

MILFORD CITY COUNCIL
MINUTES OF MEETING
April 8, 2019

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, April 8, 2019.

PRESIDING: Mayor Archie Campbell

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

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

COUNSEL: Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:15 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 March 11, 2019 Committee and Council Meetings. Motion to approve made by Councilmember Brooks, seconded by Councilmember Morrow. Motion carried.

RECOGNITION

Miss Sussex County's Outstanding Teen 2019/Kristen Greenly

Mayor Campbell introduced Kristen Greenly, newly crowned Sussex County Outstanding Teen. Ms. Greenly stated she was born and raised in Milford and is presently a junior at Milford High School. She competes for Miss Delaware's Outstanding Teen on May 19, 2019 at Wesley College.

Chief Brown then introduced Officers John Badger and Marlon Ramos who graduated from the Delaware State Police Academy on February 14, 2019 and are currently in the Field Training program.

He then surprised Corporal Miles J. Kosiorowski with the first Quarter of the Year award. Corporal Kosiorowski was hired in February 2014, is a member of the motorcycle unit and is active in the field training program.

On February 25th while on patrol, Corporal Kosiorowski witnessed smoke coming from a residence, spoke with the family who was on the front porch with the exception of their teenage son. He then entered the residence to search the residence though fortunately no one was inside.

Chief Brown then had photos taken.

MONTHLY POLICE REPORT

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

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

Councilman James commended the police noting that he walks the Bicentennial Walkway frequently and recently has noticed a substantial clean up of the park and has even witnessed officers patrolling that area which has resulted in a much safer area. Chief Brown credited other police departments for their help in accomplishing that.

City Manager Norenberg reported that he had asked Chief Brown if his officer would report burned out streetlights that needed to be replaced. After that request, they came up with a list of over thirty of which half have been replaced and the remaining are being converted to LED.

He thanked the officers for taking the extra effort to handle those duties.

Councilmember Boyle moved to accept the monthly police report, seconded by Councilmember Mergner. Motion carried.

MONTHLY CITY MANAGER REPORT

City Manager Norenberg referenced his monthly report.

He also reported that Planner Director Rob Pierce hosted a meeting earlier about the State-designated Opportunity Zone in northern Milford. The room was packed with attendees from all over the State of Delaware with many interested in learning more about the program aimed to promote new investments into economically-distressed communities.

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

MONTHLY FINANCE REPORT

Finance Committee Chairman Morrow reported that through the eighth month of Fiscal Year 2018-2019 with 67% of the year having passed, 70% of revenues have been received and 60% of the operating budget expended.

He noted that the building permit and planning and zoning fees have well exceeded what was budgeted which he feels is a sign of things to come.

Councilmember Morrow moved to accept the February 2019 Finance Report, seconded by Councilmember Brooks. Motion carried.

COMMITTEE & WARD REPORTS

Northeast Tenth Street

Councilman Brooks reported there is a big pothole on Northeast Tenth Street that needs to be repaired.

Church and North Street Intersection

Councilmember Wilson also reported a large pothole that she had previously reported to the City Manager.

She also noted she had removed a large tree branch that way laying in the roadway and had broken off from a tree in the cemetery and asked that City staff check on it.

Parks and Recreation-Sponsored Community Clean-up Day

Councilman James commended those volunteers that assisted with the cleanup in the Fourth Ward, and in particular to Brad Dennehy and the Parks and Recreation staff and City Manager Eric Norenberg.

He said they will continue cleanup Northwest Second Street, Truitt Avenue and West Street beginning at 9 o'clock this coming Saturday.

Councilman James also offered to assist with any other cleanup projects in their wards, adding that it was a mission of his to make Milford a much more presentable town when he chose to run for Council.

Mr. Norenberg said Perdue Farms also participated and commended their initiative "Clean Streams" and volunteer in other towns they have facilities.

It was noted that there is no longer a spring or fall clean up and instead residents have the option for two bulk ups a year which can be scheduled at their convenience.

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

COMMUNICATION & CORRESPONDENCE

None to report.

UNFINISHED BUSINESS

Funding Source Authorization/Cemetery Equipment Loan

City Council approved a loan for Milford Cemetery to purchase equipment to aid with mowing and maintenance. Solicitor Rutt also composed a promissory note that has since been official signed. Unfortunately, the source of funding was not included in the motion.

Councilman James moved to authorize the funding for the cemetery loan for equipment purchase, as described in the promissory note, be paid from and reimbursed to General Fund Reserves, seconded by Councilwoman Wilson. Motion carried.

NEW BUSINESS

Introduction/Ordinance 2019-08/Zoning Code/Chapter 230/Article IV/ Off-Street Parking and Loading

City Manager Norenberg introduced the following ordinance:

ORDINANCE 2019-08
Chapter 230

The City of Milford hereby ordains:

SECTION 1.

That Article IV-Off Street Parking and Loading, Section 230.21(b), currently reads as follows:

<p>Medical and dental offices or clinics [Amended 7-14-1997]</p>	<p>From 1 per 100 square feet gross floor space for medical and dental offices or clinics to 1 per 150 square feet of gross floor area for medical and dental offices or clinics</p>
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SECTION 2.

That Article IV-Off Street Parking and Loading, Section 230.21(b) shall be modified where language deleted is shown stricken as follows:

Medical and dental offices or clinics [Amended 7-14-1997]	From 1 per 100 square feet gross floor space for medical and dental offices or clinics to 1 per 150 square feet of gross floor area for medical and dental offices or clinics
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SECTION 2. Dates.

City Council Introduction: April 8, 2019

Planning Commission Review: April 16, 2019

City Council Review/Public Hearing: April 22, 2019

Introduction/Ordinance 2019-12 Zoning Code/Chapter 230/§230-11 R-3/ Garden Apartment and Townhouse District

City Manager Norenberg introduced the following ordinance:

The City of Milford hereby ordains:

Section 1. Section 230-11(C) of the Zoning Code of the City of Milford is hereby amended by inserting language shown as italicized and underlined and removing language indicated by strikethrough.

§ 230-11. - R-3 Garden Apartment and Townhouse District.

In an R-3 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying

C. Conditional uses subject to special regulations. *All uses specified as conditional uses in the R-2 District and subject to its area regulations, and the* ~~The~~ following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with the provisions of Article IX of this chapter:

Section 2. Dates.

Council Introduction April 8, 2019

Planning Commission Public Hearing April 16, 2019

City Council Public Hearing April 22, 2019

Contract Award/Public Works Vehicles Truck S-4/Sewer Division

Truck S-9/Street Division

Truck S-5/Water Division

Public Works Director Mark Whitfield referenced the following memo:

The Public Works Department requests the Finance and Public Works Committee, and City Council, consider a recommendation to purchase two (2) replacement trucks: one dump truck with snow plow and salt spreader; and one hook truck with dump body, forestry body and flatbed body.

The dump truck will replace S-5, a 1995 Chevrolet dump truck with s snowplow. The hook truck will replace three different trucks with a single truck with multiple bodies. The trucks being replaced are S-4, a 1987 Chevrolet dump truck; SE-9, a 1990 International flatbed and E-105, a 1986 GMC bucket truck with forestry body.

The dump truck is used for various purposes but primarily for snow and ice removal. It will be equipped with a snowplow, an aluminum dump body and a tailgate salt spreader. The truck being replaced has had numerous maintenance issues including rusted brake lines, rusted out oil pan, rusted hinge pins as well as rusted frame rails. For reliability purposes, the replacement of the truck is imperative.

The hook truck will allow the Department numerous body configurations with a single truck. If all three trucks were purchased it would cost approximately \$377,000. In lieu, Mr. Whitfield is requesting an International Dump Truck with snowplow and salt spreader for \$147,838.62 and the purchase of one hook truck that can swap bodies and utilized various times of the year for \$204,267.07.

The forestry body is used for hauling wood chips from brush/tree trimming operations and the flat bed body with electric lift gate will be used for transporting refuse carts and collecting bulk items, as well as hauling pipe and other materials. The dump body will be used for hauling various materials

Funding for the truck purchases was included in the 2019 Capital Budget as follows:

S-5	Water Division	\$176,000
S-4	Sanitary Sewer Division	\$220,000

Mr. Whitfield reported this was reviewed by the Finance and Public Works Committee prior to the Council meeting.

It was confirmed that any purchase over \$50,000 must be authorized by City Council.

Councilman James pointed out the overall savings considering the cost of three vehicles which results in a savings of 170,000. In addition, replacing a 1995 vehicle that will need a minimum of \$100,000 in repairs with a new \$148,000 truck results in a collective savings of \$130,000. Councilman Mergner also pointed out there will be an insurance savings by having less vehicles. In addition, there will lesser costs associated with maintenance savings and the benefit of being able to use one flatbed truck to deliver several trash containers at one point.

Councilmember Peel moved to award the contract for the purchase of the International Dump Truck with snowplow and salt spreader for \$147,838.62 through the NJPA Contract #081716-NAV, and the purchase of one hook truck with a dump body, forestry body, and flatbed body for \$204,267.07 through NJPA Contract #081718-NAV, per the National Joint Purchasing Alliance as approved by the State of Delaware, with funding of \$147,838.62 from Water Capital Account 202-2020-432-70-42 and \$202,267.07 from the Sewer Capital Account 203-3030-432-70-42, seconded by Councilmember Mergner. Motion carried.

Staff Changes/Customer Service Office

City Accountant Suzannah Frederick asked Council consideration to hire two additional full-time staff at Customer Service.

At the Finance and Public Works Committee meeting earlier this evening, she discussed the growth over the past ten years. Real estate transfer tax in 2009 was 260,000 and was almost \$1 million the past three years. Customer service has also taken on the property tax duties. Interim tax bill duties have also increased and in 2007, the quarterly tax assessments totaled \$25,416. Last year, that increased to \$87,861 and in the first half of this year, it has exceeded \$88,000.

Councilman Morrow and Councilman Brooks both agreed it sounds like the City can pass on some tax reductions this year.

Of the developments in progress, Ms. Frederick reported there are 2,600 residential units planned, of which 1,059 have been completed. The remaining 1,500 units planned will involve additional staff time to set up and manage each utility and tax account.

She noted that 2,939 units have been recorded and are on the books.

Councilwoman Peel said it was discussed in the earlier committee meeting and was endorsed by its members.

As a result, she is requesting two additional positions for a total of \$145,000 to include salaries and benefits to be funded out the enterprise funds as is the norm for Customer Service.

Because of the time Ms. Frederick puts in at Customer Service and the Finance Director's impending retirement, they are hoping to backfill her position at the Finance Department and advertise for the position with a July 1st start date. The funding should be included in the next fiscal year though she does not expect it to exceed the current Finance Department's budget because of the change in structure.

However, there is a need to hire now due to the length of time it takes to hire a new employee.

Ms. Frederick clarified they wish to proceed with the two new customer service positions and hired as soon as possible. The third position is the accountant position at the Finance Department which have a start date of July 1st.

Two private consultants were hired to evaluate the needs of the Customer Service Department. Both identified the same weaknesses in the department that the City Manager, Finance Director and Ms. Frederick had already discussed.

She pointed out that up until 2015, it was known as the Billing Department and now it is Customer Service. With the relocation to the old PNC Bank, foot traffic has increased and the additional calls as a result of the additional customer accounts, has taken its toll.

She referenced all the permitting that goes along with a new house, the settlement paperwork, utility account set up and maintenance, staff is inundated with more work.

When asked if any employees have left, Ms. Frederick explained the customer service/supervisor/IT Specialist has been moved into a full time Software Support position. But that department has taken on the staff duties that used to be handled by a tax assessor and then by the City Clerk's Office. It was then moved to the Customer Service Department two and a half years ago. There have never been more employees hired as a result of the new duties, and instead staff was being handed the additional work.

Three staff members that know the utility billing and tax information are working a great deal of overtime which is a concern to her. She recalled Council authorizing an additional appropriation to cover those expenses, and that has been used. Besides the number of hours being put in, it is having a financial impact on their budget as well.

When asked the timeline, Mr. Norenberg pointed out the accountant position will depend on the caliber of the candidate. He feels it can probably be filled on July 1st though the process needs to be started based on the recruitment and selection timeline.

However, the positions in the Customer Service Department is much more critical. In addition, there is a long learning curve with the software and billing practices. Starting as soon as possible, that could involve a late May or early June start date.

As a result of our Spanish and Creole population growing, Councilwoman Wilson asked to consider hiring a bilingual candidate.

Councilwoman Peel moved to authorize hiring of two additional full-time Customer Service employees, as has been discussed, at an annual cost of \$145,000 for salaries and benefits, to be paid from the Enterprise Funds, seconded by Councilman Mergner. Motion carried.

Councilwoman Peel moved to begin the recruitment process by posting the need to fill the Accounting position in the Finance Department beginning on July 1, 2019, and associated costs and funding to be identified during the budget process, seconded by Councilman Mergner. Motion carried.

Staff Changes/Public Works Department

Public Works Director Whitfield said he is also experiencing some growing pains in terms of staff needs. Presently, the Public Works Department has a need to fill five positions. Those include the Electric Superintendent, City Engineer, Engineering Technician, Equipment Operator, and Electric Groundsman Technician.

He is also recommending the following positions be added to the Public Work Department:

Engineering Technician. Up until November 2014, the City employed a Utility Locator to handle all the Miss Utility locates that come in. Since that time and during the downturn, the City had been using a First Class Lineman to handle electric locates and an Equipment Operator to handle the water and sewer locates.

During 2014, the City had a full-time Utility Locator and roughly 1300 locates were being done. Last year, more than 3,000 locates were needed which takes up about 80% of the Equipment Operator and First-Class Lineman's time.

He believes it would be more prudent to hire an additional engineering tech to handle those job duties and to do utility locates as well as other inspection work. There are no monies needed at this time because the salary of the Engineering Tech that retired back in December was at the high end of the scale. As a result, two Engineering Technicians can be hired to fill the one vacant position, as well as the new position at no additional costs.

He is also recommending hiring an Administrative Assistant to help the clerical needs of the Electric Operations Manager, Solid Waste/Facilities Supervisor, City Engineer, and Water/Wastewater Facilities Supervisor. When asked to estimate how much time each of those staff members spent during administrative assistant type work, it would be prudent to hire a full-time administrative to assist those four employees and allow them to do more supervisory work and be responsive to the needs of the citizens and contractors.

The wage and benefit cost of the position will be roughly \$47,000. There is sufficient funding available due to the five vacant positions to cover those costs for an Administrative Assistant and would be added to next year's budget.

When asked why there are so many vacancies in the Public Works Department, Mr. Whitfield said a number were retirees, two have gotten new jobs and one was the result of a promotion.

Councilman Morrow said from an HR perspective, it would seem like there is a need to fill the vacant positions before it is determined that additional positions are needed. He said the Electric Superintendent already had an Administrative Assistant; Mr. Whitfield said it does not.

Councilman Morrow said he thought there was an Administrative Assistant there; Mr. Whitfield said they only have one Administrative Assistant for the entire department. Councilwoman Wilson asked which positions the Administrative Assistant is support staff for and whether it was Electric, Streets, and Sewer Departments. Mr. Whitfield said also Water, Engineering and Public Works.

Councilman Brooks had heard that Rick Carmean had an employee he was training to take his position when he left. City Manager Norenberg explained there are employees though he does not believe they were prepared for Mr. Carmean's retirement nor are they ready to fill the level needed for the superintendent in terms of an electrical engineering expert to do the work that is needed today.

Though there are some skilled in their positions, the challenge is finding someone with the electrical and technical background.

The City Manager also informed Council that they interviewed for the vacant position so Mr. Whitfield is asking permission to fill two positions.

Councilwoman Peel confirmed this was discussed by the Finance and Public Works Committee and there seemed to be no objectives.

Councilman James agreed adding that the Engineering Technician needs were straightforward. In regard to the Administrative Assistant position, Mr. Whitfield explained there are some individuals have to do some administrative assistant duties because their current Administrative Assistant is only part-time through a temp service. He has concerns with that due to the premium costs that come with temp labor in addition to the salary. As a result, there is a mark-up to the salary and it is always cheaper to hire our own employee. However, if a full-time person is hired, it would take the burden off the other managers so they could handle the duties that are not currently being accomplished.

He agrees that an Administrative Assistant can be hired at a much lower cost so that these higher paid employees are able to do those duties they are tasked to do.

Councilman Morrow asked what occurs if after we hire six people two weeks from now, what is the overall budget impact in the next fiscal year. Mr. Whitfield said the only increase will be the \$47,000 for an Administrative Assistant position. That would be paid by four departments within the Public Works Department.

Mr. Whitfield confirmed he does not currently need additional money, but will going forward.

Councilman Boyle moved to authorize to hire two Engineering Technicians at no additional funding this fiscal year and the cost of approximately \$110,000 in wages and benefits for next fiscal year will spread over the Electric, Water and Sewer Budgets and authorize an Administrative Assistant be hired at the Public Works Department with the associated \$47,000 wage and benefit costs to be spread over the Electric, Water, Sewer and Solid Waste Budgets, seconded by Councilman James. 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) Pending or Potential Litigation

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:10 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 8:48 p.m.

Previous and Pending Lawsuits

No action taken. Informational only.

Council Appointees Evaluations/Recommendations

Chief Brown:

Councilmember Wilson made a motion to accept the information discussed and provide a 5% increase for Chief Brown, seconded by Councilman James. Motion carried.

City Manager Norenberg:

Councilmember Wilson moved that "in accordance with the City Manager's employment agreement dated November 23, 2015, as amended, the City Manager shall for fiscal year 2019-2020 receive the same COLA increase approved for

all non-union employees, plus a merit increase, which combined, shall not exceed 3% of his current salary.” Motion seconded by Councilmember James. Motion carried.

When asked about the second amendment, Solicitor Rutt read the following:

Upon commencing employment, the City Manager shall be credited with 80 hours sick leave and 160 vacation leave. The City Manager shall then accrue sick leave and vacation leave in accordance with other non-collective bargaining City Employees, except however, the City Manager may accrue up to 360 vacation hours.

Mr. Rutt said what it should say is ‘the City Manager shall then accrue sick leave in accordance with other non-collective bargaining City Employees, and shall receive 160 hours of vacation per year.’

Councilmember Wilson moved to amend the City Manager’s contract to accrue sick leave in accordance with other non-collective bargaining City Employees, and receive 160 hours of vacation per year.’

Adjournment

There being no further business, Councilmember Peel moved to adjourn, seconded by Councilmember Mergner. Motion carried.

The Council meeting was adjourned at 8:53 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder