

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
August 13, 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, August 13, 2018.

PRESIDING: Mayor Arthur Campbell

IN ATTENDANCE: Councilmembers Christopher Mergner, Mike Boyle, Lisa Ingram Peel,  
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.  
Second Ward Council Seat Vacant

#### CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:06 p.m.

#### INVOCATION AND PLEDGE

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

#### BOARD OF APPEAL & REVISION—Canceled

City Manager Norenberg announced that all tax appeals have been resolved by our Tyler Technology representative. Therefore, no hearings are required this evening.

#### APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the July 9, 23 and 24, 2018 Committee and Council Meetings. Motion to approve made by Councilmember Brooks, seconded by Councilmember Peel. Motion carried.

#### RECOGNITION

No special guests in attendance.

#### MONTHLY POLICE REPORT

Police Committee Chairwoman Wilson presented the monthly Police Report. Chief Brown stated traffic arrest numbers continue to increase due to the efforts of his officers.

Councilman Brooks noted that the City received less fines, despite the increase in traffic. Chief Brown explained that is based on the court system and the number of judges who are waiving fines.

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

#### MONTHLY CITY MANAGER REPORT

City Manager Norenberg referenced his report noting that in addition to what was included, the deck and other improvements

to the riverwalk are underway as of this past weekend.

There are three 5K's scheduled over the next couple months that the Parks and Recreation Director is working to coordinate their routes. That is in addition to the Annual Riverfest in September.

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

#### MONTHLY FINANCE REPORT

Finance Committee Chairman Morrow reported that through July 2018 and the end of Fiscal Year 2017-2018, 101% of revenues have been received and 94% of the total operating budget expended. As a result, approximately \$400,000 can be transferred into the Fiscal Year 2018-2019 to pay for police officers.

Thanking the City Manager Norenberg, Finance Director Jeff Portmann and City Accountant Suzannah Frederick, Councilmember Morrow moved to accept the July 2018 Finance Report, seconded by Councilmember Wilson. Motion carried.

#### COMMITTEE AND WARD REPORTS

No reports.

#### COMMUNICATIONS & CORRESPONDENCE

City Manager Norenberg invited Council to City Hall 'Selfie Day' on Wednesday for a group photo at 8:55 p.m.

#### UNFINISHED BUSINESS

##### *Adoption/FY18-19 City of Milford Tax Warrant*

Councilman Brooks moved to adopt the following tax warrant, seconded by Councilman Boyle:

#### GREETINGS:

The Charter of the City of Milford provides the following:

"Article VII, Section 7.12: Attached to said tax list shall be a warrant, under the Seal of the City of Milford, Signed by the Mayor and Attested to by the City Clerk, commanding the City Manager to make collection of Taxes as stated in the Tax Lists."

THEREFORE, YOU, THE CITY MANAGER, DULY APPOINTED BY THE COUNCIL OF THE CITY OF MILFORD, ARE HEREBY COMMANDED TO COLLECT THE TAXES AS LEVIED IN THE FOUR WARDS, AS FOLLOWS:

Assessed Per Billing Register	\$1,062,352,665
Exemptions	[\$221,624,800]
TOTAL ASSESSED VALUE	\$850,757,865
	<u>          </u> x .0046
ESTIMATED TAX PER PROPERTY VALUES	\$3,913,348.18
Senior Citizen Discount	[31,280.00]

**TOTAL TAXABLE (Fiscal Year 2018-2019)** \$3,882,068.18

**Due Date:** September 30, 2018

Motion carried.

*Authorization/Corrected Funding Source/Five Police Officers*

City Manager Norenberg explained that there is need to be cautious of how we use the City's enterprise funds. The Finance and Public Works Committee are going to recommend a study of utilities be done, similar to what was done for electric services. This will ensure we have adequate controls and that our rates and charges are appropriate.

As a result, the previous motion authorizing the funding of the five additional police officers needs to be paid from the general fund reserves in lieu of the water reserves, as was previously stated. In addition, it will prepare the City when we are ready to finance bonds for the new police facility and ensure reserves are being used for the correct purpose.

Councilwoman Wilson moved to amend the previous funding source approved June 25, 2108, for the five additional Milford Police Officers, from Water Reserves to General Fund Reserves in the amount of \$1.3 million, seconded by Councilwoman Peel. Motion carried.

**NEW BUSINESS**

*Alcohol Waiver/Milford Boys and Girls Club/Chapter 77 Alcoholic Beverages/Running of the Goat 5K*

Councilperson Peel abstained from the discussion and the vote due to being a member of this Committee.

Councilperson Boyle questioned the application that indicated that no ambulance would be on site. His concern relates mainly to the extreme heat we are experiencing and amount of running that will be done that evening. Committee Chair/Milford Boys and Girls Club Board Member Tiffany Schrader was present and responded by apologizing for the error on the application, stating there will be an ambulance on site.

Councilman Morrow moved to approve the Alcohol Waiver for the Post 5k Event, seconded by Councilman Mergner. Motion carried.

*Certification/2018 Special Second Ward Election Voter Registration List*

Included in the meeting packet, Councilwoman Peel moved for certification of the Voter Registration List for the August 23, 2018 Special Second Ward Election, seconded by Councilwoman Peel. Motion carried.

*Appointment/2018 Special Election Ward Two Clerk*

Councilman Boyle moved to appoint Donna Merchant of 108 Franklin Street as the Second Ward Clerk for the August 23, 2018 Special Second Ward Election, seconded by Councilwoman Peel. Motion carried.

*Introduction/Ordinance 2018-19/Salt Air Homes Conditional Use*

Mayor Campbell introduced the following ordinance:

*ORDINANCE 2018-19  
Salt Air Homes LLC for a Conditional Use to  
allow a single-family semidetached dwelling in an R2 zoning district.  
.245+/- acres in an R2 Zoning District;  
Located at 418 S Washington Street, Milford, Delaware  
Present Use: Vacant; Proposed Use: Single-family semi detached dwelling*

*Tax Map 3-30-10.08-040.00*

*WHEREAS, the City of Milford Planning Commission considered the ordinance, as described, at a duly noticed Public Hearing on July 17, 2018 and recommended its adoption to City Council; and*

*WHEREAS, Milford City Council conducted a duly noticed Public Hearing on August 27, 2018 to consider all information presented by City Staff, the Applicant, and written and verbal public testimony; and*

*WHEREAS, it is deemed reasonable, beneficial, and in the best interest of the City of Milford to allow a Conditional Use to allow a single-family semidetached dwelling in an R2 zoning district, as herein described.*

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

*Section 1. Upon the adoption of this ordinance by City Council, Salt Air Homes LLC is hereby granted a Conditional Use Permit to allow a single-family semidetached dwelling in an R2 zoning district, in accordance with the application, effective on the date so noted.*

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

*Section 3. Dates.*

*Planning Commission Review & Public Hearing: July 17, 2018*

*City Council Introduction: August 13, 2018*

*City Council Public Hearing: August 27, 2018*

*Adoption: August 27, 2018*

*Effective: September 6, 2018*

Planning Director Rob Pierce provided a brief synopsis of the application.

*Introduction/Ordinance 2018-20/AC Lucas Conditional Use*

Mayor Campbell introduced the following ordinance:

*ORDINANCE 2018-20*

*AC Lucas for a Conditional Use to*

*allow the conversion of a one-family dwelling into multiple dwelling units*

*.491+/- acres in an R1 Zoning District*

*Located at 430 S Walnut Street, Milford, Delaware*

*Present Use: Single-family detached dwelling; Proposed Use: Same with efficiency apartment*

*Tax Map 1-30-3.08-081.00*

*WHEREAS, the City of Milford Planning Commission considered the ordinance, as described, at a duly noticed Public Hearing on July 17, 2018 and recommended its adoption to City Council; and*

*WHEREAS, Milford City Council conducted a duly noticed Public Hearing on August 27, 2018 to consider all information presented by City Staff, the Applicant, and written and verbal public testimony; and*

*WHEREAS, it is deemed reasonable, beneficial, and in the best interest of the City of Milford to allow a Conditional Use to allow the conversion of a one-family dwelling into multiple dwelling units, as herein described.*

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

*Section 1. Upon the adoption of this ordinance by City Council, AC Lucas is hereby granted a Conditional Use Permit to allow the conversion of a one-family dwelling into multiple dwelling units, in accordance with the application, effective on*

*the date so noted.*

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

*Section 3. Dates.*

*Planning Commission Review & Public Hearing: July 17, 2018*

*City Council Introduction: August 13, 2018*

*City Council Public Hearing: August 27, 2018*

*Adoption: August 27, 2018*

*Effective: September 6, 2018*

Planning Director Pierce referenced the application which will be presented to Council and the public at the next meeting.

#### *Approval/Public Works Facility Improvements Project/Funding Authorization*

Public Works Director Mark Whitfield reported that the Finance and Public Works Committee at their meeting in June looked at a proposal for two needed projects at the Public Works Facility.

In 2017, the Department contracted with Gipe & Associates of Easton MD to evaluate the HVAC at the Public Works Facility. In short, he explained that numerous repairs were needed and it was verified the present system has gone beyond its useful life and needs to be replaced. The evaluation also made numerous suggestions for upgrades that would lead to a better work environment, in addition to more efficient use of energy. Three different repair/replacement options were given, ranging in cost from \$174,000 to \$606,000.

Recommended was the option, with a projected cost of \$333,672, which includes \$308,672 for construction and \$25,000 for engineering.

Also in 2017, Davis Bowen and Friedel was contacted to review various layout options for an expanded break room that would accommodate all Public Works employees at one time. In addition, a locker room within the Public Works Administration Building would be added.

Prior to 2017, each division had separate break rooms/locker room areas scattered throughout the facility. Having a central area within the Administration Building will provide more staff contact, as well as an efficient use of space and energy in terms of heating and cooling. He is asking for approximately \$97,135, which includes \$82,235 for construction and \$14,900 for architectural fees.

After consulting with the Finance Director, both projects can be completed with Water, Sewer and Electric Reserve Funds, as was used to fund the building initially.

Mr. Portmann recommended that 25% or \$112,500 be paid from both the Water and Sewer Reserve Accounts and 50% or \$225,000, from Electric Reserves.

Mr. Whitfield said they hope to have the HVAC work done in October or November prior to the winter heating system. If unable to complete during that time frame, they will wait until early spring of 2018. The other improvements can be completed over the winter months.

The facility is eighteen years old and approximately \$25,000 has already been put into repairs of the HVAC system. Mr. Whitfield also determined that most parts are no longer available.

The Public Works Director confirmed this was included in the Capital Improvement Plan though no funding appropriation was made.

Mr. Norenberg added that it was discussed during the budget process and the Finance and Public Works Committee reviewed

the matter in June and made a recommendation to move forward.

It was confirmed the main building has very small inadequate lockers though larger ones are needed to accommodate both work clothes and clothes that can be changed into.

When asked why an architect is needed, Mr. Whitfield explained that the City has to be able to bid the project out to ensure Code compliance.

Mr. Norenberg added that the designs will be prepared and bid, after which that project will need to be awarded in both situations due to the estimated costs.

Councilwoman Wilson expressed concern about the amount of money that has been spent at the facility from the time it was built when everyone thought it was adequate to meet all future needs of that division. She also recalls the amount of work and money spent when it was gutted and changed into a customer service hub.

Councilman Brooks agreed it was a nice facility though 90% of the time it has never been used for the purposes originally planned.

Mr. Whitfield pointed out the building has a very serious moisture and cold air issue. One thermostat controls six offices and based on its location, the air/heat is confined to that office.

Councilman Boyle also noted that the needs have changed at Public Works over the years. He can understand how the lunchroom needs to be reconfigured to accommodate the upgraded shower and locker room area. It is just the nature of the business that now demands a reconfiguration. What has suffered is the break room area where employees actually get a chance to sit down and eat lunch is that it was never made large enough. He agrees that an extensive renovation is needed, in addition to repairing the HVAC issues.

Councilwoman Wilson agrees it is an extensive renovation based on the price tag. She hopes that the work done this time will adequately meet our needs in the future to prevent another extensive renovation in five or so years.

Councilman Morrow emphasized the great job that Public Works Director Whitfield has done by consolidating the separate functions of each department. He recalls when the departments were separated years ago and during those years, the City ended up with the same equipment in each department such as three backhoes, three dump trucks etc. With everyone working together, that will not longer be the case so he understands the need for the larger break room.

Mr. Whitfield agreed and explained there were actually four different break rooms within that facility which has been consolidated into one. The problem is everyone cannot fit at one time. As a result, staggered lunches have to be arranged, with some employees opting to eat in their vehicles.

In addition, not having to cool and heat four separate areas should be a good overall savings at the facility. He hopes this will encourage the employees to use the showers once this renovation is completed.

Mr. Norenberg encouraged Council to go out and visit Public Works by scheduling a time with Mr. Whitfield or him.

Councilman Boyle moved to authorize the project for Public Works Facility Improvements with an appropriation of \$450,000, with \$112,500 being paid from Water Reserves, \$112,500 from Sewer Reserves and \$225,000 Electric Reserves, seconded by Councilwoman Peel. Motion carried.

#### *Approval/Disbursement of Workforce Development Commission Funds*

ICMA Fellow Evan Miller reminded Council the City of Milford has a Workforce Development Commission (WDC) originally formulated in 2012. One of the original founders, William Pilecki, is in attendance.

Since that time, he reported that the Commission has been relatively stagnant with their last meeting occurring in January

2017.

The Workforce Development Commission was assigned with the following powers and duties:

- A. Create an environment that would give the student an opportunity to develop marketable job skills and a work history to successfully compete in the job market upon graduation from Milford High School.
- B. Participate in the growth of an educational fund to be made available to the student upon graduation.
- C. Help the student learn what is expected of an employee in a business environment.
- D. Give the student an opportunity to acquire a sense of pride in earning an income.
- E. Collaborate with the school district to monitor and evaluate the effectiveness of the program.
- F. Monitor the financial aspects of the program, including but not limited to, donations and disbursements.

The Commission had developed an agreement with the Delaware Community Foundation (DCF), a nonprofit organization that manages long term funds, to become a charitable home for a work/scholarship fund. The fund was supported by the following sources:

1. The student working an internship would contribute \$1.00 per hour of his/her earnings
2. The employer would contribute \$1.00 per hour for each hour the student worked
3. Donations would be utilized to contribute \$1.00 per hour for each hour the student worked.

Today, there is roughly \$7,800 that remains in the fund and DCF is looking to close smaller funds such as the Milford Scholarship Fund. The fund is being charged a 5% fee when a disbursement is made from the fund to the City of Milford because it has such a small balance.

Per the agreement signed by the City of Milford and DCF back in 2012, the City determined grantees and amounts based on the parameters of the Scholarship Program. Furthermore, the City or the Commission is able to change those parameters without the Foundation's involvement.

One thought is the Chamber of Commerce Economic Development Commission start a Workforce Development Subcommittee that he and the City Manager will sit on. Other members will include representatives from State government, School District, local businesses and the community.

One of many things discussed during the first meeting was the internship opportunity to students in the Milford School District. The School District has been working on this over the summer and is starting to solicit businesses that may be interested in hosting students for an internship. One of the things talked about was this fund, where it stands right now and what could be done to provide scholarships or educational stipends.

As a result, the recommendation is that the Workforce Development Subcommittee of the Chamber of Commerce Economic Development Commission be authorized to review and approve requests for educational stipends, scholarships, etc. consistent with the original WDC program goal as defined by the City and in support of Milford High School students as they work/intern in the community and prepare for the workforce. It is still to be determined how the funds would be disbursed.

Mr. Norenberg also noted that the Workforce Development Subcommittee is still on the books and is one of several bodies on the books that are inactive and without members. For the past couple of years, the City Clerk has recommended a legal review of the Code to help identify several stray items, one being defunct Committees/Commissions.

Councilwoman Peel moved that the Workforce Development Subcommittee of the Chamber of Commerce Economic Development Commission be authorized to review and approve requests within the perimeters consistent with the original WDC program, seconded by Councilman Boyle. Motion carried.

*Bid Award/Public Works Department/Pavement Crack Sealer*

Mr. Whitfield is requesting City Council consider a recommendation to replace the pavement crack sealer used by the Street

and Utility Division. The pavement crack sealer is used to seal various cracks within the pavement to prohibit water intrusion into the subbase of the pavement.

The replacement unit comes with an air compressor that will allow cracks to be blown free of dirt prior to sealing. Currently two separate units are needed. The unit has a 150-gallon heated tank with applicator wands and a LED flashing arrow board for traffic control.

The present 1995 unit contains a blown engine and has exceeded its useful life. Council authorized \$70,000 in the Streets Capital Budget to cover the replacement of the unit.

The Street and Utility Division staff has evaluated several different replacement units after which the Cimline/Duraco unit was recommended from Cimline Pavement Maintenance Group at a price of \$64,952.50. The purchase can be made through the HGACBuy Contract #SM10-16 through the Delaware State Procurement System.

Councilwoman Peel moved to authorize the purchase of a Cimline Magma M1 Model Crack Sealer in the amount of \$64,952.50 to be paid from the Street Capital Budget, seconded by Councilman Mergner. Motion carried.

#### EXECUTIVE SESSION

Councilmember Mergner 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*

*Pursuant to 29 Del. C. 29 §10004(b)(2) Site Acquisition*

Motion carried.

Mayor Campbell recessed the Council Meeting at 7:58 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 8:06 p.m.

*MPD Teamsters Negotiations*

*Employee/Position Change*

*Purchase of Land*

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

#### ADJOURNMENT

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

Mayor Campbell adjourned the City Council Meeting at 8:07 p.m.

Respectfully submitted,



Terri K. Hudson, MMC  
City Clerk/Recorder