeting Agenda for additional information.

CALLED TO ORDER

Mayor Campbell called the meeting to order at 7:05 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

New Employee Introduction/Solid Waste Operator/Collector

Public Works Director Svaby Director Svaby welcomed the city's newest solid waste driver Lawrence (Larry) Hardway. Mr. Hardway is originally from West Virginia and is presently living in Harrington along with his wife and children.

The following three proclamations were presented by Mayor Campbell and acknowledge dysautonomia awareness and recognize the fine work of our Customer Service and Electric Division employees:

Proclamation 2020-16/Dysautonomia Awareness Month

Proclamation 2019-16
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;

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;

WHEREAS, Dysautonomia impacts people of any age, gender, race or background, including many individuals living in the City of Milford, Delaware;

WHEREAS, Dysautonomia can be very disabling and this disability can result in social isolation, stress on the families of those impacted, and financial hardship;

WHEREAS, Some forms of Dysautonomia can result in death, causing tremendous pain and suffering for those impacted and their loved ones;

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;

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;

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 2020 to be Dysautonomia Awareness Month in the City of Milford.

Proclamation 2020-17/National Customer Service Week

City Manager Whitfield commended the Customer Service staff, commenting on the work they've been doing over the last several months because of the pandemic and the extra effort as a result of the ever-changing criteria that was placed on them with the Governor's Declaration of Emergency. But they have trudged through it all and have been able to keep our customers in power and utilities and deserve a lot of credit as a result.

Proclamation 2020-17
National Customer Service Week

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 simple courtesy, Customer Service Professionals go a long way toward ensuring customer satisfaction; and

WHEREAS, Having the passion to guarantee Milford's customers have safe and reliable power, in addition to 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 for two main purposes: To recognize the phenomenal job that our Customer Service Professionals do fifty-two weeks a year and because they understand their significance to the City of Milford; and

WHEREAS, This year, we applaud the value of the friendly, face-to-face, personal service our Customer Service Professionals willingly 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 5-9, 2020 to be National Customer Service Week in the City of Milford.

Proclamation 2020-18/Public Power Week

City Manager Whitfield also commented on the Public Power Week recognition adding it was an appropriate time to have the presentation by DEMEC and because Milford is a public power community. He is very proud of what these crews have been able to accomplishing and most recently earned a Reliable Public Power Provider (RP3) designation from the American Public Power Association for providing reliable and safe electric service. He is very proud of this accomplishment, adding that the prestigious award has only been given to a little more than 200 power companies throughout the United States which makes it even more special.

Proclamation 2020-18
PUBLIC POWER Week

WHEREAS, we, the citizens of the City of Milford, place high value on local choice over community services and therefore have chosen to operate a community-owned, not-for-profit electric utility and, as customers and owners of our electric utility, have a direct say in utility operations and policies; and

WHEREAS, the City of Milford Electric Division provides our homes, businesses, schools, and social service and local government agencies with reliable, efficient, and safe electricity employing sound business practices designed to ensure the best possible service at not-for-profit rates; and

WHEREAS, the Electric Division is a valuable community 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 Electric Division is dependable and trustworthy 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, BE IT RESOLVED, I, Arthur J. Campbell, Mayor of the City of Milford, by the power vested in me, do hereby proclaim the week of October 4-10 be designated Public Power Week to recognize the Electric Division for its contributions to the community and to educate consumer-owners, policy makers, and employees on the benefits of public power; and

BE IT FURTHER RESOLVED: that the City of Milford Electric Division will continue to work to bring lower-cost, safe, reliable electricity to community homes and businesses just as it has since the utility was created to serve all residents of the City of Milford; and

BE IT FURTHER RESOLVED: that our community joins hands with more than 2,000 other public power systems in the United States in this celebration of public power, which is best for consumers, business, the community, and the nation.

PUBLIC HEARINGS:

*ORDINANCE 2020-23
Code of The City of Milford
Part II-General Legislation
Chapter 88-Building Construction*

Resolution 2020-24/Planning & Economic Development Department Fee Schedule

Planning Director Pierce stated that he will discuss Ordinance 2020-23 and Resolution 2020-24 simultaneously.

He is proposing revisions to the planning department fee schedule that are outlined in Resolution 2020-24 as well as a minor code adjustment in Chapter 88 Building Construction which falls under Ordinance 2020-23.

The first change in the fee schedule deals with engineering and plan reviews. The current fee schedule states the developer/applicant is responsible for all professional service fees charged to the City of Milford, including legal and engineering review.

The Planning Department, Finance Department and Public Works Department find the current arrangement problematic for several reasons. First, the developer is unaware of the potential cost of the engineering review at the time of land use application and is sometimes surprised by the amount needed to cover these expenses. Secondly, the Finance Department has to bill each developer/applicant every month for engineering and legal fees incurred by the City, which requires monitoring by both departments to make sure all invoices are paid.

He said there are also situations where applications are denied or a project never moves forward and sometimes fees remain unpaid. Collecting these fees upfront will reduce the administrative burden on the City and provides a more predictable fee schedule that can be shared with potential developers/applicants during their initial visit. Proposed is a fee schedule that would

incorporate the anticipated engineering plan review fees, along with the Planning Department zoning review fees that will fall into two categories as shown in the resolution. They coincide with the two main submissions for each land use application type and would be collected upfront at the time of application submission.

The revised fee schedule provides a breakdown by application type and different development size categories. Such categories are similar to an ordinance recently adopted by the Town of Middletown. A cost comparison between the adopted Town of Middletown fees and proposed City of Milford fees is included in the packet. Milford's costs become lower as you get to larger submission and are approximately 75-85% of the costs charged by Middletown because they are tasked with doing sediment and stormwater management reviews. Milford generally looks for stormwater management within the roadways, and not necessarily the stormwater ponds, because those are the responsibility of the conservation districts in Kent and Sussex Counties.

The Planning Department zoning review fees would remain at \$1,000 plus \$10 per unit as shown on the current fee schedule. The Planning Department zoning review fee for commercial site plans would increase from \$700 to \$1,000 in the proposed fee schedule. The resubmission fee for each plan review would be at least \$1,000 and the City would reserve the right to bill the applicant/developer for additional fees incurred from the City engineering consultant for incomplete submissions, significant changes from previous submissions, poor quality of plans or other conditions that fail to adequately address requirements.

Legal fees will no longer be billed to the developer unless a legal interpretation is requested. These fees would be built into the overall fee for preliminary and final plan review.

This reduces the administrative burden on the City for billing and would provide a more predictable fee schedule for the applicant/developer. He will continue monitoring the costs to make sure legal expenses are covered in the current fee structure.

Also recommended is the addition of an Engineering Construction Inspection Fee to the City Fee Schedule. Historically, when Milford was performing inhouse engineering inspections under the guidance of the City Engineer, the City would charge an inspection fee of 4% of the construction costs of all infrastructure that was to be owned, operated and maintained by the City of Milford. This fee is currently outlined in many subdivision agreements, but the Planning Department and Public Works Department feel it is necessary to add this fee to the adopted fee schedule.

A minor adjustment to the current annexation fee structure is also proposed to make it more affordable for smaller residential properties to annex into the City. This may help with annexing infill properties that are already developed and interested in receiving City services. Currently, a residential parcel of one acre or less pays \$700, while a residential parcel greater than one acre would have a \$2,500 fee. It is recommended changing the fee for residential parcels less than two acres to pay \$700 and anything beyond would be charged \$1,000 plus \$100/acre.

Commercial annexation fees would remain the same.

Also recommended is modifying the violation fee for contractors that perform building construction without a building permit from the City of Milford from "\$100 plus the permit fee or double the normal permit fee, whichever is less" to "\$100 plus the permit fee or double the permit fee, whichever is greater."

It is believed that a \$100 fine for working without a building permit is not a deterrent for contractors and property owners to obtain permits before proceeding with work.

The City Building Official recommends amending Chapter 88 Building Construction to require ice barrier underlayment for roof construction. Ice barrier underlayment provides protection from ice damming which results from ice accumulation along the fringes of the roof wicking beneath roof shingles causing wood rot over time.

He concluded by stating this is a summary of the proposed changes for Ordinance 2020-23 and Resolution 2020-24.

Councilman Fulton asked if the ice barriers for new construction only or also applies to roof replacement; Mr. Pierce explained the building official will want an ice barrier underlayment added with a complete roof replacement. However, it would not be required if another layer of singles added.

The Planning Director is not familiar with the average cost to add an ice barrier shield.

Councilperson Wilson confirmed that this will be a requirement by the City and asked if this is something the roofing contractor would automatically do or is this something new. Mr. Pierce said that some contractors may do this already. Some building officials may require this in other jurisdictions. It is not something that's currently in our code, but is something building officials are looking for. The purpose of this addition to our building code is to prevent damage to the roof and presently, the sheathing is not the entire roof itself. This is typically done from the gutter or the lip of the roof back a few feet to prevent water from entering on the underside of the roof shingles. So it will not be needed for the entire roof.

Councilmember Culotta added that any good roofer roofing contractor would normally put this in and has become an industry standard at this point. He does not see a problem requiring it only for a complete roof replacement. Technically, a contractor is able to add new shingles over one layer, but most good roofers prefer not to.

Councilmember James said he recently received an estimate for a new roof and all three contractors required this in order to guarantee the roof.

Councilmember Culotta pointed out that Milford requires a separate roofing permit from general construction. There have been issues in the past with roofers running off with down payments and not completing the job. But it is normally part of the roofing inspection process.

He asked that when this is added followed by the sheeting on the roof, like tar paper, if that is the method being used, is going to require two inspections. Otherwise there is no way to verify the barrier was put on and asked how that will be handled. Mr. Pierce said that will need to be discussed with his building officials. Right now, with the amount of new construction, they should be able to see this a lot easier than the roof repairs. But that needs to be discussed with the building official on the timing and what he would want to see from the applicants.

There is some difficulty already getting contractors to call in for inspections, even just to close them out, but is something they are working on.

Councilmember Wilson pointed out how often insurance companies only allow patch jobs for roof repairs versus a new roof. She is unsure how that could be managed; Mr. Pierce said that for small repairs as a result of damage, does not require a permit. A permit is generally for a roof replacement or laying another layer of shingles down. In addition, an ice barrier would not be required for small jobs.

He explained that because he was amending the fee schedule and Chapter 88, the ice barrier was something that the building official had on his desk for some time and he felt an appropriate time to add. However, if council is uncomfortable with the requirement, it can be removed from the ordinance and just approve the fees in order to provide predictable upfront cost for the developers.

Solicitor Rutt pointed out that if the code does not require the ice shield, the insurance company will not pay for it. However, if it is a code requirement, they would then consider it part of the repair.

When asked if it would be required for metal roofs as well, Mr. Pierce said he would need to speak with his building inspector to clarify that. Councilmember Fulton pointed out the ordinance only references shingles.

Mr. Pierce also emphasized this will only be in the residential code section.

Councilmember Fulton asked if the ordinance could be modified to state shingled roofs; City Engineer James Puddicombe then responded and confirmed it is only used on shingled roofs. The reasoning behind that is because shingle roofs are overlaid and as ice sits on the lower edge, it can seep in and cause issues with the OSB sheathing below it.

The City Engineer explained it is basically like a tar paper but thicker. It is not needed on metal roofs because it is a continuous piece.

Councilmember Fulton agrees adding for that reason, the very first sentence should stay say for shingle roof construction instead of roof construction. He referenced Chapter 88-Building Construction Code amendment that states ‘the city building official recommends construction to require ice barrier underlayment for roof construction’.

Mr. Pierce explained that Chapter 88 is only being modified in the table changes ‘no’ to ‘yes’ and Councilmember Fulton was satisfied.

Mayor Campbell then opened the floor to public comment on Ordinance 2020-23 and Resolution 2020-24. No one responded after several offers by the Mayor. The floor was then closed to further comments.

Councilmember Boyle moved to adopt Ordinance 2020-23 in order to amend the Building Code to require ice barrier underlayment and moving the violation fee to the City fee schedule as discussed, seconded by Councilmember Culotta. Motion carried with no one opposed.

Councilmember Boyle moved to adopt Resolution 2020-24 related to modifications to the engineering, zoning and building permit fee schedule, seconded by Councilmember Culotta:

CITY OF MILFORD
RESOLUTION 2020-24
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT FEE SCHEDULE

WHEREAS, the City Council has adopted certain rules and regulations for the purposes of promoting the health, safety, morals, convenience, order, prosperity, and the general welfare of the present and future inhabitants of the City of Milford; and

WHEREAS, City Council, through ordinance, has adopted associated codes requiring specific actions and services; and

WHEREAS, the cost of providing these various services consistent with applicable codes, regulations, and policies periodically increase or decrease, or certain services or practices are discontinued and fees are no longer needed; and

WHEREAS, it is the intent of the City Council to charge appropriate fees and charges that are consistent with the services provided, and to cover the public cost of providing these various services, so that the public is not subsidizing individual benefits derived therefrom; and

WHEREAS, these various codes set forth that fees shall be set by resolution.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

PLANNING & DEVELOPMENT FEES		
Description	Fee	
Major Subdivision	Preliminary or Final, Residential	\$1,000.00 plus \$10.00 per unit
	Preliminary or Final, Other than Residential	\$1,000.00 plus \$100.00 per lot
<u>Major Residential Subdivision / Land Development Plan (up to 25 lots)</u>	<u>Preliminary Plan Review</u>	<u>\$1,750.00 plus \$85.00 per unit/lot</u>
	<u>Final Construction and Record Plan Review</u>	<u>\$3,500.00 plus \$185.00 per unit/lot</u>
<u>Major Residential Subdivision / Land Development Plan (greater than 25 lots)</u>	<u>Preliminary Plan Review</u>	<u>\$3,000.00 plus \$30.00 per unit/lot</u>
	<u>Final Construction and Record Plan Review</u>	<u>\$6,500.00 plus \$85.00 per unit/lot</u>
Minor Subdivision or	Final, Residential	\$300.00 plus \$50.00 per unit
	Final, Other than Residential (less than four acres)	\$500.00 plus \$100.00 per unit
Lot Line Adjustment	Final, Residential	\$300.00 plus \$50.00 per unit

	<u>Final, Other than Residential (less than four acres)</u>	<u>\$500.00 plus \$100.00 per unit</u>
<u>Minor Subdivision or Lot Line Adjustment (up to 5 lots)</u>	<u>Final Residential</u>	<u>\$300.00 plus \$50.00 per unit</u>
	<u>Final, Other than Residential</u>	<u>\$500.00 plus \$100.00 per unit</u>
	<u>Engineering Construction Review</u>	<u>Fees charged to the City of Milford by engineering consultant, plus 10%</u>
<u>Site Plan</u>	<u>Preliminary, Final or Amendment</u>	<u>\$700.00</u>
<u>Land Development Plan (up to 9,999 sf of GFA)</u>	<u>Preliminary Plan Review</u>	<u>\$2,000.00 plus \$75 per 1K SF of GFA</u>
	<u>Final Construction and Record Plan Review</u>	<u>\$3,000.00 plus \$50 per 1K SF of GFA</u>
<u>Land Development Plan (10,000 sf to 50,000 sf of GFA)</u>	<u>Preliminary Plan Review</u>	<u>\$2,500.00 plus \$30 per 1K SF of GFA</u>
	<u>Final Construction and Record Plan Review</u>	<u>\$4,000.00 plus \$50 per 1K SF of GFA</u>
<u>Land Development Plan (greater than 50,000 sf of GFA)</u>	<u>Preliminary Plan Review</u>	<u>\$3,500.00 plus \$10 per 1K SF of GFA</u>
	<u>Final Construction and Record Plan Review</u>	<u>\$5,000.00 plus \$40 per 1K SF of GFA</u>
<u>Conditional Use or Amendment to a Conditional Use</u>		<u>\$700.00</u>
<u>Zoning Map Amendment/Comprehensive Plan Amendment</u>		<u>\$1,000.00 plus \$100.00 per acre</u>
<u>Zoning Code Amendment Request</u>		<u>\$700.00</u>
<u>Annexation</u>	<u>Residential, less than 1 acre</u>	<u>\$700.00</u>
	<u>Residential, 1 to 5 acres</u>	<u>\$2,500.00</u>
	<u>Residential, 5+ acres</u>	<u>\$2,500.00 plus \$100.00 per acre</u>
	<u>Residential, less than 2 acres</u>	<u>\$700.00</u>
	<u>Residential, 2+ acres</u>	<u>\$1,000.00 plus \$100.00 per acre</u>
	<u>Other than Residential</u>	<u>\$2,500.00 plus \$500.00 per acre</u>
<u>Variance(s)</u>	<u>1-3 variances</u>	<u>\$300.00</u>
	<u>4-6 variances</u>	<u>\$400.00</u>
	<u>7+ variances</u>	<u>\$500.00</u>
<u>Board of Adjustment Hearing (no variance)</u>		<u>\$300.00</u>
<u>Subdivision Agreement</u>		<u>\$2,500.00</u>
<u>Zoning Verification Letter</u>		<u>\$20.00</u>
<u>Certificate of Use</u>		<u>\$75.00</u>
<u>Legal Interpretation of Subdivision or Zoning Code</u>		<u>\$300.00</u>
		<u>Cost of legal services provided plus 10% administration fee</u>
<u>Street or Alley Closing</u>		<u>\$300.00</u>
<u>Application Resubmission or Rescheduling Fee</u>		<u>\$200.00</u>
<u>Professional Service Fees (including but not limited to Legal Fees, Engineering Review Fees)</u>		<u>Fees charged the City of Milford, plus 10%; Billed as encumbered.</u>
<u>Incomplete/Resubmission/Re-review Engineering Fee</u>		<u>\$1,000.00</u>
<u>Transfer of Development Rights (TDR) Credit</u>		<u>\$3,000 per dwelling unit</u>
<u>Engineering Construction Inspection</u>		<u>4% of Construction Costs for all infrastructure to be owned, operated and maintained by the City of Milford.</u>
<u>ENGINEERING REVIEW: At the time of filing an application for plan review, the applicant shall submit to the City the fees required to cover the engineering plan review in accordance with the adopted Fee Schedule listed in this Resolution. Incomplete submissions, plans that have changed significantly from a prior submission, or plan submissions that fail to adequately address mandated requirements may be charged an additional fee as determined by the City Manager in order to cover expenses associated with the additional cost for the engineering review.</u>		

BUILDING INSPECTION AND PERMITTING FEES		
Description	Fee	
Building Permit, Residential, Use groups R3 or R4	New Dwelling Unit	\$50 per 100 heated square feet plus \$13 per 100 unheated square feet
	Interior/Exterior Renovations, Accessory Building, Pool, Deck, Ramp, Solar Panels	\$50 plus \$5 per \$1,000 up to \$1M and \$2 per \$1,000 over \$1M based on cost of project
	Demolition	\$50.00
	Certificate of Occupancy	\$25.00
Building Permit, Other than use groups R3 or R4	New Construction, Commercial Fit-Out, Interior/Exterior Renovations, Footer, Foundation	\$100 plus \$5 per \$1,000 up to \$1M and \$2 per \$1,000 over \$1M based on cost of project
	Sign, Sales/Construction Trailer, Solar Panel	\$50 plus \$5 per \$1,000 up to \$1M and \$2 per \$1,000 over \$1M based on cost of project
	Demolition	\$100.00
	Certificate of Occupancy	\$25.00
Building Permit, Renewal	\$50 or 10% of permit fee, whichever is greater	
<u>Violation Fee</u>	<u>\$100.00 plus the building permit fee or double the normal permit fee, whichever is greater.</u>	
Re-inspection	\$50.00	
Temporary Certificate of Occupancy	\$50.00	
Carlisle Enhancement Fund	1/4 of 1% of heated square feet cost	
Police and General Government Facilities Enhancement Fund	3/4 of 1% of heated square feet cost	

CODE ENFORCEMENT AND LICENSING FEES		
Description	Fee	
Licensing	Contractors	\$100.00 annually, prorated semi-annually
	Residential Rental Operating	\$50.00 per unit annually
	Transfer of Rental License	\$50.00 per license
	Peddler, Solicitor, and Transient Merchant	\$50.00 annually, prorated semi-annually
	Business	\$30.00 annually per location
Inspection	Re-Inspection / Follow Up Inspection	\$50.00

Section 2. This Resolution replaces in its entirety Resolution 2019-15.

Section 3. Dates.

Adopted: September 28, 2020

Effective: October 8, 2020*

*Coincides with effective date of Ordinance 2020-23

Motion carried with no one opposed.

ORDINANCE 2020-24

1st State Self Storage OZ, LLC on behalf of Savannah Ventures, LLC for a Conditional Use to allow a business use that will not adversely affect neighboring properties, and to allow a dwelling other than single-family with a maximum density of 12 units per acre on 9.0 +/- acres in a C3 Zoning District. Property is located along the east side of S DuPont Blvd approximately 350 feet south of the Route 14 intersection, addressed as 11 S DuPont Blvd, Milford, Delaware. Present Use: Vacant; Proposed Use: Self Storage building with manager's office/residence. Tax Map: MD-16-183.09-01-58.00

Mr. Pierce reported this is a conditional use application for self storage. The property is designated as commercial within the comprehensive plan and is currently zoned C-3 highway commercial and is currently vacant. The applicant proposes to construct a 72,000 square foot self-storage facility, including an office and residency for the office manager.

The property is south of the railroad tracks on Route 113, and south of the SR 14/Front Street/Milford-Harrington Highway intersection and bound on the north by the railroad track easement.

He shared that Chapter 230-14(c)17 states business commercial or industrial uses that do not adversely affect neighboring properties are a conditional use subject to special requirements set forth by city council. Paragraph (c)14 states all dwellings, other than single family with a maximum density of 12 units per acre are conditional use subject to special requirements set forth by Council.

Also included in the packet is the zoning map and a copy of the preliminary site plan, a conditional use narrative that was provided by the applicant and comments and responses from various agencies.

The public notice was mailed all properties within 200 feet of the subject parcel.

The application was reviewed by the Planning Commission at their September 15, 2020 meeting at which time the Planning Commission recommended approval upon unanimous vote with the following six recommended conditions:

- *Provide unobtrusive lighting to neighboring properties
- *Provide security fencing around the entire perimeter
- *Provide customer security gate access hours limited to 6:30am to 9pm
- *Maintain the tree line screening on the east side of the property separating the commercial property from the residential zone parcel.
- *Limit to one story building
- *Maintain a 15-foot buffer along the same property line shared with the residential property to the east

David Huff of Morris James Attorneys was present to represent First State Self Storage which is the applicant on behalf of Savannah Ventures LLC, the owner of the property. Bruce O'Heir representing First State Self Storage, PE's Ken Usab and Ashton McLaughlin of Morris and Ritchie Associates were also participating.

Attorney Hutt then provided the following statement:

As the Council just heard from Mr. Pierce, Council is asked to consider a conditional use application for the undeveloped nine acres situated along Route 113, just south of the railroad tracks by the Walgreens at the intersection of Routes 113 and 14. I'm sure everyone on Council is very familiar with the property, but of course on the east side of Route 113 is Silver Lake and on the west side of Route 113 is Haven Lake. The Mispillion River connection between the two lakes, runs along the southern boundary of this property.

The conditional use that is being considered this evening is for a self-storage facility consisting of a little more than 72,000 square feet of storage area and a 1,200 square foot managers office and residence.

The property is owned C-3 highway commercial and Milford's Zoning Code for C-3 highway commercial zoning districts states that the purpose of the C-3 district is to provide for larger scale commercial uses that may require large amounts of parking space or have a high traffic impact. These uses generally require locations on major arterial routes and serve both local and regional customers.

Some of the specifically permitted uses within the C-3 are supermarkets, warehouses and fast food restaurants. The best examples of this district or what is immediately to the north of this property presently. On the other side of the railroad tracks is the Walgreens at the intersection with Front Street. Switching to the other side of the road displays the C-3 area that extends north along Route 113, and includes Starbucks, Chick-fil-a and a host of other uses.

These are all the type of uses that the zoning code just described with the purpose of the C-3 zoning district. Most people consider them to be larger scale uses and have somewhat significant parking requirements and a higher traffic impact due to their retail nature or the restaurant nature of the use.

Route 113 is one of Delaware's major north/south corridors where these type businesses serve not only the local Milford residents, but a broader region as well. While this property is located on Route 113, what distinguishes this application from those properties is that there is not a large parking requirement that accompanies and does not generate the traffic or have the traffic impact other permitted uses in the zoning district would have

In short, as you know, this zoning district is some of the busiest commercial areas for the city and this application proposes a commercial use. It is one of the least intense impacts of any potential commercial use for that district.

They are here for a conditional use because of the self-storage facility and the accompanying manager's office and residence is not in the list of permitted uses in the C-3 district, but allowed through the conditional use process.

Referenced earlier was section 230-14(c) sub sections 16 and 17 and the town zoning code itself describes the purpose of a conditional use as being a tool to maintain a measure of control over uses that have an impact on the entire community. The code goes on to state that conditional uses must assure neither an adverse impact on adjoining properties, nor the creation of a public nuisance.

Lastly, because of the nature of conditional use, it requires sound planning judgment on its location and site arrangement. Within those broad land use planning concepts, section 230-48 provides six more specific criteria to be used when evaluating conditional use applications.

The staff report submitted by the Planning Director and his staff reviewed those items individually and he wants to provide a few comments. The first item in that list of criteria is the presence of adjoining similar uses. The uses in the area were discussed and are not storage facilities, but C-3 allows for warehouse uses which is a much larger impact. This proposed conditional use is for a less intense use than the other permitted uses that are adjacent or nearby.

The second criteria requires an adjoining district in which the use is permitted. Though he does not believe the zoning code allows self-storage facilities, it is a conditional use in the C-3 district.

The third criteria is the need for the use in the area that is proposed, as established by the comprehensive plan.

As noted in the staff report, the use is consistent with the commercial area as is designated in the comprehensive plan.

Additional residential areas are in the surrounding area and are being further developed and this is an important compliment to those uses whether people are in between homes or moving to the area or downsizing.

The fourth criteria is sufficient area to screen the conditional use from adjacent different uses.

This is one of the strengths of this application and as can be seen from the site plan, there are a number of existing natural border or other barriers that help insulate this proposed conditional use.

The proposed fence would surround the entire perimeter, combine the fence with a wood line that would remain as a barrier to the residential property.

The fifth factor for consideration is that the use will not detract from permitted uses in the district. This is a quiet and less intense use and would not detract from the other busier uses that exists in this district.

The last factor for consideration is the sufficient safeguards such as traffic control, parking, screening and setbacks that can be implemented to remove potential adverse influences on adjoining uses.

The Planning Commission's recommendation came with six conditions to further ensure sufficient safeguards in place for neighboring properties.

Mr. Hutt also reviewed the six safeguards previously stated by the Planning Director which include the one-story building max, unobstructive lighting, security fencing around the entire perimeter and a security gate access will exist between the hours of 6:30am and 9pm.

The last two conditions are to maintain the tree line screening on the eastern side of the property and a 15-foot buffer on the east side of the property, where the two residences exist.

He concluded by asking that City Council accept the Planning Commission's recommendation and approve the requested conditional use with the six conditions.

Mr. Hutt then asked Mr. Usab to review some of the more specific details such as the entrance point and other type of site concerns.

Mr. Usab introduced himself from Morris and Ritchie Associates at 8 West Market Street in Georgetown, Delaware. The following information was then supplied by PE Usab:

The site front directly on US Route 113 area. The proposed entrance is located at an existing crossover on the site. It is actually the same general configuration that was designed by our firm a number of years ago for a project that was previously approved that included a commercial office, as well as self storage at that time.

The building was oriented and push the more intense development of the site towards the north along the existing railroad and away from the more sensitive nontitle wetland areas that are to the south, Haven Lake and the Mispillion River.

The buffers will be maximized to this steep slope as much as possible. In order to convey the stormwater runoff in a non-erosive manner to the discharge point in the wetlands, or the Mispillion River, a stormwater management facility, will be constructed as was similarly previously approved by the conservation district,

The stormwater will be pretreated to meet DNREC and local ordinances regarding water quality and quantity management. Fire protection will be provided for the building structures and adequate access for safety equipment as well as a truck turnaround at the end.

Paved parking, will be provided, including ADA parking at the manager's residence. Loading and unloading spaces will be strategically located adjacent to the buildings at the entrances to facilitate access by the individuals leasing spaces in the units.

A shared use path connection to the existing pedestrian path connection up and adjacent to Route 113 on and along the railroad, extending that down and across this entrance, subject to DelDOT approval.

Wastewater from the managers residence will only require one EDU and the design will be very similar to what was proposed in their earlier project.

When asked if the pond will be wet or dry, Mr. Usab said at this point, it will probably be a wet pond or a submerged gravel wetland.

Councilman Marabello asked if landscaping will be added to the entrance to make it more attractive, Mr. Usab explained they are somewhat limited to what can be done in a DelDOT right-of-way. There will be a vinyl screening fence and depending the room available after constructing the shared use path, will be adding some limited landscaping along the front.

Councilman Fulton asked if these are the exterior entrance, roll up door type storage facilities or internal storage facilities; Mr. (Bruce) O'Heir, Manager of First State Self Storage, answered this will include both the exterior doors and the interior climate facilities.

Mr. O'Heir further explained the exterior of the buildings will be non-climate control with access. The interior will be climate control with the normal HVAC both heating and air conditioning.

When asked about vehicle storage, Mr. O'Heir said he does not believe there is sufficient space for that. He three other facilities-two in Georgetown and one in Millsboro and his preference is not to have vehicles storage.

When asked about the wetlands buffer variance from the Board of Adjustment, Attorney Hutt confirmed that variance was approved by the Board of Adjustment. Mr. Pierce then referenced the site plan noting the areas that received a buffer down to the edge of the wetland line that needs approval by Sussex Conservation District.

Planning Director Pierce then provided a detailed explained of the allowance permitted in the ordinance that does not require a variance. However, due to the unique circumstances of the site, the board felt it was necessary to allow some disturbance to regrade and stabilize the slopes. Otherwise, the possibility of more erosive forces exists that would be detrimental to the wetlands.

Mr. Hutt confirmed that concludes their presentation though they are available for further questions.

There being no further questions from Council, Mayor Campbell opened the floor to public comment.

Nina Pletcher of 28 South Walnut Street had a couple questions. She wanted to be sure the access will be at the newly renovated DeIDOT King Highway Exit/Entrance onto Route 113 because there's nothing else between there and the railroad tracks to get to this property.

Director Pierce explained the right-in/right-out of the site that would not be at the Kings Highway traffic light, but somewhat across from the North Shore Drive left turn lane.

Ms. Pletcher agreed that is the only access to that property that exists. She was there yesterday and the traffic coming out of Ocean City was non-stop, bumper-to-bumper. She sat there waiting for someone to let her get through to Kings Highway. She asked if there are any other places in the city to put this. She said those residences have been on Kings Highway.

The worst thing that ever happened was at Route 1 at the marina. And when driving down Route 1 and there is a storage unit right in the middle of Route 1 and it is unbelievable. We just keep putting things in our way and are tripping over ourselves. We want to have a we want to have a walkable city, bikeable cities and a beautiful city. We want people to come here and then we put everything in our way and trip over ourselves trying to deter people from wanting to move here.

She asked the environmental impact adding that guys go down that little access and fish. She asked if that is going away.

Solicitor Rutt explained this property is north of Kings Highway and the entrance is on and off Route 113.

She asked where because there will only be one-way in. They will have to be going north to get into that property if it's accessing off of 113. If they are coming from the railroad tracks, they have to get in the turn lane, then head back towards Walgreens to access this site.

She said by the way, this is a traffic nightmare. When the light turns red or the railroad train is there is unbelievable especially during the summer.

Councilmember Culotta said this will be a commercial property on a busy highway, which needs to be accessible for people to use. He prefers they access it off Route 113 as opposed to coming off Kings Highway. Ms. Pletcher agrees.

Councilmember Culotta said what he is saying is that he would love to see the access on 113 and not Kings Highway and we cannot stop progress.

Director Pierce said an access off Kings Highway would not work without building a bridge.

He continued by saying that one of the things the Planning Commission took into consideration is from a commercial property standpoint, from the traffic trip count, you cannot get much less volume than a storage facility. If this were offices or a commercial strip center, traffic would have integrator consideration in my opinion.

Ms. Pletcher continued by saying if there's any way this could all be internal. In other words, you have to get out of your car and walk into a building where the sliding doors are all inside versus the sliding doors outdoors. She thinks that would be less of an eyesore if the building was uniform on the outside and access to the storage units was all inside

When no one else indicated they were interested in commenting, Mayor Campbell closed he public hearing.

Councilmember Culotta moved to adopt Ordinance 2020-24 for First State Self Storage with the six conditions recommended by the Planning Commission, and thinks Milford needs more storage and this will add some climate control ones which Milford has few of, if any, and thinks this is good. Councilmember Wilson seconded the motion.

Motion carried by the following 7-1 roll call vote:

Councilmember Marabello: Yes, because it's the least offensive and they have three locations and conforms to the Planning Commission's approval and the impact to the community is minimum, compared to other things permitted there.

Councilmember Boyle: Yes based on the recommendation from the Planning Commission.

Councilmember Fulton: No and finds something like this on an opening into the city is not conducive to the city picture we're trying to present everywhere else. And based on the fact Milford has five other self-storage facilities off main thoroughfares for public use.

Councilmember Culotta: Yes and appreciate Councilmember Fulton's comments but believe that self-storage units are needed in the City of Milford. Council recently denied the same type of request out near the Veterans Home. If someone doesn't want them out by the Veterans Home and the business park, then they should be on a major thoroughfare access and Route 113 is the biggest road through Milford. This is important and he is surprised it took this long develop that land.

Councilmember Baer: Yes, he supports the proposal in accordance with the Planning Commission's recommendation.

Councilmember Morrow: Yes, in support of the Planning Commission.

Councilmember James: Yes, in light of the conditions placed on the application by the Planning Commission and the low impact of self storage. He thinks that's about the lowest impact use we could possibly have there. And he does think this location with the buffers that are going to be placed there will be a good fit.

Councilmember Wilson: Yes, based on the recommendation of the Planning Commission.

COMMUNICATIONS & CORRESPONDENCE

Councilmember James said he first wanted to talk about customer service who was earlier recognized. He wanted to comment about the great things he has heard from many residents about Vicky (Love). Whenever there's an issue, whether business or personal, she goes out of our way, not just to explain things to people. She is very genuine in her interaction.

He also reported there is a lot of activity on North Street and Brightway Commons. He has talked to the Chief and some of his sergeant when they are there trying to address issues in this particular war. So, on behalf of the residents of Fourth Ward, which includes Councilmember Wilson, they appreciate Chief Brown's interactions and looks forward to working together to make things more peaceful.

Councilmember Culotta recalled at the previous Council meeting, he mentioned some speeding problem on South Walnut Street, particularly close to the railroad tracks. But Chief Brown has addressed it and he has received a lot of feedback from the residents who are now very happy with how he handled it.

Councilmember Wilson asked if the City Manager could contact the property owner of the Food Lion Shopping Center because the potholes are horrific. A patch job might do it, though they really need to fix those roads, especially with the beautiful restaurant that is almost completed and all of the storefronts which make it a busy center.

Councilmember Fulton forwarded an email to the City Manager and Chief Brown about the continuing speeding concern around the old Middle School. With a lot of the schools back in session and sports being reactivated, there are a lot of younger runners and a lot of sports being practiced. He has heard a lot of concerns from constituents in the area concerning speeders that see Seabury as a speed track coming off Route 113 and think it is an extension of the highway down to the stop sign. The same applies to School Street.

Mayor Campbell then talked about last Saturday, Councilman Jams and he had an event with the Haitian community to learn about unemployment and applying for jobs. He contacted the Department of Labor, and also the Division of Unemployment who set up in the back of City Hall. Fifteen families were used as a trial and the good news is that one of the workers was entitled to \$20,000 that he was unaware of.

He is currently waiting on feedback and will probably open it up to a few more families.

Councilmember James agreed it went well and was very professional. The representatives from the State were very interactive. The interpreters were very useful, which resulted in very friendly atmosphere.

He concluded stating that everyone there had their needs addressed and he looks forward to expanding this to the Haitian community and work on ways to get the word out.

Councilmember Wilson added she is very happy and pleased Mayor Campbell and Councilmember James they reached out to this community. It's been long overdue. And is more pleased they are more comfortable coming forth than they had been in the past. She supports the efforts and want to be a part of this though a lot of recent family matters have needed her attention, though she is definitely rooting for this program and plans to partake in the future.

UNFINISHED BUSINESS

Authorization/Lease/Children & Families First Inc./518 N Church Street

Solicitor Rutt recalled discussing this briefly at the meeting. The lease has been created that clarifies the fact the City owns the land and the improvements are owned by Head Start. The city was advised by Head Start/Children & Families First Inc. will actually be the owner of the structure.

The lease is for \$1 and has tightened up their responsibilities considerably and made them responsible for maintaining the property. If the city inspectors feel there needs to be improvements made, they will be obligated to do so. There is a need for them to comply with all city ordinances and state regulations for childcare and daycare facilities.

It has been sent to Mr. Wood, who is the representative of Children & Families First and the next day he received a response stating they reviewed it and were willing to sign it.

When questioned about the legal owner of the building, Mr. Rutt said he posed that question to Mr. Wood who indicated that Children & Families First would be the owner of the structure.

Mr. Rutt explained these are contracts awarded through HHS awards. Telemon was the prior contractor and the City is not privy to the HHS contractors. He assumed that when Children & Families First was awarded the contract, part of that obligation is that Telemon assign them whatever interest in the structure that they have. He has to rely on what Children & Families First in terms of ownership of the structure. However, this is not something that would be recorded.

Mr. Rutt will inform Mr. Wood that Council has authorized the agreement and that he can sign in counterparts.

Councilmember James moved to approve the Mayor and City Clerk executing the lease with Children & Families First. Inc., seconded by Councilmember Wilson. Motion carried.

NEW BUSINESS

Appointment/Parks & Recreation Advisory Board/Ian Wright

City Manager Whitfield reported that on September 9th, a resignation from Parks and Recreation Advisory Board Member Edward Evans was received. This was the result of being hired by Parks and Recreation as a fall soccer coach. Therefore, he can no longer serve on the board.

Last month, Parks and Recreation Director Brad Dennehy had interviewed Mr. Ian Wright for a different opening on the Parks and Recreation Advisory Board. While they were both very impressed with Mr. Wright, it is their recommendation that Mr. Wright be appointed to fill the vacancy left by Mr. Evans.

Councilmember Boyle moved to appoint Ian Wright of 600 Maple Avenue to the Parks and Recreation Advisory Board to fill the vacancy left by Mr. Evans, seconded by Councilmember Fulton. Motion carried.

Adoption/Resolution 2020-25 Trick or Treat Event

City Manager Whitfield shared that Governor Carney has announced that Trick or Treat will be permitted this year. However, he and his staff are currently in the process of putting forth some guidelines.

As a result, it is recommended that Trick or Treat be held on Saturday, October 31st between the hours of 5pm to 8pm, which is an hour longer than what is normally permitted. We suspect this will be a well-attended activity due to the number of calls being made to City Hall encouraging Council to allow it.

Councilman James recommends we strongly communicate to the public with the recommendations that will be established to encourage social distancing and other requirements. He does not want these children to become asymmetrical carriers, go home to their parents and grandparents, and then we have a community full of Covid-19.

City Manager Whitfield assured Council that when we receive the guidelines, we will be publicize to our website and send out through our alert system.

The City Clerk shared that she and Mr. Whitfield discussed it and hoped that adding the extra hour would allow trick or treaters to spread out more within the city during the three-hour time frame versus just one neighborhood.

When Mayor opened the floor to public comment, Nina Pletcher asked if the children will be required to wear masks other than Halloween masks. In hopes this will be addressed by the State's Halloween guidelines, Ms. Hudson emphasized that trick or treating is still only an option, and parents can make the decision whether or not their children participate. In addition, residents who did not want or should not give out candy can simply keep their doors shut and their lights off as an indication, which has always been the normal process for Halloween and is addressed in the current resolution.

Ms. Pletcher expressed concerns over who will be enforcing the regulations, adding that there will be a boatload of kids walking around and either no one will have their lights on and just a lot of children running everywhere. She then asked if any consideration has been given to a trunk or treat or comparable event, which would allow more surveillance of the group and better managing of the numbers. Though not sponsored by the City, Ms. Hudson said there are a number of similar events being planned by churches and other organizations. One church, the Milford Church of Nazarene, has an event each year and has already confirmed it is planned again this year.

Ms. Hudson also offered any church or civic organization planning a public event for children to contact her office and the city will be happy to share that information through their website and social media.

There being no further comments by the public, the floor was closed.

Councilmember Fulton moved to adopt Resolution 2020-25, scheduling Trick or Treat as an optional activity on October 31st from 5pm to 8pm in the City of Milford, seconded by Councilmember Culotta:

RESOLUTION 2020-25
Halloween Trick-or-Treat

WHEREAS, the children of Milford are free to enjoy the fun and festivity associated with the observance of the Halloween Trick-or-Treat custom of traveling with friends and family, going door to door in their neighborhoods, displaying their costumes and gathering treats; and

WHEREAS, parents are urged to join in the festivities by accompanying their children throughout their journeys in celebrating Halloween Trick-or-Treat; and

WHEREAS, residents are requested to indicate their willingness to welcome children by keeping their porch or exterior lights on and that youngsters call only on homes so lighted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council, that the Halloween Trick-or-Treat observance be held in an orderly manner on Saturday, October 31, 2020 between the hours of 5:00 P.M. and 8:00 P.M. in the City of Milford.

AND, BE IT FURTHER RESOLVED THAT:

- *Costumed celebrants will be permitted to engage in Trick-or-Treat.
- *All celebrants are to refrain from committing acts of vandalism or destruction.
- *Motorists are asked to be ever watchful of our youngsters making these annual rounds.
- *It is recommended that all pertinent guidelines set forth by Governor John Carney be followed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 28th day of October 2020.

Motion carried.

Adoption/Resolution 2020-26/Authorizing Reimbursement Expenses

City Manager Whitfield reported this item relates to the reimbursement to the Mayor for both cell phone vehicle expenses. Presently the reimbursement is done by actual expenses and receipts. However, for recordkeeping purposes, a more manageable method is to handle in the same manner as other administrative staff who are provided a car allowance of \$200 a month and a \$40 a monthly stipend for a personal cell phone.

Councilmember James said he supports the resolution on behalf of our current Mayor or any future Mayor. Considering the amount of travel that is required, in addition to the ongoing business conducted with his cell, this seems appropriate. In Mayor Campbell's case, he goes out of his way to attend activities and events as a representative of the city. He thinks the reimbursement resolution is proper. Councilmember Wilson agreed adding it is long overdue.

Mayor Campbell then opened the floor for public comment. No one responded and the floor was closed.

Councilmember Boyle then moved to adopt Resolution 2020-26 authorization reimbursement expenses, seconded by Councilmember Wilson:

RESOLUTION 2020-26
AUTHORIZING REIMBURSEMENT EXPENSES FOR THE MAYOR

WHEREAS, The City of Milford Charter Article 4.03 states the Mayor shall receive reimbursement for actual and necessary expenses incurred in the performance with the duties of his/her office, in accordance with a policy established by the City by Resolution;

WHEREAS, The City of Milford Personnel Policy 11.10 states the Appointing Authority and his/her appointees are authorized to have cellular phones or smart phones, to conduct City business. In addition, Appointing Authorities may receive or authorize a monthly communications allowance in lieu of use of a City issued cell phone, smart phone or data device. The amount of such communications allowance will be established in the City's policy regarding telephones and data devices; and,

WHEREAS, The City of Milford Personnel Policy 13.1 states City Manager may authorize a monthly vehicle allowance in lieu of regular use of a City vehicle for mid-management employees and above who are expected to travel frequently in Kent and Sussex counties in the performance of their duties.; and

WHEREAS, A resolution is required to establish reimbursement expenses policies for the Mayor and Council.

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

Section 1. The Mayor shall receive the same monthly reimbursement for personal cellphone as provided for all other City employees.

Section 2. The Mayor shall receive the same monthly vehicle allowance for the use of his/her private vehicle in the performance of his/her duties within Kent & Sussex Counties as provided for all other City employees.

Section 3. Such authority shall remain in force until revoked by a future Resolution adopted by City Council.

Section 4. Any prior authorizations not consistent with the positions as stated in this Resolution, are hereby rescinded.

Section 5. Duly adopted and effective this 28th day of September 2020, by the City of Milford, in lawful session duly assembled.

BE IT FURTHER RESOLVED, that a copy of this resolution be kept on file at the City of Milford Finance Department.

Motion carried with no one opposed.

Adoption/Resolution 2020-27/Sewer Fee Schedule/Aid-in-Construction Fee/Route 30 SE Regional Pump Station

Planning Director Pierce provided a proposed revision to the Sewer Fee Schedule that adds an Aid-in-Construction Fee for the recently completed State Rt 30 SE Regional Pump Station project. The City of Milford incurred expenses constructing new infrastructure to accommodate future growth in the Southeast Neighborhood. These expenses should be reimbursed on a per unit basis to the city in the form of an Aid-in-Construction (AIC) Fee.

In 2015, the City of Milford entered into a Public Works Agreement with Bayhealth, Wickersham Subdivision owner and Wilson Contracting, Inc. for the design and construction of pump station. This regional pump station would primarily serve those properties west of State Route 1, north of Johnson Road and south of Wilkins Road.

The city contributed funds towards the design and construction equivalent to One Hundred Equivalent Dwelling Units (EDUs) with the intent of recouping the funds from future development within the sewer collection area. The construction of the regional pump station was completed in 2019 at a cost of \$1,158,679.66. The City funded 13.79% of those project costs (\$159,817.88) which was the city's proportionate cost share outlined in the Public Works Agreement.

Based on the agreement and recoupment language in the agreement, the initial AIC fee would be \$1,598 per EDU and would increase at the same percentage rate as the sewer impact fees. The AIC fee would allow developers within the sewer collection area to purchase capacity from the existing pump station instead of incurring additional upgrade costs. Additional EDUs would be available for any future development in the area until the one hundred EDUs have been used.

He concluded by explaining that other developments that connect into the regional pump station, outside of those shown on the collection map presented, could be charged an AIC fee if found necessary by the City Engineer.

Mayor Campbell then opened the floor to public comment. No one responded and the floor was closed.

Councilmember Fulton moved to adopt Resolution 2020-27 to establish an Aid-in-Construction Fee for the Route 30 SE Regional Pump Station, per the executed Public Works Agreement, seconded by Councilmember Boyle:

CITY OF MILFORD
RESOLUTION 2020-27
SEWER FEE SCHEDULE

Now, Therefore, be it Resolved by the City of Milford, the following fees are authorized:

BILLING FEES							
<i>Description</i>		<i>Fee Per Month</i>	<i>Fee Per Month effective 07/01/2020</i>	<i>Fee Per Month effective 07/01/2021</i>	<i>Fee Per Month effective 07/01/2022</i>	<i>Fee Per Month effective 07/01/2023</i>	<i>Fee Per Month effective 07/01/2024</i>
Usage Fee; In-City Users	0-1,000 gallons of metered water consumption	\$10.00	\$10.49	\$11.00	\$11.54	\$12.11	\$12.70
	Over 1,000 gallons of metered water consumption, per 1,000 gallons	\$2.78	\$2.92	\$3.06	\$3.21	\$3.37	\$3.53
	Kent County Sewer Treatment	As determined by Kent County	As determined by Kent County	As determined by Kent County	As determined by Kent County	As determined by Kent County	As determined by Kent County
Usage Fee; Out-of-City Users	0-1,000 gallons of metered water consumption	\$15.00	\$15.74	\$16.51	\$17.31	\$18.16	\$19.05
	Over 1,000 gallons of metered water consumption, per 1,000 gallons	\$4.17	\$4.37	\$4.59	\$4.81	\$5.05	\$5.30
	Kent County Sewer Treatment	As determined by Kent County	As determined by Kent County	As determined by Kent County	As determined by Kent County	As determined by Kent County	As determined by Kent County
Late Utility Payment		1.50%	1.50%	1.50%	1.50%	1.50%	1.50%
PERMITTING FEES							
<i>Description</i>		<i>Fee</i>					
Sewer Utility Permit		\$10.00					
Sewer Tap/Connection		Actual City cost					
Sewer Inspection		\$35 per inspection					
Sewer Re-inspection		\$50.00 per inspection					
Impact Fee, Kent County		As determined by Kent County, per EDU					
Impact Fee, City		\$1,561 per EDU	Effective July 1, 2019				
		\$1,623 per EDU	Effective July 1, 2020				
		\$1,688 per EDU	Effective July 1, 2021				
		\$1,756 per EDU	Effective July 1, 2022				
		\$1,826 per EDU	Effective July 1, 2023				
		\$1,899 per EDU	Effective July 1, 2024				
		\$1,975 per EDU	Effective July 1, 2025				
		\$2,054 per EDU	Effective July 1, 2026				
		\$2,136 per EDU	Effective July 1, 2027				
Aid-in-Construction Fee Route 30 Pump Station		N/A	N/A				
		\$1,598 per EDU	Effective July 1, 2020				
		\$1,662 per EDU	Effective July 1, 2021				
		\$1,729 per EDU	Effective July 1, 2022				
		\$1,798 per EDU	Effective July 1, 2023				
		\$1,870 per EDU	Effective July 1, 2024				
		\$1,944 per EDU	Effective July 1, 2025				
	\$2,022 per EDU	Effective July 1, 2026					

	\$2,103 per EDU	Effective July 1, 2027
MISC FEES		
<i>Description</i>	<i>Fee</i>	
Penalties & Fines	Not less than \$100 nor more than \$1,000 plus cost of prosecution	

Resolution 2020-27 replaces Resolution 2020-05 in its entirety.

Motion carried with no one opposed.

Authorization & Funding/City Facilities/City Hall Basement Fit-Out Phase II Project

Public Works Director Svaby reported the City Hall waterproofing project in the basement was completed nearly a year ago. At the August 10 Council meeting, \$6,500 was approved for EDiS to provide pre-construction services for the basement area. The plan includes a new training room, kitchenette, three new offices and the reception area as part of the renovation.

The Public Works Director shared the proposed cost of \$230,690. The construction project will be built in accordance with city purchasing requirements and at this time, approval of this funding is recommended.

Councilmember Culotta asked what will be used as office space moving forward. Director Svaby explained that part of the area is three new offices and believes they will be used by administrative personnel and IT professionals. There is also a kitchenette /break room and a training room that will be used universally across city government.

Councilmember Culotta pointed out this is the second time the city has spent a lot of money in the basement and he hopes it never floods again. He agrees this needs to be done, but if there is a future water problem, there is a need to reconsider the purpose of that downstairs. Director Svaby agreed and pointed out that it has stood now for a year, with some substantial rainfalls over the course of that year, and the solution implemented by EDiS has withstood the flooding. It is hoped their design and solution for has been sustained and the reason for the recommendation to move forward so that in consideration of the funding, it can be used again for city purposes.

Councilmember Boyle asked if it is possible to get insurance flood insurance for this building and if it would be worth it. City Manager Whitfield believes that has been considered in the past, though we can certainly look into it with our insurance carrier. He pointed out this will bring the costs to more than half a million dollars spent on that basement over time.

Councilmember Marabello said he believes the original cost to refit the building was \$1.8 million. With all the improvements and corrections, he believes we are probably up to \$2.5 million total.

City Manager Whitfield said he is aware of the costs to waterproof though was not privy to any renovations or repairs prior to 2016. As the Public Works Director pointed out, we had some horrendous downpours this past summer, and everything has worked exactly the way it was designed and there was no ponding anywhere.

The City Manager added that he believes Council has always wanted to move forward with the fit out of the basement, but wanted some reassurance that the problem has been fixed. He feels confident the problem has been fixed at this stage.

It was confirmed there are people working in the unfinished basement. Councilmember Fulton noted that there are a lot of exposed concrete walls and people are still working there. As long as the construction won't affect the sealant that was used or the waterproofing that was done, he has no problem with it.

Councilmember Wilson recalled that the residents have always wanted everything possible to preserve this building. There have been many attempts over the year. She believes at least a million dollars, and recalls several hundreds of thousands of dollars one those times. She hopes this company has been successful and there will be no future flooding, while Council stays true its promise to keep this building functioning as best as possible.

Councilmember Marabello questioned the breakroom, and City Manager Whitfield explained that one of issues is having a breakroom/meeting room on the first floor prevents staff from its use anytime there is a meeting. This will move that to a more public location that will not be disruptive.

Councilmember Boyle moved to authorize proceeding with the City Hall Basement Fit-Out Phase II Project with funding not to exceed \$230,690, with funds being paid from General Fund Reserves, seconded by Councilmember Wilson. Motion carried with no one opposed.

Additional Funding/City Facilities/Public Works HVAC Project

Public Works Director Svaby recalled that in the 2019 Capital Budget, Council approved the total of \$450,000 to fund improvements for Public Works facilities, including HVAC replacement and renovations of the break room and locker room. These projects have been completed.

However, there were some additional design needs of adding and including the elimination of doorways here in the public works building necessary for offices to not exposure to hallways. Though preceding his hiring, there was some additional consultant work needed how to reorganize staff that were affected by the flooding at City Hall and moved to Public Works.

Project Component Expenditures

HVAC \$ 319,525.83

Breakroom \$ 126,616.01

Expenditures to Date \$ 446,141.84

Retainage Payable \$ 15,450.00

Total Project Costs \$ 461,591.84

Funding Authorization \$ 450,000.00

Additional Funding Requirement \$ 11,591.84

To complete this project, an additional funding of \$11,591.84 is required.

Councilmember Marabello moved to authorize the approve the additional funding requirement of \$11,591.84 to satisfy the open HVAC retainage invoice and close out the project, said total to be funded by 50% electric reserves, 25% from water reserves and 25% sewer reserves. Councilman Culotta seconded motion. Motion carried with no one opposed.

MPD Special Borrowing Referendum Update & Recommendation/Chief Brown

Mayor Campbell shared that a Police Committee meeting was held earlier and asked Chief Brown to update Council.

Chief Brown deferred to Brenden D. Frederick, AIA, LEED AP of Becker Morgan Group.

Mr. Frederick referred to the earlier discussion and recalled that that around this time last year, they were finalizing the concept design with the budget associated with the new facility for the Milford Police Department. At that time, the number needed to capture the value of that work was \$18.4 million.

He said by looking at how this project has progressed and anticipating construction start date of about twelve months later than the original plan, with the help of Richard Y Johnson Contractors, reevaluated the cost metrics that effectively becomes a 3% increase over the budget previously submitted or \$18.9 million.

Mr. Frederick explained this is typical in the construction industry and what is called on an annual basis as the cost of materials and labor go up due to a variety of factors that can range from 2% to 10%, depending on the year in the market.

He reiterated that by working with Richard Johnson, who is very entrenched in this local market, felt comfortable with the 3% increases, which is being presented today, along with the findings from the Police Committee.

City Manager Whitfield said the intent of the agenda item tonight, is to move forward with the tentative schedule with a referendum date the end of January. The Police Committee reviewed the schedule and gave their approval earlier tonight. A motion to move forward is needed to start the process for the referendum.

Councilmember Culotta pointed out that if the decision is made tonight, and moving forward, the construction completion date will be March 2023. This will go in front of the public, to decide whether to support it or not, and he recommends we get the ball rolling.

Councilmember James said he has discussed this with the City Manager and they will be definitely be vetting all the numbers as well as the contractor contingencies in a Finance Committee meeting. Then Council will have an opportunity to discuss it. To the City Manager's point, there is a need to approve the schedule.

Councilmember Fulton moved to approve the timeline as presented by Chief Brown, seconded by Councilmember Morrow. Motion carried by the following 8-0 roll call vote:

Marabello: Yes-I'll approve the timeline, subject to further discussions with the Finance Committee because he has some concerns about the amount of the respective bonds, but approves the timeline.

Boyle: Yes to approve the proposed schedule.

Fulton: Yes to approve the schedule.

Culotta: Yes to approve the schedule. It is unfortunate this was delayed by the pandemic though it is important to the city and votes yes.

Baer: Yes to approve the schedule.

Morrow: Yes to the borrowing referendum updated schedule's recommendation by Chief Brown.

James: Yes to approve the schedule as presented.

Wilson: Yes, to approve this schedule.

MPD Behavioral Health Unit

Councilmember James detailed the request for a feasibility study for a behavior health unit (BHU). The Police Committee, along with Chief Brown, want to determine if a BHU, which consists of mental health and substance abuse addiction, would be beneficial to the citizens of Milford Police Department.

Councilmember James added this could impact and improve our fiscal conditions by allowing everyone to work more efficiently, including the police department, and the social offering to our citizens.

The request is to support establishment of a BHU that would be within the police department overseen by the Chief of Police. The unit would be responsible for handling those emergency calls when the primary reason is mental health or substance abuse. The BHU would be the first responder alone with a police officer as needed. The idea is to provide the correct response to our citizens, which can make our police department more efficient and effective in their responses to actual crimes being committed and allow the BHU to address non-criminal type activities.

Councilmember James reported that in conversations with people like Captain John Treadwell, who's responsible for the BHU in New Castle County, this has worked there. There are many other municipalities adopting these types of partnerships between the police department and behavior health specialists like Christiana Care Connections, and not an after-the-fact call response, but the initial interaction with the person making the call for help. Captain Treadwell, other behavior specialists and other politicians who have been involved with funding, would be willing to come down and speak with Council on how it works, the benefits and what the hurdles were. According to the people he has contacted, there could be state and federal funding available for this type of initiative.

At this point, the request is for a feasibility study to see if this would be beneficial in that feasibility study to be framed by the police committee, along with oversight and guidance from Chief Brown.

When asked if a vote is needed, Solicitor Rutt said it seems more informational though he recommends hearing from Chief Brown.

Chief Brown said he is in full support of doing a feasibility study to try to analyze how his department could benefit from this type of service and he believes it would. It is only a matter of working out all the details. He has been monitoring some of the departments across the nation that have been doing this for a short period of time. He does not know if there is enough data yet to for at least for someone in my position to get enough experience to determine if it is something worthwhile to do or not, and is why a feasibility study is needed. However, he is all for it.

When asked about the cost, Councilmember James said that would be flushed out during the feasibility study. This is really just an introduction of the request and if we want to go down this road.

The Councilman referenced the memo (see packet) that states this will not, in any way, detract from the current budget for the current operations or impede the building of the new police station.

Solicitor Rutt said that confirms that no vote is needed.

ADJOURNMENT

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

The Council Meeting adjourned at 9:21 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder