

MILFORD CITY COUNCIL
MINUTES OF MEETING
February 25, 2019

A Meeting of the City of Milford Police Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, February 25, 2019.

PRESIDING: Chairperson Katrina Wilson

IN ATTENDANCE: Mayor Arthur Campbell

Committee Members:

Councilmembers Michael Boyle and Lisa Peel

Councilmembers Todd Culotta and Jason James

City Manager Eric Norenberg, Police Chief Kenneth Brown and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

Chairperson Wilson called the Committee Meeting to order at 6:35 p.m.

Update/Replacement Milford Police Station

City Manager Norenberg provided an overview of the process over the past year, referencing his Council-authorized goal of making progress toward the replacement of the police station. As a result, he worked on developing an RFP and in May, Council approved an architect and engineering firm. The six proposals received were evaluated by City staff. Those employees, along with Police Committee Chair Wilson, then conducted interviews which resulted in Becker Morgan Group being selected.

Following a presentation by Becker Morgan Group, Council authorized the scope in November. The contract was then negotiated and approved by Council in January.

A week and a half ago, a kick-off meeting was held with Becker Morgan Group, key staff from the police department, Mr. Norenberg and other stakeholders who will be part of the process.

Settlement on the Growmark and A1 Glass Company properties occurred on Friday.

An update is being provided by Becker Morgan Group, in addition to what future action is needed.

Brenden Frederick, AIA, LEED AP, then introduced himself, along with Dean Johnson of Richard Y. Johnson.

Mr. Frederick reported the following:

The facility needs to be developed to meet the functionality of the 21st police needs, that its sized for potential growth, a clear understanding of associated costs. They brought Richard Y Johnson on board to bring expertise on the construction side. Design, construction and projects revolved around three key pieces. The owner's stake (need, want and desire, the design team to help execute that and the contractor to help see come to fruition.

All three play an important part in the design phase because they bring matrix to help save dollars and establishing a schedule.

The building itself has complexity.

In order to get a concept design that will have a scope that the police have dictated through their meetings, a budget proforma that is based on the scale and scope of the project, and a potential construction schedule.

The other piece of the puzzle is now to get the funding pieces in the schedule and how it will roll out with a start date and completion date.

The City has hired a PR firm to help with the public relations aspect to ensure Milford's residents are properly informed.

A space needs analysis has already been submitted to the staff for their input. That data will be collected to understand how the department operates, what makes sense and the size of the building it is needed.

Security, public/private access and site matters will then be discussed and how to integrate and allow the police to operate in the most efficient manner while protecting and serving. A key component is determining how to engage the public within the community room and how the police station can become a place for community togetherness.

Once the programming document is completed, a two-day charrette will be held during which time they talk and work through all the details. At its conclusion, they will understand the must haves, the likes to have, etc.

Mayor Campbell arrived at this time

That will provide them the location information, such as a certain office needs to be next to this department, etc.

The data on the spreadsheet will then be transformed into color blocks that will form a future floor plan and building shape.

Before the next step is taken, they will work with RY Johnson and begin working on budget needs, projected costs, etc.

Once the budget and the scope are worked out, they will repeat the process at a little higher level and discussing the floor plan. The building plan will then have doors, walls, and the exterior of the building. At that point, they will invite the public to comment.

RY Johnson will again be involved that will result in more refined information that will help project a more accurate budget.

The site for the police department has a substantial amount of land of which the residual lands could be for some other use. The public will be included in those conversations.

Following that, a concept floor plan, renderings, elevations and a concept budget will be presented.

All the steps along with way will be checkpoints for the team to determine it is in line with what is needed, meets the intent of what the police need, while being fiscally responsible.

In his experience, and comparing to similar facilities that were built for the Delaware State Police, a time line of three to four months is needed to complete the collective work, understand the information while providing adequate time to digest the information. However, that time line can be accelerated or prolonged, depending on how quickly the City wants to proceed.

The key is understanding the public input process and understanding that when it goes to referendum, how it ties in and how to engage the public. Moving slower, may result in as many voices heard as possible.

However, there is more time associated with how the project is rolled out that may need to overlap if the City prefers the design process is in line with the public process.

Councilwoman Peel confirmed that the three to four-month timeline started when the information was handed out to collect data on the needs' assessment, until the time a clear budget and floor plan can be provided. Mr. Frederick stated that is correct and that clock started at the kickoff meeting a week and a half ago.

He emphasized that if more dialogue is need at some point in the future, that time line will be extended. If expediting the process, they are able to do that as well. They will do what is necessary to meet the schedule established by the City.

Mr. Frederick referenced the photo of the parcel, divided into two sites. A decision on whether to place the police department in the front of the property or the back portion will need to be decided. Once that is determined, discussions about what can occur on the other half will take place.

The first charette will be for the police view only as it will include more internal items. A clear delineation will be needed for what is public purview and what is not. Anything that can be seen from Google maps or from the streets is public domain and more appropriate for public input. The public portion includes the floor plan, lobby and how the community room is laid out. Anything beyond that should remain as private as possible for safety reasons.

Giving people the opportunity to provide recommendations on how the building looks and the specific style, is a great way to engage the public. The opportunity for the residential land use, depending on which direction the City wants to go, is another opportunity. For example, whether the public feels it would be appropriate for use as a park.

Mr. Frederick then presented a calendar of February 2019 thru February 2020 that will be used to plug projected dates into.

Construction costs are increasing five to six percent annually. Projections from Turner Construction Company, one of the largest construction management companies in the United States, averages a five to seven percent escalation. As a result, this facility will cost at least fifteen percent more three years from now. The sooner it can be started, the most cost effective it will be on budgets.

Mr. Johnson confirmed that construction costs continue to rise. Richard Y Johnson does a lot of school work and the Department of Education allows an escalation of five percent compounded annually which by year three, is 18%. He recommends adding no less than five percent per year. He shared there is a lot of work available and the sooner the project can be bid, the better.

Mr. Frederick explained that on average, a project of this size takes a year to design and a year to build. A lot is predicated on the site approval process, depending on the agency, though the minimum is typically ten months. The new Delaware State Police Troop 7 is on schedule though construction may be completed somewhat earlier. It can be done in a little less time, but it takes a lot of behind the scenes work to save even a month or so.

When questioned, Mr. Frederick referenced several requirements related to the CALEA accreditation. The purpose of CALEA is to improve the delivery of public safety services. That is done primarily by maintaining a body of standards, developed by public safety practitioners, covering a wide range of updated public safety initiatives; establishing and administering an accreditation process; and recognizing professional excellence.

Patricia Rivera from Hook PR Group then addressed Council. She reported they have met with Chief Brown and his staff to discuss how to best tell the story of what gaps exist in terms of public perception. Chief Brown is focusing on the idea of community policing and how to better describe that to the public.

Though they have created some initial messaging, moving forward will be dependent on City Council's strategy and how they want her firm to approach it with the public.

She said they are here to support the City and will proceed with additional information as it is provided.

Mr. Norenberg feels that as the project progresses, there is a need to connect with and keep the public informed.

He stated that once Council adopts the resolution to proceed with the referendum, a lot of communication will be needed during that thirty to sixty-day window.

Mr. Frederick noted there are several avenues for community engagement, including civic clubs and downtown and chamber groups. He spoke about a number of the projects they have completed, and the numerous ways police officers were interacting and providing information to residents and business owners. He emphasized the importance of getting those voters' input prior to a vote, whether it is a school or government referendum.

Mayor Campbell confirmed that Becker Morgan Group will be attending the informational sessions to assist Milford's staff officers.

Chairperson Wilson agrees the visual and estimated budget will help as this is discussed with the public. She feels that City Council needs to sell this to our constituents to ensure it is successful. She asked that everyone be on the same page as far as the information that is disseminated.

Ms. Rivera reiterated that they started some preliminary messaging though a lot more information is needed. That would then be presented to City Council for their input. At that point, they would provide more specific points for conversations and meetings as well.

Mr. Norenberg recalled talking about developing a video that will show the behind-the-scene challenges, as well as comments from our officers. In addition, there will be 3D renderings and images of the projected facility. It will also be helpful to provide these presentations to civic clubs, church groups, HOA's, etc. Tables can also be set up at various events where our officers can reach and talk to the public and answer questions.

Mr. Frederick said there is a lot of work that will need to be done. There is a message that needs to get out and there is a need to meet with as many people as possible.

In discussing the overall schedule, the make or break is the referendum vote and there is a need to decide the best time to schedule that. He is also familiar that Milford School District is preparing to go out for referendum possibly around January-February 2020 though that is not yet set in stone.

Councilman Boyle pointed out the forestry and wetlands on the site and asked if the land is all usable; Mr. Frederick explained that is why the upper half has a little more acreage. The back portion includes a tributary stream that could actually be advantageous from a stormwater perspective and the reasons the trees will remain.

Mr. Frederick believes the useable acreage is fifteen acres. The field work will be complete this week and will supply the topographic data and boundary. That will provide a better idea of the grading requirements though the ideal scenario would be a balance cut fill.

Council then discussed funding mechanisms and whether a tax increase would be needed to fund the facility. Councilman James pointed out he has been a Milford resident his entire life and is fully supportive.

It was noted that the City is very limited in terms of financing without the voter's authorization.

Solicitor Rutt then explained there is a process that requires the adoption of a resolution to hold a public hearing after which a referendum or special election is scheduled. He agreed there are other alternative financing options with bonds being one.

Mr. Norenberg explained that any form of financing more than five years requires voter authorization. Considering the magnitude of the project and the projected costs, a public vote is required. He added that the City has been very successful in the past using USDA loans though the Finance Director may have other options to consider.

It was noted the City has an AA- bond rating.

Mr. Rutt also pointed out that USDA funding is not available as it was in the past.

Councilwoman Peel stated that she would in favor of exploring other options as well. She does not recall making any decisions as to a specific form of financing. She has the same concerns about competing referendums because she believes both are needed.

Mr. Frederick shared there is a potential, based on Becker Morgan's timeframe of three to four months, and assuming the design will be completed by June, the City referendum could be held during the late third to early fourth quarter of 2019 which would put them ahead of the school district.

Councilman James understands that both referendums are needed and Council needs to be sensitive to that. He will gladly propagate and tell his constituents this police station is needed, but with Chief Brown's help of explaining the need and what is in it for them. He wants to be able to say this body has explored and selected the best funding for the citizens of this City.

It was pointed out that the last tax increase in the City was in 2012.

Councilwoman Wilson understands that no one wants an increase in taxes, though everyone understands that a project of this size, along with sound financing in whatever form, is going to create a tax increase. That is the only way this project can be paid for in her opinion. Though there have been a number of school tax increases, she does not feel the City is competing and instead are giving our citizens what they will have asked for in the form of a safer facility for the police and its residents and businesses.

It was agreed a new police department has been needed for many years and recalled the work that was done from 2010 to 2012. At that point, support for the new facility came to a standstill.

Councilman Culotta believes the problem will be to convince the public that a tax increase is needed for a building that most people never walk in. In comparison, the school district has difficulty getting a referendum passed by people whose children attend those schools.

He referenced the recent Del Tech referendum needed to improve their building that did not even get off the ground.

Councilman Culotta pointed out that a \$14 million project at 3.75% interest will cost a half million dollars a year in interest. To him that seems much more conceivable for the voters to agree we need a police station without the tax increase.

Councilman James feels the need is easy to get across. It will be this body's responsibility to seek the best way to finance it. If a referendum is needed and the best method of financing, then that is what needs to be done.

It was agreed that Council will continue to explore other sources of financing sources available to the City. Whether it is through a conventional loan, USDA or some sort of bond issue.

Mr. Norenberg said this is beyond the scope of the conversation tonight and recommends finishing the conversation with Becker Morgan. The financing aspect can then be discussed with the Finance/Public Works Committee and the Police Committee.

Mr. Frederick stressed the reality is that if for some reason the project is delayed, waiting two to three years later will cost more. He will work with the PR Firm to include that in the bullet points when the project is being sold. Not only will they share what the beautiful and modern police station will look like, they can show how this will be a smart fiscal decision even though it might encumber them.

He then asked what is the earliest date Council wants to go out. With that information, Becker Morgan can set their critical path and work towards completing their tasks.

(Inaudible conversation).

Mr. Frederick then asked if Council would be privy to taking a vote in July-August. Chairperson Wilson said this committee cannot answer that question. Based on tonight's discussion, the preference is to meet with our finance experts first. She feels there is still some work to be done as Council pursues the financing aspect.

As soon as she can, they will provide that information, but she is unwilling to do that tonight.

Council and Chief Brown agreed.

Mr. Frederick shared that they will work and progress as if it were to be complete in the four-month time frame. He is looking for a benchmark and hopefully can get at least a 'no earlier than ---'. However, they will proceed and work toward the projected four-month timeframe. They will be working with Hook as well to understand the overall time frame of opportunities between now and the summer.

Councilwoman Peel reported that regardless of the financing option, the public will need to be engaged as far as how the police station will serve them. She recommends that be carried on as planned and the public engaged and shown the visuals as they are created.

Chief Brown said most people that have talked to him want to know how it will be paid for; that is the first question that needs to be answered. Councilwoman Peel understands but pointed out that is the reason for the discussion to ensure everyone is providing the same answers.

Chief Brown does not want to turn people off by not having answers to these questions before we start providing these renderings and photos.

It was agreed to schedule a meeting and invite the Finance Director and City Auditor.

Mr. Frederick said he is available for any questions in the meantime as they move forward with the first piece, find opportunities to engage the public and work with Mr. Norenberg and Evan Miller. Hopefully this will be decided in March so they can proceed with the next piece of the project.

NEW BUSINESS

Discussion/Business License

Mayor Campbell recalled discussing the advantages of having a business license for the police department though it was shot down by Council.

Chairperson Wilson recalled attending the IACP Conference where she talked with a gentleman who discussed how the business license had helped communication within their town. For example, one store had changed owners on multiple times though the City only had the original store owner's information.

Having a business license would force each business owner to register with the City. That information would be readily available especially in an emergency situation. According to Chief Brown, this often creates a lot of work for his employee and often creates a delay in reporting because of obsolete information that is on file.

Councilman James said he has worked in a number of jurisdictions where business licenses are required. Most businesses expect it when they open a business. He compares it to the rental license required in Milford and does not see a downside to having a general business license.

Chief Brown pointed out that along the same lines, the City has an alarm ordinance that requires someone to be fined after a certain number. Those alarms are monitored by each address. They often fine a property owner who may have never had a false alarm. But the police department's records are showing three offenses, for example.

Also, over the years, the police department has tried to maintain an emergency contact list for all businesses. Because there are so many more today, it is difficult for his employees to keep that current. Businesses move in and out of locations and because they are not required to contact them, no one knows. The first time an emergency occurs, the previous owner is called, because they are listed, and they have no idea who the person is they should be calling. It has caused his staff a lot of work.

A business license would simplify that process and fine the correct person when it comes to alarms.

Councilwoman Peel recalled when it was discussed in the past and the Council Chambers was standing room only with people who did not want it. All the people in attendance were legitimate business owners that were all doing the right thing. She asked who would enforce it on those that were not doing that right thing.

It was confirmed that Rob Pierce oversees the planning and inspections department. They have been working hard to clean up the records and get all the landlords registered, as in the case of the rental licenses. Three years ago, there were a lot of unregistered rentals.

At one point, Mr. Pierce was encouraged to consider a business license. Some research was done and a proposal was created and supported with the assistance of the police department. However, City Council voted against it in the end.

The City Manager asked if the Committee wants Chief Brown and Mr. Pierce to revisit the proposal from two years ago, refine it and bring it back for Council to consider again.

When asked why it was denied, Councilman Culotta said the general consensus was the City was adding another fee a business owner would have to pay. He is a contractor and is required to have a contractor license in Milford. A real estate agent or cosmetic salesman that works from home is a location that will unlikely cause Chief Brown to respond to if a fire alarm goes off. If there is a commercial building downtown or a manufacturing plant, that is fine, but the differentiation needs to be made. In addition, the fee should not be excessive and he recalls it was presented with a \$100 fee.

Councilman James said he has seen the municipal business license cost anywhere from \$20 to \$100, though that is expected by most business owners.

Councilman Culotta prefers we remain business friendly adding we are not Rehoboth. They have plenty of people lined up to open businesses but that is not the case in Milford. That was the perception and the reason for the backlash.

He said to Chairperson Wilson's point, he appreciates the oversight and the help to the police department and city government, but as a business owner who believes in small government, he does not understand why the City needs to be in his business. He is not doing anything that is impacting the City to create the need to regulate.

It was agreed that communication is needed so that people understand the advantage of the business license. Councilman James said in his opinion, the reason is clear and in his type of business it is expected. However, not every type of business is required to have a license based on the type of activity.

Councilman James recommends we investigate it and does not see any negativity in pursuing it.

Councilman Culotta added that the \$50 for the rental license pays for the inspection and the business is getting something in addition to covering the cost to the city. In addition, the rental license protects the renter which was the whole idea behind the ordinance.

Solicitor Rutt added that his firm in Georgetown pays two business licenses. The land is owned by an LLC and is charged a landlord fee. The law firm pays another for the rent of the building.

In Georgetown, they have a clerk that keeps track of the properties and looks at the tax rolls for any activity.

Councilwoman Peel said she does understand the need and would entertain looking at the draft. However, she does not want to penalize someone who is already doing the right thing. Instead, the City needs to solve the problem of people that are changing their addresses and not contacting the police department.

She sees the benefit of the business license and was also surprised that Milford did not have one in place.

Chief Brown said he does not care about the fee, he only wants the registry. Councilwoman Peel said the registry is a good idea though she agrees this is another expense to the business owner.

Mayor Campbell recommended it be less than \$100 and possibly \$50 or less. Councilman Culotta recommends it be free because we want to be busy friendly.

The Committee agreed it needs to be revisited and brought back. Councilman Boyle pointed out the fee should be enough to cover any expenses incurred. He also pointed out that if these business owners are not registering with the City, they are most likely not informing the State either. Therefore, he would not count on that.

Public Crime Mapping Application Demonstration

Matter postponed.

Lights On-Milford Strong Initiative

The following press release was included in the packet:

SEAFORD, DELAWARE, October 9, 2018 — The HELP Initiative, Inc. will administer, and program manage a collaborative effort and matching funds campaign between the City of Seaford, in partnership with the Delaware Municipal Electric Corporation (DEMEC), Seaford Police Department and the Delaware Sustainable Energy Utility to reduce concentrated areas of criminal activity and improve public safety by utilizing energy efficient lighting measures. This campaign will also provide education and awareness about how to reduce energy burden in the home and provide a roadmap for improving the health and safety of its occupants.

The HELP Initiative Inc. is an IRS-designated 501(c)(3) non-profit organization based in Dover, Delaware, that specializes in energy efficiency programs and service offerings for statewide communities in need. The Lights-On Campaign launched in Dover during the Summer of 2017 and recently completed final phase in the Summer of 2018. A total of three hundred sixty-seven homes received Dusk to Dawn Energy Efficiency LED lights for their front porches and Solar Powered LED Motion Flood lights for their back yards.

Each resident participating in this campaign pledged in writing to keep their front porch light switch on, encourage their neighbors to participate in the Lights-On campaign and to report any suspicious activity to the Emergency 911 service. The City of Dover Police Department crime statistics during this campaign's period of performance demonstrated that concentrated areas of criminal activity were reduced in size and that Emergency 911 call volume increased for the targeted campaign areas. Members of the community also conveyed their full support of the Lights-On campaign by actively participating in a community celebration at the end of each installation phase of the campaign.

The Lights-On Seaford Strong Campaign will be planned and managed by the HELP Initiative, Inc. in partnership with the City of Seaford, DEMEC, Seaford Police Department, Delaware Sustainable Energy Utility, Habitat for Humanity, NCALL, Northeast Regional Council of Carpenters, United Seaford, and The Home Depot. This campaign is funded by the City of Seaford Green Energy Funds and the Delaware Sustainable Energy Utility. This collective

street by street community campaign will educate and empower residents to increase public awareness of criminal activity, save energy, and demonstrate a unified community approach toward public safety in the City of Seaford neighborhoods.

The "Lights-On Seaford Strong" Campaign will be conducted during the Fall of 2018 and target approximately 400 homes within the Seaford target area.

Mr. Norenberg stated that because of the success in Dover and Seaford, Milford is interested in the same initiative. They are looking at approximately 400 plus homes in the DDD and surrounding areas. Chief Brown and Planning and Development Director Pierce are working together to map out the area that would fit the low to modern income criteria, but also meet some of the at-risk neighborhoods.

The packet includes an agreement currently being reviewed by the City Solicitor, along with some links to stories about the success of the program in Seaford. They would like to present the MOU to City Council at their March meeting.

Charles Kistler, Executive Director of the HELP Initiative, informed Council they are an IRS-designated 501(c)(3) non-profit organization based in Dover, Delaware, that specialize in energy efficiency programs and service offerings for statewide communities in need. He said they have worked with NCALL in Dover, the City of Seaford and the SEU (Sustainable Energy Utility). They are trying to find ways to match funds to get as much outcome from this type of installation. He concluded by saying it is a very simple lightbulb that works in an unbelievable way of moving away crime in concentrated areas where criminal activities are prevalent.

In the meantime, they want to stress the importance of energy efficiency methods to reduce the burden of their utilities.

He confirmed the matching funding in Dover came from NCALL and the Wells Fargo Foundation. The funding in Seaford came from DEMEC and the SEU. They plan to do the same business model in Milford. There is also an interest in the City of Wilmington.

Chairperson Wilson thanked Mr. Kistler for attending the long meeting.

Mr. Norenberg stated that the business license proposal will be brought back before a joint Finance/Public Works and Police Committee meeting to discuss both the financing for the new police department and the business license proposal.

Councilmember Boyle moved to recommend City Council authorize and execute the MOU for the Lights On campaign, seconded by Councilmember Peel. Motion carried.

There being no further business, Chairperson Wilson adjourned the Police Committee meeting at 7:10 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder