

MILFORD CITY COUNCIL
MINUTES OF MEETING
July 9, 2018

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, July 9, 2018.

PRESIDING: Mayor Arthur Campbell

IN ATTENDANCE: Councilmembers Mike Boyle, Lisa Ingram Peel, Owen Brooks Jr., Douglas Morrow, James Starling Sr. and Katrina Wilson

City Manager Eric Norenberg, Police Chief Kenneth Brown and Deputy City Clerk Christine Crouch

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Councilmember Christopher Mergner
Second Ward Council Seat Vacant

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the June 4, 11, 13 and 25, 2018 Committee and Council Meetings. Motion to approve made by Councilmember Brooks, seconded by Councilmember Boyle. Motion carried.

RECOGNITION

No special guests in attendance.

MONTHLY POLICE REPORT

Police Committee Chairwoman Wilson presented the monthly Police Report. Chief Brown stated the numbers have increased to where they were this time last year and thanked the officers for ensuring arrest and associated numbers were kept where they should be, despite being short of officers.

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

MONTHLY CITY MANAGER REPORT

City Manager Norenberg provided a quick synopsis of his written report noting there are a variety of positive statistics compiled by Planning Director Rob Pierce on the DDD program.

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

MONTHLY FINANCE REPORT

Finance Committee Chairman Morrow reported that through May 2018, we are eleven months through Fiscal Year 2017-2018

with 92% of the fiscal year having passed, 91% of revenues received and 82% of the total operating budget expended.

Mr. Morrow shared that the trend continues with revenues increasing and expenses decreasing. He attributes that to the outstanding work of Finance Director Jeff Portmann, City Accountant Suzannah Frederick and City Manager Norenberg.

Councilmember Morrow moved to accept the May 2018 Finance Report, seconded by Councilmember Wilson. Motion carried.

COMMITTEE AND WARD REPORTS

Annexation Committee

Councilman Brooks reported that the Annexation Committee met on June 11, 2018 prior to the Council meeting.

The Committee discussed the long due annexation request involving the City of Milford's current electric substation site of 6.5 acres at 20167 Elks Lodge Road that is adjacent to the Bayhealth Campus. The Committee agreed with the recommendation to change the AR-1 Agricultural Residential zone to the I-S Institutional Service District.

Councilmember Brooks moved to accept the Committee's recommendation as detailed in the report, seconded by Councilmember Wilson. Motion carried by unanimous roll call vote.

COMMUNICATIONS & CORRESPONDENCE

Comcast Letter

Councilman Brooks referenced the letter stating that if a customer uses their own devices, they will receive a credit. He is in favor of that as long as Comcast does not increase their fees anymore.

Milford's Food Bank is hosting a Coffee and Networking on July 18th at 8:00 a.m.

The National League of Cities announced their City Summit in Los Angeles beginning November 7th. Anyone wishing to attend should contact the City Clerk's Office by July 15th in order to receive the early bird discount.

UNFINISHED BUSINESS

Adoption/Ordinance 2018-11/Revisions/Chapter 193 Solid Waste Management

City Manager Norenberg explained that this ordinance involves a revision to the Solid Waste Management and has been reviewed twice by the Public Works/Finance Committee(s).

Public Works Director Whitfield provided some highlights of the amendments. He stated that the code covers the policies related to the collection of solid waste, as well as fees. The majority of rules and regulations are being removed from the code and they will now become the responsibility of the City Manager. It also establishes a schedule of fees and fines which makes it easier for customers to find without searching the entire Code book.

The nuisance fines were also removed from the code. In lieu of a minimal fine for leaving containers at the curb, after a courtesy notice is issued, a \$5 fee will be added to their utility bill.

The fee for the second refuse and yard waste container was also reduced. The current fee for the second refuse container was almost double the actual fee for collections. It prevented a lot of customers from requesting a second container when one was needed. As a result, items were being placed on top of the container which made it difficult for crews. Providing for a second container at an affordable cost makes it much neater and more sanitary.

Registering and licensing of private haulers is again required. The department also recognizes some situations which make it impractical to leave the trash container out the night before. Those commercial customers will be provided an at-door service,

at the approval of the City Manager.

A provision was added requiring trash containers to be removed off the sidewalks in the downtown area prior to 10:00 a.m.

Rates were also created for dumpster container services.

If a customer is found contaminating a load of recycling or yard waste containers that is rejected by Delaware Solid Waste, that customer can now be liable for paying for the entire load, which could be as high as \$1,000. In the past, the City paid that fee.

Though crews have been providing this service, a medical exemption has been added for customers who are unable to physically transfer their container to the curb. A medical exemption form must be completed and filed, after which at-door service will be provided at no additional charge.

A fee has also been added for containers left on the sidewalk/street.

When asked how close a container can be in relation to a fire hydrant, Mr. Whitfield said the intent is to keep containers at least three feet from any immobile object.

Councilmember Wilson advised that she receives concerns about the brush and wood-type materials. In particular, there is not enough room when a major landscaping or cleanup is done. She is aware of some residents who leave it by the road though it is not being picked up.

Mr. Whitfield explained that every customer receives two complimentary bulk collections per year. One of those could be brush and the crews will collect up to four cubic yards at no charge. However, the customer needs to call and schedule the bulk pickup.

City Manager Norenberg explained this provision was added in place of having one clean-up week in the spring and the fall. With the change, customers can arrange this based on their needs though most bulk collections are handled on Monday.

Mayor Campbell then opened the floor to public comments. No one responded. The floor was then closed.

Councilmember Peel moved to adopt Ordinance 2018-11, as presented, seconded by Councilmember Wilson:

ORDINANCE 2018-11
Chapter 193
Solid Waste Management

Whereas, the Council of the City of Milford possesses the authority to amend the Solid Waste Management Code that regulates and provides for the collection, recycling and disposal of solid waste materials within the City of Milford; and

Whereas, the City's Public Works Staff proposed changes to the Code, that includes the licensing of private solid waste haulers within its jurisdiction and the removal of associated fees, rules and regulations from the published Code and transferred to additional documents entitled Solid Waste Fee Schedule and Rules and Regulations that are administered by the City Manager; and

Whereas, following notice of the Council's intention to amend the Code, a Council Meeting was held on July 9, 2018 at which time Council provided the opportunity for the public to comment on the recommendations; and

Whereas, the City Council finds that the adoption of the updated provisions is in the best interest of the health, safety and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED by the City of Milford, Chapter 193 of the City of Milford Code, entitled Solid Waste Management, is hereby amended.

Section 1. Chapter 193 - SOLID WASTE

Section 2. Dates.

Introduction June 25, 2018

Adoption: July 9, 2018

Effective: July 19, 2018

A full version of this ordinance in its entirety is available to interested persons during regular business hours in the Office of the City Clerk, Milford City Hall, 201 South Walnut Street, Milford, Delaware or by calling 302-422-1111. The ordinance is also available for viewing online at www.cityofmilford.com.

Attachments

Solid Waste Rules and Regulations

Solid Waste Fee Schedule

Motion carried.

NEW BUSINESS

Adoption/Resolution 2018-14/Establishes Public Works Fee Schedule/Solid Waste

City Manager Norenberg reported that this resolution accompanies Ordinance 2018-11 and establishes the fee schedule which can now be found in one place. Already in place are the Parks and Recreation and Planning and Code Enforcement fee schedules that will make finding them much easier on our website or at our public offices.

Mayor Campbell opened the floor for public comment. There being no response, the floor was closed.

Councilwoman Wilson moved to adopt Resolution 2018-14, seconded by Councilwoman Peel:

RESOLUTION 2018-14
SOLID WASTE FEE SCHEDULE

Description

Description	Fee
Trash, Recycle, Yard Waste Collections	
Residential	\$25 monthly per dwelling unit
Non-Residential	\$25 monthly per dwelling unit
Multi-Unit Rental Complex	\$25 monthly per unit or; \$150 month/3 CY container 1 x per week collection; \$300 month/3 CY container 2 x per week collection
Additional Container-Trash	\$5 monthly per container
Additional Container-Recycle	\$0
Additional Container-Yard Waste	\$3 monthly per container
Deposit	\$100
At-Door Collection	\$10 monthly for commercial customers; No charge for special assistance customers
Missed Collection	A complimentary pickup will be provided for initial request; additional requests will result in a \$25 fee being assessed per request during the twelve months succeeding first request
Special Pick-up Request Collection	\$25 per collection
Container left out on street/sidewalk after collection day	\$5 per day
Temporary Suspension of Service	\$35
Container Removal	\$35
Container Redelivery	\$35
Account Reconciliation	\$100
Bulk/Brush Collection	Two collections of 4 CY each are included during a twelve-month period with residential service; \$50 fee will be

assessed for each additional collection of 4 CY starting with third request

Private Haulers License
Vehicle Registration

\$ 150
\$ 250 each truck

Motion carried.

Solicitor Rutt suggested that the fees and rules and regulations be placed in a very accessible and conspicuous place to prevent Public Works Director Whitfield and City Manager Norenberg from being inundated with phone calls every day.

Approval/Real Estate Listing Agreement

City Manager Norenberg introduced Charles Rodriguez and Keith Walpole from R&R Commercial Realty. He recalled that this has been discussed on several occasions with City Council. An RFP was created for realty services for the unsold properties in the Greater Milford Business Park and Independence Commons. Only one proposal was received which was later reviewed by the Economic Development Committee. As a result of their feedback, Mr. Walpole agreed to incorporate the changes. In particular, the realtor commission was changed from 6% for all sales to 6% if the commission is split between firms and 5% if R&R represents the buyer as well. Marketing and promoting was also amended.

Councilman Boyle moved to authorize the agreement with R&R Commercial Realty, seconded by Councilman Morrow. Motion carried.

Approval/Greater Milford Boys & Girls Club Agreement

City Manager Norenberg reminded that five years ago, the City entered into two separate agreements with the Boys and Girls Club. One covered the City's use of the Boys and Girls Club facilities and the other allowed the Boys and Girls Club to use the City's facilities.

The two agreements have now been merged into one agreement.

Parks and Recreation Director Brad Dennehy explained that there were two agreements even though only one had been approved and signed by Council. After considering the reduced number of hours they were actually using the gym, his intent was to also reduce the amount of money being paid. They sat down with their Executive Director to consider the actual use. He had no concerns and agreed the City's payment would be reduced by approximately \$12,000 this year, which aligns with the actual hours used by Parks and Recreation.

Mr. Dennehy confirmed that the City supplies the officials used during the basketball program. Though there are volunteer coaches, they are not affiliated with the Boys and Girls Club.

Councilman Brooks recalled providing them approximately \$757,000 and then paying them \$33,000 a year to use the facility. Mr. Dennehy confirmed that will be reduced to \$18,750 per year which is based on actual use and not the original contract of 500 hours a year. He added it will also be reviewed every three years to ensure the use matches the dollar amount. Regular meetings are now being held to ensure both organizations are aware of the activities scheduled at the facility to prevent competing with one another in specific areas.

Mr. Dennehy confirmed the City continues to maintain the Boys and Girls Club parking lot, sidewalks, snow removal, grass cutting, etc. as was written into the original agreement though they are not charged for those services. In addition, there were a number of uncertain terms included and that language has been cleaned up to clarify any uncertainty.

Councilman Brooks felt that \$33,000 was a lot of money on top of the City continuing to handle snow removal and the \$757,000 they were given.

Mr. Norenberg reiterated what Mr. Dennehy had indicated and noted that removing the snow from the parking lot and sidewalks provides a service that parents who need to get to work have a place to take their kids when schools are closed.

Councilman Morrow moved to authorize the Greater Milford Boys and Girls Club agreement with the City, seconded by Councilwoman Wilson. Motion carried.

Approval/Carlisle Volunteer Fire Department Agreement

Discussion postponed until a group meeting date can be determined.

Introduction/Ordinance 2018-21/Chapter 67/Volunteer Fire Company/Carlisle Enhancement Fee

Matter postponed.

Authorization/Southeast Pump Station Project/Change Order#1

Public Works Director Whitfield asked Council to consider a Change Order which will reduce the overall costs and close out of the Southeast Regional Sewer Pump Station project. The Southeast Regional Sewage Pump Station serves the new Bayhealth Hospital complex as well as future developments on the Wilson property, Hall property, Emory property and Wickersham. The Change Order and Final Acceptance has been reviewed by our consultant engineer, who is recommending approval. The Change Order includes changes in the quantity of work items performed, resulting in a reduced over all project cost.

Mr. Norenberg added that the City's share of the project is approximately \$160,000 of which \$3,000 is needed from the sewer reserves. He asked Council to make a secondary motion to approve funding not to exceed \$3,500 from sewer reserves or that matter can be officially added to the next agenda.

The City Manager confirmed his recommendation is to approve the change order on the agenda and authorize the transfer of no more than \$3,500 from sewer reserves for the share of the project. Solicitor Rutt informed Council that two separate motions are needed.

Councilwoman Wilson moved to authorize the execution of Change Order #1 for the Southeast Regional Pump Station Rehabilitation Project to Hopkins Construction, Incorporated for a credit of \$4,076.10, seconded by Councilwoman Peel. Motion carried.

Councilwoman Wilson moved to authorize up to \$3,500 from the sewer reserve fund to pay the City's portion of the Southeast Pump Station Project, seconded by Councilman Starling. Motion carried.

Authorization/Airport Road Project/Change Order

Public Works Director Whitfield then discussed two safety issues previously presented to the Public Works Committee for review. One involves the relocation of a drainage swale and an inlet adjustment at Mosquito Control driveway.

The drainage swale on the north side of the road between Delaware Veterans Home Road and Canterbury Road has very steep slopes, which created a significant drop off next to the roadway. The proposed alteration would be to move the swale further away from the roadway and widen the swale, which will reduce the side slopes, making it much easier to maintain, and less of a safety hazard for vehicles. The work will also necessitate the relocation of a utility pole. The estimated cost is \$24,500.

The drainage inlet at the Mosquito Control driveway is approximately 3" low which resulted in a dip on the right side of the westbound lane. This causes motorists to sway their vehicle away from the inlet and into the turn lane. The correction will require raising the inlet height, milling the existing pavement and repaving a portion of the roadway on both sides of the inlet. The estimated cost is \$41,500.

The design of the alterations was completed by Engineers Davis, Bowen and Friedel, the engineer for the project. Diamond Materials, the contractor on the Airport Road project, has proposed to complete the work at the unit bid price for the original project. The project budget for the project was \$2,400,000, of which \$1,875,749 was spent on engineering and construction. Finance Director Jeff Portmann confirmed funds are available to complete the project.

Because of the complexity of the project and the amount of work needed, Mr. Whitfield felt that in an attempt to keep the inlet at its present location and try to melt the pavement into it. However, it became too low and created a much more significant dip than anticipated.

In regard to the pole, there was a question about the right-of-way, and after a vehicle went off the road, it was determined it needs to be further back, which provides the ability to move the utility pole and swale.

Councilman Boyle recently observed traffic on the roadway. He asked if the cure may result in making the problem worse due to just completing the project. He asked if this would cause the road to be torn up into patches, which inheritably would become a weak spot that could eventually fail. Mr. Whitfield explained they would mill a fairly large area through the center of the roadway, mesh the new pavement in with the inlet after that has been rectified. The joints, which are typically the area that fails, would be sealed with an AC 20 material. He does not anticipate any additional maintenance issue with the pavement once the work is completed.

Councilman Boyle moved to authorize Diamond Materials to complete the alterations per the estimated proposal included in the packet, seconded by Councilman Morrow. Motion carried.

Approval/Southern Corrosion Inc./Tank Management Agreement

Mr. Whitfield then presented the Engineered Tank Care Agreement with Southern Corrosion of Roanoke Rapids, North Carolina. The City presently has an ongoing agreement with Southern Corrosion, however, the new Southeast Water Tower needs to be added and Southern Corrosion is willing to add the new tower at no additional upright costs.

The initial cost of the annual Agreement is \$52,647 of which was budgeted in the 2019 Water Operating Budget.

He explained that the agreement would automatically renew annually, with a cost increase tied to the Consumer Price Index. It includes routine inspection and maintenance including, emergency repairs; regular washout, interior and exterior cleaning, painting and repairs, maintenance and upkeep of the tank, plus planning and budgeting assistance.

Also included is corrosion protection, graffiti removal, coordination of antenna installations and inspections for electrical and antenna transmission hazards. He added there is a lot of analysis put into installing an antenna on a tank and Southern Corrosion handles that for the City.

Councilmember Peel moved to authorize the execution of the Southern Corrosion Agreement, Incorporated, as presented, seconded by Councilmember Wilson. Motion carried.

Approval/Verizon Wireless Lease/Tenth Street Tower

Public Works Director Whitfield informed Council the City received a request from Cellco Partnership for Verizon Wireless to use the Northeast 10th Street Water Tower for the purpose of installing cellular equipment. The five-year lease commences on the date construction begins and includes an automatic four additional five-year renewal options. The City will receive \$2,400 per month initially, with a 2% annual escalator. This lease is very similar in terms and conditions as is in the Southeast Tower lease agreement with Cellco Partnership. However, the previous agreements involved a lower amount but with a 3% escalator. This amount is equivalent to the terms in the Southeast Tower, with more money up front and a smaller incremental change.

Councilwoman Peel recommends City Council authorize the execution of the Cellco Partnership/Verizon Wireless agreement, seconded by Councilman Starling. Motion carried.

*Introduction/Ordinance 2018-18/Becker Morgan Group on behalf of Bayhealth Medical Inc./Milford Memorial Inc.
for Nationwide Healthcare Services/Milford Wellness Village/Change of Zone*

City Manager Norenberg introduced the ordinance, advising it is related to the change of zone at the current Milford Memorial Hospital site and will be on the next agenda for a public hearing and final determination.

Adoption/Resolution 2018-15/Schedules Board of Appeal/FY18-19 Property Assessment

When asked if there was any public comment on the resolution, no one responded.

Councilwoman Wilson moved to adopt Resolution 2018-15, seconded by Councilwoman Peel:

RESOLUTION 2018-15

WHEREAS, the provisions of Article VII, Section 7.05 of the Charter of the City of Milford state that Council shall cause a copy of the General Assessment, as adjusted, to be posted in two public places in the City of Milford and there to remain for the space of ten days for public information; and

WHEREAS, attached to said copies shall be notice of the day, hour and place that Council will sit as a Board of Revision and Appeal for said General Assessment.

NOW, THEREFORE, BE IT RESOLVED, that on Monday, August 13, 2018 at 7:00 p.m., the City Council of the City of Milford will sit as a Board of Revision and Appeal for the 2018-2019 General Assessment.

Armory Reuse Proposal

Matter postponed.

EXECUTIVE SESSION

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

Pursuant to 29 Del. C. §10004(b)(4) Collective Bargaining Matter

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:02 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

Return to Open Session

City Council returned to Open Session at 8:13 p.m.

Collective Bargaining Matter-Police Teamsters Negotiations

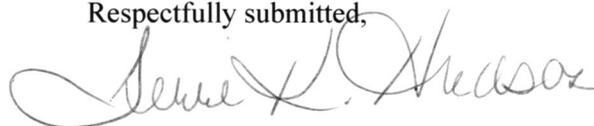
Mayor Campbell announced that no action was needed as a result of the discussion.

ADJOURNMENT

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

Mayor Campbell adjourned the City Council Meeting at 8:15 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder