

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 13, 2016

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, June 13, 2016.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Arthur Campbell, Lisa Ingram Peel, James Burk, Owen Brooks, Jr., and James Starling Sr.

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

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 7:03 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation given by Councilman Starling.

APPROVAL OF PREVIOUS MINUTES

Motion to approve the May 9, 10, 17 and 23, 2016 Committee and Council Meeting minutes made by Mr. Brooks, seconded by Mr. Burk. Motion carried.

RECOGNITION

No special guests in attendance.

MONTHLY POLICE REPORT

Police Committee Chair Burk presented the monthly report on behalf of Chief Brown. Mr. Burk moved to accept, seconded by Ms. Peel. Motion carried.

CITY MANAGER REPORT

The City Manager said he distributed his monthly report approximately a week ago and has not heard any questions or comments. Thereby, Ms. Peel moved to accept the City Manager's report, seconded by Mr. Starling. Motion carried.

COMMITTEE & WARD REPORTS

None to report.

COMMUNICATIONS & CORRESPONDENCE

Included in packet.

UNFINISHED BUSINESS

Truitt Avenue and Washington Street Improvements/Extension Approval/Three-Year Funding Period

City Manager Norenberg recalled that during the last council meeting, the Truitt Avenue and Washington Street Utility

Improvement project was approved. Based on the city policy that capital funds are available for three years, that period is scheduled to expire on June 30, 2016. The work is scheduled to begin next week and should only take a few days. Though it should be completed prior to the deadline, any inclement weather could impact it so it is recommended an extension be authorized to ensure those funds are available after June 30th to ensure its completion.

Mr. Brooks moved to approve the extension of the three-year capital funding deadline to ensure completion of the Truitt Avenue and Washington Street Improvements Project, seconded by Mr. Burk. Motion carried.

Appointment/City of Milford Workforce Development Commissioner

Mayor Shupe informed council this is a commission that connects the Milford School District and the City of Milford and provides student employment in our community. He is recommending that Anne Villalobos of 2 Royal Court, Orchard Hill, be appointed to fill the recent vacancy on that commission.

Ms. Peel moved to appoint Anne Villalobos to the Workforce Development Commission, seconded by Mr. Mergner. Motion carried.

*Appointment(s)/City of Milford Planning Commissioner
Vacancy/City of Milford Planning Commission*

Mayor Shupe reminded council that the application for the various boards and commissions are now on line. City Manager Norenberg and he interviewed the applicants earlier this evening. The first planning commission vacancy is a result of Councilman Campbell winning the April election; Mayor Shupe recommends Michael Boyle to fill that seat. Mr. Boyle is retired military with previous experience in architectural review and local government.

Based on Mayor Shupe’s recommendation, Mr. Burk moved to appoint Michael Boyle of 43 Meadow Lark Drive, Meadows at Shawnee to fill the vacancy, seconded by Mr. Campbell. Motion carried.

Mayor Shupe referenced the letter of resignation received from Planning Commissioner Kerry Fry who is resigning for personal and family reasons. The mayor recommends filling the second vacancy by Raymond Lynch of 3702H South Sagamore Drive, Hearthstone Manor. Mr. Lynch is a retired civil engineer which he feels will be of value to this commission.

Ms. Peel moved to appoint Ray Lynch to fill the second vacancy on the City of Milford Planning Commission, seconded by Mr. Campbell. Motion carried.

NEW BUSINESS

Bid Award/Goat Island Nature Trail/Mispillion Greenway Phase 22-2

Sealed bids were received, publicly opened and read on May 12, 2016 for the above project. The following bids were received:

Contractor	Base Bid	Alternate 1	Alternate 2	Alternate 3	TOTAL + Alternates
Norman W. Johnson Builders LLC	18,600	55,200	9,000	11,000	93,800
Thompson & Sons Contracting, Inc.	56,910	60,669	4,599	10,847	133,025

The City Manager reported the project will be paid through a \$50,000 DNREC grant in addition to \$50,000 in city funds. It will include three overlook areas on goat island and a pavilion area to be used for educational purposes and activities.

The project received only one proposal when it was originally bid earlier this year. That proposal was extremely high when compared to our consultant’s (Landscape Architectural Services) estimate and the reason the project was rebid last month.

Though only two bids were received, Matt Spong of Landscape Architectural Services recommended to city staff that the project be awarded to the low bidder Norman W. Johnson for the base bid and alternates 1 and 3, which will allow the overlooks and pavilion work to be added.

The gravel and trail improvements will be done in house versus accepting alternate 2 which would put the project over budget.

Mr. Mergner confirmed this project received only one bid after the first announcement and that only two bids were received the second round. Mr. Norenberg explained that Landscape Architects did a lot of outreach to vendors attempting to encourage participation though the end result was two bids.

Ms. Peel moved to award the Goat Island Nature Trail/Mispiration Greenway Phase 22-2, including the base bid and alternate 1 and alternate 3, to Norman W. Johnson Builders for a contract total of \$84,800, seconded by Mr. Starling. Motion carried.

Approval/DBF Proposal/Shawnee Acres Pump Station Evaluation/Sewer Reserves

City Manager Norenberg explained that an evaluation of the City of Milford's Shawnee Acres Pump Station was needed to provide a recommended path as we move forward with recommended upgrades, scheduling, and capacity to this pump station, as it relates to future development and additional users to southeast Milford.

The scope of works is as follows:

Determine the current capacity of the existing pump station with the recent upgrade to a portion of the pump station forcemain.

Calculate the required size of the pump station needed to meet the demand from both short and long term future development in the southeast portion of the City.

Incorporate the findings and recommendations of previous southeast sewer system analyses performed between 2008 and 2014.

Assess the ability of the existing pump station to meet the above short and long term area demands and provide recommendations for future upgrades/improvements.

Prepare a design and construction cost estimate to implement the recommended up grades/improvements.

Evaluate a means of equitably distributing the cost of the pump station upgrades/improvements between the City and the area developments impacting the station.

The scope of services is proposed for a lump sum fee of \$7,800. Though the agreement was previously signed, it was later discovered that city council had not approved the allocation from reserves.

Mr. Brooks asked if as these properties are developed, will the developers be reimbursing the city; Randy Duplechain from Davis, Bowen and Friedel was present and explained that the funding, based on approval of the Shawnee upgrade, would be part of the \$4 million loan/grant money from the USDA. According to Mr. Duplechain, it would not be directly reimbursed though a partial reimbursement could be required from any future development in the area. Part of the analysis would be to determine what that cost share will be.

Mr. Brooks moved that City Council authorize the use of Sewer Reserve funds for the Shawnee Acres Pump Station Evaluation as outlined in the March 8, 2016 proposal for a lump sum of \$7,800, seconded by Mr. Starling. Motion carried.

Introduction/Ordinance 2016-06/Mispiration Realty LLC/Conditional Use/PUD & Major Subdivision;

Tax Map 1-30-3.00-077.01; -078.00; -080.02; -443.00 thru -561.00

Mayor Shupe then introduced Ordinance 2016-06 and asked Planning Coordinator Rob Pierce to comment.

Ordinance 2016-06

Mispiration Realty LLC for a Conditional Use for a Planned Unit Subdivision and a Preliminary Major Subdivision of 23.35+/- acres in an R3 (Garden Apartment and Townhouse) Zoning District. Property is located on the east side of Old Shawnee Road, Milford, Delaware. Present Use: Vacant Land; Proposed Use: Townhouse and Garden Apartment Subdivision. Tax Map 1-30-3.00-077.01; -078.00; -080.02; -443.00 THRU -561.00

WHEREAS, the City of Milford Planning Commission will consider the conditional use application at a Public Hearing on May 17, 2016; and

WHEREAS, Milford City Council will hold a Public Hearing on June 27, 2016 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a Conditional Use for a Planned Unit Residential Development as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Section 1. Upon the adoption of this ordinance, Mispiration Realty LLC is hereby granted a Conditional Use Permit to allow a Planned Unit Residential Development, in accordance with the application, approved plans and any conditions set forth at the Public Hearings.

Section 2. Construction or operation shall commence within one year of the date of issuance of the permit otherwise the conditional use becomes void.

Section 3. Dates.

Planning Commission Review & Public Hearing: May 17, 2016

City Council Introduction: June 13, 2016

City Council Public Hearing: June 27, 2016

Adoption (Projected): June 27, 2016

This ordinance shall take effect and be in force ten days after its adoption.

Mr. Pierce explained this ordinance will allow a PUD at the Brookstone Trace Subdivision owned by Mispiration Realty LLC Project that was reviewed by the planning commission in May. The project was originally a 119-townhouse subdivision though their layout has been changed to allow some adjacent land to be incorporated. It is now being presented as a 104-unit townhouse community with 60 apartment buildings. A public hearing is scheduled before city council at the June 27th meeting.

Approval/Verizon Lease Agreement/Water Storage Tower/DOV Shawnee

Mr. Norenberg explained the city has been in negotiations with Verizon since before he became City Manager. Davis, Bowen and Friedel has been working with Interim City Manager/Finance Director Jeff Portmann to negotiate a favorable agreement with Verizon Wireless for cell phones, antennas and equipment on top of the new southeast Milford tower and ground level equipment.

He referenced the four exhibits in the packet showing the site and equipment location and an image of the tower top containing the various antennas.

The agreement starts with \$24,000 annual payments and escalates by 3% per year.

Mr. Mergner moved to approval of the Verizon Lease Agreement (Site Name: DOV Shawnee) as presented, seconded by Ms. Peel. Motion carried.

Agreement/First State Inspection Agency/Commercial Plan Review & Building Inspection Services

Planning Coordinator Pierce said a few months ago, his department put out a Request for Qualifications for inspection agencies that can perform commercial inspections though this will mainly apply to the new Bayhealth facility. First State Inspections and AECOM responded.

Mr. Pierce recommends awarding the RFQ to First State Inspection Agency, not only for the inspection of the Bayhealth Project, but for any additional assistance that may be needed with other commercial applications. The proposal is a three-year, open-ended agreement.

Mr. Pierce explained that the commercial inspection needed for Bayhealth will be paid by revenues generated through their building permit. Based on the fee schedule and service agreement, there will be sufficient funds to pay this agreement and anticipates receiving more than \$300,000 in building permit revenues. The contract is slightly more than \$100,000 based on square footage. It was noted that no up front costs will be paid out and that payment will only be made for services completed.

It was confirmed that any inspections would be based on the city's code. Mr. Norenberg stated that given how critical the Bayhealth project will be, this will ensure the city has resources to keep pace with the workload of the project. Because of the size and complexity, additional inspection skills will also be required. He noted that our current building inspector will not inspect everything as some of the trades require state or other agency inspections.

Mr. Mergner asked if First State will need to be tutored on our code, Mr. Pierce explained that they have inspectors certified with the 2006 IRC and IBC codes which the city uses.

Mr. Campbell questioned the condition that First State shall not be permitted to subcontract with any individual or entity to complete any obligation under this agreement unless they receive written consent from the city. Mr. Pierce stated they understand that provision and have reviewed the document in its entirety. Initially, the city included a clause that would allow other inspection agencies to be used for similar services. First State wanted to be the sole inspection agency though the city will be allowed to perform in-house inspections.

Mr. Brooks moved to authorize the agreement with First State Inspection Agency for Commercial Plan Review and Building Inspection Services as recommended by staff, seconded by Ms. Peel. Motion carried.

Authorization/City of Milford Employee Vision Care Benefit

The city planner recalled the opportunity to add an employee vision care benefit as was discussed during the budget hearings last month. This is the result of some cost savings due to lower Life/AD&D and LTD rates. When a comparison was done, rates were requested for vision care with EyeMed coming with the lowest four-year rate guarantee. It includes vision coverage for all city employees and an optional coverage for dependents.

Hearing coverage is also available through this program though our HR Manager stated she wasn't made aware of it at the time the comparison was done.

The City Manager said that based on the support of council expressed during the budget hearings, he contacted the Teamsters and the union representative at Milford Police Department. He received a reply this afternoon that the Teamsters could not support this benefit being offered to any police officers covered by the union contract because it could be a potential unfair labor practice and would conflict with the efforts underway in terms of binding interest arbitration.

He hopes to work things out in the next couple of weeks and be able to extend this benefit to our police officers and when the contract is ultimately resolved, it will include all employees and not just non-union employees.

Mr. Norenberg recommends proceeding with this benefit for the non-union employees at this time and referenced the provision in the expired contract (still being followed) that includes a 'me-too' clause in terms of benefits for non-union employees that must also be provided to union employees.

He also noted that the vendor will need to do some adjustments in the calculations because it was based on our full employee count and will now be a lesser number with the union officers excluded. He does not expect the cost to increase too much in the interim in the per capita amount.

Mr. Mergner moved to approve the new Vision Care program for City of Milford employees effective July 1, 2016, with the exception of those employees represented by Teamsters Local 326 until such time as the City and the Teamsters can agree to terms, seconded by Ms. Peel. Motion carried.

Adoption/Resolution 2016-09/City of Milford FY 2016-2017 Annual and Capital Budgets

Mr. Norenberg recalled the Finance Committee's budget workshops held on June 7th and June 8th. He recalled a few changes were made during those reviews as was recommended by the finance committee. He pointed out that is the removal of the \$100,000 funding for sidewalks improvements in addition to a couple minor adjustments.

Mr. Burk moved to adopt Resolution 2016-09 approving the FY 2016-2017 Budget as presented by the City Manager and Finance Director and amended by the Finance Committee during budget hearings last week, seconded by Mr. Campbell:

ADOPTING THE CITY OF MILFORD
FISCAL YEAR 2016-2017 BUDGET & CAPITAL PROGRAM

WHEREAS, the operating and capital budgets of the City of Milford for the Fiscal Year 2016-2017 were prepared and submitted to the City Council by the City Manager in accordance with Article VI 'Financial Procedures' of the City Charter; and

WHEREAS, the City Council was presented with the proposed budget following a comprehensive study and review by the Finance Committee while meeting in public sessions on June 7, 2016 and June 8, 2016; and

WHEREAS, in the opinion of the City Council, the budget accurately, as possible, reflects the city's anticipated revenues and expenditures for the fiscal year beginning July 1, 2016 and ending June 30, 2017.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILFORD, that the City of Milford's Operating Budget for Departments shown under General Fund as Administration, Planning and Zoning, Code Enforcement and Inspections, Finance, Information Technology, Police, Streets, Parks and Recreation and Council; and the Water, Sewer, Sanitation and Electric Departments was adopted and approved as the budget of the City of Milford for Fiscal Year 2016-2017 in the following amounts:

Operations and Maintenance - \$38,630,705
Debt Service - \$1,877,135
Capital Program - \$2,030,685
Total Expenditures - \$42,538,525

A copy of said budget, is on file in the Office of the City Clerk, as was adopted by majority vote of Milford City Council on the 13th day of June 2016.

Motion carried with no one opposed.

Mr. Brooks stated that in the old days, the auditors would come to council and explain the good points, bad points and what the city was weak in. He wants that done again when our books are reviewed.

Mr. Norenberg will follow up with the Finance Director adding this is the last year in the contract for the current auditing

firm. As a result, an RFP will be prepared next fiscal year and a new audit firm selected. That will then come back before City Council who will make the final decision.

MONTHLY FINANCE REPORT

Finance Committee Chairman Burk reported that through the tenth month of Fiscal Year 2015-2016 with 83% of the fiscal year having passed, 83% of revenues have been received and 76% of the operating budget expended.

Mr. Burk moved to accept the April 2016 Finance Report, seconded by Mr. Brooks. Motion carried.

EXECUTIVE SESSION

With nothing new to report, the Executive Session was canceled.

ADJOURN

There being no further business, Ms. Peel moved to adjourn the Council Meeting, seconded by Mr. Mergner. Motion carried.

Council Meeting adjourned at 7:40 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder