

MILFORD CITY COUNCIL
MINUTES OF MEETING
April 9, 2018

The City Council of the City of Milford met in Workshop Session on Monday, April 9, 2018 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware at 7:02 p.m.

PRESIDING: Mayor Bryan Shupe

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

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

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Councilmember James Starling Sr.

Human Resources Administrator Jamesha Eaddy was also present.

Review/Ordinance 2018-08/Chapter 55/Personnel Policy Manual

Mr. Norenberg referred to the proposed draft Employee Policy Manual that was introduced two meetings ago. It was recommended by Council Members to allow more time to review the document, and that the policies referenced in the manual, be provided.

He noted the new HR Administrator, Jamesha Eaddy's memo, included in the packet, as well as the copies of each applicable policy:

The City's personnel ordinance (policies and regulations contained in Chapter 55 of the Milford Code) was discussed during the City Council meeting on March 26. At that meeting Councilmembers requested additional information on the policies referred to in the draft Human Resources Policy Manual. The purpose of this memo is to review those additional policies and provide a status.

There are a number of references in the draft Human Resources Policy Manual to other sections of the Manual or external administrative policies. The list below provides a guide to those references.

- 1. Public Records Policy – (see attachment 2)*
- 2. Work from Home – This policy has been under consideration for some time. Based on the recent input of the City's new Human Resources Administrator, this reference is proposed to be revised to address reasonable accommodations (see attachment 1)*
- 3. Leave Donation – please refer to page 26 within the Human Resources Policy Manual*
- 4. Employee Recognition Policy – This policy has not been developed yet. We expect to be able to share a recognition plan with City Council during the budget process.*
- 5. Flex Time – please refer to page 13 within the Human Resources Policy Manual*
- 6. Family Medical Leave Act – please refer to page 23 within the Human Resources Policy Manual and the revision to the last paragraph of the FMLA section shown on attachment 1.*
- 7. Smoke-Free and Tobacco-Free Environment – please refer to page 35 within the Human Resources Policy Manual and to proposed revised language shown on attachment 1.*
- 8. Dress Code – This policy is under development. It will continue the current practice of deferring to department uniform policies, safety requirements and the expectation of business casual attire for those not in uniform. The current draft is attached. (see attachment 3)*
- 9. Safety Work Boots – (see attachment 4)*

10. *Computing Resources Use Policy – (see attachment 5)*
11. *Safety and Vehicle Usage – (see attachment 6). In addition, the City's Safety Committee is working with our Workers' Compensation provider to develop a Citywide safety manual.*
12. *Cellular Telephone Policy (including Smart Phones) – (see attachment 7)*
13. *Drug-Free Safety Program Policy – This policy is under development in conjunction with the City's Safety Committee is working with our Workers' Compensation provider. The content of the policy will address regular training for employees and supervisory personnel.*

It is recommended that Ordinance 2018-08 be approved.

He pointed out that the memo labeled attachment two, includes some references to three different changes related to Working from Home, Smoke and Tobacco Free Environment and Family Medical Leave Policies.

That is recommended in addition to the language shown as strikeouts and additions.

Councilman Brooks asked how Mr. Norenberg feels about employees working at home. Mr. Norenberg explained it would need to be under rare circumstances and one of the reasons for the proposed amendment. The City has had requests and in most cases, while an employee is recovering at home from a surgery or illness, or to care for a family member. In addition, weather-related situations could be a reason. Regardless, it would not occur on a regular basis for any employee because we do not have the type of work force or circumstances appropriate that a lot of larger employers can offer employees who work from home.

Solicitor Rutt asked that the definitions be moved to the front of the document for easier access. Mr. Norenberg added that the City Clerk also recommended a Table of Contents be added, as well as some indexing and formatting to make navigation easier.

Once the substance is approved by Council, those changes will be made.

Councilman Morrow asked if the policies referenced, will be included in the Code, or at least easily accessible. Mr. Norenberg stated that he and HR Administrator discussed that this morning. Once the document is approved and formatted, employees will be trained to ensure they are familiar with it. They will also assure accessibility to this document either through a three-ring binder, or the website, as most employees do not want more paper. Therefore, he is working with Deputy City Clerk Christine Crouch to create an area on our website where the policies can be accessed and searched. They want to make sure that all employees are educated and familiar with the manual and policies and that no one is left out.

Councilman Brooks said the job procedures and standard practices can be put in the book as well. Mr. Norenberg agreed those SOP's or departmental policies and procedures can all be kept together by each employee.

Councilman Burk asked if the City requires employees to take defensive driving; Mr. Norenberg stated that our Safety Committee is presently working with our Workers Compensation provider to develop a safety manual. That is something that could be considered in the future, particularly if there are any driving related incidents where some remedial training may be needed.

Councilman Burk announced that he just recommended this be done at his workplace regardless of whether there are accident issues or not. He is sure it will be beneficial with insurance rates.

Public Works Director Mark Whitfield was present and would provide that information to the Safety Committee which he is a member.

Councilman Campbell questioned the language in the employee reprimand section stating that Department Heads are restricted to that action and asked why supervisors would not have that right; Mr. Norenberg explained that the City wants the supervisors to be working closely with Department Heads to ensure any disciplinary action is consistent and documented.

Depending on the situation, the supervisor could write the reprimand.

Ms. Eaddy further explained that the need for the Department Head will need to be involved. For example, the reasons for allowing employees to work from home must be applied consistently. She wants to make sure that each supervisor is applying that policy in the same manner to every employee. When a department head reviews that, it should hopefully ensure there is no bias treatment where one manager would allow one person to work from home, yet deny another request. She believes that should eliminate any issues and will resolve it before it becomes a problem. For example, they would have the ability to determine whether flex time should be applied, such as in the case of a doctor's appointment. The Department Director would then allow that employee to make up the hour the following day versus applying the need to work from home. However, if there is an emergency and that Manager can prove that employee can perform their work functions from home, that is the reason for that Department Directors' involvement.

Councilwoman Peel agreed adding that the Department Heads ultimately have responsibility for what is going on and need to be brought into those situations.

City Manager Norenberg noted that because this was a workshop item, the Ordinance is on the regular Council agenda under unfinished for potential adoption. Public comment will be accepted at that time in addition to further comments or questions from Council.

There being no further discussion, the Workshop Session concluded at 7:15 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Terri K. Hudson".

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
April 9, 2018

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, April 9, 2018.

PRESIDING: Mayor Bryan Shupe

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

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

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Councilmembers Christopher Mergner and James Starling Sr.

CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 7:15 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes of the February 26, 2018 Council Meeting, March 12, 2018 and March 26, 2018 Council and Committee Meetings. Councilmember Brooks moved for approval, seconded by Councilmember Peel. Motion carried.

RECOGNITION

No special guests in attendance.

MONTHLY POLICE REPORT

Police Committee Chairman Burk presented the monthly Police Report noting that Chief Brown has been very busy and is doing the best he can with minimal resources emphasizing that as is printed in the news, Milford is a very busy City to our Police Department.

There being no questions from Council, a motion was made by Chairman Burk, seconded by Councilmember Morrow to accept the Monthly Police Report as submitted. Motion carried.

MONTHLY CITY MANAGER REPORT

City Manager Norenberg referenced the various project updates and engineering assignments included in the packet. A number of those will be on the Public Works Committee agenda next Monday for a review.

Councilmember Burk asked if there was ever a final determination in regard to the March 12th Code Enforcement report; specifically the three new cases and that none had been closed; Planning Director Pierce responded by explaining those numbers were correct which he has since discussed with staff.

Councilmember Burk reminded Mr. Pierce that code enforcement remains a hot button among his constituents and he does not find those number acceptable.

Councilman Brooks commented that China is stopping recycling which could impact services in this country.

Councilmember Brooks moved to accept the Monthly City Manager report, seconded by Councilmember Peel. Motion carried.

MONTHLY FINANCE REPORT

Finance Committee Chairman Morrow reported that through February with 67% of the fiscal year have passed, 71% of revenues have been received and 60% of the operating budget expended. He noted that the revenues indicate a higher than average percentage mainly due to the real estate taxes and building permit fees.

Chairman Morrow moved to accept the February 2018 Finance Report, seconded by Councilman Brooks. Motion carried.

COMMITTEE & WARD REPORTS

Ward Two

Councilwoman Peel commended the Public Works Department for addressing a water problem in a very timely manner. She also appreciated the City Manager's immediate response. The resident did ask that the City be proactive in advance of any planned maintenance notification in the future.

COMMUNICATIONS AND CORRESPONDENCE

Councilman Campbell thanked Public Works Director Mark Whitfield for installing the handicapped sign recently requested.

UNFINISHED BUSINESS

City Manager 2018 Goals

This item was discussed during the previous Executive Session and needs to be formally approved and accepted.

Councilmember Peel moved to accept the City Manager Goals for 2018 (attached) as presented, seconded by Councilmember Campbell. Motion carried.

Adoption/Ordinance 2018-08/Chapter 55/Personnel

City Manager Norenberg referenced the document which had been briefly reviewed in the Workshop prior to Council Meeting.

Mayor Shupe opened the floor to public comment. No one responded. The public comment portion of the meeting was then closed.

There being no questions, Councilmember Burk moved to adopt Ordinance 2018-08, seconded by Councilmember Peel:

ORDINANCE 2018-08
CODE OF THE CITY OF MILFORD
PART I-ADMINISTRATION LEGISLATION
CHAPTER 55 - PERSONNEL

WHEREAS, Chapter 55 of the City of Milford Code governs personnel practices for all City of Milford employees; and

WHEREAS, the City Council for the City of Milford desires to update Chapter 55 in its entirety to conform to and comply with Federal and State law and current personnel practices as set forth herein.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 55 is hereby repealed and replaced as follows:

CITY OF MILFORD
EMPLOYEE POLICY MANUAL*

The complete Ordinance can be found in the April 9, 2018 Council Packet.

Motion carried.

NEW BUSINESS

Introduction/Ordinance 2018-05/Milford Commons Partnership/Conditional Use

Mayor Shupe introduced Ordinance 2018-05. Planning Coordinator Rob Pierce explained this application involves a card detail operation in the Milford Commons Shopping Center zoned C-3. A Public Hearing is scheduled for April 23, 2018.

Introduction/Ordinance 2018-06/Liborio Watergate LLC Revised/Conditional Use & Preliminary Major Subdivision

Mayor Shupe introduced Ordinance 2018-06. Planning Coordinator Rob Pierce reported the applicant has been before Council in the past for the Watergate Subdivision and they are now seeking a revised application in an R-3 zoning district. A Public Hearing is also scheduled for April 23, 2018.

Introduction/Ordinance 2018-12/Milford Ponds LLC Revised/Conditional Use & Revised Preliminary Subdivision

Mayor Shupe introduced Ordinance 2018-12. Planning Coordinator Rob Pierce reported this application is for an existing subdivision known as Milford Ponds and involves a revised Planned Unit Development and Preliminary Major Subdivision for Phase I of the project. The PUD is a split zoning of R1/R2/R3 and is designated low density residential in the City Comprehensive Plan. A Public Hearing is scheduled for April 23, 2018.

Certification/2018 City of Milford Voter Registration List

Councilmember Peel moved to certify the 2018 City of Milford Voter Registration that can be found in the April 9, 2018 Council Packet, seconded by Councilmember Burk. Motion carried.

Adoption/Resolution 2018-06/Sidewalk Waiver 523 South Washington Street

Planning Coordinator Rob Pierce referenced the written request from Property Owner John Collins, who recently purchased 523 South Washington Street. It was a vacant lot at the time it was purchased, though it was once the home of a single family dwelling unit that had caught fire several years ago.

Mr. Collins has since constructed a new home and is requesting approval of the waiver for the following reasons:

- 1) There is no sidewalk on either of the property to connect north of Milford Little League's entrance to McCoy Street.
- 2) An uninterrupted sidewalk exists on the west side of Washington Street in this area.
- 3) Received no prior information regarding the sidewalk mandate at the time of the purchase or by the contractor.

Mr. Pierce explained that when sidewalks are installed in this area and adjacent to this property, the City will request the owner to install the sidewalk within a specific time frame.

Councilwoman Wilson and Peel both favored the temporary waiver due to the general need for sidewalks in the City.

Councilwoman Wilson moved to adopt Resolution 2018-06, seconded by Councilman Burk:

RESOLUTION 2018-06
Sidewalk Waiver

WHEREAS, the above stated owner has requested a waiver of the provisions of Chapter 197 of the Code of the City of Milford requiring the installation of curbing and sidewalks; and

WHEREAS, there exists justifiable reasons to waive the installation of said improvements at the present time;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The required improvement for curbing and sidewalk as set forth in Chapter 197 of the Code of the City of Milford for the above property are hereby waived for installation at the present time.
2. When in the future it is determined by the City of Milford in its sole judgment that it is appropriate to install said improvements, the property owner, its successors or assigns shall be required to complete said improvements at the owner's expense within the time required by the City of Milford.
3. Waiver, as approved and conditioned by Milford City Council, on February 12, 2018 shall be reflected on the Site Plan.

Motion carried.

City Manager Norenberg explained he has heard some concerns expressed by the property owners about the delay this process added to their timeline. As a result, he asked Council to consider an administrative process for handling such waivers on routine requests though the owner would still have to comply with the terms of the resolution as was just adopted. In addition, the Code needs to be changed and he recommended the Public Works Committee consider this in the near future.

EXECUTIVE SESSION

Councilmember Peel moved to go into Executive Session reference the below statutes, seconded by Councilmember Morrow:

Pursuant to 29 Del. C. 29 §10004 (b)(4) Collective Bargaining Matters
Pursuant to 29 Del. C. 29 §10004 (b)(9) Personnel Matters

Motion carried.

Mayor Shupe recessed the Council Meeting at 7:31 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

Return to Open Session

Council returned to Open Session at 8:00 p.m.

Performance Evaluations (Council Appointees)

No action.

MPD Teamsters Negotiations

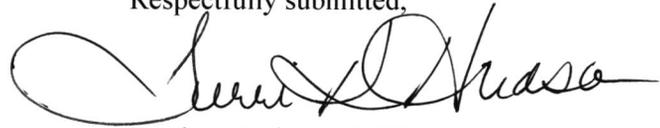
Councilwoman Wilson moved to authorize the City Manager to continue negotiations as was discussed in Executive Session, seconded by Councilman Campbell. Motion carried.

ADJOURNMENT

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

The Council Meeting adjourned at 8:05 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Terri K. Hudson". The signature is fluid and cursive, with a large initial "T" and "H".

Terri K. Hudson, MMC
City Clerk/Recorder

Attachment:
City Manager 2018 Goals

2018

Goals for City Manager Eric Norenberg

1. Prepare for Seating of new Mayor and Councilmember
 - Work with the City Clerk's Office and City Departments to prepare an orientation for newly elected officials.
2. Employee Relations, Staffing and Operations:
 - a. Identify and implement improvements in building code and property maintenance code enforcement that will result in a safe and attractive built environment.
 - Evaluate outsourced building inspections services to gauge success of this model. Make recommendations, as necessary, to City Council.
 - Monitor and evaluate contracted rental inspection program and report progress to City Council.
 - Present recommendations for updated Building Codes to the City Council for approval.
 - b. Prepare for future retirements of key City staff by developing a succession plans.
 - c. Ensure the safest possible workplace for our employees through the continuation of the Safety Committee made up of both employees and supervisors.
 - With Safety Committee and management team input, implement the safety policy, vehicle / equipment usage policy, and the Drug-Free Safety Program Policy; with training as needed.
 - d. Continue evaluating staffing levels and reporting structures and adjust, as needed.
 - e. Complete implementation process for the updated City Human Resource Manual ordinance, including development of related programs and policies (e.g. donated leave, work from home, etc.) and staff training.
 - Continue and expand employee engagement and recognition initiatives,
 - Develop and implement merit pay structure, and
 - Improve employee evaluation practices.
 - f. Assess the City's overall customer service delivery and evaluate how we can improve the service to our customers across departments through process improvement and improving the customer experience.
 - g. Continue to support development of next generation municipal government talent in Delaware through the ICMA Local Government Management Fellowship program, mentoring and provision of internships and other learning opportunities to current students and recent graduates.
 - h. Strive to have an inclusive workforce that reflects the community.
3. Stewardship, Accountability, and Fiscal Management:
 - a. Ensure efficient operations of City departments (including, implementation of energy efficiency audit recommendations).
 - b. Complete implementation of the Advanced Metering Infrastructure Program / Smart Meter project leading to greater efficiency, improved grid management and cyber security.
 - c. Continue collection of back taxes and fees owed to the City and establish a routine collection process for those who have limited delinquency in order to prevent greater problems in the future.

- d. Monitor the 2017-18 adopted budget and work with the Finance Director and Accountant to develop the 2018-19 proposed budget, including improved Five-Year CIP.
 - e. Continue improving the budget process to create more understanding and clarity for City Councilmembers and the public regarding mandated/required expenditures, reductions incorporated in the recommended budget, unmet needs, and future challenges and opportunities. Establish linkages between the Strategic Plan and budget process.
 - f. Improve monthly financial reports to the City Council.
4. Communication and Relationships:
- a. **Continue to strengthen and support effective relationships with the Mayor and Council by meeting individually and in the committee structure, as needed, providing regular communication through email updates, staff reports and monthly reports.**
 - b. Continue to explore and implement strategies to improve communication with residents and businesses.
 - c. **Explore additional opportunities for the public to be more involved in advising City Council, including additional citizen advisory boards, workshop meetings, surveys, or other engagement.**
 - d. Continue to strengthen and support effective relationships with department heads and other key staff.
 - e. Continue to strengthen and support effective relationships with state leaders and county officials, other municipalities, the Chamber of Commerce for Greater Milford and Downtown Milford, Inc.
5. Continue Downtown Development District / Citywide Economic Development activities, identifying and recommending new or improved strategies to grow the downtown and Milford economy.
- a. Collaborate with local, county and state partners on economic development activities, including workforce development.
 - b. Continue to facilitate Bayhealth campus development project.
 - c. Support the adaptive reuse of the former Milford Memorial Hospital Campus.
 - d. Continue to seek collaborative solutions to homelessness in Milford
 - e. Continue seeking partners to adaptively reuse the main Armory building
6. Implement or make progress on Major Projects:
- a. **Complete collective bargaining agreement with the Teamsters.**
 - b. **Initiate zoning code (including subdivision and sign code) updates**
 - c. **Complete recommended water, sewer, and solid waste code updates.**
 - d. **Implement sidewalk improvement program.**
7. Complete the five-year strategic planning process to set Citywide vision and goal for the community, mission and values for the organization, and an implementation plan to achieve the goals.
- a. Implement the Strategic Plan and infuse the mission, vision and values in the organization.
 - b. Link the Plan to the Budget and to performance appraisals.
 - c. Regularly report progress to the City Council and the Community
8. **Work with Police Chief, Mayor and City Council to develop plans for a replacement Police Station.**