

MILFORD CITY COUNCIL
MINUTES OF MEETING
January 14, 2019

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, January 14, 2019.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Christopher Mergner, Mike Boyle, Lisa Ingram Peel, Todd Culotta, Owen Brooks Jr., Douglas Morrow and Katrina Wilson

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

COUNSEL: Assistant Solicitor James Sharp, Esquire

ABSENT: Councilmember James Starling Sr.

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:04 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the December 10 and December 19, 2018 Committee and Council Meetings. Motion to approve made by Councilmember Wilson, seconded by Councilmember Morrow. Motion carried.

RECOGNITION

Proclamation 2019-01/School Choice Week

Julie Collier of the National School Choice Organization in Mission Viejo, California submitted a request for the following proclamation:

WHEREAS, all children in the City of Milford should have access to the highest-quality education possible; and

WHEREAS, the City of Milford recognizes the important role that an effective education plays in preparing all students in the City of Milford to be successful adults; and

WHEREAS, quality education is critically important to the economic vitality of the City of Milford; and

WHEREAS, the City of Milford is home to a variety of high quality, public and nonpublic schools from which parents can choose for their children, in addition to families who educate their children in the home; and

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and

WHEREAS, the City of Milford has many high-quality teaching professionals in all types of school settings who are committed to educating our children; and

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options.

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, do hereby proclaim January 20-26, 2019 as School Choice Week in our community and call this observance to the attention of all our citizens.

The document will be forwarded to Ms. Collier.

MONTHLY POLICE REPORT

Police Committee Chairperson Wilson presented the monthly Police Report on behalf of Chief Brown.

Councilman Morrow moved to accept the report, seconded by Councilman Brooks. Motion carried.

MONTHLY CITY MANAGER REPORT

City Manager Norenberg referenced his report, noting there is an update of statistics and data from the various departments.

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

MONTHLY FINANCE REPORT

Finance Committee Chairman Morrow reported that through the fifth month of Fiscal Year 2018-2019 with 42% of the year having passed, 47% of revenues have been received and 39% of the operating budget expended.

Mayor Campbell shared that of the more than \$500,000 that was outstanding in property taxes, approximately \$390,000 has been collected. He attributed that to City Accountant Suzannah Frederick and her staff.

It was confirmed all tax money goes into the general fund, as required.

Councilmember Boyle moved to accept the November 2018 Finance Report, seconded by Councilmember Mergner. Motion carried.

COMMITTEE & WARD REPORTS

Councilmember Brooks reported that a number of his constituents have complained about the disarray of the community garden. He explained that since the growing season concluded, it has been left neglected with no one attending to it or cleaning it up.

He said that Councilman Morrow received one call.

Councilwoman Peel said there is a clean up schedule with a date of February 16th.

City Manager Norenberg said he will follow up, though he is aware that the volunteer leader of the project is also a wildland firefighter and was called to California for the Paradise fire.

COMMUNICATION & CORRESPONDENCE

None to report.

UNFINISHED BUSINESS

Funding Appropriation/Future Police Substation Site/A1 Property/Environmental Evaluation Phase II

City Manager Norenberg recalled that Chief Brown wished to acquire this property to meet the temporary needs of the police department while plans proceed for the replacement police facility.

Results of the phase one indicated that twenty to thirty years ago, there were fuel tanks on the property. Some tanks had been removed though no records can be found for the balance. As a result, some ground sampling was done with Phase II currently underway. Because of the wet weather, the core sampling was delayed.

He asked for authorization of the supplemental funding of \$8,490.

Two bus contractors were housed on the site and at some point, it was utilized as a garage for a race car according to Chief Brown.

When asked who is responsible for any contaminated soils found, City Manager Norenberg said the City would need to negotiate though we would look for available state funding.

Councilmember Morrow made a motion for approval of the appropriation of \$8,490 for the Environment Study Phase II, paid from general fund reserves, seconded by Councilmember Wilson. Motion carried.

NEW BUSINESS

Approval/Progressive Engineering Consultants' 2019 Engineering Services Contract

Public Works Mark Whitfield reported that the Electric Department has used Consultant Progressive Engineering out of Virginia for many years. A local company provided the same services but is no longer in business.

As a result, it is the Electric Department's desire to continue working with Progressive who are overseeing several on-going projects. He recommends contracting with them for another year. It was confirmed the rates are very similar with other competitors.

Councilmember Morrow moved to authorize Mayor Campbell to execute the Progressive Engineering Contract, seconded by Councilmember Peel. Motion carried.

DEMEC/Alternate Board Member Designation

Adoption/Resolution 2019-03/Appointment of Director & Alternate Director

City Manager Norenberg shared that with the recent retirement of the Electric Superintendent, a new alternate board member needs to be designated until such time the superintendent position is filled. It is recommended that Public Works Director Mark Whitfield be appointed to serve as the City of Milford's Alternate Director for the DEMEC board, effective January 15, 2019.

When asked for public comments on the resolution, no one responded. Mayor Campbell then closed the floor to public comment.

Councilmember Peel moved to adopt Resolution 2019-03, designating Public Works Director Mark Whitfield as Alternate Director to DEMEC, seconded by Councilmember Morrow:

WHEREAS, the City of Milford is a member of the Delaware Municipal Electric Company ("DEMEC"), a municipal electric company established pursuant to 22Del. C. Chapter 13;

WHEREAS, the City of Milford is authorized to appoint an individual to serve on the DEMEC Board of Directors pursuant to 22Del. C. § 1304(3);

WHEREAS, Article V, Section I of the DEMEC Agreement and Articles of Incorporation, grants the Member City the authority to appoint an alternate director to serve in the absence of the director.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Milford:

- (1) The City Manager shall continue to serve as the Director representing the City of Milford on the DEMEC Board of Directors.
- (2) The Public Works Director shall serve as the Alternate Director in the absence of the Director.
- (3) In the absence of the Director, the Alternate Director shall have full power and authority to act on the City of Milford's behalf.
- (4) This resolution supersedes all prior resolutions related to the appointment of a DEMEC Director and Alternate Director from the City of Milford.

Motion carried.

Authorization/Funding Appropriation/Police Department/Two Additional Full-time Dispatcher Positions

Police Committee Chairperson Wilson reported that the committee met earlier as a result of the Police Chief's request for two full-time dispatchers. She explained that in the past, part-time dispatchers were used. Funds are currently available for one dispatcher for the remaining of the fiscal year. He will be asking for the second position and funding be added to his FY20 budget.

Councilmember Wilson moved to approve two full-time dispatchers, seconded by Councilmember Brooks. Motion carried.

Introduction/Ordinance 2018-31/Conditional Use

DCRAC on behalf of the City of Milford

604 North Walnut Street

Tax Map MD-16-183.06-02-14.00

Present Use: Municipal Facility (Armory); Proposed Use: Community Service Building

Mayor Campbell introduced Ordinance 2018-31.

Planning Director Rob Pierce referenced the conditional use application for the Milford Armory at 604 North Walnut Street for community service facilities.

The ordinance is scheduled for a public hearing at the January 28, 2019, which has been discussed by the Community and Economic Development Committee and the potential tenant several times over the past year.

Councilman Morrow asked that Council be provided with copies of the Planning Commission's discussion and hearing on this matter, prior to January 28th.

Introduction/Ordinance 2019-03/Amended Liborio Watergate LLC Subdivision Plan/

Watergate Subdivision

East side of Marshall Street north of the Elks Lodge Road Intersection

Tax Map 3-30-11.09-029.00; -029.03; -30.00 through -032.00; 3-30-11.09-101.00 through -304.00

Mayor Campbell introduced Ordinance 2019-03.

Mr. Pierce recalled City Council reviewing the preliminary subdivision plan for the Watergate Community this past year. The layout is being amended which will result in a reduction from 303 to 300 residential units.

The Planning Commission will hear the application next Tuesday prior to City Council making a final determination at their January 28th meeting.

Introduction/Ordinance 2019-04/Chapter 230/Zoning Code/Conditional Use Request

Two Farms, Incorporated/Royal Farms

562 & 566 South DuPont Boulevard, Milford, Delaware
Tax Parcels 1-30-3.11-003.00 & 004.00
Zoning Code 230-14(C)(14)

Mayor Campbell introduced Ordinance 2019-04.

Planner Pierce advised that a complete demolition/rebuilt/site plan has been submitted for the Royal Farms convenience store and gas station that currently exists on South DuPont Boulevard adjacent to Shawnee Road.

The site being significantly altered requires another review and conditional use approval, which will be discussed at the January Planning Commission meeting and before Council on January 28th.

Approval/Funding Appropriation/Fuel Management System Replacement

Public Works Director Whitfield recalled when this past August, the city's fuel management system crashed. In an attempt to have it restored, it was determined it would no longer interact with the Windows 7 platform. The equipment and software required to upgrade the old system was approximately \$12,000. Because of the cost, staff investigated other fuel management software alternatives.

After reviewing several vendor proposals, the Fuel Master system through Syntech was found to best meet the city's needs now and into the future. Both Perdue and KSI presently use the system and both recommend it.

The new system is cloud based, which was also recommended by IT staff. The web-based system will alleviate the situation of software being isolated on one PC.

The Syntech system is \$14,915 in addition to an annual fee of \$4,740. The proposed fuel system requires the use of a proximity card/fob for access. There is also an option for a wireless intervention tool that can be added to each vehicle, as budgets allow. The cost of the on-going maintenance will be incorporated into the garage budget, allowing each department to pay a percentage.

The City Finance Director recommends the purchase be funded through general fund reserves.

Mr. Whitfield also presented the proposal to the Finance and Public Works Committee meeting who supported the recommendation.

Councilmember Boyle moved to authorize the purchase of the Syntech Fuel Master Management System in the amount of \$19,655, of which \$14,915 is for the system, to be paid from general fund reserves and \$4,740 is for the web-based service, to be paid from the garage budget, seconded by Councilmember Wilson. Motion carried.

*Approval/Funding Appropriation/Project Management
City Hall Basement Waterproofing & Restoration*

Public Works Director Whitfield recalled previously reporting that professional expertise was being sought on how to proceed with the basement waterproofing and restoration. The City Engineer spent a great deal of time putting together a proposal, though it was later determined it would be more cost effective and better managed in the hands of the experts. Work includes investigative services, as well as the development of a solution to the water infiltration problem.

Proposals were then solicited and received from EDiS out of Wilmington and Whiting Turner from Newark. Both firms were interviewed and the recommendation is that EDiS be awarded the contract in the amount of \$24,700, which was significantly lower than the Whiting Turner proposal of \$33,000.

Councilman Brooks asked if the problem has been identified because the drains are not that old. Mr. Whitfield explained there are different drain systems including the perimeter drain which caused the water to enter the basement. They have also determined there was no drain installed under the ramp system at the time it was installed. As a result, any ground water in the parking lot has no barrier to prevent it from entering the building.

The drains in the bottom of the stairwells are sump drains that go out into the parking lot. They estimate those sumps were installed in the late 1950's or early 60's. The only way to repair the pump is pull the parking lot up and reconstitute a sump with stone or other material.

The plan is to install a pump to capture the water of the perimeter drain in a well and install it in the inlet at a higher elevation.

They are also considering recommendations on how to address the two sumps.

Originally proposed was an inside french drain, though there is evidence that water came through the wall that has no perimeter drain. Any type of barrier such as drywall or steel will trap the water behind the wall and the mold and mildew problem will continue which is the reason the french drain will not work.

Mr. Whitfield explained this is a very complicated project and a number of scenarios are being considered. EDiS will be doing the investigative work and testing to come up with the best restoration procedures.

Councilmember Mergner emphasized this is not about the actual work, but instead to provide the plan for what will be needed. It was confirmed that the work will be done by an outside contractor who specializes in these type projects. He recalled the original waterproofing plan put together by Public Works/Engineering was \$250,000 and that did not include any restoration.

When asked if this could happen in another four to five years, Mr. Whitfield stated that if Council wants to continue using the basement, it is his recommendation the city hire the best expertise to ensure it is waterproofed.

Councilman Brooks said why would we want to use it if it continues to flood. Mr. Whitfield explained that is the reason the recommendation is to use actual experts who can determine the best and the most cost-effective way.

When asked what it would be used for, Mr. Norenberg said that continues to be evaluated. Currently, the IT Department is housed in the basement with all their equipment, including the City's primary servers. He said the cost to relocate the equipment will be included in the evaluation. However, that is another reason the city is moving in the cloud-based direction which allows for more options.

When asked what would happen if the company came back with a recommendation not to use the basement, Mr. Whitfield said they were very confident they could take care of the problem. However, everything depends on their investigative work.

Councilmember Brooks asked if the employees in the basement are safe; Mr. Norenberg explained that two rounds of extensive remediation have been done, along with testing. The results are they are safe.

Councilmember Mergner feels there are a lot of issues, including the servers in the basement, employees in the basement and there is a lot to consider.

Councilmember Wilson pointed how much money has been previously spent on the basement because of the ongoing water issues.

The Public Works Director emphasized that based on EDiS Findings, it could be much more than \$250,000 though it could be less. Fortunately, the IT staff is in the basement sporadically because their duties require them to work in the field as well. Therefore, they are not there eight hours a day. He also noted that all terminus for fiber optic comes into city hall. If relocating, that alone will be a major project.

It was agreed that Council may need to decide whether or not City Hall is viable anymore. Mr. Norenberg pointed out that we still have staff working upstairs, in addition to the meetings that are held here on a regular basis.

The consensus was to investigate and based on the estimated costs, make some decisions at that point.

Councilmember Wilson feels this will provide Council with the ability to make an informed decision. As a result, she moved to authorize \$24,700 from general fund reserves and award EDiS with the professional services contract related to the City Hall Waterproofing and Restoration Project, seconded by Councilmember Peel. Motion carried.

Based on the water and frozen ground conditions, Mr. Whitfield anticipates the work will take at least three months.

Council Member Appointment/Community & Economic Development Committee

Mayor Campbell recommends Councilmember Culotta be appointed to the Community and Economic Development Committee, as a result of his business background, in addition to the Annexation Committee.

Councilman Brooks moved for approval, seconded by Councilmember Morrow. Motion carried.

EXECUTIVE SESSION

Councilmember Boyle moved to go into Executive Session reference the below statutes, seconded by Councilmember Mergner:

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 7:59 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 8:13 p.m.

Police Teamsters Negotiations

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

ADJOURNMENT

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

The Council Meeting adjourned at 8:15 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder