

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
March 27, 2017

The City Council of the City of Milford met in Workshop Session on Monday, March 27, 2017 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Arthur Campbell, Lisa Peel,  
Owen Brooks Jr., Douglas Morrow and Katrina Wilson

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

COUNSEL: City Solicitor David Rutt, Esquire

Mayor Shupe called the Council Workshop to order at 7:21 p.m.

*DeIDOT Presentation/Project US Route 113 & Railroad Crossing Project*

In attendance were DeIDOT Railroad Engineer Bob Perrine, Safety Officer Jerry Nagyiski and Public Information Officer Louise Holt. The project's consultants Bill Conway and Brian Kisner, from Century Engineering, also attended.

Mr. Perrine announced that DeIDOT is preparing to undertake the Crossing Replacement Project at Route 113 which will require a complete shutdown of the roadway. He believes that has never happened in the past and this will be a first. He explained there are no other options and that the work must be completed.

He then discussed the replacement of the existing railroad crossing, installation of grade crossing signals, cantilever structures, and railroad safety gates on US Route 113 between SR 14 and Kings Highway in conjunction with Delmarva Central Railroad. Safety improvements are required to provide a smooth crossing, correct drainage issues and add sidewalks compliant with the Americans with Disabilities Act.

Mr. Perrine explained that the rail crossing is an urgent situation because it has failed. It needs to be repaired as soon as possible before it becomes more than an urgent situation. Right now, in order to operate the train, it is stopped short of the crossing and literally walked through the crossing. Once they clear the crossing, the speed is able to be increased again. This is not an efficient operation and causes undue delay to traffic as the train crosses the highway.

He advised that DeIDOT partners with the railroad to do all crossings. In this particular case, the railroad is going to contract all the work and DeIDOT will be their agent. DeIDOT does the design and the inspection; the railroad handles the contractor. The bottom line is they work together to make it happen.

There are a lot of players and unfortunately railroad representatives were unable to attend this evening. Hopefully they are able to attend the public meeting scheduled for next Monday at Carlisle Fire Hall.

Mr. Perrine then explained the crossing will be removed as well as all existing equipment and safety features. That will be replaced with new and upgraded equipment to current standards per the Manual on Uniform Traffic Control Devices.

All new utilities will be installed beneath the tracks that control the traffic signals along with new inlets.

Mr. Perrine explained that traffic and water are the two things that destroy the tracks. Water sitting on the track destroys it from the underneath. Though the railroad is gracious enough to allow DeIDOT to put a road across the right-of-way, traffic pounds the side of the rails to the point it begins to weaken.

This crossing is old and they have considered replacing it for more than twenty years. Over the years, they have done several patch jobs. Because of its location, they have no choice but to close the roadway after the emergency letter was received from

the railroad stating it has to be done now.

They worked together on a schedule they hope they can keep so that the project is completed prior to Memorial Day.

Mr. Perrine emphasized he is not making a promise that the project will be completed by Memorial Day adding there are still a few unknowns though most have been corralled.

They will begin work at 8:00 p.m. on Friday, May 5<sup>th</sup>. Two weeks of shutdown is scheduled though Mr. Perrine believes it will be closer to three weeks. They have a pre-bid meeting with the railroad contractors on Wednesday and a follow-up meeting on Friday. The work will be performed 24/7 until the project is completed. He emphasized there is a lot of work to be done in a very small area.

Unfortunately there is very little that can be done ahead of time to alleviate some of the sheer volume of work that has to occur while the road is closed.

They will do their best to have the project completed by Memorial Day. The schedule does not allow for weather and is based on the actual work that is needed. A weather day is an added day on the contract.

He said that fortunately, the work is straightforward and hopefully they will not encounter too many surprises. Softdig came out and dug down to expose the utilities so they know the exact location and associated depths.

They have attempted to perform as much due diligence as possible prior to putting the first shovel in the ground to get the best case scenario. However, once the shovel goes into the ground, a lot more can be learned about what has not been recorded.

Mr. Perrine then referenced to the display boards showing the scope of the work and the local and regional detour plans.

The one board showed the total area of the work. There will be a hard closure against the intersection of Route 14 though Route 14 will open into Milford (via North Front Street).

From Route 14 south to the bridge on Route 113 is the work area. That whole area will be available to the general and railroad contractors as a staging area for materials with no traffic allowed. The entrance into the Exxon station will be closed from US Route 113 with one in and one out on Route 14.

Northbound traffic will be closed with exception of traffic entering North Shores where one lane will permit traffic to come up and make the turn. The couple of businesses on the south side of the track and west side of Route 113 will have a special entrance that will allow them to get in and out of those doctors' offices.

He referenced the board showing the total length of railroad work and the work that will be performed in the median. Some additional drainage work is needed on the east side where a pedestrian pathway will be created and will cross the tracks from the Walgreen Pharmacy area.

He then referenced the local detour and regional detour plan.

The regional detour plan is similar to what was experienced last year when the overpass was closed north of Milford at SR 1 as indicated below:

Southbound: SR 1/ Bay Road to SR 30 off-ramp to Wilkins Road onto Johnson Road and return to U.S. Route 113.

Northbound: U.S. Route 113 to Johnson Road to Wilkins Road to SR 30 to SR 1/Bay Road north to the Thompsonville interchange and loop onto SR 1 southbound and continue south on U.S. Route 113 to SR 14 westbound. Thru trucks will be prohibited from making a left onto westbound SR 14/Northeast Front Street from SR 1 northbound interchange and loop onto SR 1 southbound and continue south on U.S. Route 113 to SR 14 westbound. Thru trucks will be prohibited from making a left onto westbound SR 14/Northeast Front Street from SR 1 northbound.

The local detour plan is as follows:

Southbound utilizing U.S. Route 113/Frontage Road onto North Walnut Street to North Rehoboth Boulevard/Cedar Creek Road to Wilkins Road to Johnson Road and return to U.S. Route 113.

Northbound utilizing U.S. Route 113 to Johnson Road onto Wilkins Road to Cedar Creek Road/South Rehoboth Boulevard to Northeast Front Street and back to U.S. Route 113.

Eastbound utilizing SR 14/Milford-Harrington Highway to Northwest Front Street to North Rehoboth Boulevard/Cedar Creek Road to Wilkins Road to Johnson Road and back to U.S. Route 113.

Councilwoman Wilson then asked about similar situations. Mr. Perrine explained that DelDOT has replaced about 160 crossings in the last four to five years. In the summer of 2013, a similar crossing was replaced on Route 40 in Bear. That was completed in seventeen days but the road was only closed for nine days. However, a lot of work was performed during the eight days when the road was not closed. That is not the situation in Milford where the majority of the work has to occur while the road is closed.

Another project was done on Route 9 near the refinery that took seven days. Another similar project on Route 7 took only six days though it did not involve an additional intersection as busy as SR 14.

Mr. Perrine said it is doable and there is a lot of incentive for the contractor. He pointed out that not running the train costs millions of dollars per day.

He explained there are two pieces to this job; the track closure of 96 hours; if that time frame is not met, there is a severe monetary penalty for the contractor. The other piece is to get the roadway back open as soon as possible. They are currently working those figures to determine the penalty if the two-deadlines are not met minus weather.

He noted that most of the crossings they have done only take five days though some back road projects have only taken three days. Some have taken as long as ten days whereby special precautions had to be taken that were similar to this situation.

He said this is a very big job and approximately \$2 million will be spent in two weeks.

Mr. Mergner asked how often the train runs; Mr. Perrine said six to eight trains a day.

Mr. Perrine also confirmed a significant number of message boards and signage will be put in place to warn drivers well in advance of coming into Milford. They want to keep as much traffic as possible on Route 1 to bypass the project area. It was noted that a First Responders Meeting is scheduled for tomorrow as well. Sufficient directional signs for the hospital are also planned.

There being no addition business, the Workshop Session concluded at 7:25 p.m.

Respectfully submitted,



Terri K. Hudson, MMC  
City Clerk/Recorder

Attachment:

DelDOT Railroad Crossing Safety Improvements Project/Local Detour Plan  
DelDOT Railroad Crossing Safety Improvements Project/Regional Detour Plan

**PORTABLE CHANGEABLE MESSAGE SIGNS**

US 113  
RR XING  
TO CLOSE

STARTING  
XXXXXX

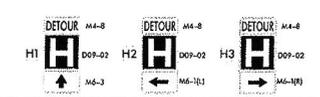
US 113  
RR XING  
CLOSED

FOLLOW  
DETOUR

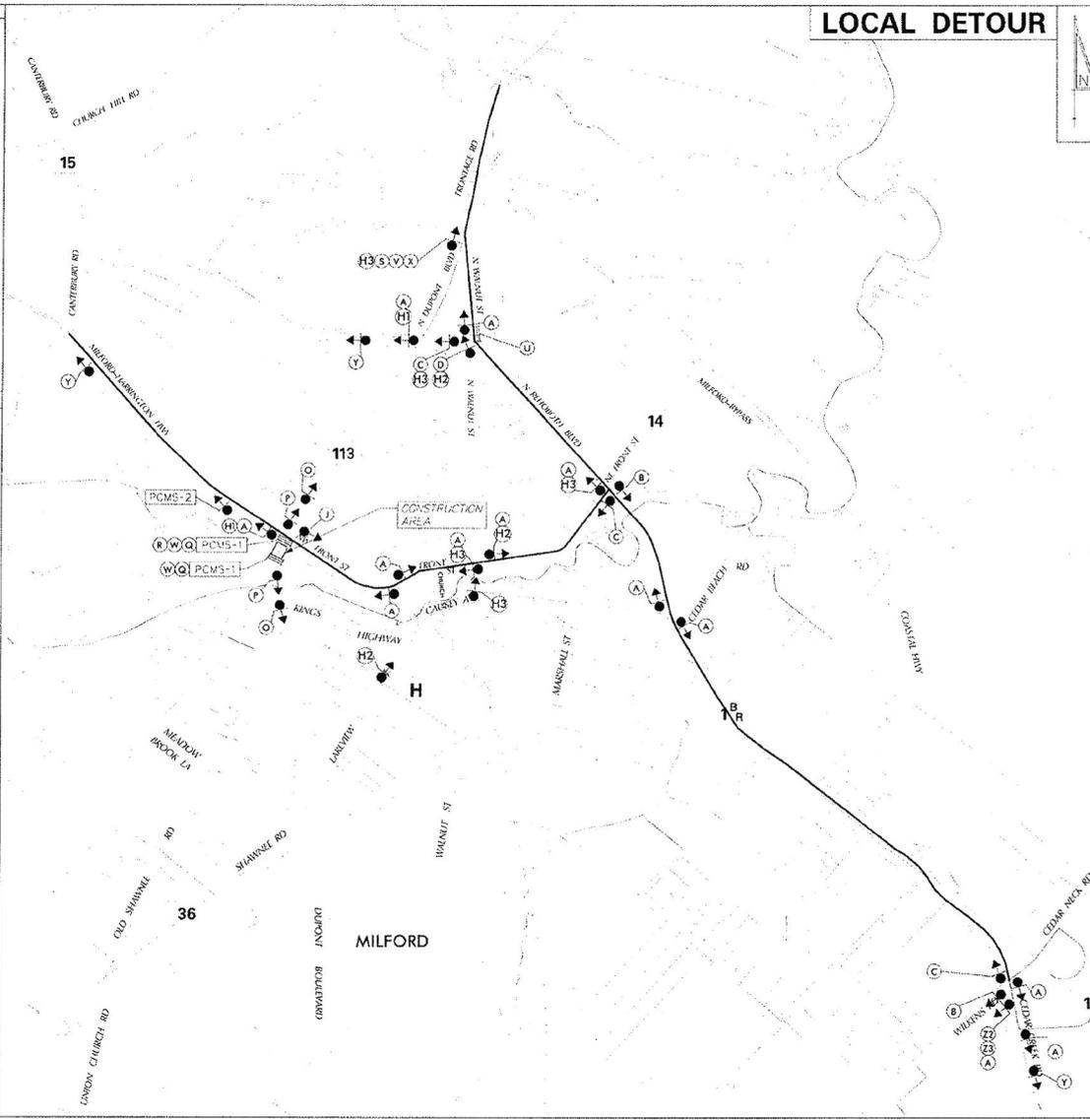
**ADDITIONAL NOTES**

12. CONTRACTOR SHALL CONTACT THE TMC TO ADJUST SIGNAL TIMING FOR THE FOLLOWING SIGNALS: (S133) US113 @ JOHNSON RD, AND (S244) JOHNSON RD @ MARSHALL ST.
13. CONTRACTOR SHALL CLOSE WB LEFT AND EB RIGHT TURN LANES OF SR 14 ON APPROACH TO INTERSECTION WITH US113 USING TYPICAL APPLICATIONS FROM DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).
14. CONTRACTOR SHALL CLOSE SB US113 TRAVEL LANES ON APPROACH TO INTERSECTION WITH SR 14. CONTRACTOR SHALL REDIRECT TRAFFIC TO LEFT TURN LANES USING TYPICAL APPLICATIONS FROM DE MUTCD.
15. CONTRACTOR SHALL CLOSE ONE THRU TRAVEL LANE ON SB US113 ON APPROACH TO THE FOLLOWING INTERSECTIONS: US113 @ WALNUT ST (S132), US113 @ HIGH SCHOOL AVE (S250), US113 @ N W 10TH ST (S132), US113 @ WYFOND PL (S244) AND US113 @ N FRONT ST (S131).

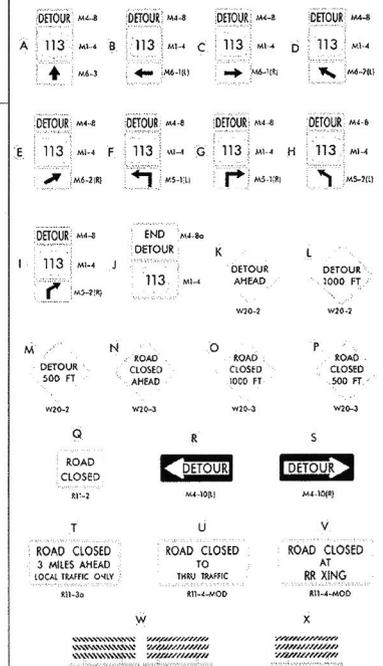
**SPECIAL SIGNS**



**LOCAL DETOUR**



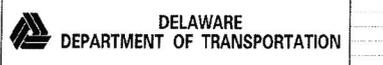
**LEGEND**



**GENERAL NOTES**

GENERAL NOTES

RECOMMENDED DATE: \_\_\_\_\_ RECOMMENDED DATE: \_\_\_\_\_ RECOMMENDED DATE: 3/2/17 APPROVED CHIEF SAFETY OFFICER \_\_\_\_\_ DATE: \_\_\_\_\_ APPROVED TRAFFIC ENGINEER \_\_\_\_\_ DATE: \_\_\_\_\_



APPENDIX 7 REVISIONS

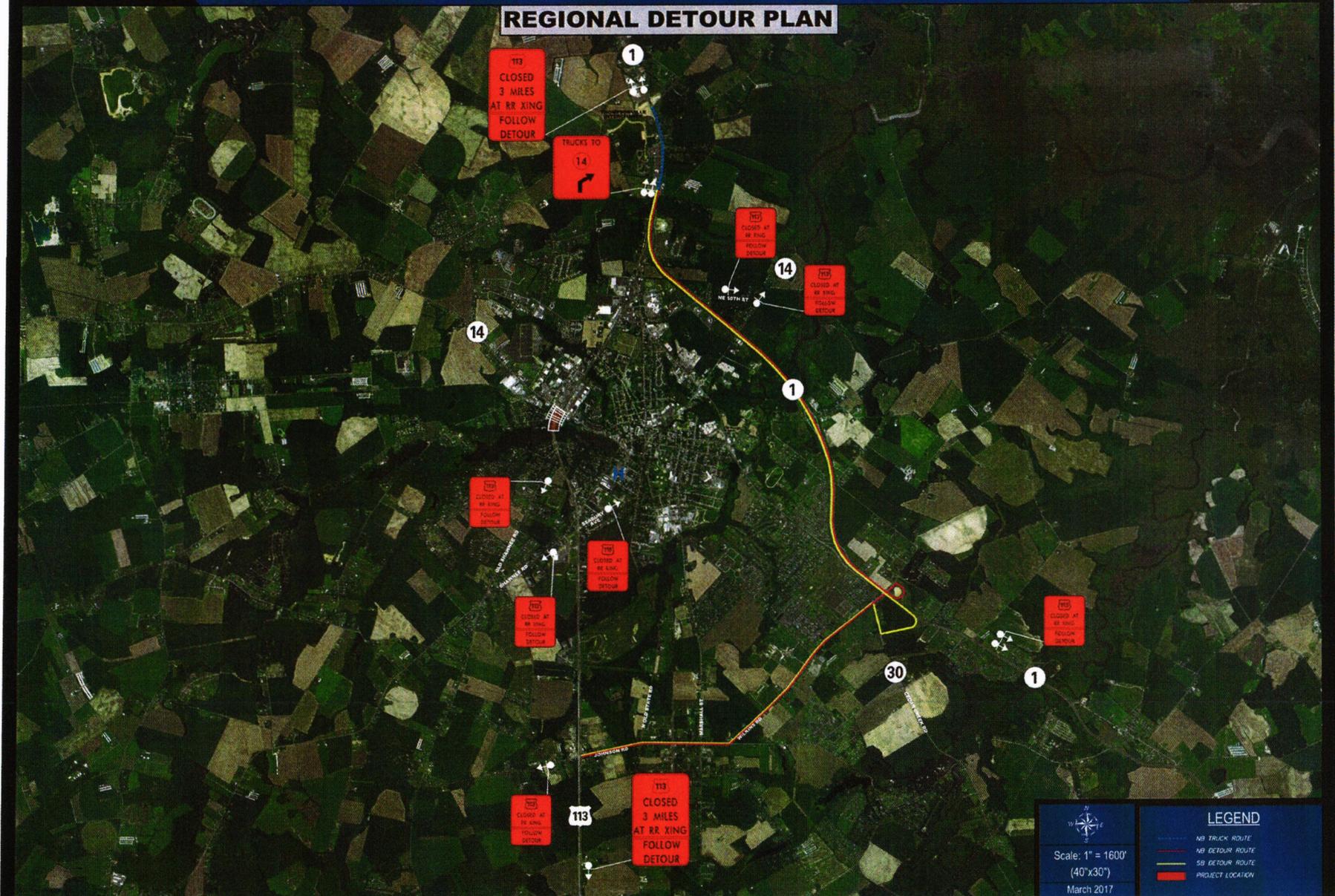
NOT TO SCALE

US 113 & SR 14  
RAILROAD CROSSING SAFETY IMPROVEMENTS  
DOT CROSSING NO. 516-107F

1201525562	K008
DOT-SUSSE	

LOCAL DETOUR PLAN N DUPONT HWY AT RR CROSSING	2
	2

## REGIONAL DETOUR PLAN



MILFORD CITY COUNCIL  
MINUTES OF MEETING  
March 27, 2017

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, March 27, 2017.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Arthur Campbell, Lisa Peel,  
Owen Brooks Jr., Douglas Morrow and Katrina Wilson

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

COUNSEL: City Solicitor David Rutt, Esquire

The Council Meeting commenced at 7:25 p.m.

#### INVOCATION AND PLEDGE

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

#### RECOGNITION

##### *City of Milford IT Department*

City Manager Norenberg stated that often in a government that heavily uses IT we seem to take advantage of the fact we have our computers, websites and emails that work day in and day out. Staff typically only notices when things aren't working correcting or we experience a problem.

The thought occurred to Mr. Norenberg that in over a year, he cannot remember a single time when the email has been malfunctioning or work was unable to be completed because someone's computer had a virus. He then talked to IT Manager Wes Banasan and asked him when the last time the network was down, had a virus or got blacklisted. Mr. Banasan informed Mr. Norenberg that it has been years and so long ago he could not remember the last time.

As a result, the City Manager he thinks it is important to recognize the accomplishments of the IT Team of Wes Banasan and David Stover and their hard work in keeping all City Departments' computers up and running.

The City Manager then presented Mr. Banasan and Mr. Stover with a bag of Reeses' Peanut Butter Cups in recognition of their tireless efforts.

#### COMMUNICATION & CORRESPONDENCE

##### *City Hydrant Flushing Program*

Mr. Norenberg informed Council that the City Water Department will begin hydrant flushing in the southeast part of Milford and referred to the following memo from Public Works Director Mark Whitfield:

*The City of Milford will be flushing water main lines in the area of Hearthstone Manor, Orchard Hill, Shawnee Acres and Meadows at Shawnee subdivisions on Tuesday, March 28, 2017 between the hours of 8 am and 3 pm.*

*On several occasions recently, the City has experienced issues with the new Southeast Water Tower and Water Treatment Facility that was put into service in October 2016. Initially, we experienced higher than normal chlorine levels in the water entering the distribution system. While chlorine levels were never above the 4 ppm as regulated by the EPA and Delaware Office of Drinking Water, the higher than normal chlorine affected the water quality, but not its safety. Unfortunately, this*

*caused iron and manganese in the water to oxidize and loosen from the pipe walls, giving the water a brownish color and scale within the waterlines. While discolored water does not meet our standards for acceptable water, the water was at no time unsafe to drink or use. The issue related to chlorination has been resolved; , however, sediment most likely continues to be within the waterlines in the southeast section of the City, necessitating a main line flushing of the system.*

*The secondary reason for sediment becoming loose within the lines is due to changes in direction of water flow. Prior to initializing the southeast tower, all water delivered to the four subdivisions mentioned above came from the city center. When the southeast tower went into service, direction of water flow to these four subdivisions changed, which again, loosened any scale or silt within the water lines, thereby creating discolored water.*

*Over the past month, the Water Division reinitialized the southeast tower several times, and with each attempt received complaints of discolored water. For the past two weeks, the southeast tower has been out of service. The chlorinator at the treatment facility has been recalibrated, and the tower has been filled with water. As part of the flushing program, water supply to these four subdivisions will come from the southeast tower, ensuring that the change of flow and flushing of hydrants will clear any loose debris within the waterlines.*

*Once the flushing program is completed, valves will be reopened to the city center, which will allow water to flow from either direction to serve these subdivisions. Use of the southeast tower is critical since the Washington Street water tower will soon be shut down for several weeks for maintenance and the storage of water at the southeast tower will be necessary for adequate fire protection.*

*The Public Works Department will use the CodeRed emergency notification system, the City's website, Facebook page and Twitter account to communicate the plans for waterline flushing. Residents who have not done so are encouraged to visit the City's website ([www.cityofmilford.com](http://www.cityofmilford.com)) to register for CodeRed and to follow us on Facebook ([facebook.com/MilfordDE](https://facebook.com/MilfordDE)) and/or on Twitter ([twitter.com/milfordDE](https://twitter.com/milfordDE)).*

*Residents who experience discolored water during the flushing program can alleviate the issue by running an outside faucet for a few moments which in most cases clears the water in the home. Additionally, we recommend residents not do laundry at the beginning of the day and wait until the water has cleared, as the particles may discolor clothing. Residents who inadvertently use discolored water in their washing machine can reverse the effects by rewashing and using Iron Out, Rover, or other similar products available at grocery and hardware stores.*

As stated, the information is being provided electronically through our website and social media outlets, in addition to notifications by the Police Department's CodeRed system.

Councilman Brooks expressed concern about the decades when there was no flushing in the City and asked if at some point, we will have a routine program in place. He stated that he has asked for this for many years and appreciates the Public Works Director making sure it was done.

Public Works Director Whitfield agreed that a flushing program is needed on an annual basis. His current staff has never experienced a flushing program and tomorrow will be a good test for them, considering it is a smaller area that can be sectioned off. One of the challenges in the core part of the town is the directional flow in terms of what tower and what pumps are working. Once they are able to control the directional flow, they will put together a plan for the balance of the City.

#### *Cost of Service Fundamentals and Financial Planning Workshop*

The City Manager announced a workshop is being hosted by DEMEC on Saturday, April 22<sup>nd</sup> beginning at 9:00 a.m. which will coincide with the receipt of the City's Cost of Service Study from UFS:

Location: Delaware Municipal Electric Corporation  
22 Artisan Drive  
Smyrna, DE 19977

Speaker: Dawn Lund, Vice President of Utility Financial Solutions, LLC

**Course Overview:**

Participants will have a better understanding of the information needed to begin a cost of service study and how the information is used. A basic overview is given of what a cost of service study is and the process. This course is designed to give an overview from start to finish in the cost of service process. It will start with discussions on what data is used, where to obtain the data, how it is used in the COS process, the allocation process, and how it ultimately leads to a rate structure on a cost to serve basis.

In addition to cost of service fundamentals, participants will learn what financial indicators to use to determine the current and future financial success of the utility. We'll review guidelines used to assess the utility's current financial performance against key financial industry targets and how to develop a financial plan to reach identified financial goals. Certain key financial targets will be explained and how they interact to work together. Some of the key targets that will be discussed are: Days cash on hand, recommended minimum cash requirements, Rate of Return, Debt Coverage Ratio, age of system, proper capital reinvestment, debt policies, transfer to the City and rate structures that support revenue stability, especially during periods of declining sales due to weather, general economy or distributed energy resources.

RSVP as soon as possible (for seating and lunch planning purposes) but no later than Friday, April 14, 2017 to Kimberly Schlichting at [kschlichting@demecinc.net](mailto:kschlichting@demecinc.net) or (302) 653-2733.

*Airport Road Paving Project*

This past Wednesday, March 22<sup>nd</sup>, the Public Works Department held an Open House for residents and businesses in the area of Airport Road to discuss how this project will impact the area and to provide detour information.

In addition, a video of Public Work Director Mark Whitfield's presentation is available on YouTube for those persons unable to attend the Open House.

Additional information can be found in the packet.

Councilwoman Wilson said there are some concerns related to this project though most residents understand the need for the repairs. She agrees residents have been waiting for the Airport Road problems to be addressed for a long time.

When asked about the turnout at the open house, Mr. Whitfield stated there were more than thirty people that attended both sessions. He feels that communication will be the key and that notifications will be provided as the various sections are closed, along with the associated detours.

He noted that there is a lot of work needed on the subbase which must be addressed prior to the resurfacing and the reason for the longer time frame. The work will be extensive according to Mr. Whitfield because no repairs have been made in the past thirty or so years. If we were to try and keep one lane open to accommodate the 20,000 cars traveled on that road each day, traffic would be backed up within minutes through the surrounding intersections. Most people would rather keep moving and know the road is open in the direction they are moving than sit in long delays.

Closing the roadway in sections will allow the project to be completed by approximately two months less.

Mr. Norenberg added that DelDOT has some concerns that any impact as a result of this project could potentially create bad synergistic effects on their railroad project. They want to prevent traffic from avoiding one project only to end up in the middle of the other project. Mr. Whitfield continues to work with DelDOT to prevent that from occurring.

The City Manager advised that a few events typically held in the business park area, have been relocated to prevent impacts from both detours.

Councilman Brooks requested that City Council be notified as things change with regard to the schedule. Mr. Whitfield stated that they will provide an update at least every two weeks if not more frequent.

It was confirmed that sidewalks are not included in the Airport Road project at this point. However, some sidewalk replacement to existing sidewalks will be needed due to the ADA requirements.

#### UNFINISHED BUSINESS

##### *Adoption/Resolution 2017-11/City of Milford Charter Amendments*

City Solicitor Rutt stated that he and the City Clerk have both re-reviewed the draft document and some minor technical changes need to be proposed before the resolution is adopted.

He referenced the following sections:

#### 1.04(b)(6)-

At the Special Election **each person who has an ownership interest in a property in the territory proposed to be annexed shall have one (1) vote and each partnership or business entity registered with the Secretary of State to do business in the State of Delaware that owns property in the territory proposed to be annexed shall have one (1) vote. Every property owner, whether an individual, partnership or corporation in the territory proposed to be annexed which has an ownership interest in a property in the territory proposed to be annexed shall have one (1) vote. Property held by a partnership or by a corporation shall vote only by a power of attorney or corporate resolution duly executed.**

It is recommended that partnership or by a corporation be changed to corporation, partnership, limited partnership or other legally created entity which will cover similar entities including trusts.

#### 2.07-

##### Council Districts; Adjustment of Districts.

(a) Number of Districts. There shall ~~initially~~ be four (4) City Council districts to be known as Wards.

~~(b) Districting Commission. The City Council shall comprise the Districting Commission.~~

(b) Report; Specifications. By the first (1<sup>st</sup>) day of January of the second (2<sup>nd</sup>) year following the decennial census, the **Districting Commission** shall file with the City Clerk a report containing a recommended plan for adjustment of the Council district boundaries to comply with these specifications:

It is recommended that “the Mayor of the City of Milford shall appoint a committee/commission as stated under Section 3.07” be added to prevent any confusion.

#### 2.07(b)(1)-

Each district shall be formed of compact, contiguous territory, **as nearly rectangular as possible**, and its boundary lines shall follow the center lines of streets or other natural boundaries or survey lines as required.

It is recommended that the antiquated language “nearly as rectangular as possible” be removed as a limitation.

Mr. Rutt also explained there may be a random word or so that needs to be changed though those changes will be minor.

Mr. Norenberg advised the next step will be to present the amendments and adopted resolution to the General Assembly for their review and action. Senator Gary Simpson and Representative Harvey Kenton have agreed to sponsor the bill so that it can be considered by the General Assembly.

Mr. Morrow then questioned Section 8.07, adding that he has had second thoughts on the increase from five to ten years. He pointed out that covers five terms of a councilperson and to put that financial burden on future councils is unfair particularly because the borrowing would be allowed without a referendum.

He feels that ten years is too long, particularly when this would most likely involve an emergency type situation.

As Finance Chairman he has concerns with the increase and asked for the City Manager's opinion.

Mr. Norenberg stated that his only comment is that when we consider the amounts we may need to finance a project, there may be some pretty sizable expenses related to our utility systems that could justify some sort of an emergency. He noted that the City has been very fortunate in recent years to have access to USDA funds particularly for water and sewer projects. He is unsure if they will continue to be available in the future under the current administration because it sounds to him like a lot of those loans and grant funds will be going away.

City Manager further explained that Milford is most likely to rise in population over the next few years and we may no longer be eligible for some of those funds. Whether ten years is the right number as projects become more costly, he feels we may be in a situation where we need to take on a big project to address more preventive maintenance in the future versus what has been done in the past, just as the Public Works Director alluded to.

If Councilman Morrow prefers to get more information, Mr. Norenberg recommends he talk with Finance Director Jeff Portmann.

City Solicitor Rutt asked if Mr. Portmann recommended the ten years; Mr. Norenberg said he does not remember. Mr. Morrow said he is willing to talk with him before making a final decision.

Mr. Rutt thought that was something Mr. Portmann recommended at the meeting when the financial areas were discussed.

Councilman Morrow said he is more conservative when it comes to fiscal situations and in his opinion, ten years is a long time to be tempted to take on a loan that has not been approved by the public. Councilman Brooks agreed that comes with five additional years of interest that must be paid.

Councilman Morrow recommends it remain at five years unless Mr. Norenberg wants to defer action this evening and instead discuss it with the Finance Director and add it to the April agenda.

Councilwoman Wilson pointed out our local legislators are ready to present this to the General Assembly.

Councilman Brooks added that the five-year term has worked all these years.

Councilman Morrow agreed that as long as he has been on Council, it has not been used unless there was a good reason. He recalled the Ice Storm in the 1990's when a lot of money was spent by the City. However, it was not borrowed and he does not want this to become so tempting and the process too easy that we begin to dabble into the taxpayers' pocketbook in an indirect way.

Councilman Morrow requests that it be left at five years. He asked if that needs a motion for an amendment and proposes it remain at five years. He added that the City Manager did a good job on the Charter with the help of the Finance Director. Councilman Burk, Mergner, Starling and he sat through several committee meetings which made it a long process and he wants this to be right. He also appreciates the amount of time and work that was put into this by the City Solicitor and City Clerk.

Councilman Morrow then made a motion that the term in Section 8.07 revert back to five years from the proposed ten years. Motion was seconded by Councilman Brooks; motion carried with no one opposed.

#### 8.07 - Short Term Borrowing.

Notwithstanding the foregoing provisions of this Section, the City Council may authorize, by resolution, short term borrowing by the City without the necessity of a Special Election. The City of Milford may borrow money up to the amount of the annual tax billings. The borrowed money shall be for one (1) of the following: operating deficits, emergencies declared by City Council, and short term capital project funding. The money shall be paid back in no longer than five (5)-~~ten (10)~~ years.

Councilwoman Peel then moved to adopt Resolution 2017-02 with the amendment to Section 8.07, seconded by Councilwoman Wilson:

*Resolution 2017-02*

*A RESOLUTION TO APPROVE THE PROPOSED CHANGES  
TO THE CHARTER OF THE CITY OF MILFORD AND DIRECT THE CITY SOLICITOR  
TO SUBMIT THE PROPOSED CHANGES TO THE DELAWARE LEGISLATURE*

*THE CITY OF MILFORD HEREBY ORDAINS:*

*WHEREAS, the Town of Milford was first incorporated on February 5, 1807; and*

*WHEREAS, on July 19, 1970, the Charter of the City of Milford, as amended, was consolidated by and through an Act of the Delaware Legislature entitled "An Act to Reincorporate the City of Milford" that is contained in the Laws of Delaware under Chapter 726, Volume 57; and*

*WHEREAS, since this time, the Charter has been amended multiple times, with the last amendment occurring in 2010 following a comprehensive review thereof; and*

*WHEREAS, periodically, the Charter is reviewed to help ensure that it is current and that it properly reflects the overall direction and goals of the City; and*

*WHEREAS, on August 24, 2015, the Mayor appointed persons to a Charter Review Committee and on January 11, 2016, the City Manager was charged with overseeing the process to review and propose amendments to the City of Milford Charter; and*

*WHEREAS, following a series of public meetings, the Charter Review Committee presented a draft of the proposed Charter to City Council on March 13, 2017 at a public meeting; and*

*WHEREAS, the City Council has thoroughly and completely reviewed the proposed changes and was afforded the opportunity to make recommendations and amendments thereto; and*

*WHEREAS, City Council finds it to be in the best interest of the citizens of the City of Milford to approve of the proposed changes and authorize the City Solicitor to deliver said proposed changes to the Delaware Legislature in an appropriate form so that they may adopt the changes by and through an Act of the General Assembly passed with the concurrence of two-thirds of all the members elected to each branch thereof.*

*NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE, HEREBY RESOLVE AS FOLLOWS:*

*Section 1. The concurrence of at least three-quarters of the total number of Councilmembers of the City of Milford find it is in the best interests of the City and its citizens to approve the proposed charter amendments.*

*Section 2. The City Solicitor of the City of Milford is hereby authorized and directed to forward a copy of this Resolution and the proposed changes to the Charter of the City of Milford to the member(s) of the Delaware General Assembly and to answer any questions regarding the draft Bill and to assist in the Bill's consideration.*

*Section 3. The 149th General Assembly of the State of Delaware is hereby requested to approve and adopt the proposed changes by and through an Act of the General Assembly passed with the concurrence of two-thirds of all the members elected to each branch thereof.*

*Section 4. This Resolution shall take effect this 27th Day of March 2017.*

*Summary: This proposed changes to the City Charter are comprehensive in nature and designed to amend and revise many of the outdated provisions dating back to the Act reincorporating the City of Milford in 1970. Many of the changes are technical in nature, including updated terminology and reorganization. There are substantive changes to certain procedures including annexation, tax collection, voting and vacancies. Some provisions are being removed due to their current inapplicability, such as those relating to the City Alderman. There are also changes updating the powers and authority of City officials along with new provisions relating to ethics and the code of conduct*

Motion carried with no one opposed.

## NEW BUSINESS

### *Update/Code Enforcement Program*

Planning Coordinator Rob Pierce then discussed the type of code violations his department is responsible for enforcing. He also talked about upcoming department initiatives to address code violations and how to bring properties into compliance.

Mr. Pierce introduced Code Official Lendon Dennis who was in attendance to answer questions related to property maintenance issues.

The Planning Coordinator reminded Council that these matters fall under Chapter 174 "Property Maintenance Code" of the City Code as well as the International Property Maintenance Code (IPMC) 2015.

He then talked about the proactive manner in which his department handles exterior violations. He explained that in addition to pursuing violations in the field, complaints are also received from the public. Interior violations are discovered typically during routine residential inspections, in addition to being complaint driven.

He then discussed the various categories within the IPMC including sanitation, grading, drainage, sidewalks, driveways, weeds, rodent harborage, exhaust vents, accessory structures, abandoned vehicles, defacement of property and indoor furniture in outdoor areas. Each is a type of exterior structure violation.

Items related to the protective treatment of structures include the inspection of peeling/flaking paint, structural members and foundation walls. Also handled by the department are exterior walls, roofs, drainage, decorative features, overhangs, stairways, decks, porches, balconies, chimneys, handrails, windows, doors, etc.

To ensure any unclean and unsafe conditions of interior structures are addressed, similar categories include structural members, interior surfaces, stairs and walking surfaces, handrails and guards, interior doors, accumulation of rubbish or garbage and the disposal of rubbish and rubbish storage facilities. Enforcement categories also include refrigerators, disposal of garbage, garbage facilities, containers, rodent infestation, lighting, ventilation, occupancy limits, plumbing facilities and fixture requirements, mechanical and electrical requirements and fire safety requirements.

When asked how this coincides with HOA's, Mr. Pierce explained that he is reviewing the City's minimal standards. Any additional deed restrictions required by an HOA are above and beyond what the City can enforce and the complainant must be referred to their HOA.

Councilman Campbell referred to a specific residence with pallets and broken wood throughout the lawn and asked if the City would enforce that or is that an HOA matter; Mr. Pierce confirmed that is an issue that can be addressed by the Code Official.

He explained that in addition to Chapter 174 in the City Code, there are also separate chapters with varied responsibilities many of which fall under the Police Department and even under Public Works in some instances.

Mr. Pierce then referred to the City's Building Construction Code which requires contractors to be permitted in the City. If an unlicensed contractor is found performing work, they are required to obtain a contractor permit before their work can resume. They also coordinate with the Police Department on disorderly premises' activities as well as animal issues. Peddling,

soliciting and transient merchants must also be properly licensed.

The department ensures that rentals are compliant with the residential rental operating program where interior inspections are required.

The City has a chapter on satellite dishes that prohibits their location in the front yard. That is an item that needs to be discussed and whether Council will need to decide if they want to pursue the enforcement of satellite dishes and their placement.

Streets and sidewalks are another responsibility. Mr. Pierce recalled the discussion last summer about a possible program for sidewalk repair/replacement. He advised that will be collaborative effort between the Code Enforcement Department and the Public Works Department.

Issuing citations for zoning violations is also a duty of the code official, including any illegal use of the property.

Code Official Dennis then discussed the procedure once a violation is identified.

He explained that typically when a complaint is received, he will visit the site to verify there is a code violation. A photo is taken and a summary prepared after which the information is uploaded into the City's software program. A notice of violation is generated and a certified letter is then mailed. Often it takes some time for the receipt/letter to come back. If the receipt is returned unsigned, it is necessary to post the property for five days. Following, the City is able to act on the violation which may require working with the Public Works Department to remove certain items or hiring an outside contractor to remedy the violation. Once that process is completed, should the property have another problem, that would be a separate violation and the process begins again.

Mr. Dennis said he attempts to contact the property owner which he has found to be a quicker way to correct the problem in lieu of mailing the certified letter. Because of the high number of rentals in Milford, by law the letter must be mailed to the property owner which could take several days. In those cases, he elects to make a phone call and in a lot of cases, that can be a much quicker remedy.

Though they are trying to be more proactive, they often encounter people who feel the City is violating their rights when addressing these matters. He explains to them that they live in Milford and they must abide by the City's ordinances.

He reported that there has been an increase in a number of these situations though there are now a number of homeowners in the process of being compliant.

They will find that the number of exterior violations increases in early spring, in particular, finding indoor furniture on porches or outdoor areas is a good example.

He also noted there has been an increase in building permits, many a result of the Downtown Development District (DDD) program.

Mr. Dennis emphasized that there are a lot of violations they are unable to see from the street and the reason the department relies heavily on information received from the community. Any violations or concerns can be reported through the website, by phone or in person. They are trying to walk more in an effort to identify more of these issues themselves.

The City Manager reported that several months ago a tool was activated to allow complainants to upload pictures of violations or other issues such as a manhole problem. This makes it much easier for our code department to see the problem immediately which results in them being able to take quicker action.

Mr. Pierce summarized the presentation stating that now that warm weather is approaching, his department is going to be even more proactive. They will work with the property owners and there is no attempt to put them in a compromising situation. He referenced a flyer that was included in a previous Council packet that would help identify code violations. That

information was also uploaded to the City's website and the information added to the utility bills. He emphasized that these problems can also be reported anonymously.

In addressing these violations, they will also provide resources that can assist many of these homeowners to remedy their problems.

Mr. Pierce reminded Council that residential rental inspections have been performed on a demand basis due to staffing issues. He hopes that during the upcoming budget review, Council will consider the savings from the code official position and consider the possibility of a third party handling rental inspections in order to become more proactive.

Councilman Mergner added that he would like for the department to make every effort to close out these cases as quickly as possible though he understands there can be hurdles along the way.

Mr. Pierce responded by explaining that if it does not come into compliance, the owner is cited and taken to court which is an even longer process. Councilman Mergner understands but feels the process is too long.

It was confirmed that no one has been taken to court in a long time.

Mr. Pierce added that a lot of the problem properties in Milford are vacant or have been abandoned and it is difficult to find the responsible party in many cases. He said that perhaps they should consider the top ten or twelve nuisance properties and spend some time getting them corrected. Regardless, it does take a lot of work and does take a lot of time but they are willing to take on the challenge.

The City Manager added that one of the time issues is the due process that is required. Many residents who complain do not understand why a problem isn't fixed in a couple days. We are required to give adequate notice by law. He encourages the proactive approach but wants to add some humanity and if a property has a number of violations, safety issues are the ones that need to be addressed first. They are then willing to work on a plan which would allow a reasonable period of time to ensure the other problems are taken care of. In the meantime, Mr. Dennis will keep an eye on the problem to ensure they are held accountable.

As Mr. Pierce alluded to, there are a number of grants and other programs that can assist in many cases.

Councilman Brooks asked if he should be taking his problems to the City Manager or to the Code Official. Mr. Norenberg said that Council can contact him or it can be submitted through the complaint process on the website. They just want the property into system. Though the charter does not allow a Councilperson to order the Code Official to do something, they are able to report a violation just like any other resident and it can be handled through the website or by email.

#### *Reorganization/Public Works Department*

Public Works Director Mark Whitfield reported that over the past eight months, he has had the opportunity to evaluate the various staffing capabilities, work requirements and reporting structure within the department.

One of his challenges given to him by City Manager Norenberg was to look at the Department and in particular succession planning and the ability to move people up to get some experience. He reported there are a lot of potential retirements and he really wants to address those positions before that occurs.

He explained there may be only one employee in the City that knows where a valve is to shut water off to a certain location. Being able to get a person in a position beneath that person and allow them to gain that experience is critical in his opinion.

There are a number of silos in the department and Mr. Whitfield wants to try and meld those silos into one department and provide cross-training. Not only is that job enhancement but also allows the City to be more efficient if more people are needed for a specific task. He said that when times get tough, his employees pull together whether it is a storm event or some other situation.

Presently there are six (6) vacant positions within the department. The Public Works Director then reviewed his departmental reorganization plan for Council consideration.

Mr. Whitfield feels that solid waste is one of the most important services the City provides. In terms of citizen satisfaction, we want it to have a high rating. Having a person oversee that operation is crucial.

He recalled the retirement of Assistant Supervisor Norman Brady in December that has left a vacancy. There are also presently two refuse collection positions vacant. With the impending use of an automated one-person collection vehicle and changes in the refuse collection schedule, the two vacant refuse collection positions will not be filled. The oversight of the Solid Waste Division is presently under the Streets/Solid Waste Supervisor and the Public Works Administrative Assistant.

No one person within the City is responsible for oversight of the maintenance of its six different buildings. The City also has four water towers, twelve pump stations and six well sites. Various persons associated with each building/site have taken on the maintenance responsibilities. He feels that having one person responsible for facility maintenance will allow for numerous economies of scale in dealing with the various vendors for HVAC, custodial, supply purchasing, generator maintenance, etc.

Mr. Whitfield stated that in line with that is the Assistant Supervisor for Streets/Utilities. Currently, the utility construction side falls under the Water and Sewer Divisions. However, most of that work is on the construction side. His recommendation is to meld the street maintenance and water/sewer line maintenance employees into a new Division of Streets and Utilities. Cross training between two groups of individuals will allow an opportunity for six employees to work collectively on a water or sewer line or street project. The cross training and one supervisor overseeing both street and utility construction will provide some cost savings as well as efficiencies.

On the water and sewer side is the operation component in terms of water treatment as well as our sewage pump stations. The Public Works Director explained that most of the engineering costs revolve around the wastewater side and water side. Former Water/Wastewater Supervisor Eugene Helmick handled a lot of contract management. After a review, it made sense to begin looking at re-instituting a City Engineer who would oversee those contracts and the work being done with consulting engineers.

In addition, there are a tremendous amount of small jobs that can be handled by an in-house engineer rather than a consulting firm. It can be done more efficiently and faster without the additional costs and waiting.

Instituting an engineering division and putting both the water treatment and sewage pump stations duties underneath that person to oversee those operations would require the engineer to also be a water operator. Right now we only have three water operators since Mr. Helmick retired and a fourth is needed. He believes that two water operators may be within three or so years of retirement.

The knowledge transfer of getting someone in place and getting them experienced in terms of the City's operation is crucial.

Mr. Whitfield also recommends the use of engineering interns which he has done in the past. He has gotten more bang for the buck out of hiring engineer interns fresh out of college who need to get some real life experience. For example, one of the things that was lacking is a pavement management program in which conditional assessment are needed on all City streets. That will provide a road map of moving forward in terms of putting together a five-year capital plan. Presently streets are chosen on a year to year basis through a very informal process. Having a systematic approach will provide a conditional report on every street so that the City is aware of what is looming and how much money will be needed in the future.

As a result, he is recommending the use of two engineering interns. Because they have an engineering intern program, he has already contacted the University of Delaware and has expressed an interest in participating in that program.

At some point in the future, the Public Works Director is recommending construction inspection. Presently, all City construction inspections are contracted at a cost of approximately \$300,000 per year. He feels that it would behoove the City to consider someone in-house to handle construction inspections who would be a City employee that is looking out for the City's best interest.

In addition, a Draftsman/Surveyor, who would be able to put these projects together and do some survey work, as well as locations, would be needed. Right now, we have three different individuals who handle utility locations from two different departments. Melding that under the engineer, the Draftsman/Surveyor is something Mr. Whitfield will recommend at some point in the future.

The six vacancies have allowed him to look closely and juggle some things around without adding any costs or having to increase fees to be able to pay for it. It will provide more of a burden on the Water and Sewer Department with a slight increase in both budgets while reducing the Solid Waste and General Fund budgets.

Mr. Whitfield then reviewed the following recommendations:

1. Elimination of the Water & Sewer Supervisor and create a City Engineer position
2. Elimination of the Street Crew Leader position and establishment of an Assistant Supervisor Streets & Utilities
3. Change Water Treatment Operator to Assistant Supervisor for Water Treatment & Wastewater Pump Station Operations
4. Change Assistant Street/Solid Waste Supervisor to Assistant Supervisor Solid Waste/Facilities
5. Change Street/Solid Waste Supervisor to Public Services Superintendent
6. Establishment of two (2) Seasonal Engineering Intern positions (12 week positions)
7. Funding changes for each position as listed below.

Public Services Superintendent (former Street/Solid Waste Supervisor)

Presently 50% each Streets and Solid Waste

Proposed 50% Streets, 25% each Solid Waste and Water/sewer

Assistant Supervisor Solid Waste/Facilities (former Street/Solid Waste Assistant Supervisor)

Presently 100% Streets

Proposed 75% Solid Waste and 25% Streets

Assistant Supervisor Streets and Utilities (former Street Crew Leader)

Presently 100% Streets

Proposed 40% Streets and 60% Water and Sewer

Assistant Supervisor Water & Sewer Plants (former Water Treatment Operator)

Presently 100% Water and Sewer

Proposed 100% Water and Sewer

City Engineer (former Water & Sewer Supervisor)

Presently 100% Water and Sewer

Proposed 20% Streets, 70% Water and Sewer, and 10% Electric

GIS Technician

Presently 60% Electric and 40% Water and Sewer

Proposed 20% Streets, 70% Water and Sewer, and 10% Electric

Engineering Interns

Presently not funded

Proposed 20% Streets, 70% Water and Sewer, and 10% Electric

Councilmember Peel thanked Mr. Whitfield for the great report, adding that she is a big fan of strategic planning, succession planning and saving money. She asked if any of the changes will impact the union employees. The Public Works Director confirmed there are no union positions under negotiation that would be affected. He has not yet taken a hard look at the electric side only because there are no vacant positions at this time. However, that will also be considered in the near future.

Councilmember Mergner also commended Mr. Whitfield on the analysis. He also loves the idea of using interns and feels it is a great way to reach out to college graduates. He likes the idea of providing young professionals a way to get started and a place to get their feet wet. He also believes it will be a good reflection on the City and encourages the City to look at other similar opportunities.

He asked whether the inspection services are more geared toward commercial construction or if residential inspections will be included. Mr. Whitfield confirmed this would involve more City-type projects and Airport Road is a good example. He believes the inspection costs of that project is above \$100,000. Northwest and Northeast Front Street projects are in the near future, as well as Southeast Front Street.

He pointed out it will also provide the opportunity for in-house inspections on improvements in subdivisions where water and sewer lines are being installed. However, the City will still bill the developer for those costs under those scenarios. This would be a new position and will be some burden to the budget though he is confident it will more than offset itself by the savings in capital spending as well as inspections.

Councilmember Brooks verified that these recommendations and promotions will allow all City employees to keep their jobs.

City Manager Norenberg noted that the numbers that Mr. Whitfield provided are based on the full-year budget starting in July. However, what is being considered is Council's approval, concurrent with the recommendations, in terms of the structural change. Also being requested is the authorization to proceed with the City Engineer and the steps needed to acquire the interns which should be done now. He referenced the savings in the budget available this year. The next steps would be part of the budget recommendations for FY17-18.

He explained the savings are there, as well as the vacancies, and it is recommended that Council authorize proceeding with the recruitment of a City Engineer and allow the Public Works Director to continue discussions with the University of Delaware for the summer interns.

All also feeds into the classification/compensation study currently underway.

Councilmember Wilson asked if current employees will have the opportunity to apply for the new positions and hopes there are some prospects there. Public Works Director Whitfield stated that he hopes they are interested.

Councilmember Wilson then questioned the change from the Water Treatment Operator to Assistant Supervisor for the Water Treatment and Wastewater Pump Station Operations; Mr. Whitfield confirmed this will be a slight elevation. Right now that person is only responsible for water but would become responsible for both the water and wastewater operations.

Councilwoman Wilson then confirmed the change from Street/Solid Waste Supervisor to Public Services Superintendent is also more responsibility; Mr. Whitfield stated that is correct.

Councilman Morrow agreed that in previous years the City operated under a 'silo approach'. He also feels that this will allow a much more efficient operation. Councilwoman Wilson concurred and recalled when the City had its own engineer in the past and feels that is something the City is in need of. She said her previous point is that our current employees should be given an opportunity to advance and believes this is a good way to further boost morale by providing opportunities to those individuals who have been here a long time.

Mr. Norenberg agreed this will energize and provide additional appliques for current employees to expand their talents and learn new things beyond the silos as the Vice Mayor mentioned. The only new positions are the engineer and interns that would require hiring be done from outside.

Councilwoman Wilson also recommends that Mr. Whitfield check with Delaware State University about a possible intern program; Mr. Whitfield explained that he was at a DeLea Founders Insurance Trust (DFIT) meeting and met the person who runs the Local Technical Assistance Program (LTAP) Program at the University Delaware, as well as the intern program, which was his connection. However, he is open to an intern from either college though he knows that the University of

Delaware has an ongoing program.

Councilman Mergner and Councilman Campbell both stated they do not believe Delaware State University has an engineering department.

Councilman Campbell thanked Mr. Whitfield stating he appreciated the presentation and the way the various needs and potential positions were broken out and explained.

Councilman Brooks made a motion to accept the recommendation of the Public Works Director on the restructuring of the various departments and positions within the Public Works Department, seconded by Councilman Mergner. Motion carried with no one opposed.

#### EXECUTIVE SESSION

Councilmember Mergner moved to go into Executive Session reference below statute, seconded by Councilmember Campbell:

{Pursuant to 29 Del. C. §10004(b)(9)} Personnel Matter

Motion carried.

Mayor Shupe recessed the Council Meeting at 8:29 p.m. for the purpose as permitted by the Delaware Freedom of Information Act.

#### *Return to Open Session*

Councilmember Mergner moved to return to the Regular Session, seconded by Councilmember Peel. Motion carried.

City Council returned to Open Session at 8:34 p.m.

#### Personnel Matter-Evaluation

Mayor Shupe announced that no action is needed as a result of the discussion in Executive Session.

#### ADJOURN

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

The Council Meeting adjourned at 8:35 p.m.

Respectfully submitted,



Terri K. Hudson, MMC  
City Clerk/Recorder