

City of Milford



CITY COUNCIL AGENDA

August 8, 2016 - 7:00 P.M.

Joseph Ronnie Rogers Council Chambers
Milford City Hall
201 South Walnut Street
Milford, Delaware

COUNCIL MEETING

Call to Order - Mayor Bryan Shupe

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

Milford Police Department Officers**

Monthly Police Report

Monthly City Manager Report

Monthly Finance Report

Committee & Ward Reports

Communications & Correspondence

Unfinished Business

New Business

SE Milford Storage Tank Project/CB&I Change Order 6***

Introduction/Ordinance 2016-13/Chapter 165/Parks & Recreation Code Amendment

Proposed Resolution 2016-12/Parks & Recreation Fees

Recess into Executive Session

{Pursuant to 29 Del. C. §10004(b)(4)} (Collective Bargaining Update)

Return to Open Session

Teamsters Local 326 Agreement

IBEW Potential Election

Adjourn

This agenda shall be subject to change to include additional items including executive sessions or the deletion of items including executive sessions which arise at the time of the public body's meeting.

SUPPORTING DOCUMENTS MUST BE SUBMITTED TO THE CITY CLERK IN ELECTRONIC FORMAT NO LATER THAN ONE WEEK PRIOR TO MEETING;
NO PAPER DOCUMENTS WILL BE ACCEPTED OR DISTRIBUTED AFTER PACKET HAS BEEN POSTED ON THE CITY OF MILFORD WEBSITE.

060116 072816 *080216 Late Addition/Advised Same Date **080416 Late Addition Requested by Chief Brown ***080416 Late Addition by Mayor Shupe

CITY OF MILFORD

DELAWARE



"THE GARDEN CITY OF TWIN COUNTIES"

OFFICE OF THE CHIEF OF POLICE
KENNETH L. BROWN

400 N.E. FRONT STREET
MILFORD, DE 19963
(302) 422-8081 FAX (302) 424-2330

TO: Mayor and Members of City Council

FROM: Kenneth L. Brown, Chief of Police

DATE: August 3, 2016

RE: Activity Report/Jul 2016

Monthly Stats:

A total of 655 arrests were made by the Milford Police Department during July 2016. Of these arrests, 163 were for criminal offenses and 492 for traffic violations. Criminal offenses consisted of 39 felonies and 124 misdemeanors. Traffic violations consisted of 105 Special Duty Radar, 4 Drunk-Driving charges, 383 other.

Police officers investigated 67 accidents during the month and issued 181 written reprimands. In addition, they responded to 1398 various complaints including city requests and other agency assistance.

Monthly Activities:

Sgt. Horsman attended the Smith and Wesson Firearms Training Recertification course in Springfield, MA. Two officers attended the Officer Involved Shootings course at the DSP Training Academy. Four officer were trained in Police Motorcycle Operations and all received their certification. One officer attended the NTOA SWAT Mitigation Training course. Two officers attended the Gang Intelligence course at Dover Police Department.

SRO:

Sgt. Masten and Cpl. Bloodsworth spoke to children at the Brandywine Center for Autism about what we do and showed the children some of our equipment.

Sgt. Masten met with Milford School District administration about current security plans and some possible changes in future plans.

Sgt. Masten spoke with two groups of City of Milford employees about tactics to use in the case of an "active shooter".

Sgt. Masten met with the Safety Team at Avenue United Methodist Church and discussed their safety procedures and gave them a presentation on tactics to use in the case of an "active shooter".

Sgt. Masten joined City of Milford leaders and accepted an invitation to speak at a church on Marshall St as part of an ongoing outreach effort to the Haitian community. He spoke about Milford's annual night out and answered questions about our services.

K9 Unit:

For the month of July the Milford Police Department K9 unit had the following stats:

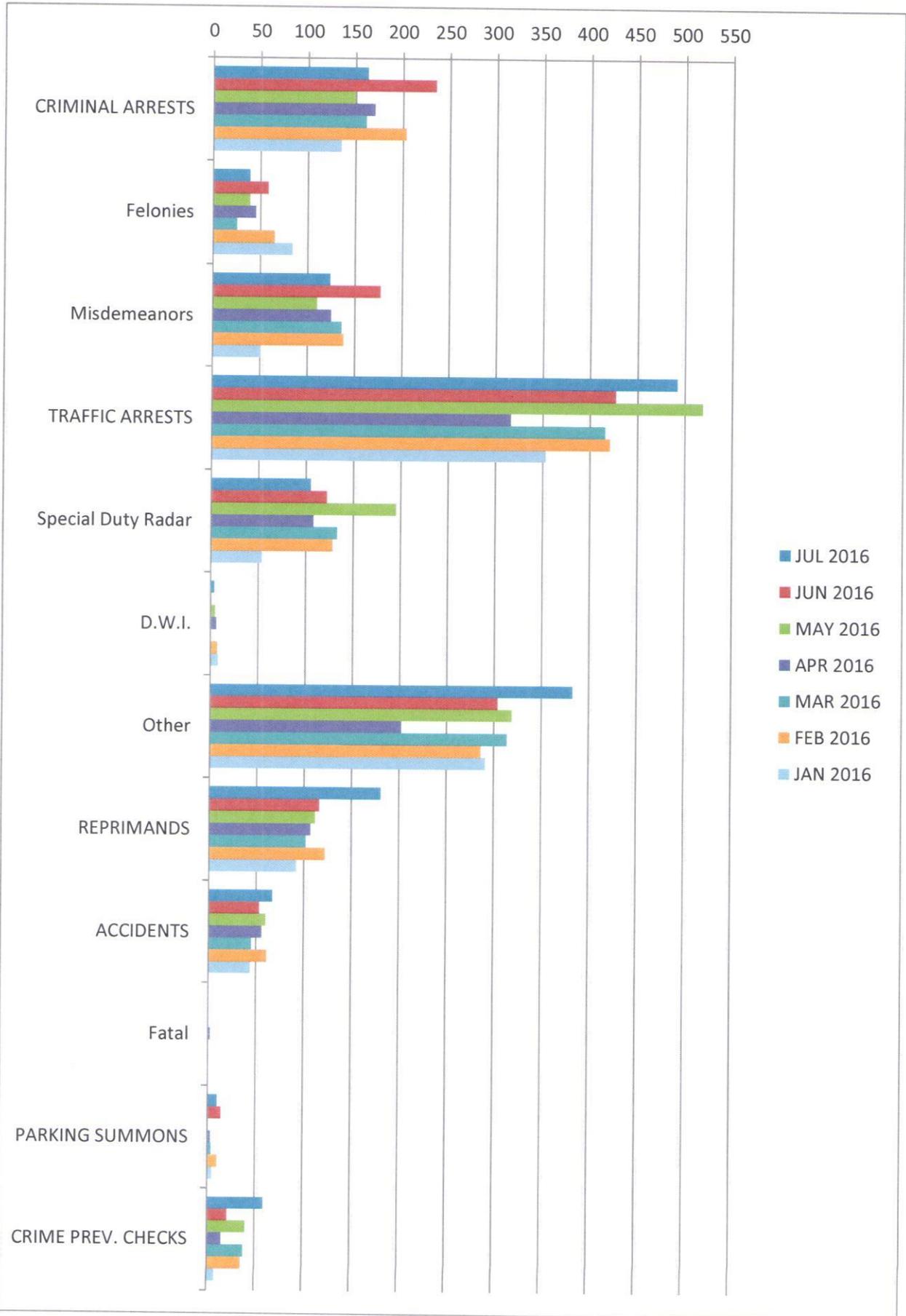
- Utilized 17
- Drugs 5
- Tracks 2
- No Bite Apprehensions 2 (burglary suspects)
- Assist Other Agencies 2 (Troop 3 & 7)
- Building Searches 1
- Deployed as Precaution 4
- Crowds 1
- Demo's 1

Seized Items

14.1 grams of Marijuana (street value \$280) numerous paraphernalia items

JUL 2016 ACTIVITY REPORT

| | JUL 2016 | TOTAL 2016 | JUL 2015 | TOTAL 2015 |
|--------------------|-------------|--------------|--------------|--------------|
| COMPLAINTS | 1398 | 8782 | 1266 | 8462 |
| CRIMINAL ARRESTS | 163 | 1216 | 157 | 1330 |
| Felonies | 39 | 355 | 43 | 304 |
| Misdemeanors | 124 | 861 | 114 | 1026 |
| TRAFFIC ARRESTS | 492 | 2944 | 482 | 3276 |
| Special Duty Radar | 105 | 845 | 165 | 1169 |
| D.W.I. | 4 | 31 | 6 | 34 |
| Other | 383 | 2099 | 311 | 2073 |
| REPRIMANDS | 181 | 832 | 119 | 832 |
| ACCIDENTS | 67 | 386 | 65 | 370 |
| Fatal | 0 | 2 | 0 | 0 |
| PARKING SUMMONS | 10 | 47 | 6 | 80 |
| CRIME PREV. CHECKS | 59 | 216 | 23 | 219 |
| FINES RECEIVED | \$10,143.34 | \$ 52,312.36 | \$ 10,329.83 | \$ 67,347.37 |





OFFICE OF THE CITY MANAGER
ERIC NOREBERG, ICMA-CM
302.424.3712, FAX 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963
www.cityofmilford.com

Online City Manager Update July 2016 Activity August 8, 2016

ADMINISTRATION/FINANCE

PARKS & RECREATION DEPARTMENT

The Fall program has been uploaded as a .pdf on the City website; not all offerings are loaded on the online registration site as of yet.

The second field hockey clinic was held July 18-21 at the Milford High School.

The second session of tennis instruction was held July 11-14 at Milford High School.

Summer playground finished its 5-week program, with a variety of activities, events, and day trips.

Our pre-school "Kiddie Kamp" was held July 25-29 at the Parks & Rec Building for ages 3-5. Fun and learning was shared by all.

4th & 5th grade Wednesday night soccer is ongoing and is held at Marvel Square.

The summer conditioning program is in full swing. This is for boys and girls in 6th-8th grades who are interested in staying physically active over the summer so they will be ready for fall sports.

We received a \$1,000 donation from the Piece Makers Quilting Guild which will be used for the purchase of new folding tables in the Parks & Rec conference room.

The Dog Park was closed for a couple of weeks in July while some maintenance was performed. A new irrigation system was trenched in and the Electric Division installed electric to the park for the control system for the irrigation, and some additional areas of concrete were poured. Both sections of the Dog Park are now open to the public and we are looking forward to automatic watering of the grass areas.

A new aerator and seeder have been ordered and will assist in our turf management program.

Ongoing maintenance of parklands, sporting fields and flower beds, including cutting and weeding, fertilization, irrigation and watering of flowers.

Several private events were held in the Parks during July, including our first marriage ceremony conducted on Goat Island.

PLANNING & ECONOMIC DEVELOPMENT

Enforcement & Inspections Division

Code Enforcement Case Activity

New Cases: 41

Closed Cases: 17

Open at Start of Month: 240

Open at End of Month: 271

Code Enforcement Violation Activity

Abandoned Vehicle: 7

Dangerous Tree: 0

Furniture: 5
Generic: 0
Property Maintenance: 1
Rubbish & Garbage: 1
Weeds & Grass: 27
Zoning Use: 0
Total: 41

Rental Inspections Performed: 1
Rental Licenses Issued: 5
Vendor Licenses Issued: 0
Contractors Licenses Issued: 17

Building Permits Issued
Commercial Foundation: 0
Commercial Building Permit: 5
Demolition: 2
Residential New Construction: 2
Residential Renovation/Accessory Structure: 8
Roof/Siding: 5
Solar Panels: 6
Utility (Electric/Water): 4
Total: 32

Staff investigated and resolved several minor property maintenance issues without issuing violation notices. City Council approved miscellaneous repairs, painting and maintenance work on City Hall building.

Planning & Economic Activities Division

Attended Regional Bike Plan Update workgroup meeting for the Dover/Kent Metropolitan Planning Organization (MPO). The group will meet every month for the next year to update the regional bike plan. Submitted application for Cycling Infrastructure Grant for improvements along Marshall St, SE Second and Franklin Streets. Grant money would be used to develop a concept plan for improvements that would better connect the Southeast Area of the City with the Riverwalk and Downtown. Comprehensive Plan survey has been posted on the City's website and paper copies have been made available at City Hall and the Customer Service Building. Surveys will be open until the end of September. Results will be used to guide discussions through the Comprehensive Plan update process.

PUBLIC WORKS DEPARTMENT

After a full week on the job, Mark Whitfield, Public Works Director, has become familiar with the various operations of the department, including learning the locations and operations of the various facilities, from pump stations, to wells, to buildings, to electric lines. He has been involved with several meetings regarding the Bayhealth project, and the various public works improvements as part of the project. After meeting with Jason Loar of Davis, Bowen & Friedel, Inc, he is familiar with the various projects in progress and those on the horizon and upon meeting with Jeff Portmann, Finance Director, is familiar with the budget and capital plan. Mr. Whitfield stated he has been impressed with the work ethic and passion of the various city employees he has met.

Electric Division

Closed Work Orders/Trouble Service Calls: 45
Open Work Orders at End of Month: 18
New Electric Services Installed: 7
Preventative Maintenance/Trees Trimmed: 9

Miss Utility Locates: 127

Majority of the month was spent replacing poles on Rust Rd; new poles set, old removed and services transferred. Dead end pole was set at Rust and Calhoun roads.

Set a new pole, installed wiring and set a new meter pedestal to provide electric service to Parks and Recreation's dog park.

Prepared and hung a new capacitor bank on S Rehoboth Blvd.

Set a transformer and pulled primary to new chicken houses for Hill's Farm on Milford-Harrington Hwy.

Streets & Solid Waste Division

Pick Ups and Deliveries

Bulk Pick Up: 19

New Container Delivery: 14

Additional Container-Trash: 0

Additional Container-Recycle: 1

Additional Container-Yard Waste: 1

Change Container Size: 8

Damaged/Replaced Container Replacement: 7

After Hours Calls: 0

Truitt Avenue/Cemetery Roads project is substantially complete with only a few punch list items to be completed. The Water & Sewer Division worked with the contractor to adjust meter pits, prior to paving. Catch basin repairs were completed at Kings Hwy & Woodland Dr., Independence Commons, Business Park and Milford Hospital.

A driveway pipe was repaired and paving restoration was completed on W Thrush Dr.

Potholes and surface repairs were made at N Walnut St, Kingston Terrace, Lakelawn Dr. and Meadow Lark Dr. Removed two dead trees on Lovers Ln and also two trees from the NE Front St in the municipal parking lot for Parks & Rec Dept. Cleaned a tree up on city property that was hitting the State Annex building near the Riverwalk.

Gateway sign old posts were removed, painted and installed new posts in preparation for the newly designed sign that was installed on State Route 1/U.S. 113 off ramp.

Fall clean-up week dates have been selected for October 10–14; details will be posted in the local paper, City website and on social media.

Water & Wastewater Division

Repaired two leaks on N Washington St, a leak on Marshal St. & Gilcrest St., and with assistance from the Street Division, repaired a leak on N. Walnut St. & Buccaneer Dr.

Two sewer laterals were installed, one at 4 James Dr. for a new home and one at 200 Fisher Ave.

Assisted in setting a new concrete slab with an access hatch at the L.D. Caulk Company West Plant.

Assisted a contractor installing a new grinder at the Lighthouse Pumping Station.

Solid Waste/Recycling/Yard Waste Diversion*

| | Solid Waste Tonnage | Curbside Recycling | Drop Off Recycling | Yard Waste | Total | Diversion |
|-------------------|---------------------|--------------------|--------------------|------------|---------|-----------|
| 2013 | 3903.34 | 617.90 | 213.77 | 473.85 | 5208.86 | 25.1% |
| 2014 | 3206.04 | 645.88 | 243.90 | 472.08 | 4567.90 | 29.8% |
| 2015 | 3077.95 | 642.20 | 407.07 | 304.55 | 4431.77 | 30.5% |
| 2016 (YTD) | 1494.95 | 310.26 | 185.51 | 207.26 | 2197.98 | 32.0% |

| | Solid Waste Tonnage | Curbside Recycling | Drop Off Recycling | Yard Waste | Total | Diversion |
|--|---------------------|--------------------|--------------------|------------|-------|-----------|
|--|---------------------|--------------------|--------------------|------------|-------|-----------|

| | | | | | | |
|--------------|--------|-------|-------|-------|--------|-------|
| April | 258.50 | 44.77 | 30.34 | 43.58 | 377.19 | 31.5% |
| May | 263.14 | 51.01 | 34.19 | 45.61 | 393.95 | 33.2% |
| June | 271.64 | 59.25 | 30.14 | 59.10 | 420.13 | 35.3% |

*The amount of waste diverted from the landfill through the recycling and yard waste programs.

**CITY OF MILFORD
FUND BALANCES REPORT**

Date: JUNE 2016

| | |
|---|-------------|
| Cash Balance - General Fund Bank Balance | \$2,263,090 |
| Cash Balance - Electric Fund Bank Balance | \$2,887,972 |
| Cash Balance - Water Fund Bank Balance | \$482,661 |
| Cash Balance - Sewer Fund Bank Balance | \$1,135,737 |
| Cash Balance - Trash Fund Bank Balance | \$279,280 |

| | General <u>Improvement</u> | Municipal <u>Street Aid</u> | Real Estate <u>Transfer Tax</u> | Solid Waste <u>Reserves</u> |
|----------------------------|-------------------------------|--------------------------------|------------------------------------|--------------------------------|
| Beginning Cash Balance | 418,265 | 1,306,162 | 1,629,000 | 0 |
| Deposits | | | 35,473 | |
| Interest Earned this Month | 117 | 439 | 567 | |
| Disbursements this Month | (90,080) | (18,448) | (48,334) | |
| Investments | | | | 250,000 |
| Ending Cash Balance | \$328,302 | \$1,288,153 | \$1,616,706 | \$250,000 |

| | GF Capital <u>Reserves</u> | Water Capital <u>Reserves</u> | Sewer Capital <u>Reserves</u> | Electric <u>Reserves</u> |
|----------------------------|-------------------------------|----------------------------------|----------------------------------|-----------------------------|
| Beginning Cash Balance | 1,781,798 | 7,163,818 | 3,411,077 | 6,737,237 |
| Deposits | | | | |
| Interest Earned this Month | 15 | 58 | 29 | 55 |
| Disbursements this Month | (230) | (17,131) | (63,351) | (868) |
| Investments | 250,000 | | | |
| Ending Cash Balance | \$2,031,583 | \$7,146,745 | \$3,347,755 | \$6,736,424 |

| | Water <u>Impact Fee</u> | Sewer <u>Impact Fee</u> | Electric <u>Impact Fee</u> | Economic Development <u>Fund</u> |
|----------------------------|----------------------------|----------------------------|-------------------------------|-------------------------------------|
| Beginning Cash Balance | \$1,459,189 | 947,954 | 425,715 | 875,483 |
| Deposits | 14,721 | 7,777 | 4,200 | |
| Interest Earned this Month | | | | |
| Disbursements this Month | | | | (\$240,225) |
| Investments | | | | |
| Ending Cash Balance | \$1,473,910 | \$955,731 | \$429,915 | \$635,258 |

INTEREST THROUGH THE TWELTH MONTH OF THE FISCAL YEAR:

| | | | |
|--------------------------|--------|------------------------|-------|
| General Fund | 12,046 | Water Fund | 2,662 |
| GF Capital Reserves | 1,578 | Water Capital Reserves | 5,747 |
| Municipal Street Aid | 2,426 | Sewer Fund | 2,328 |
| Real Estate Transfer Tax | 3,241 | Sewer Capital Reserves | 2,956 |
| Electric Fund | 7,143 | Trash Fund | 6,945 |
| Electric Reserves | 4,912 | | |

TOTAL INTEREST EARNED TO DATE \$51,984

REVENUE REPORT

Page Two

Date: June 2016

AMOUNT BUDGETED

MTD

YTD

100% of Year Expended

YTD%

ACCOUNT

| | | | | |
|--|---------------------|--------------------|---------------------|---------------|
| Economic Development Fund | 182,755 | 55,345 | 182,755 | 100.00% |
| General Fund Reserves | 304,300 | 36,249 | 186,025 | 61.13% |
| Realty Transfer Tax-Police | 575,000 | 48,333 | 575,000 | 100.00% |
| Real Estate Tax | 3,731,000 | 2,263 | 3,767,182 | 100.97% |
| Business License | 35,000 | 1,700 | 38,075 | 108.79% |
| Rental License | 85,000 | 800 | 87,175 | 102.56% |
| Building Permits | 60,000 | 7,509 | 90,320 | 150.53% |
| Planning & Zoning | 18,200 | 4,012 | 24,150 | 132.69% |
| Grasscutting Revenue | 16,000 | 3,000 | 16,000 | 100.00% |
| Police Revenues | 437,000 | 77,955 | 434,383 | 99.40% |
| Misc. Revenues | 268,000 | 55,655 | 292,323 | 109.08% |
| Transfers From | 3,215,480 | 267,956 | 3,215,480 | 100.00% |
| Total General Fund Revenues | \$8,927,735 | \$560,777 | \$8,908,868 | 99.79% |
| Water Revenues | 2,901,930 | 262,341 | 2,825,601 | 97.37% |
| Sewer Revenues | 2,306,500 | 233,998 | 2,588,988 | 112.25% |
| Kent County Sewer | 1,700,000 | 168,936 | 1,845,419 | 108.55% |
| Solid Waste Revenues | 1,113,855 | 85,921 | 1,090,113 | 97.87% |
| Electric Revenues | 26,185,126 | 2,238,086 | 25,095,746 | 95.84% |
| TOTAL REVENUES | \$43,135,146 | \$3,550,059 | \$42,354,735 | 98.19% |
| YTD Enterprise Expense | | 67,775 | | |
| YTD Enterprise Revenue | | 77,620 | | |
| LTD Carlisle Fire Company Building Permit Fund | | 127,938 | | |

EXPENDITURE REPORT

Page Three

Date: June 2016

100% of Year Expended

| ACCOUNT | AMOUNT BUDGETED | MTD | YTD | YTD% | UNEXPENDED BALANCE |
|---|--------------------|-----------------|------------------|---------------|-----------------------|
| City Manager | | | | | |
| Personnel | 455,732 | \$45,461 | 435,580 | 95.58% | 20,152 |
| O&M | 169,928 | \$8,810 | 154,582 | 90.97% | 15,346 |
| Capital | 0 | \$0 | 0 | | 0 |
| Total City Manager | \$625,660 | \$54,271 | \$590,162 | 94.33% | 35,498 |
| Planning & Zoning | | | | | |
| Personnel | 164,730 | \$21,741 | 167,985 | 101.98% | (3,255) |
| O&M | 43,330 | \$2,687 | 39,310 | 90.72% | 4,020 |
| Capital | 0 | \$0 | 0 | | 0 |
| Total P, C & I | \$208,060 | \$24,428 | \$207,295 | 99.63% | 765 |
| Code Enforcement & Inspections | | | | | |
| Personnel | 150,420 | \$18,636 | 147,620 | 98.14% | 2,800 |
| O&M | 67,940 | \$8,772 | 46,896 | 69.03% | 21,044 |
| Capital | 0 | \$0 | 0 | | 0 |
| Total P, C & I | \$218,360 | \$27,408 | \$194,516 | 89.08% | 23,844 |
| Council | | | | | |
| Personnel | 31,225 | \$3,849 | 31,161 | 99.80% | 64 |
| O&M | 48,130 | \$2,711 | 43,503 | 90.39% | 4,627 |
| Council Expense | 22,115 | \$2 | 20,907 | 94.54% | 1,208 |
| Contributions | 211,000 | \$0 | 211,000 | 100.00% | 0 |
| Codification | 6,401 | \$0 | 6,400 | 99.98% | 1 |
| Employee Recognition | 11,495 | \$0 | 11,492 | 99.97% | 3 |
| Insurance | 24,365 | \$0 | 20,088 | 82.45% | 4,277 |
| DEDO/Downtown Grant | 23,250 | \$1,000 | 23,250 | 100.00% | 0 |
| Economic Development | 8,238 | \$1,950 | 8,238 | 100.00% | 0 |
| Armory Expenses | 13,216 | \$49 | 6,200 | 46.91% | 7,016 |
| Total Council | \$399,435 | \$9,561 | \$382,239 | 95.69% | 17,196 |
| Finance | | | | | |
| Personnel | 391,425 | \$57,214 | 385,267 | 98.43% | 6,158 |
| O&M | 58,855 | \$6,422 | 59,634 | 101.32% | (779) |
| Capital | 6,425 | \$0 | 6,424 | 99.98% | 1 |
| Total Finance | \$456,705 | \$63,636 | \$451,325 | 98.82% | 5,380 |
| Information Technology | | | | | |
| Personnel | 154,980 | \$14,298 | 117,745 | 75.97% | 37,235 |
| O&M | 177,100 | \$7,224 | 168,007 | 94.87% | 9,093 |
| Capital | 62,760 | \$0 | 62,683 | 99.88% | 77 |
| Total Information Technology | \$394,840 | \$21,522 | \$348,435 | 88.25% | 46,405 |

EXPENDITURE REPORT
Page Four

Date: June 2016

100% of Year Expended

| ACCOUNT | AMOUNT BUDGETED | MTD | YTD | YTD% | UNEXPENDED BALANCE |
|---------------------------------------|--------------------|------------------|--------------------|---------------|-----------------------|
| Police Department | | | | | |
| Personnel | 3,874,837 | \$484,102 | 3,783,548 | 97.65% | 91,089 |
| O&M | 519,868 | \$38,536 | 518,350 | 99.71% | 1,518 |
| Capital | 84,000 | \$0 | 80,900 | 96.31% | 3,100 |
| Total Police | \$4,478,505 | \$522,638 | \$4,382,798 | 97.86% | 95,707 |
| Streets & Grounds Division | | | | | |
| Personnel | 470,530 | \$46,665 | 398,172 | 84.62% | 72,358 |
| O&M | 458,605 | \$63,361 | 345,426 | 75.32% | 113,179 |
| Capital | 120,000 | \$0 | 114,996 | 95.83% | 5,004 |
| Debt Service | 17,140 | \$1,164 | 17,139 | 99.99% | 1 |
| Total Streets & Grounds | \$1,066,275 | \$111,190 | \$875,733 | 82.13% | 190,542 |
| Parks & Recreation | | | | | |
| Personnel | 578,680 | \$74,305 | 583,836 | 100.89% | (5,156) |
| O&M | 259,923 | \$28,176 | 232,243 | 89.35% | 27,680 |
| Capital | 241,292 | \$10,690 | 78,439 | 32.51% | 162,853 |
| Total Parks & Recreation | \$1,079,895 | \$113,171 | \$894,518 | 82.83% | 185,377 |
| Total General Fund | | | | | |
| Operating Budget | \$8,927,735 | \$947,825 | \$8,327,021 | 93.27% | 600,714 |

EXPENDITURE REPORT

Page Five

Date: June 2016

100% of Year Expended

| ACCOUNT | AMOUNT BUDGETED | MTD | YTD | YTD% | UNEXPENDED BALANCE |
|---|---------------------|--------------------|---------------------|---------------|-----------------------|
| Water Division | | | | | |
| Personnel | 310,855 | \$38,364 | 307,989 | 99.08% | 2,866 |
| O&M | 1,029,160 | \$79,961 | 869,545 | 84.49% | 159,615 |
| Capital | 583,000 | \$151,652 | 308,558 | 52.93% | 274,442 |
| Debt Service | 978,915 | \$59,006 | 844,236 | 86.24% | 134,679 |
| Total Water | \$2,901,930 | \$328,983 | \$2,330,328 | 80.30% | 571,602 |
| Sewer Division | | | | | |
| Personnel | 310,855 | \$38,358 | 307,960 | 99.07% | 2,895 |
| O&M | 1,151,560 | \$60,648 | 967,382 | 84.01% | 184,178 |
| Capital | 286,630 | \$234,249 | 285,578 | 99.63% | 1,052 |
| Debt Service | 557,455 | \$148,547 | 557,886 | 100.08% | (431) |
| Sewer Sub Total | \$2,306,500 | \$481,802 | \$2,118,806 | 91.86% | 187,694 |
| Kent County Sewer | 1,700,000 | \$168,743 | 1,845,418 | 108.55% | (145,418) |
| Total Sewer | \$4,006,500 | \$650,545 | \$3,964,224 | 98.94% | 42,276 |
| Solid Waste Division | | | | | |
| Personnel | 390,810 | \$42,746 | 377,723 | 96.65% | 13,087 |
| O&M | 723,045 | \$54,238 | 621,125 | 85.90% | 101,920 |
| Capital | 0 | \$0 | 0 | | 0 |
| Total Solid Waste | \$1,113,855 | \$96,984 | \$998,848 | 89.67% | 115,007 |
| Total Water, Sewer Solid Waste | \$8,022,285 | \$1,076,512 | \$7,293,400 | 90.91% | 728,885 |
| Electric Division | | | | | |
| Personnel | 1,256,805 | \$144,945 | 1,190,855 | 94.75% | 65,950 |
| O&M | 1,746,226 | \$128,261 | 1,489,563 | 85.30% | 256,663 |
| Transfer to General Fund | 2,500,000 | \$208,333 | 2,500,000 | 100.00% | 0 |
| Capital | 712,500 | \$524,760 | 702,369 | 98.58% | 10,131 |
| Debt Service | 344,595 | \$94,022 | 344,595 | 100.00% | 0 |
| Electric Sub Total | \$6,560,126 | \$1,100,321 | \$6,227,382 | 94.93% | 332,744 |
| Power Purchased | 19,625,000 | \$1,547,123 | 18,366,281 | 93.59% | 1,258,719 |
| Total Electric | \$26,185,126 | \$2,647,444 | \$24,593,663 | 93.92% | 1,591,463 |
| TOTAL OPERATING BUDGET | \$43,135,146 | \$4,671,781 | \$40,214,084 | 93.23% | 2,921,062 |

INTERSERVICE DEPARTMENTS REPORT

Page Six

Date: June 2016

| ACCOUNT | AMOUNT BUDGETED | MTD | YTD | 100% of Year Expended YTD% | UNEXPENDED BALANCE |
|--|--------------------|---------------|------------------|-------------------------------|-----------------------|
| Garage | | | | | |
| Personnel | 87,380 | 10,303 | 86,343 | 98.81% | 1,037 |
| O&M | 73,580 | 4,067 | 45,023 | 61.19% | 28,557 |
| Capital | 0 | 0 | 0 | | 0 |
| Total Garage Expense | \$160,960 | 14,370 | \$131,366 | 81.61% | 29,594 |
| Public Works | | | | | |
| Personnel | 162,720 | 8,085 | 71,614 | 44.01% | 91,106 |
| O&M | 211,075 | 31,145 | 162,243 | 76.87% | 48,832 |
| Capital | 0 | 0 | 0 | | 0 |
| Total Public Works Expense | \$373,795 | 39,230 | \$233,857 | 62.56% | 139,938 |
| Billing & Collections | | | | | |
| Personnel | 539,665 | 61,936 | 525,035 | 97.29% | 14,630 |
| O&M | 210,420 | 15,303 | 194,203 | 92.29% | 16,217 |
| Capital | 18,000 | 0 | 17,285 | 96.03% | 715 |
| Total Billing & Collections | \$768,085 | 77,239 | \$736,523 | 95.89% | 31,562 |
| City Hall Cost Allocation | | | | | |
| Personnel | 0 | 0 | 0 | | 0 |
| O&M | 57,630 | 5,886 | 49,659 | 86.17% | 7,971 |
| Capital | 0 | 0 | 0 | | 0 |
| Total City Hall Cost Allocation | \$57,630 | 5,886 | \$49,659 | 86.17% | 7,971 |

ALL COSTS SHOWN ON PAGE 6 ARE ALSO INCLUDED IN THE VARIOUS DEPARTMENTS LISTED ON PAGES 3-5 OF THE EXPENDITURE REPORT WHO UTILIZE THE SERVICES OF THE DEPARTMENTS LISTED ABOVE. INTERSERVICE FUNDS ARE ENTIRELY FUNDED BY OTHER CITY DEPARTMENTS.

| | |
|--|---------------------------------|
| Date of Issuance: July 27, 2016 | Effective Date: |
| Owner: City of Milford | Owner's Contract No.: |
| Contractor: CB&I, Inc. | Contractor's Project No.: |
| Engineer: Davis, Bowen & Friedel, Inc. | Engineer's Project No.: 052A138 |
| Project: Elevated Storage Tank | Contract Date: June 13, 2014 |

The Contract is modified as follows upon execution of this Change Order:

Description: Project Change Order - Final Adjustment

Attachments: Final Unit Price Adjustment Spreadsheet

| CHANGE IN CONTRACT PRICE | CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i> |
|---|--|
| Original Contract Price: <u>\$ 2,264,330.00</u> | Original Contract Times: Calendar Days Substantial Completion: <u>450</u> Ready for Final Payment: <u>480</u> days |
| Increase from previously approved Change Orders: <u>\$ 2,482.11</u> | Increase from previously approved Change Orders: Substantial Completion: <u>45</u> Ready for Final Payment: <u>-0-</u> days |
| Contract Price prior to this Change Order: <u>\$ 2,266,812.11</u> | Contract Times prior to this Change Order: Substantial Completion: <u>495</u> Ready for Final Payment: <u>525</u> days or dates |
| Increase of this Change Order: <u>\$ (14,000.00)</u> | Increase of this Change Order: Substantial Completion: <u>44</u> Ready for Final Payment: <u>-0-</u> days |
| Contract Price incorporating this Change Order: <u>\$ 2,252,812.11</u> | Contract Times with all approved Change Orders: Substantial Completion: <u>539</u> Ready for Final Payment: <u>569</u> days |

| | | |
|-------------------------|------------------------------|-----------------------------------|
| RECOMMENDED: | ACCEPTED: | ACCEPTED: |
| By: <u>[Signature]</u> | By: _____ | By: <u>[Signature]</u> |
| Engineer (if required) | Owner (Authorized Signature) | Contractor (Authorized Signature) |
| Title: <u>Principal</u> | Title: <u>City Manager</u> | Title: <u>PROJECT MANAGER</u> |
| Date: <u>8/4/16</u> | Date: _____ | Date: <u>8-2-16</u> |

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____

EXHIBIT A

**S.E. MILFORD ELEVATED STORAGE TANK PROJECT
CONTRACTOR: C B & I INC.
FINAL UNIT PRICE ADJUSTMENT SPREADSHEET
July 27, 2016**

| Item | Description | Unit | Est. Qty. | BID Price | Total Bid | Actual Qty. | Actual Total | Difference |
|---|--|------|-----------|----------------|-----------------------|-------------|-----------------------|---------------------|
| 1 | Mobilization | LS | 1 | \$100,000.00 | \$100,000.00 | 1 | \$100,000.00 | \$0.00 |
| 2 | Furnish and Install 750,000 Gallon Spheroid Elevated Storage Tank | LS | 1 | \$1,511,130.00 | \$1,511,130.00 | 1 | \$1,511,130.00 | \$0.00 |
| 3 | Furnish and Install Tank Pile Foundation System | LS | 1 | \$400,000.00 | \$400,000.00 | 1 | \$400,000.00 | \$0.00 |
| 4 | Furnish and Install Test Pile/ Reaction Piles and Pile Load Test | LS | 1 | \$20,000.00 | \$20,000.00 | 1 | \$20,000.00 | \$0.00 |
| 5 | Furnish and Install Tank Logo on One Side of Tank | LS | 1 | \$10,000.00 | \$10,000.00 | 1 | \$10,000.00 | \$0.00 |
| 6 | Furnish and Install Project Site Work | LS | 1 | \$50,000.00 | \$50,000.00 | 1 | \$50,000.00 | \$0.00 |
| 7 | Furnish and Install Gravel Drive | SY | 1,100 | \$28.00 | \$30,800.00 | 1440 | \$40,320.00 | \$9,520.00 |
| 8 | Furnish and Install 8 Inch DI Pipe | LF | 30 | \$130.00 | \$3,900.00 | 60 | \$7,800.00 | \$3,900.00 |
| 9 | Furnish and Install 12 Inch DI Pipe | LF | 200 | \$300.00 | \$60,000.00 | 222 | \$66,600.00 | \$6,600.00 |
| 10 | Furnish and Install 8 Inch Valves | EA | 2 | \$2,000.00 | \$4,000.00 | 5 | \$10,000.00 | \$6,000.00 |
| 11 | Furnish and Install 12 Inch Valves | EA | 2 | \$3,500.00 | \$7,000.00 | 1 | \$3,500.00 | -\$3,500.00 |
| 12 | Furnish and Install Fire Hydrant Assembly | EA | 1 | \$3,500.00 | \$3,500.00 | 1 | \$3,500.00 | \$0.00 |
| 13 | Miscellaneous Excavation and Backfill for Test Pitting | CY | 25 | \$40.00 | \$1,000.00 | 0 | \$0.00 | -\$1,000.00 |
| 14 | Furnish & Place Select Backfill | CY | 100 | \$33.00 | \$3,300.00 | 0 | \$0.00 | -\$3,300.00 |
| 15 | Excavation Below Subgrade and Gravel Refill | CY | 50 | \$64.00 | \$3,200.00 | 0 | \$0.00 | -\$3,200.00 |
| 16 | Furnish and Install Misc. 4,000 PSI Concrete | CY | 5 | \$560.00 | \$2,800.00 | 0 | \$0.00 | -\$2,800.00 |
| 17 | Furnish and Install Additional Fittings | LBS. | 1000 | \$3.20 | \$3,200.00 | 150 | \$480.00 | -\$2,720.00 |
| 18 | Furnish and Install Piles to Greater Depth Than Stated By Contractor | VF | 250 | \$22.00 | \$5,500.00 | 1200 | \$26,400.00 | \$20,900.00 |
| 19 | Remove and Dispose of Existing Debris | CY | 500 | \$40.00 | \$20,000.00 | 15 | \$600.00 | -\$19,400.00 |
| 20 | Allowance for Steel and Paint Shop Inspection | LS | 1 | \$25,000.00 | \$25,000.00 | 0 | \$0.00 | -\$25,000.00 |
| Final Project Unit Price Adjustment Totals | | | | | \$2,264,330.00 | | \$2,250,330.00 | -\$14,000.00 |
| PREVIOUS CHANGE ORDERS | | | | | | | | |
| | CO #1 Additional Obstruction Light | | | | | | \$6,216.45 | \$6,216.45 |
| | CO #2 Logo Modification | | | | | | \$3,070.00 | \$3,070.00 |
| | CO #3 Delete Altitude Valve (Credit) | | | | | | -\$3,212.84 | -\$3,212.84 |
| | CO #4 Install Verizon Penetrations | | | | | | \$4,358.50 | \$4,358.50 |
| | CO # 5 Delete Chain Link Fence and Gate (Credit) | | | | | | -\$7,950.00 | -\$7,950.00 |
| Previous Contract Change Order Subtotal | | | | | \$0.00 | | \$2,482.11 | \$2,482.11 |
| Total Contract Amounts | | | | | \$2,264,330.00 | | \$2,252,812.11 | -\$11,517.89 |
| NOTE: City of Milford paid Mumford-Bjorkman \$16,514.13 for work associated with Item No. 20 | | | | | | | | |

PUBLIC NOTICE

The following Ordinance is currently under review by Milford City Council:

ORDINANCE 2016-13

WHEREAS, One of the missions of the City of Milford is to enhance the community's quality of life by providing well-designed and properly maintained parks, facilities and recreational opportunities for all residents; and

WHEREAS, it is necessary to amend Chapter 165 of the City of the City of Milford to provide for more efficient and effective operations of the City of Milford Parks and Recreation areas; preserve park facilities for long-term use; promote recreational opportunities for the community; and protect the health, safety and welfare of its citizens and all park users.

NOW, THEREFORE, Be It Ordained by the City of Milford that:

Section 1.

Chapter 165 of the Code of the City of Milford, entitled Parks and Recreation, is hereby amended as indicated below:

Chapter 165 - PARKS AND RECREATION

ARTICLE I - General

§ 165-1. - Definitions.

DIRECT ROUTE — The shortest and most direct path a person may travel to access the pedestrian bridge for the purpose of reaching the opposite side of the Bicentennial Park without any detour or additional stop in the park along the way.

~~**PARK AREA** — All city parks, playgrounds, recreation fields and areas.~~

PARK — The term park or park area includes all parks, playgrounds, recreation centers and fields, water areas, riverwalks, greenways, trails, nature preserves or other recreational areas and facilities thereon, under the jurisdiction, control or ownership of the City.

PARKS AND RECREATION DIRECTOR — City of Milford Parks and Recreation Director and any employee or designee thereof.

PERMIT—Document issued by or under the authority of the Parks and Recreation Director granting use of reserved park/facility area and which sets forth terms and conditions applicable thereto.

PERMITTEE — ~~Person granted and receiving approved permit.~~ Individuals, firms, associations, corporations, nonprofits and/or a combination thereof granted and receiving approved permit.

SPECIAL EVENT — Any outdoor meeting, activity, parade, gathering or group of persons, vehicles, or a combination thereof having a common purpose, design or goal, upon any public street, sidewalk, alley, park, beach or other public property, place or building, in a park or facility which special event substantially inhibits the usual flow of pedestrian or vehicular travel or which occupies any outdoor park area of any public area or building which results in use preempting normal use otherwise to be made of the area by the general public or which deviates from the established or customary use. ~~The term "special event" shall not be construed to include a funeral procession.~~

§ 165-2. – Fees **Fee Schedule**.

~~Fees for permits and services required by this chapter shall be established by resolution of City Council.~~ The list of park facilities and fees, based on the number of hours requested, shall be established by resolution of City Council.

§ 165-3. - Enforcement.

- A. The Milford Police Department, Code Enforcement Officials and Parks and Recreation Director shall enforce this chapter.
- B. Any city employee authorized to enforce this chapter, as provided herein, has the authority to eject from a park facility any person in violation of this chapter or any other law.

ARTICLE II - Parks and Recreation Rental Rules and Regulations.

§ 165-4. - Purpose.

The purpose of this article is to establish rules and regulations governing the operation and use of park and recreation facilities including established and designated park, picnic areas, buildings and shelters devoted to recreational purposes, athletic fields, bocce ball courts and other recreational areas and facilities, and the parking areas provided in connection therewith which are located within the Milford City limits, for the end and purpose that the public may obtain the maximum enjoyment and utilization thereof in accordance with the purposes intended, and that the facilities may be conserved and protected for the public good.

§ 165-5. - Hours.

A. All public parks, owned and operated by the City of Milford, shall be closed from sunset to sunrise daily, except where otherwise posted or permitted.

Exceptions:

- (1) Bicentennial Park—Persons traveling by foot or bike from the Franklin Street area to the Northeast Front Street area, or reverse, shall only be by direct route and must immediately exit the park upon completion.

- (a) Persons found congregating, standing, loafing or remaining in the park when required to take the direct route when the park is closed shall be considered in violation of this chapter.
- (2) Parks owned by City of Milford but managed and operated by Milford Little League.
- (3) Any other exception to the hours of operations shall require the approval of City Council.
- (4) Notice of any permitted exception must be provided to the Milford Police Department.

B. Any park or portion thereof may be closed to the public by the Parks and Recreation Director at any time and for any interval of time or for certain uses as he/she finds reasonably necessary.

§ 165-6. - Rules and regulations.

- A. Patrons shall remove all trash that is brought into the park.
- B. Dogs and other pets are not permitted in the parks during rentals or special events.
- C. Deposit shall be refunded only after buildings, grounds and/or equipment is inspected and found to be clean and without damage.
- D. No alcoholic beverages permitted. Refer to Chapter 77 of the City of Milford Code.
 - (1) Exception and Regulations.
 - (a) Alcoholic beverages may be sold and consumed at special events in parks only upon City Council approval of the written request to the City of Milford and receipt of the applicable permit from the State of Delaware Alcoholic Beverage Control Commission.
 - (b) The point of sale and consumption must be within a confined and designated service area with identified entrance/exit and barriers, low fencing, chains and stanchions or similar materials that will serve to define the area and restrict access.
 - (c) No alcohol may be taken outside the confined service area and is strictly prohibited on city streets and sidewalks beyond the boundaries of the designated area as posted by the event organizer.
 - (d) The event organizer is required to provide event identification to those persons twenty-one years of age or older who intend to purchase and consume alcohol at the special event in the park.
 - (e) Underage persons may be present in the confined service area if accompanied by a responsible adult.
 - (f) The Parks and Recreation Director will conduct an on-site inspection prior to the start of the event to ensure compliance with Article II of this code.
 - (g) Persons may only possess and consume alcohol made available at the event. No alcoholic beverages may be brought into the event.
 - (h) For safety reasons, all alcohol beverages must be served and consumed in plastic or paper cups or non-breakable containers.
 - (i) The event organizer must provide temporary or portable toilets. Such number will be determined by the Parks and Recreation Director whose decision will be based on the proposed number of attendees. Such temporary or portable toilets must be removed from the event site within twenty-four hours after the conclusion of the event for which the permit was granted.
 - (j) A security deposit, as determined by the Parks and Recreation Director and based on the anticipated number of participants, shall be paid at the time the organizer enters into an agreement for the use of the park. Security deposit will be refunded only if the area is left in good and undamaged condition and free of litter after a determination by the Parks and

Recreation Director. Security deposit shall be forfeited for repair or maintenance time to clean up the area. The security deposit is a separate payment than the rental fee. Refer to 2.03(e).

- E. The Parks and Recreation Director shall determine whether permittee is required to hire Special Duty Police Officers from the Milford Police Department.
- F. It is the responsibility of the permittee to rent portable restrooms if required.
- G. Noise levels must comply with Chapter 157 of the City of Milford Code.
- H. Special event hours are restricted to the following times:
 - (1) Monday-Saturday 9:00 a.m. to dusk.
 - (2) Sunday 12:00 noon to 7:00 p.m.
- I. Fire, health and safety regulations must be obeyed at all times.
- J. The Parks and Recreation Director reserves the right to refuse any application, revoke any approval of accepted application and/or cancel the proposed event which has been previously approved.

§ 165-7 – Application & Permit.

The Park, Pavilion or Equipment Reservation Application must be completed and signed by the applicant. ~~Approval by the Milford Parks and Recreation Department is required.~~ Upon approval by the Milford Parks and Recreation Director, a permit shall be issued.

Permits shall be required for the exclusive or special use of park grounds, areas, trails or facilities when they are otherwise closed to the public.

§ 165-8. - Hold harmless agreement & Certificate of Liability.

A Hold Harmless Agreement, releasing the City of Milford and its agents from all injury and liability of any kind arising from permittee's use and occupancy of city property must be signed by permittee and received by Milford Parks and Recreation Department before any permit will be issued.

A minimum of \$1 million liability insurance is required by a Special Event Permittee. Named as additional insured on the certificate shall be the City of Milford, its agents, officers, employees and volunteers. This certificate must be provided to the City of Milford for review no less than fifteen (15) days prior to the event.

~~ARTICLE III – Renting Prohibited~~

~~[\§ 165-9. – Facility rental; public access.]~~

~~Facilities funded by a source other than the City of Milford shall not be rented for an exclusive use. Such facilities are considered open to the public and cannot be denied access.~~

ARTICLE III – Smoking Prohibited.

§ 165-9. – Smoking.

Smoking is strictly prohibited in the parks.

ARTICLE IV - Milford Dog Park

§ 165-10. - Creation.

There is hereby established within the City of Milford a dog park for the purpose of allowing the off-leash exercise of dogs, provided that such dog is under the control of an owner/handler who is competent and knowledgeable relative to the behavior of said dog(s).

§ 165-11. - Rules and regulations.

As a condition of entering the Milford Dog Park, dog owners and handlers must read and agree to be bound by the following rules and regulations:

- (1) Park is open sunrise to sunset only.
- (2) All dogs must be licensed and wear current license and vaccine tags.
- (3) Dog owners/handlers assume all risks for injury or loss of any kind to themselves and their dogs.
- (4) Dog owners/handlers are legally responsible for any damage caused by the dog.
- (5) Dogs must be on a leash and under control at all times outside the fenced area.
- (6) Owners/handlers must carry a leash at all times and closely supervise their dogs. At no time may the owner/handler exit the fenced area without his/her dog(s).
- (7) Only people with dogs are permitted in the fenced area.
- (8) Each owner/handler must be above the age of 13 and shall not supervise more than two dogs while in the park.
- (9) Excessive barking is prohibited; dogs barking excessively must be removed.
- (10) Dogs exhibiting aggressive behavior are to be removed immediately.
- (11) Any waste left by the dog must be picked up immediately and properly disposed of in the containers provided. Owners/handlers may use old grocery sacks/bags.
- (12) Owners/custodians must fill any holes created by their dogs and report any observations of gaps or weaknesses in the boundary fencing to the Parks and Recreation Department.
- (13) No human or dog food, including treats, are allowed in the park for any reason.
- (14) Prohibited from entering the park are dogs with sickness, female dogs in heat, puppies under four months of age and all other domestic animals.
- ~~(15) Smoking is strictly prohibited in the park.~~

§ 165-12. - Violations; Penalties.

Infraction of the rules as stated in § 165-11 may result in temporary or permanent loss of park privileges. All other state and local laws apply.

ARTICLE V - Penalty for Violations.

§ 165-13. - Fines.

Any person found violating any clause or provision of any section of this chapter shall be fined not less than \$50.00 and not more than \$250.00, for each offense upon conviction thereof.

Section 2.

Dates.

Introduction: August 8, 2016

(Projected) Adoption: August 22, 2016

Ordinance shall become effective ten days following its adoption.

City of Milford



SECTION 1.02 OF CHAPTER 165 OF THE CITY OF MILFORD CODE ENTITLED PARKS AND RECREATION AUTHORIZES CITY COUNCIL, THROUGH RESOLUTION, TO ESTABLISH FEES AND CHARGES FOR PARKS AND RECREATION PERMITS AND SERVICES

RESOLUTION 2016-12

Parks and Recreation Permit & Service Fees

WHEREAS, the Charter of the City of Milford provides that all administrative fees be set by Ordinance; and

WHEREAS, the user fee schedule utilized by Milford Parks and Recreation requires the approval of Milford City Council; and

WHEREAS, Chapter 165 of the City of Milford Code entitled “Parks and Recreation” authorizes City Council to establish fees through the adoption of a Resolution; and

WHEREAS, the fees contained in this Resolution shall be effective ten days following its adoption to coincide with that of Ordinance 2016-13; and

WHEREAS, Resolution 2014-09 is hereby rescinded.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Mayor and Council of the City of Milford, the following Parks and Recreation Permit and Service Fee Schedule is hereby authorized:

(Rates shown are based on four-hour increments)

| INDIVIDUALS & NON-PROFIT (501c3) RENTERS: | |
|---|---------------------------|
| <u>LOCATION</u> | <u>4-Hour Rate</u> |
| Parks and Pavilions MANDATORY DEPOSIT | \$50 |
| Bicentennial Park & Pavilion (Adjacent Mispillion Riverwalk & Northeast Front Street Parking lot) | \$50 |
| Memorial Park South (Adjacent to Mispillion Riverwalk behind Calvary United Methodist Church off Southeast Second & Franklin Streets) | \$75 |
| Optional: Basketball Court | \$25 |
| Marvel Square Park & Pavilion (Located behind the Milford Parks & Recreation Department at 207 Franklin Street) | \$75 |
| Riverwalk Basketball (One) Court (Memorial Park South along the Riverwalk) | \$25 |
| Banneker Basketball Court & Park (Banneker School Park off Fourth & North Streets (Two Courts & Adjacent Green Areas) | \$50 |
| Field Adjacent to Milford Boys & Girls Club | \$75 |

| FOR-PROFIT RENTERS: | |
|---|---------------------------|
| <u>LOCATION</u> | <u>4-Hour Rate</u> |
| Parks and Pavilions MANDATORY DEPOSIT | \$100 |
| Bicentennial Park & Pavilion (Adjacent Mispillion Riverwalk & Northeast Front Street Parking lot) | \$100 |
| Memorial Park South (Adjacent to Mispillion Riverwalk behind Calvary United Methodist Church off Southeast Second & Franklin Streets) | \$150 |
| Optional: Basketball Court | \$50 |
| Marvel Square Park & Pavilion (Located behind the Milford Parks & Recreation Department at 207 Franklin Street) | \$150 |
| Riverwalk Basketball (One) Court (Memorial Park South along the Riverwalk) | \$50 |
| Banneker Basketball Court & Park (Banneker School Park off Fourth & North Streets (Two Courts & Adjacent Green Areas) | \$100 |
| Field Adjacent to Milford Boys & Girls Club | \$150 |

| INCIDENTAL PARK USAGE FEE/FOR PROFIT RENTERS* | |
|---|-------------------|
| <u>Location</u> | <u>Fee</u> |
| Open Park Space* Only (Pavilions or Basketball Courts not Included) Per Occurrence (2 Hours or Less) | \$25 |
| *Any Open Park area (Includes existing Mispillion River Floating Kayak Dock) | |

BE IT FURTHER RESOLVED that the preceding Parks and Recreation Permit and Service Fee Schedule shall become effective September 2, 2016.

Approved and Adopted on August 22, 2016 by a majority vote of Milford City Council.

Mayor Bryan W. Shupe

Attest

City Clerk

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 7, 2016

The Finance Committee of Milford City Council met in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware, on Tuesday, June 7, 2016 to discuss the proposed FY 2015-2016 City of Milford Budget.

PRESIDING: Chairman Douglas Morrow

IN ATTENDANCE: Committee Members:
Councilmembers Christopher Mergner and James Burk

MAYOR & COUNCIL: Mayor Bryan W. Shupe

Councilmembers Arthur Campbell, Lisa Ingram Peel, Owen Brooks Jr.,
James Starling, Sr. and Katrina Wilson

STAFF: City Manager Eric Norenberg, City Clerk Terri Hudson, Finance Director
Jeff Portmann & Accounting Manager Sandra Peck

Review and Discussion/Proposed FY 2016-2017 Budget

Chairman Morrow called the Finance Committee meeting to order at 5:46 p.m.

He reported that the City Manager and Finance Director have met and discussed the individual budgets with each department head.

He then deferred to City Manager Norenberg and Finance Director Portmann and asked that any changes in line items be pointed out, in addition to any new requests that were submitted.

The City Manager explained that the Finance Committee will review the public works and customer service departments this evening and conclude with some City fund updates. He then referenced a summary of new items requested, many of which have been added to the others though others will need to be discussed with that departments budget.

Finance Director Portmann began the review noting there is a 2% salary adjustment across the board which matches what is included in the unresolved FOP contract which council will make a determination on at a later date.

He advised there will be no tax, water, sewer or electric increase. The only increase is a trash increase that is in the second year of a three-year fifty-cent per year increase approved by City Council last fiscal year. The only new item under consideration is a business license that has been discussed in the past and will be presented by City Planning Coordinator Rob Pierce tomorrow evening when he presents the code and inspections budget which includes a new code official that is being proposed.

Water & Sewer Departments (Pages 15, 16, 17, 18, 19)

Supervisor Eugene Helmick was present for explanation and questions.

Mr. Portmann referenced the water and sewer revenues, stating that though the revenue has increased, no rate increase is proposed. The increase is based mainly on the industrial side and not the residential.

He noted that the Kent County cost adjustment line item is a pass-thru to process our sewer and the City does not control those costs.

Water Department Expenses:

It was reported the chemical line item increased from \$95,000 to \$125,000 as a result of a change in the actual chemicals.

Mr. Helmick then explained that two of the well facilities use gas chlorine which is being eliminated because of its danger to our employees as well as any potential leak. In addition, they anticipate the EPA banning it at some point; as a result, they are now using chlorine pucks at some stations and all new facilities. Unfortunately it is more expensive but much safer to work with.

Any new facility using gas chlorine requires additional equipment and maintenance by a certified operator which comes at an even higher price tag. For all of these reasons, the City has been switching from the gas to the pucks over the past several years.

Mr. Mergner asked if the City expects the gas and oil prices to remain as they are today without any increases; Mr. Portmann said he budgeted that line item slightly higher than what was spent in anticipation of a small increase.

When asked to explain the economic incentive rebate, Mr. Portmann explained that was a five-year program created a few years ago for companies that expanded and hired a minimum number of new employees. They were given an incentive for electric, water and sewer based on the number of new jobs. The incentive began at 100% and reduced by 20% each year.

The Finance Director noted that all programs have expired and there have been no new requests.

The pumping power purchase went from \$210,000 to \$250,000; the new storage tank down south was estimated at \$40,000.

Other items have little or no changes.

Medical benefits came in with an approximate 5% increase. As a result, Council will see an across-the-board increase in each department. Any other changes could be the result of an employee changing their individual plans.

There were no other changes to benefits.

Mr. Portmann noted there will be an increase in interdepartmental transfers in water, sewer, trash and electric. He explained that is the amount transferred from each enterprise fund to the general fund to cover three specific areas—finance, IT and City administration. They are the three departments that provide services for the other departments. An updated analysis was done each year which is the reason it was adjusted upwards because it has not been done for several years. Otherwise, those departments would have to be paid solely by property taxes.

The Finance Director then reviewed the water capital budget/request. He referenced the five-year capital projection for the water and sewer departments that include a model simulation, zero tail swing excavator hydraulic breaker, well site fiber, Seabury and Tenth Street aerator improvements, F250 van, facilities plan and model upgrade, leak detection and distribution main condition assessment equipment.

Mr. Helmick explained that the model simulation allows the system to be kept up to date. It determines any upgrades needed for the system and the impact of a potential housing or commercial development, for example. It also determines how much and what needs to be upgraded (distribution system, wells, etc.)

He advised the zero tail excavator hydrator breaker is similar to a hydraulic hammer that connects to the excavator. It breaks out concrete or blacktop in streets and sidewalks when needed. If this work is done manually, it involves a number of employees and a great deal of time which is valuable particularly when a leak needs to be repaired.

Mr. Helmick said the fiber is needed at the wells for the SCADA system. There are currently radios at many of the City facilities though changing to fiber provides a much clearer signal. Proposed is the cost of running the fiber to those facilities.

He reported that aerator improvements were started at the Tenth Street facility but there is not enough money to complete Seabury and the reason it is on the radar this year.

The request to replace an older van with more than 100,000 miles was added before it begins to need a lot of major repairs.

The five-year sewer capital plan was then discussed by Mr. Helmick.

He stated that though the current 1995 sewer truck does not have a lot of miles, but has a lot of idol time. There has been a certain amount of money put in each budget to prepare for the Vacon truck replacement; this is the final year and the reason for the FY16-17 request.

Mr. Portmann confirmed there was \$130,000 from the prior two budgets approved which is the total cost. When asked if the old sewer truck will be sold, Mr. Helmick said he was approached by Street Department Supervisor Tim Webb who wants to use it periodically to clean out catch basins and similar jobs. Mr. Norenberg said those options will be evaluated once the new Public Works Director is hired.

The Finance Director then noted that the model simulation (\$5,000) and pump station fiber (\$10,000) are needed for the same reasons Mr. Helmick discussed during the water capital budget review.

Mr. Campbell referenced the Shawnee Acres pump station replacement and questioned the fact that Shawnee Acres is not in the City. Mayor Shupe explained it serves the City and is not meant for Shawnee Acres though its site is in Shawnee Acres.

The City Manager added that it is being upgraded due to the development occurring in southeastern Milford, as well as the hospital and other developments in the area, that will later need that facility.

Sewer Department Expenses

Mr. Portmann reminded council that the salary and benefits of these employees are split between the water and sewer departments.

Except for the \$150,000 increase in Kent County wastewater treatment costs of which is controlled by the county, there are very few changes.

He said we are still battling with I&I and anticipates there will be a big discussion once the Public Works Director is on board of how to reduce or eliminate these problems.

The economic incentive rebate and gasoline and oil is changed for the same reasons as was discussed during the water department review.

Any changes to the wastewater division employee benefits are also for the same reasons stated earlier.

The Finance Director reported there is a new loan (2015 USDA loan) that was added to the budget. The first part of that project began with the Fisher Avenue sewer pumping station upgrade (\$400,000 of a \$4 million USDA loan of which \$2 million was forgiven as a grant).

He also noted the \$289,725 transfer is actually a surplus available to replenish reserves or any other unforeseen needs.

Solid Waste Division Page 20, 21, 22

Supervisor Tim Webb was present.

Mr. Portmann reported the only increase in revenues is the fifty-cent trash increase previously discussed. There has been

a drop in commercial use due to the City's intent to eliminate commercial services as council agreed a couple years ago.

He recalled how the previous City Manager Hans Medlarz changed the bulk pickup process which resulted in a substantial decrease in that area. As a result, revenues decreased from \$25,000 to \$10,000.

This year, the City will receive a \$18,000 rebate as a result of the new Delaware Solid Waste Authority five-year contract at \$4 per ton.

The Finance Director explained this budget is a shortfall as depicted by the budgeted fund balance; however, there is approximately \$200,000 available in operating cash. The third year (FY 17-18) of the fifty-cent trash service increase will result in another \$20,000 that will be close though potentially will result in another \$12,000 deficit.

The City has a five-year CD that matures on March 1st and will be used toward the purchase of a new trash truck.

Expenses

Mr. Portmann noted the minor decrease in vehicle labor/expenses. Landfill fees have stayed consistent because our tonnage has been very consistent over the years though recycling has helped.

He referenced the large decrease in gas and oil; this department was at \$36,000 two years ago though that is now down to \$20,000. Most of that is a result of the changes in operations, eliminating the commercial services and reduced gas prices.

Mr. Campbell asked what will occur if gas prices go up; Mr. Portmann explained there is a slight increase compared to our current costs. The \$20,000 budgeted today buys \$17,500 even though that is only a slight increase. Anything above that would need a budget adjustment and monies transferred from reserves.

Mr. Mergner recommends looking for alternate means of fueling vehicles such as auto fueling and natural gas. He thinks someone needs to start considering that as we consider purchasing large vehicles such as trash and sewer trucks. He recommends that be considered as we spec those out noting there are a lot of programs with rebates moving in that direction.

Mr. Norenberg agreed adding that they will look at the grants being by offered by DNREC and encouraged moving away from diesel to compressed natural gas or other options. He feels the grant can offset those purchase costs.

Mr. Mergner asked that in the meantime, the City look at the state bids for gas and diesel versus what we are purchasing today.

Mr. Portmann said that the overall solid waste expenses have a slight decrease this year.

He noted the minor changes/reasons that apply to employee benefits.

The Finance Director then referenced the \$261,000 capital expense which is the big item in this budget. Our current model is \$175,000 compared to \$261,000 for the new automated-style truck.

Mr. Webb explained the automated truck was recommended because the City Manager went through transition in Oberlin. He said if Council agrees with the new automated truck, we will need a long training period for our residents to learn how to position cans so that the mechanical arm can grab and dump the container. He feels is a big transition.

He said that the City of Dover had a one-arm automated truck, along with a rear loading truck with tippers, that followed to ensure that everyone made the transition. For more than a year, it took three of their employees to pull the cans out until their customers became acclimated.

It was confirmed that the City has four trash trucks; two run on a regular schedule and two are spares. The spares are used on holiday weeks or when one is out of service.

Mr. Webb verified there are three employees per truck adding that they have six full-time solid waste employees.

When asked if it would be necessary to have a truck following the automated truck as was done in Dover, Mr. Webb said that is a decision that will have to be made. Mr. Norenberg stated that we will have to discuss how to orient our residents so that they know how to properly place the containers so they can be picked up by the truck. He feels the big challenge will be in the blocks where a lot of vehicles park on the streets and there is very limited space along the curb to place the containers.

Mr. Norenberg said he is not a fan of having the second vehicle following collections though most vehicles seat a driver, operator and passenger. He feels that one employee could move the cart into the proper place and provide feedback tags for our customers.

The City Manager said this will provide long term efficiencies for the City and reduces the risk of injuries for our employees. He believes this is a starting point and the CD that Mr. Portmann described does not mature until the spring so there is sufficient time for planning and evaluating the best options and how to move in this direction.

When asked what happens to the two small bags left curbside, Mr. Norenberg said it will depend on the policy. If we charge extra for that, then there will be a charge; Mr. Brooks said we already charge for extra bags.

Mr. Norenberg questioned our current policy of not prescheduling a pickup and the item is left on the curb nor is a tag put out. He would rather see our employees tagging and providing feedback. Presently, if someone wants to leave it, we will come back the next week for \$50. Whether or not we automate, this will not change. If we change this, the driver has to hop out, place the extra item into the container, then tip it again.

Mr. Campbell asked if the crews will bypass a container that is not in the correct place; Mr. Norenberg said there will be a grace period and feedback for a couple months as we try and educate the customer on how to place the container, He emphasized that everyone benefits if we are able to operate more efficiently.

However, at some point, he feels we need to stop proving all the extra courtesy and extra help; as a result, we will need to leave it in order for our customers to understand their garbage will not be picked up if that occurs. But this will need to be phased in and the abuse on our staff considered.

Mr. Portmann reiterated the difference in the two trucks is \$175,000 versus \$261,000.

Mayor Shupe explained that tonight this will be part of the budget though we can later discuss whether or not to go with an automated truck.

When asked if there is a significant cost savings; Mr. Norenberg stated that in terms of staff overtime, the life of the truck is probably ten years. Being able to go from three employees to one employee can be a great cost savings and those employees could be used in other capacities and other services.

The City Manager would like some feedback from our new Public Works Director about the best way to use our staff and more efficient ways to run the operation.

Mr. Brooks said the automated truck he sees up and down Delaware has trash flying everywhere. Mr. Norenberg said on a windy day that is possible depending on how it is loaded. He has personally seen it done properly and once the drivers adjust, the material goes directly into the truck without a problem.

Mr. Brooks said he saw them tip it over in Milford and trash was flying every place. The truck driver just left it to blow all over the town. Mr. Webb explained that is the type of truck that dumps up over the side. The truck he is talking about

dumps into the side and not on top so that is normally not a problem.

Mr. Brooks asked for a guarantee it will work; Mr. Norenberg said this is something we can discuss with the Public Works Committee this fall, but at this point, he would like the money allocated. The details can be worked out later.

He confirmed the same containers would be used with the automated truck.

Mr. Brooks said he drives through Milford and sees a full can with two to three bags on top and asked if that will stop. Mr. Webb said if the lid is closed that should not be a problem. Mr. Brooks said the lid is closed but the bags are laying on the side.

Mayor Shupe reiterated this is only for discussion tonight. We are safe budgeting for the automated truck and if we decide otherwise, the money is still available.

Garage Page 29

The Finance Director reported there are no changes other than the two-year gas tank insurance policy which fluctuates each year. It increased from \$1,370 to \$3,745 this year.

The only other item increasing the garage budget is the transfer to public works as has been discussed in other departments.

He referenced the two-year gas policy which increased to \$275,000.

He explained the garage is an interservice fund which means there is no cost a zero balance in this division; it is paid out via labor whereby the mechanic documents the number of hours worked on each department's vehicles/equipment. That is based on the labor rate used to charge the other departments. As a result, the other departments pay for the garage.

Street Department Page 10-11

Mr. Portmann reported the biggest change is in contract services for the street department. In previous years, there was money added for small patchwork jobs throughout the City. However, that program was never jump started.

Mr. Webb said it was kept for emergencies and at one point, used for an emergency storm drain issue.

The Finance Director explained that two streets are in need of approximately \$30,000 in repairs and was added to the street's capital budget which shows a decrease from \$58,000 to \$30,000.

It was confirmed that the sidewalk and curb line item is for small sidewalk repairs.

Mr. Mergner asked if the \$92,000 budgeted is not for a complete sidewalk replacement/rehab and instead for various repairs.

The Finance Director continued his review pointing out the gas and oil budget decreased as well as street and road materials. He explained that the former City Manager increased the street and road material line item by \$10,000 though that was never requested by the street superintendent and the reason it is being reduced to its original annual amount of \$25,000.

The transfer in public works shows an approximate \$3,000 increase as is reflected in all departments.

There are no changes in benefits or building expenses other than the \$4,500 electric line item that was eliminated. This is the result of the removal of the electric meter and those expenses now included in the \$3,000 public works meter line item depicted in the public works transfer increase.

Mr. Portmann then referred to the capital requests and letter of request for a new vacuum street sweeper at a cost of \$285,000; to extend its life, they are proposing taking half this year (\$145,00) and half next year as was done with the sewer vac truck.

Mr. Webb explained that sand is typically sucked up by the street sweeper which eventually destroys the truck over a ten-year period. There have been some needed repairs to the body for the past two years. The truck is currently in Baltimore being repaired and they expect the cost to be between \$5,000 and \$8,000.

Several council members indicated they had never seen the street vac truck in their neighborhoods and asked if it was used in each ward; Mr. Webb confirmed it is used in every ward.

Mr. Brooks asked if the street vac blades were used after it rained because he typically has to rake the water into the drains along his street. If not, the water goes into his yard.

The Finance Director then referenced a capital request of \$100,000 for sidewalks and the real estate transfer tax fund report since 2001. It shows an anticipated revenue over the next five years and transfers being paid from that fund. He noted that \$500,000 a year is transferred to the police department and a proposed \$100,000 will be used for sidewalk projects beginning in FY16-17.

He recalled the Public Works Committee previously discussing this noting there was a great deal of interest expressed at that time. Mr. Portmann explained the intent is for Council to target areas for sidewalk repairs or an actual replacement program.

Mr. Portmann emphasized it is councils' decision on how to proceed or whether they want to consider at all.

Mayor Shupe added that because property owners are responsible for their sidewalks, a policy decision will need to be discussed on this program and whether property owners will pay a percentage of the costs or take advantage of a cost savings by having the City repair a significant number of sidewalks.

Mr. Burk said that a violation would need to be issued to inform them they need repairs and asked if any violations have ever been issued for damaged sidewalks. Mr. Portmann said he has been here twenty-seven years and has never heard of them being addressed. He felt this is the appropriate time to have that discussion.

Mr. Burk reported that Resident Dave Burton was extremely upset about even considering a sidewalk repair program. He thinks it may have been a possibility when Mr. Burton was on Council many years ago. He pointed out there are a number of areas, especially in the first ward, where there are no sidewalks and believes our first ward councilmembers could receive a lot of complaints.

Mr. Burk personally feels this program would be great because he walks a great deal throughout the City and is familiar with a lot of sidewalks that are in disrepair.

Mr. Mergner feels that more sidewalks are needed downtown which will attract more foot traffic and prevent people from walking and riding bicycles on the streets. Mr. Burk agrees that regardless of what side of Walnut Street you are on, the sidewalks are in bad shape.

Mr. Brooks stated that he was at a meeting at Milford Library when the sidewalk issue came up. He recalled that David Burton asked him how much money the City would need to do this; Mr. Burk agreed he became very upset about the issue. Mr. Brooks said that following Mr. Burton's statement, a local legislator stated to Mr. Brooks that the City does not want to do this. He referenced a statement made by Dave Burton that the City was going to have big bucks tied up in sidewalks and that the legislator followed up with a comment that we shouldn't go there.

Mayor Shupe feels we should still have the money available; Mr. Brooks agrees it is a great idea but said he was told there are a lot of sidewalks in Milford and everyone wants new sidewalks. Therefore, we need to look at the whole picture

before anything is done.

Mr. Burk said he was surprised at the push back and the players involved.

Mr. Morrow pointed out there is a problem after a road is paved if the sidewalks are in disarray like Southeast Front and Southeast Second Streets. He recalled that our state legislators always step up and give us money for those repairs.

Mayor Shupe reported there are some grant programs circulating Legislative Hall and if approved, they may be able to help with this. He informed Council he will have additional information by that time.

Mr. Norenberg added that some of the residents he has talked to expressed concern because of the number of sidewalks in disrepair that were paid by other funding. They do not feel it is fair they have to pay for sidewalk repairs in front of their house when others have received free repairs.

He explained that if the City sponsors a sidewalk repair program, that encourage property owners to address those that need repairs.

The City Manager said one option would be to take a section of the City each year, do a bulk purchase arrangement so we can get a much lower bid by handling the entire area at once. The property owner would then have the option of paying up front or financing it on their tax bill over a five or ten-year period. Council would make that decision before the program is launched.

He pointed out that either way, there will be administrative costs and money needed to proceed. He stated that everyone has heard the complaints that our sidewalks need to be fixed, especially in the immediate vicinity of City Hall. He feels that \$100,000 is a good start though it can be reviewed and a policy direction obtained from City Council early in the new fiscal year.

Mr. Campbell asked if this would include handicapped accessibility; Mr. Norenberg said we are required to comply with ramp requirements, etc. and something the City is responsible for so there would be some related expenses incurred as a result of our responsibilities.

The City Manager said the City should take care of any sidewalk damaged or cracked due to trees that are in the City right-of-way or as a result of utility and/or City vehicle damage.

Ms. Peel stated that the \$100,000 will not go over well in her opinion. Mr. Burk agreed said he is here to represent his constituents which is what he was sworn to do. He said if Mr. Burton has a problem with this program, that will need to be considered; Ms. Peel believes he will rally the troops.

Mr. Peel responded that should council makes the decision to proceed with sidewalk repairs in some form, can it be a hybrid and property owners' money, City money and/or a grant of some form used. Mr. Norenberg said if we approve the \$100,000 in the budget and council approves a sidewalk program, whether it is administered by the City or financed by the City, the City will always have some expense. He said we can go as far as we can but max out at \$100,000.

Ms. Peel said council is saying they don't want it and asked if the \$100,000 in the budget would be specifically earmarked for sidewalks; Mr. Portmann stated yes.

Mr. Morrow asked if we are committed to a sidewalk program if we leave it in the budget; Mr. Portmann said if the budget is approved, that item will be included.

Mr. Mergner asked if they can vote to remove the item.

Mr. Burk then made a motion to remove the item (no second was made). Mr. Mergner asked if it can be removed at this point but later added. Mr. Burk said the problem is public perception. Ms. Peel they have already heard about this and

Mr. Burk agreed.

Mr. Portmann recalled having a Public Works Committee meeting at which time this was discussed. He said it was the general consensus to get the sidewalks fixed one way or another—whether the City paid or the property owners paid. Mr. Burk agreed that he supported it 100% but there has since been push back though his constituents are not here to voice their opinions.

Mr. Portmann feels either the City should pay or it should be handled by enforcing it.

Mr. Burk asked if there is an enforcement policy in the code; Mr. Brooks said right now we take care of the sidewalks and the City Manager sets up a payment plan. Mr. Portmann said he is fine with that though he has not seen that process.

Mr. Burk encourages the City Manager to start enforcing sidewalk maintenance reminding him there is a line item in the budget to add a new code enforcement official.

Ms. Wilson feels that the enforcement has been ongoing and she does not understand the sudden problem especially for minor repairs. Ms. Peel said she is under the impression it has never been enforced.

Mr. Portmann said that he walks the area on a regular basis and for the past twenty-seven years, the sidewalks have been in very bad condition.

Mr. Burk said he has gone from pushing strollers to walking toddlers and agrees they are no better today than ten years ago. In his opinion, they are actually worse today. He stated that he just sent an email about residents not cutting their trees back so that people could walk on the sidewalks on his street because they are unable to handle the brush.

Mr. Brooks said we had a code official that was hired to handle the rentals and was added to the budget even though the new code official was never hired. Mr. Portmann explained the code official was hired and then laid off after approximately two weeks. Mr. Brooks said in the meantime, we kept taking money for rental licenses. Mr. Portmann agreed that the following year, City Council chose to use that money to balance the budget versus raising property taxes.

Mr. Burk asked the procedure to remove this item and whether to act now or later; Mr. Brooks said once it is committed and added to the budget, the money is there for sidewalks. Mr. Mergner said we could always vote to use the money for something else.

Mr. Mergner reiterated that if council decides not to use it for sidewalks, council can always vote to use the \$100,000 for something else. Mr. Burk agreed that in this manner, it will still be in the budget.

Mr. Portmann emphasized it is the recommendation of the Finance Committee whether to keep it or remove it because they will present the proposed budget to City Council for a final determination.

Mr. Burk then made a motion to remove the sidewalk capital item from the budget, seconded by Mr. Morrow. No vote was taken.

Mr. Mergner then asked if there are only two people in Ward Two who are against this. According to Mr. Burk, there are many more people than a couple. Ms. Peel said it will definitely become more.

Mayor Shupe asked if Mr. Burk and Ms. Peel understand that the money can always be transferred or voted to use for something else but cannot be added back into the budget. He reiterated that council is unable to decide in the middle of the year to start the program once it is removed.

Mr. Portmann recommends this discussion continue on the second night at which time they can appropriate the money. He explained this budget is only a guideline for the City to operate. However, City Council can at anytime vote to make a change even if it was approved tomorrow.

Mr. Morrow suggests the City Manager communicate any sidewalk improvement programs to our property owners. Mr. Burk said he prefers improving our sidewalks but Mr. Burton is against it and is very strong within the community.

Ms. Wilson asked if this is only one person complaining; Ms. Peel explained he is the only person though he has a lot of rallying behind him. The discussion is whether or not the burden is on the City or the private citizen.

According to Ms. Peel, it has always been on the property owner whose sidewalk is in front. She said if we start fixing sidewalks, whose are we going to fix and whose are we not going to fix. She asked if the City wants to get into the business of taking this on at the expense of the taxpayers which is the argument this resident has.

Mr. Wilson said for twenty years, she did not get into the details of such matters. Instead, they were always referred to City management.

Mr. Morrow suggests that we review what we currently have available to use, which is our state legislators and the prepayment plan that he and Mr. Brooks were discussing. He recalled a program that provided the ability to loan the money to a property owner who needs repairs for a period of ten years and believes that program has been in effect for at least thirty years. However, the problem is those that do not want to make the repairs is often the result of the lack of communications and believes we now have a City Manager who is willing and capable of taking that on.

Ms. Wilson recalled many, many years ago there were no sidewalks and curbs; City staff would go door to door and inform the residents that the City was responsible for the curbing. They also told the resident that as the taxpayer and property owner, they were responsible for the sidewalks. They were then given a certain period of time to get their sidewalks installed. At that time, the City did the work. She recalled her grandfather was one of the residents who complied but that was long before she was on City Council. She pointed out that enforcement is not new though she agrees it has been overlooked the past several years.

Mr. Mergner asked if this could be used as an opportunity to add sidewalks where there are none; Ms. Peel and Mr. Burk said they would be willing to support that idea.

Mr. Mergner suggests creating the fund but creating some guidelines, percentages, etc. Again, he reminded those present that council can vote to change it at anytime throughout the year.

Mr. Brooks asked him what is going to happen when Mr. Mergner's neighbor tells him that they need sidewalks. Mr. Mergner stated that he hears that complaint every day because his entire subdivision is without sidewalks. The residents in his neighborhood want sidewalks especially down Elks Lodge Road so they can walk to our downtown area. He feels this is an important part of what the City is encouraging.

Mr. Burk said that goes back to what Ms. Wilson talked about with her grandfather and any property owners unable to pay for them. The code right now says the property owner is responsible for the sidewalks.

He feels we need to start enforcing the crumbling sidewalks in Milford; Mr. Morrow agreed that is the bottom line and suggests enforcing that right away.

Ms. Wilson feels it would be a good incentive to make these repairs. She then referenced the high number of rentals in all four wards but hopes this would encourage our landlords to keep their properties maintained. She believes there are a number of ways to make this program work though \$100,000 is not going to fix everything right away.

Mr. Brooks said we can't pick and choose and it needs to be everyone or nobody.

Mr. Burk said it worries him that one of our legislators that provides the City street money does not feel it is appropriate for the City to help with these sidewalks. He said there are times council needs to make phone calls so that the legislators will fight on behalf of the municipalities. If they are against this, we may need to reach out to these people and determine what the problem is.

Mr. Mergner said that can be done, but recommends keeping the money in the budget. We can then bring the resident in and discuss their ideas and how to build, collect and use it to benefit of the entire community. He stressed the money would be there though it does not have to be used.

Ms. Wilson pointed out that if there was no incentive all these years, there would be no sidewalks up North Street, Church Street, Drew Street, Southeast Second Street, Washington Street and a portion of Airport Road. She noted that our local legislators helped with all of those projects.

Mr. Morrow recommends putting this in the hands of the Public Works Committee and have them come back to council with a recommendation.

Mr. Norenberg suggested the enforcement piece be discussed with the City Planning Coordinator tomorrow night when he is present.

With a third attempt, Mr. Burk moved to remove the sidewalk capital item from the budget, seconded by Mr. Morrow. Motion carried by a 2-0 vote with Mr. Mergner casting a no vote.

Mr. Brooks said that once again, the City is enforcing its policy that all new developments have sidewalks. He recalled the time when all the new subdivisions were being built and none had to comply with that ordinance.

Mr. Campbell pointed out that if sidewalks are being added in new developments, the City needs to require wider streets and referenced his development which has extremely narrow streets and no sidewalks.

Mr. Burk said he is aware of a municipality in Sussex County that used Community Development Block Grant (CDBG) money to install sidewalks though he does not agree with it.

Mr. Brooks said he knows that the City forced a man living on Walnut Street to put in new sidewalks. When the Southeast Front Street paving and sidewalk project was done, he called Mr. Brooks and asked if the City was paying for sidewalks. Mr. Brooks stated no, the State of Delaware did. He then told Mr. Brooks they were going to have a talk if the City paid for the sidewalks and Mr. Brooks was very fortunate the state paid for the sidewalk replacement project.

Mr. Portmann then returned to the budget review and referred to the next capital request that \$66,000 be allocated for two streets. He explained that the Street Superintendent went to Jerry's Paving and obtained paving proposals for Linstone Lane (\$31,841) and Bridgeham Avenue (\$33,894).

Mr. Webb then stated that if these two streets are not repaired, they will crumble.

Mr. Brooks asked about Mispillion Street that runs from Sudler Lofland by Calvary Church to Seawatch. He recalled that was discussed when the Southeast Front Street was done though Columbia was the only additional street paved.

Mr. Webb explained that Mispillion Street will enter the Fisherhawke Villa development and will be included as part of that project.

Mr. Brooks said that repairs on that street have been promised by three City Managers and none of them followed through. Mr. Webb said the last he was told is that the developer Donny Lockwood was going to pay to widen the street and install sidewalks. When asked how far that will be extended, Mr. Webb said that is something that City Council will need to decide. Mr. Brooks reiterated that three City Managers made that promise though the work was never done.

Mr. Portmann then referred to the Airport Road project that has also been discussed for a very long time. He reported the cost estimate to repair Airport Road is \$2.461 million (from Route 113 to Canterbury Road) but does not include sidewalks and bike lanes. Adding those is another \$1.2 million.

Mr. Norenberg recalled there is an area of Airport Road that was repaved a couple years ago that is not included in the

estimate. Also, the estimate for the sidewalk and bike lane is only on one side. He noted that presently, they are focused on the smaller estimate of \$2.4 million.

Ms. Peel asked if we always include bike lanes stating that creates a very dangerous situation on Airport Road in her opinion. It was noted there is a push to add bike lanes on all new roads though it was never required in the past.

Mr. Portmann explained there is \$1.3 million available from Municipal Street Aid, which includes this year's contribution of \$227,000. There is another \$35,872 CTF (Community Transportation Fund) agreement from two legislators (\$27,000 from Representative Harvey Kenton and \$8,872 from Representative Jack Peterman that was left over from an old Washington Street project). Another \$200,000 was pledged via City Manager Carmean from three legislators; however, their liaisons are stating they have no associated documents.

He explained that the City Clerk, City Manager and he will now need to sort through a lot of old e-mails and make some phone calls to investigate exactly what was pledged.

At this point, there is only \$35,872 formally pledged and another \$1.125 million is needed for only the paving portion.

The Finance Director explained there are three possible funding sources. They include reserves (money available in water, sewer and electric to do an operating transfer), short term borrowing under five years which will have to be paid back through a tax increase and long term borrowing, or a bond issues, that would require a referendum and would also have to be paid back with a tax increase though it is a much lower burden if paid over a twenty plus year time frame.

The Finance Director explained that if each of the reserve accounts was divided equally and \$400,00 removed from each, there would be a sufficient amount left based on current funds and the five-year capital plans submitted.

Mr. Campbell is confident the referendum and tax increase will not pass.

Mayor Shupe suggested that if we look at a long term fix, we consider more streets and sidewalks other than just Airport Road. He personally recommends removing it from reserves.

Mr. Portmann feels it would be easier to get a bond issue passed if it were to benefit the entire City. He also noted that the cost estimate is from DBF.

He explained to council the road unfortunately did not qualify for the reclamation process discussed last fall. The state went out and took a number of core samples. They found that when AP Croll installed the road several years ago, a lot of stone was added because of the amount of moisture in the ground. As a result, the less expensive reclamation process will not work.

It was confirmed there is no more band-aiding this road as has been done the past decade. Also discussed was the possibility of paving one side one year and the other side paved the next fiscal year.

Mr. Norenberg said the proposed budget includes the allocation from the reserves.

Mr. Burk moved that the balance of that project be transferred from reserves as was presented, seconded by Mr. Mergner. Motion carried.

Electric Department Page 23 ,24, 25, 26

Electric Superintendent Rick Carmean was present.

Mr. Portmann reported there is no new increase proposed though council previously authorized a rate study that is ongoing. The consultants will be coming back to get council input in a couple months. Council will need to determine policies and reserves to be used. A new five-year rate will come out that study though we are status quo at this point.

When asked about the significant increase in training, Mr. Carmean advised there were four new hires last year who will start their lineman school this year. One is just finishing up his lineman and could have only one more year. Then the other four employees will start by accomplishing two steps each year of an eight-step program in order to become certified linemen.

When asked who the four replaced, Mr. Carmean explained the two retirees (Messick and Walls) and another lineman who left.

Mr. Carmean confirmed he will use his entire training budget of \$19,72 this year.

Mr. Portmann continued the review stating the meter increase is a result of solar meters. Mr. Carmean said that solar projects increased from 21 to 80. Each time, the City has to purchase a new meter at a cost of \$400 each. It was confirmed that the State of Delaware requires the electric company to pay for the solar meter and not the solar customer. He added that the City also has to pay for a \$1,000 meter for any customer putting in a 400-AMP service.

Mr. Portmann pointed out this will be part of the rate study and how to incorporate those costs into our rates.

Mayor Shupe feels that having a private business receive subsidies from municipalities for these meters is something we need to take to our legislators. It was noted that DEMEC continues to work with legislators on the matter.

When asked about the savings on cell phones, Mr. Portmann explained the cost of the State of Delaware Verizon contract is \$20 for data and \$20 for voice though not everyone has data.

The telemetering line item has finally been removed due to the SCADA system.

The billing rate consultant line item will be removed once the power cost study is completed with that work being done in house.

Mr. Portmann noted that fiber maintenance increased this year and will be reduced from \$35,000 to \$10,000 this year. The increase was a result of new development in the southeast area (Bayhealth included).

The economic incentive rebate is down to zero due to completion of that program and there have been no changes in the employee benefits.

The transfer of \$2.5 million remains the same as it has the previous fourteen years.

The DEMEC power cost bill is showing a slightly lower number due to the projection of a 2.6% decrease for the calendar year.

It was confirmed that the City purchases and sells \$18 million in electricity.

Mr. Carmean reviewed his capital list. He explained that during the winter, a pole went down and the transformer hit the ground. There were some environmental issues in the area of the stream at Silver Lake Apartments at Truitt Avenue. As a result, they replaced the old wooden poles with underground service at an estimated cost of \$40,000.

In addition, a system study, at a cost of \$100,000 is needed to tie into the new substation that was put on line two years ago. Power quality and some mapping is also included.

A retrofitting of LED lights at Bicentennial Park is proposed at a cost of \$35,000. The poles will be powder coated and the LED fixture added.

Also requested is the replacement of a pickup truck for the foreman and the replacement of a 2006 bucket truck.

Mr. Carmean then presented the electric department's five-year capital projection.

Mr. Portmann noted the electric department has a very limited five-year capital plan. However, the system study could impact that once it is completed.

Public Works Pages 27 and 28

Mr. Portmann noted that the public works budget includes the new Public Works Director who will begin July 25th. He is currently completing his pre-application testing. Once that is completed, the City Manager will provide a press release.

The Finance Director pointed out the maintenance and repair of building shows a decrease from \$52,000 to \$20,000 as a result of the outside wall around the perimeter of the public works compound. When it was originally built, the wall was set in cold weather and the mortar has started to crumble and other repairs are needed as a result. Repairs are needed to prevent it from falling down.

The Finance Director reported that the natural gas is a major item. A new heating system was added that uses electric and will save \$15,000 though the electric will go up by \$10,000.

Employee benefits depict no changes.

Capital building increased by \$23,000 for the same reasons previously discussed. Another HVAC system will be replaced in the warehouse which will result in some savings once that project is completed.

Billing and Collections/Customer Service Pages 30 & 31

There are very few changes in this budget according to Mr. Portmann. Two employees retired last year and things are working out well with staff. There are no new service requests this year.

He reported that the building maintenance is showing a \$4,530 increase for fans to be installed. It has very high ceilings which creates a problem with heat in the winter. They hope to use the air from the fans to push the air back down.

The building rate consultant fee will be eliminated, as previously discussed, following the completion of the rate study.

Mr. Portmann then explained we are changing banks. We were with Citizens Bank who started charging us \$3,000 a month in fees though we were not charged for more than ten years. After negotiating, it was reduced to \$1,500, but in the meantime, we shopped around and are now converting to WSFS though there may be a two to three-month transition period to allow all checks to clear.

The credit card line item fee is a charge for customers to pay their utility bills using their credit cards. He noted that more customers are paying with their credit cards than in the past.

Ms. Peel said that she is charged a 2.5% fee for most on-line purchases.

Mr. Norenberg said that it could become a deterrent if we charge an on-line convenient fee and customers may revert to paying by cash or checks which means more work for staff.

Mr. Mergner suggests shopping for other merchant vendors initially. Mr. Portmann feels the City receives a decent rate of 1.1 to 1.3% depending on whether we swipe the card or it is paid online or over the telephone. He agrees it should be reviewed on a regular basis.

Mr. Portmann noted there are no changes to employee benefits and no capital requests.

He reminded the Committee that this is also an interservice fund that the other departments (water, sewer, trash) utilize

and finance, so there is zero cost for this department.

Reserves Pages 32-29

The impact fees show what has been collected to date for the various water, sewer and electric impact fees paid by new customers for the future expansion of the systems.

The only project not brought before council to be paid out of the water capital reserve account that could be presented by the new Public Works Director is the valve and SCADA project whose anticipated cost is \$2 million. This may be done once he is on board.

The general fund reserves shows a current balance of \$1.8 million. The Finance Director recalled the number of things that are paid out of that account every year.

He explained that any excess cash in the account is deposited into all four of the reserve funds. In this account, he believes there are two years of reserves and recalls when \$1 million was deposited in January. He said putting that surplus in those funds pay for a lot of unanticipated items that arise throughout the year.

On average, council spends about \$400,000 for various items. Approximately half of that is budgeted and another \$200,000 is not projected. Those items were itemized in that reserve account.

It was noted that Cemetery Road was approved the last two years with swap-outs from legislators. The Truitt and Cemetery Improvements project is ongoing.

When asked about the police study operations, Mr. Norenberg explained the current police station needs to be replaced. There has been preliminary work on alternatives and site selection. The Police Committee also had a discussion about the potential for additional officers in the future. This study would evaluate the police department operations and staff and feed into future planning of the department, as the community grows, and will ensure we are right-sizing the new facility, as well as future needs.

When asked about the Growmark property, Mr. Portmann explained that it remains in limbo. The \$50,000 is in our attorney's escrow account. Solicitor Rutt sends us letters about every three months and we are still trying to get a copy of the signed contract which he has never received.

Mr. Portmann noted that several of these items, including the park and police items, will be discussed tomorrow night.

He did note that \$120,000 was approved by City Council out of reserves to continue with the teamsters binding arbitration.

Mr. Portmann pointed out it is nice to have that surplus money to pay for any items that come up during the year that are unbudgeted.

A review of Municipal Street Aid shows a balance of \$1.5 million after this year's allocation. Of that, \$78,000 has to be kept for bridge work and was extra money provided for that purpose. The balance can be spent on streets.

Airport Road shows a cost of \$1.3 million which is the balance of the project to be paid by City funds for paving.

There is also \$150,000 for council to be spent on street improvements of which streets and roads will be approved once we receive the recommendations by the City Manager and Street Supervisor.

Mr. Portmann explained the general improvement fund is a pass-thru account. As we do projects, the state provides funding though the City must first spend its money but is later reimbursed. It also shows legislative money that comes in for projects such as the Cemetery Road improvements(\$10,000), Truitt Avenue (\$66,927) and Airport Road (\$35,866)

The sewer capital reserves shows a \$3.6 million balance as of the end of year. After the expenditures have been approved, there will be \$2.8 million left.

Of the five-year capital requested, there are two projects of which the Shawnee Acres substation could be reimbursed by developers. The Second Street pump is also shown for FY 18 in the amount of \$450,000.

Electric capital shows a total of \$6.7 million; \$920,000 has been approved for expenditures leaving a balance of \$5.8 million. However, there has been a discussion of Smart metering though we have not received a firm proposal but anticipate approximately \$1.6 million.

The real estate transfer tax fund includes the sidewalk project of \$100,000, which has been removed per the previous motion approved by the Finance Committee.

It was noted that this year there was a \$575,00 transfer to the police department that included an additional \$75,000 needed to cover legal expenses. Typically, it is a \$500,000 transfer.

This fund has a projected balance of approximately \$1.6 million.

The economic development fund contains \$798,000 though a couple items will be discussed tomorrow night.

The biggest item of concern in this budget is the Planner's salary and benefits that are paid from this fund; if this continues year after year, it will be depleted rather fast. Mr. Portmann said if there is a tax increase, it would be appropriate to include this matter to cover related costs in future years.

Mr. Norenberg recalled that City Council approved splitting the cost of a feasibility and business plan for the Milford Aquarium project. He believes the final installment may have been made and a draft of the study was received today. They were required to raise \$23,000 of which the City agreed to match. They are proposing a couple locations in Milford and have since put together a business plan.

Mr. Portmann explained that the Planner will request assistance to complete the comprehensive plan that is required by law every five years.

He noted that the USDA Rural REDLG program is a loan program that was approved by council though no one has exercised it yet. Mayor Shupe explained the USDA will loan up to \$300,000 that we can then lend out to businesses and once they pay us back, it can be lent to additional businesses.

Mr. Portmann explained that it has to be earmarked community enhancement for businesses. They will provide \$300,000 though the City has to provide a \$60,000 match.

Mr. Norenberg said to expect a project requesting this funding that will move forward over the next couple years.

When asked how businesses learn of this funding, the City Manager explained that when business developers come forward and ask about funding, they typically go down the list and inform them of state and county incentives. At the same time, any City program is presented.

The City Manager emphasized this is only a loan program adding there are more strings and risks tied to this though more businesses are interested in grants and incentives. More people are looking for grants and incentives and only one business has expressed an interest in this.

Ms. Wilson asked if this is advertised somewhere; Mayor Shupe said it is advertised through the USDA. Mr. Burk asked that we can add a link to our website for someone who is unfamiliar.

Mayor Shupe agrees adding that as we move forward, we need to come up with a plan for economic development and

marketing in general. He reiterated that one of the things holding us back is paying the Planner's salary out of the economic development fund which will keep that fund low and needs to be discussed.

Mr. Norenberg pointed out that one of the unbudgeted items is a public information specialist who could handle this type of marketing and keep the website updated. It is on the wish list to be added in the future.

Mayor Shupe added that when we were finishing up our first leg of a grant with the Department of Tourism through DEDO, surveys were done on why people are coming, not coming, etc. to Milford. This was the first of three possible grants we can receive for marketing. The next steps will be discussed over the next couple months.

With no further business, Mr. Burk moved to adjourn the Finance Committee budget hearing, seconded by Mr. Mergner. Motion carried.

The Finance Committee adjourned at 7:52 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 8, 2016

The Finance Committee of Milford City Council met in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware, on Wednesday, June 8, 2016 to discuss the proposed FY 2016-2017 City of Milford Budget.

PRESIDING: Chairman Douglas Morrow

IN ATTENDANCE: Committee Members:
Councilmembers Christopher Mergner and James Burk

MAYOR & COUNCIL: Mayor Bryan W. Shupe
Councilmembers Arthur Campbell, Lisa Ingram Peel, Owen Brooks Jr.,
James Starling, Sr. and Katrina Wilson

STAFF: City Manager Eric Norenberg, City Clerk Terri Hudson, Finance Director
Jeff Portmann & Accounting Manager Sandra Peck

Review and Discussion/Proposed FY 2016-2017 Budget

Chairman Morrow called the Finance Committee meeting to order at 5:52 p.m.

Planning and Zoning Department Page 4B1-2

City Planning Coordinator & Economic Activities Coordinator Rob Pierce was present.

Finance Director Pormann continued the review of the proposed budget from the previous night, noting that a new item for contract services has been added to the planning and zoning department budget. He reported that the Planner is asking for some assistance with the City's Comprehensive Plan that is overdue and must be completed this year.

Mr. Pierce then explained that \$30,000 will cover the costs of the University of Delaware (UD) Institute of Public Administration assisting with some of the text revisions and to facilitate the meetings.

He added there is grant money available that could be used as well. DNREC may be willing to partner with UD to do some sea level rise and resiliency in Milford as a pilot program that could provide some assistance with the comprehensive plan update.

It was determined the last full update was completed in house in 2008 when Gary Norris was the Planner.

When asked why it was not being done in house, Mr. Pierce said he does not have the time to handle by himself. Mayor Shupe agreed pointing out that Mr. Pierce is involved in economic development and planning; Mr. Norris was the City Planner only.

City Manager Norenberg explained that outside assistance keeps the process on track and on schedule. The day-to-day requests received in the planning department could defer the comp plan update causing it to stretch longer than the anticipated 12-month process. That would prevent any development or other changes to be delayed as a result.

The Finance Director noted that the last increase is in legal services. Mr. Pierce explained that we have been processing a lot of the economic development matters through the planning and zoning budgets. He also anticipates a number of code revisions and amendments that will require some additional legal review.

He noted that the increase is reflective in the economic development issues, including incentives, agreements and land issues.

Mr. Portmann noted that the training budget went from \$5,000 to \$1,000 as a result of the Deputy City Clerk being moved to the City administration budget.

Mr. Burk asked how much was spent this year in training, Mr. Pierce said some unexpended funds were transferred from the training budget to the legal budget to cover some incoming legal bills. Approximately \$3,000 was spent to cover the training costs associated with the Deputy City Clerk. Mr. Pierce said he only takes an occasional class that is typically held in Dover.

The increase in materials and supplies is the result of an additional \$2,000 requested for a large cabinet to store plans and maps.

There are no reported changes to employee benefit changes and no capital requests.

When asked what happened to the Planner's vehicle, Mr. Portmann said it was transferred to the police department to be used for transporting evidence in an unmarked vehicle to Dover and Wilmington. Mr. Pierce didn't feel he needed a vehicle and uses his personal vehicle when one is needed for meetings. Mr. Portmann said the City discourages that though the finance department vehicle is always available as the City Manager pointed out.

Code Enforcement and Inspections Pages 4C1-4C2

The Finance Director reported the big change in this budget is the addition of a third code enforcement official. He then referenced the proposed increase in rental licenses to \$75 and the addition of a \$100 business license which will pay for a new code official.

Ms. Peel then stated that she has concerns in the code department. She referenced the City Manager's report that was e-mailed to City Council on Friday noting there were 46 open cases and zero closed. She said it appears we are growing in the number of monthly cases without closing them out. Each month, the reports state zero closed though additional cases are opened.

Mr. Brooks said that the code official has personally closed a lot of cases for him.

The Planning Coordinator explained that grass cases stay open; once a grass violation is issued, it is not closed out until the season ends.

Mr. Burk asked if we still plan to be complaint driven; Mr. Pierce stated he is promoting being proactive. Mr. Burk commented that if we continue to be complaint driven, then the 46 cases a month will need to be split between the two officials.

Mr. Pierce reminded the committee that we are not doing any rental inspections. With the additional official, one would be primarily focused on exterior and property maintenance; the second official would be focused on rental inspections and added that the City currently issues 1,600 rental licenses. He said there may be a handful of inspections performed as complaints are received, but a more active process through an annual or twice-a-year inspection of each unit seems more beneficial in his opinion.

Ms. Peel asked for confirmation that the Planning Coordinator is stating we are closing cases even though it is not reflected in the report. Mr. Pierce explained the grass cases are being addressed and those yards are being maintained. However, the violation is kept open because once the notice is sent, that property is in open violation the entire calendar year which makes the process easier if the grass gets tall later during the year.

Mr. Brooks said he thought we hired a rental person but found out about a year or two later that even though our citizens were paying for a rental person, the City never hired one. Mr. Morrow agreed that we have not had one for a couple years.

Mr. Portmann then explained that the code official was actually hired and laid off a couple weeks later. Council approved the layoffs to prevent raising property taxes to balance the budget.

Mr. Burk recommends that the City have documentation to support the rental license increase to \$75. He has done a lot of research on rental licenses though he wasn't at the Community Affairs Committee meeting when the increase was discussed. He said the City of Newark lost a \$900,000 lawsuit because they had no substantial documentation that their increase was justified.

Ms. Peel said the intent is to increase our code officials' presence and feels it is a good move and compared our fees to surrounding municipalities.

Mr. Burk continued his argument stating that Georgetown also lost a lawsuit when they raised the rental licenses and no other fees.

Mayor Shupe asked why they lost the lawsuit; Mr. Burk reiterated it was because they raised the fee without substantiating there were more man hours involved.

The City Manager then stated that the Community Affairs Committee was presented with the rental fee and business license concept in order to get their ideas and thoughts. He wants this to go back to that committee versus discussing it tonight.

Mr. Pierce then informed the committee that the following fees are being charged by similar municipalities:

| | |
|------------|---------------------------------|
| Harrington | \$75 |
| Georgetown | \$65 |
| Smyrna | \$55/unit + \$35 inspection fee |

As a result, their recommendation is an increase to \$75.

The \$25 increase will raise \$41,000 annually in addition to our current \$50 fee that brings in \$82,800 in revenues.

Ms. Peel recalled that rental units were not inspected on a regular basis as was discussed by the committee; Mr. Pierce agreed it is currently more complaint driver.

Mr. Brooks asked if the standard practice and job procedures have been read for a rental person that are on the books. Mr. Norenberg said that he and the Planning Coordinator have spent a great deal of time meeting with both code officials to discuss tracking data better, the focus of the entire City and more proactive responses in addition to complaints.

Mr. Brooks pointed out the City has job descriptions and asked how many of those duties are involved and how many will be changed. The City Manager is unsure if there is a need to change the job description though it can be revisited if Council feels it is necessary. However, he feels that is more of an administrative function.

Mr. Brooks said it states what each employees' job duties are. Each code official has specific duties and the rental person has assigned duties. He said it talks about gate keepers and asked if the City Manager read the City books.

Mr. Pierce' intention is to bring in the new position at a step lower and create a career path for the position. In that manner, there would be a Code Official I and our current employees would be titled Code Official II (two).

Ms. Wilson pointed out that it makes no difference what the job descriptions state if we do not have enough manpower. Having only one code official does not allow half the work to be done that everyone expects. No matter what is on the books, when they receive a complaint, that becomes a priority. She emphasized that in customer service, you need to take care of that customer and the bottom line is we need another code official to get everything up to par. At that point, the other official could pick up the other duties that are expected.

Mr. Pierce pointed out that if we have a resident who has a code violation and is reluctant to comply, our next step is the JP Court system which is extremely time consuming. Mr. Burk said even if it gets to a trial, the judge may issue a \$25 fine which is nothing compared to the time and money that are put into that case.

Mayor Shupe asked that Mr. Pierce obtain more information and present it at the committee level for further discussion. He then pointed out that in the Newark case, the landlords claimed the steady rise in the rental fees made it a tax versus a fee that pays the City's cost of regulating rental properties. He feels we can justify this increase.

Mr. Burk said the reason Newark was sued is because a municipality in Pennsylvania lost a similar case and Newark's landlord association took an interest. He suggests the City learn from someone else's mistakes.

Ms. Wilson pointed out that Milford does not have a landlord association but recalls when the landlords got together to come before Council. They did not fight against the fee that was under consideration but wanted to know the reason behind it. They also accepted it because they knew that something had to be done to try and manage the rental properties for the benefit of the entire City.

Mr. Norenberg said the question is whether to raise the fee or allocate more money from the general fund. As Mr. Portmann pointed out earlier, this has been helping to balance the budget of this department. Mr. Brooks said Council did not know that until two years later.

Mr. Morrow suggests using \$41,000 out of the general fund and hire another code official that handles inspections. We will then see the actual costs are being justified. He recalled implementing this back in 2010 or 2011 with a \$50 fee though the code official was never hired nor were inspections done.

Mr. Portmann then pointed out the proposed new business license can also help in this situation. He said the initial proposal was a \$100 business license, but if that is increased to \$135, then the rental fee can remain at its current rate.

Mr. Burk said a lot of municipalities have handled this through a percentage fee and each fee increased in the same percentage. It would then not appear the City is picking on a landlord versus other businesses. He said that is the problem that Georgetown encountered when they raised the rental license fee but not the business license.

Mr. Norenberg pointed out that Milford currently does not have a business license; Council agreed adding it has been discussed for years but it was never implemented. Mr. Portmann emphasized that the City only requires a \$100 contractor's permit in addition to a vendors/solicitors permit.

Ms. Peel said that ward two has a concern about code violations and asked that the department collect data. Though it does not look like the numbers are moving in the right direction, she wants to make sure that everyone is doing their job efficiently.

Mr. Morrow agrees and reiterated that the \$50 rental fee was implemented four or so years ago and that income was not used as the City Manager stated it would at that time. Mr. Portmann said the other option is to raise property taxes to make up the difference.

Ms. Peel said she wants to see the number of cases closed and wants to make sure that is going to happen with the new employee.

Mr. Pierce explained that they discussed instituting a business license for the approximate 500 businesses in Milford. He said this would be similar to the current contractor/vendor/solicitor license already in place meaning anyone doing work or having a business would be required to pay \$100 a year.

He referred to the comparison of business licenses in other municipalities and their fees.

Mr. Norenberg stated that currently, a business can open anywhere in the City regardless of the zoning district. Mr.

Pierce agreed adding this is a good way to identify operators of businesses, track changes in ownership and business activity in general. The big issue is compliance with City codes governing business operations and commercial building codes.

It was confirmed that currently both code officials look for contractors who are unlicensed in the City. However, those tasks will need to be delegated once the third person is on board.

Mr. Pierce advised that the City receives calls from new business owners on a regular basis who expect to file and pay for a City business license.

When asked how much money is needed to hire a third code official, Mr. Portmann answered \$77,215.

Mayor Shupe prefers not stating that we are using this money to fund this position because that is what was done in the past and not done. He feels it is more appropriate to explain the need for the business license and the advantage to the City and residents.

Mr. Portmann agrees it can be used to balance the budget but not to hire this person.

Mr. Campbell questioned whether or not to base the business license cost on square footage; for example, the City could charge \$100 for a small store, but a business with 2,000 square feet would pay more. Mr. Burk said it could also be based on the number of employees.

Mayor Shupe feels we can make the argument that the business license actually benefits the businesses to ensure we have legitimate businesses operating in the City. It was agreed they will be the ones to report unauthorized businesses in town.

Mr. Morrow said he has no problem with the \$100 fee.

Mr. Morrow then summarized the conversation stating it is the consensus of the committee and Council to keep the \$100 business license in the budget; Mr. Portmann noted that as a result, the budget is \$27,000 short which will have to be found in another area.

The Finance Director then explained the Planning Coordinator proposed a combination of the rental fee and business license which he felt was low in comparison to other municipalities in the area.

Mr. Portmann recalled the earlier comment that if a fee is increased, it needs to be increased uniformly. He pointed out the \$100 contractor license has been the same for at least 27 years. He explained if the business license is implemented at \$125, then the contractor license should be raised to \$125.

Mr. Burk said in that case, we could raise the rental fee from \$50 to \$75 and \$100 to \$125 for the contractor license.

When asked what other towns charge for the business license, Mr. Pierce said that Harrington was at \$50 but \$250 to \$500 for distributors (based on employment); Smyrna is at \$50; Georgetown is at \$78 for an employee with one to ten employees, \$180 for eleven to fifty and \$270 for fifty and more employees.

Mr. Brooks pointed out that we have no way of knowing how many businesses or contractors never file; it was noted that these budgeted numbers are based on what we are aware of.

It was confirmed that rental inspections, which would be assigned to the new code official, are presently only done upon request.

Mr. Norenberg said he is aware of one rental property where our current code official has had to return two to three times. Based on the complaint, it was an expensive inspection process.

He then confirmed there is a consensus to not only raise the rental fee, but proceed with developing a business license fee of \$100 to \$125. It was reiterated the \$100 fee creates a budget shortfall \$27,000. Mr. Portmann recommends a cross-the-board increase for each of the fees which can be substantiated.

It was agreed that \$125 would be charged for both a business license and for the contractor fee. It was agreed that basing the fee on employee data would require a lot of follow up and investigation.

Mr. Portmann then continued with the review of the proposed budget. He noted there are some increases as a result of the new code official including insurance, an additional computer and benefits in addition to the \$25,000 vehicle.

Parks and Recreation Pages 12-13

Parks and Recreation Director Brad Dennehy was present. When asked to explain the \$20,000 increase for temporary wages, he stated that he has seven seasonal workers of which three are assigned to the cemetery every day. The other four seasonal workers maintain more than 200 acres of parkland, sporting fields, goat island and the ballpark. There have been no additional workers hired as a result of the nine acres added when goat island was opened. He explained those seven workers can only work six hours and the additional \$15,000 will allow them to work longer.

The other \$5,000 requested is for a backup office worker because his full time office manager is unable to take vacation.

Mr. Dennehy reported that he has a lot of pressure from DMI to make things look better and plant more flowers. The flowers and plants need weed maintenance and watering. The additional \$15,000 will take care of that problem.

When asked about the three workers assigned to the cemetery, Mr. Dennehy explained that Milford Community Cemetery pays for them. There are two different cemeteries and the City agreed to take over their maintenance after Odd Fellows petitioned the City to do this. Currently, the City spends around \$32,000 to maintain that cemetery. They have considered contracting that work out but it was agreed to keep it in house.

Mr. Campbell pointed out that he is in the Lions Club and they periodically volunteer to clean up the cemetery. Mr. Dennehy said they did that before Memorial Day, but he needs to communicate with them because they left a big pile that his staff was unable to remove with our equipment. He said arrangements have to be made for a dump truck or trash truck so the debris can be loaded versus handling it as was done this last time. He feels it was not a good use of time and labor by City employees though he is willing to accept volunteers from the Lions Club at other cemeteries though they seem to only focus on the Union Cemetery.

Mr. Portmann then referenced the contract service line item that increased from \$20,000 to \$24,000. Mr. Dennehy said that is the result of the bathrooms at the Can Do Playground that needs regular maintenance by a professional cleaning service. He explained it is too much work for his employees who are park guys and not cleaners.

Another reason for the increase is the addition of wi-fi which would allow organizations who rent out the meeting room at the Parks and Recreation building to connect to the internet.

The Finance Director said the budget also includes a new computer. The fuel oil line item decreased from \$5,000 to zero after the unit at their Mill Street facility was replaced and an energy-efficient electric system installed.

Employee benefits had minimal increases as a result of the new part-time office worker.

Referring to the list of capital requests, Mr. Portmann noted the \$7,000 is part of the roof replacement approved last year (year two).

Mr. Dennehy also explained that soccer fields were built at the Can Do Playground; the irrigation was replaced last year and a zero turn mower and aerator is now needed at a cost of \$18,000 to keep them fertilized and watered.

In addition, he wants to replace his Park Supervisor's 1996 truck with a bare bones pickup that can be purchased off the state contract.

He recalled the conversation last year about the wooden riverwalk that is now rotting. The deck boards need to be replaced of which \$50,000 allocated last year. Mr. Dennehy is requesting an additional \$50,000 be added this year. He received quotes for the complete removal and replacement at a cost of \$350,000.

Mr. Dennehy is not asking for the full amount, though \$100,000 is needed for maintenance-free composite boards such as Trex or a similar item. He hopes to get some additional grant money to assist with this project.

He said it has been his idea to get more river-based activities and he will be seen frequently in future newspapers discussing this. He wants more kayaking, paddle boarding and rentals on the river. By accident, he received a \$17,000 grant last year from the DNREC Community Environmental Project fund and wants to build another floating kayak dock along the river behind Arena's Restaurant. There is a second one located by the dog park.

Mr. Dennehy feels the idea is a good one because it will allow someone to launch behind the police department, go up the river to Arena's where they could tie up, go in and get a meal and a beverage. The cost of his concept is about \$100,000 and he has already covered about \$25,000 with grant money and City money.

He has had several conversations with the owners of Arena's and believes there are a number of people who would be willing to pay toward the additional \$75,000. According to the Director, if he can get a portion through the City, he will find the balance elsewhere.

Mr. Morrow asked where this money would come from; Mr. Portmann said this is one of many new items being requested.

Mr. Norenberg prefers to discuss those items at the end of the discussion and asked Mr. Dennehy to discuss goat island and the causeway in order to stay on schedule.

Mr. Dennehy then continued by stating there was \$30,000 budgeted to dig out the causeway of goat island. This is the last piece of the greenway project and once this is done, it will be complete. He recalled that Planning Coordinator Rob Pierce came to him last year with representatives of the DNREC Water Infrastructure Advisory Council. The \$20,000 would bring the City's portion to \$50,000 with the money that was budgeted last year. DNREC would then provide a matching grant of \$50,000. He said that Mr. Pierce accomplished that by having City Council approve a water quality, living shoreline, wetland restoration and causeway removal plan.

Mr. Dennehy said there are a number of components though his plan is to get the causeway removed. The City Engineers believe the \$30,000 that was allocated for this work is more realistically \$75,000. This will then allow someone to paddle completely around the island.

Police Department Page 8-9

Chief Kenneth Brown was present.

Reviewing the police department budget, Mr. Portmann noted that Chief Brown moved the \$15,000 special duty radar funding into the officer's overtime line item which increased to \$164,000.

Chief Brown also eliminated the seasonal cadet program. He explained that the department originally had a \$14,000 cadet program, but ran into some problems last year. They started with five cadets and only ended up with two. He stressed that with Councils' emphasis on downtown and additional foot patrol and enforcement, the cadets are unable to take any enforcement action. As a result, he has requested they use the \$14,000 for downtown foot patrol for the full-time officers.

In addition, extra officers will be paid for foot patrols during the special event downtown. This will also prevent the event organizer from paying the special duty rate.

Mr. Brooks said the cadets were seen at the little league park on a regular basis which was very much appreciated. He asked if last year's group was a bad group; Chief Brown said that two were fired and Mr. Brooks recalled a number of really good cadets over the years.

Mr. Portmann noted that legal expenses increased as a result of the ongoing contract negotiations aside from the binding arbitration budget that was also increased. In addition, negotiations will be starting next year on the next contract.

Renewal insurance increased by more than \$10,000 and though it went down in some areas, the police portion went up.

Mr. Portmann then pointed out the training budget increased this year; Chief Brown attributes that to the number of young officers he has hired who need training. They are all sent to officer survival training which is held in Atlantic City and he hopes to have all his officers complete that training this fiscal year which is the reason for the increase.

The chief added that ammunition also comes out of that line item and officers are required to certify three times a year.

Mr. Brooks asked if there is enough money for the FBI Academy; Chief Brown said that is not included in the new budget.

Mr. Portmann referenced the increase in vehicle maintenance, repairs and insurance. Chief Brown attributed that to the cost of the Dodge Chargers which he said have turned out to be very disappointing to the police community. They plan to purchase two Chevy Tahoes and will trade in two of the Dodge Chargers.

The Finance Director referenced the five-year capital budget for showing \$71,600 for vehicles and equipment. In addition, there is \$15,000 allocated to extend the rear parking lot which the City Street Superintendent is handling and providing additional financial assistance.

IT Department Page 7A-7B

IT Manager Wes Banasan was present.

Mr. Portmann noted that the salaries and wages in the IT Department decreased because they removed the hybrid accounting/IT position that had been budgeted the past five years and never filled. That funding was transferred for the new Accounting Manager in the finance department.

The Finance Director explained that IT Manager Wes Banasan is requesting a part-time 24 hour/3 days a week employee with no benefits. He said that Mr. Banasan recommends hiring a person that he and Mr. Portmann both know from their military background. He worked for a company that is downsizing and will be without a job this month. He has retirement benefits from the Air Force and does not need City benefits.

Mr. Banasan said he has been here for a long time and is concerned he will become ill. He would like to have some good help this year in case that happens. This person wants a part-time position and Mr. Banasan knows him personally. He is currently working for NAPA (IBM) with the same experience and background in servers and equipment and he wants to hire him as his assistant.

When asked if this is a position that has been posted, Mr. Portmann said he is unsure and deferred to the City Manager noting this is a part-time position and he is unfamiliar with those requirements. Mr. Norenberg stated that the City is in the process of updating its personnel rules and typically for part-time positions, they do not have to be posted and advertised. Mr. Morrow agreed the City does not have to do that with part-time positions.

Ms. Wilson asked for clarification stating she feels the City needs to post all positions. She feels it is wrong and Mr.

Mergner agreed. Ms. Wilson noted that in the business world, a company posts internally as well and reiterated that all openings need to be announced. She feels it is only fair and that everyone should have the chance to be considered.

Ms. Wilson said she is aware of two applicants that applied for IT positions in the City. One person she knows personally submitted a resume approximately two years ago when their company downsized and his job was eliminated after spending twenty years in the company.

She emphasized how unfair it is to bring someone on board just because they know someone without giving everyone an opportunity to apply and feels that should apply to any job opening, including internal openings.

Mr. Campbell agreed it should be done even if someone has been chosen for a position as the City has done in the past. Ms. Peel feels it is even more important when the position increases the budget.

Mr. Portmann said he has no problem with that and he is unsure of why it has not been posted because he is not the HR person.

Mr. Burk said we should do everything to stay out of court adding that we have paid enough legal fees the past couple of years.

Mr. Banasan suggests hiring him part-time this first year and if things work out, he could later become full-time.

It was agreed that the part-time position needed to be posted and that no benefits will be paid.

Mr. Portmann continued by explaining that software maintenance is an ongoing cost and increased from \$117,00 to \$124,000 though Mr. Banasan is adding new products. The computer line item decreased by \$5,000 and recalled when the last City Manager asked for additional money for the City Planner to set up the GIS system and related items.

He reported that Mr. Banasan has requested \$55,000 in his capital budget for the replacement of four major servers and one primary and secondary domain controllers. A third domain controller would be built at public works and both Naviline servers replaced.

Mr. Banasan said he tries to even out the capital every year and plans to replace the I Series next year as well as the exchange server. After that, there are servers and other equipment planned for each subsequent fiscal year.

Finance Department Page 6A-6B

Mr. Portmann reported the only increase in this department is in salaries and wages. Mr. Portmann said he is considering retiring next year and in order to do so, someone else needs to be hired next April in preparation of that transition. As a result, his salary is there for the entire year, along with the additional three-month salary for the new hire. The Finance Director's salary would then be eliminated beginning the following fiscal year.

He noted that the training budget is higher because of the new Accounting Manager he hired, in addition to any training needed for the new person who will be hired.

The Finance Director noted that our Payroll Person has been here seven years and though she has never been to a conference, he plans to have her attend the software conference this fiscal year.

City Administration Page 4A-4B

He noted that salaries and wages are down because the City is no longer paying two City Manager salaries as they have the past two years.

Mr. Portmann referenced the tax assessor services involving Tyler Technology's assessments that are done on a quarterly

basis. In FY 14-15, \$30,000 was budgeted though that was reduced by last year's City Manager who misjudged the amount of work needed that year. This year the cost is anticipated at approximately \$15,000.

City Manager Norenberg then discussed the compensation study line item in the amount of \$25,000. He said that currently, a compensation analysis is being done on the union officers. As he and Mr. Portmann met with the various department heads, several salary adjustments were requested. They heard from enough departments to justify a compensation analysis being done citywide. The last one was done in 2007 and was implemented in 2008.

He said that HR Manager Lisa Carmean feels that because we are covering the majority of the police department with the study currently underway for the binding interest arbitration case, the balance of the City and the non-union employees in the police department can be done for \$25,000. They will then consider anyone that has taken on additional responsibilities or duties over the past few years to ensure they are fairly compensated.

The City Manager said that Council talked about the study of the police department operations. That information would then be fed into the plans for the future police department and anticipated future growth of the community.

He explained the \$95,000 is based off of a similar study underway by the City of Dover.

According to the City Manager, this was discussed at the police committee approximately two and a half months ago at which time there was a suggestion to look for grants to do this study. He said this type of study is not eligible for grant money and is more routine in nature. The Department of Justice is funding more trending topics and not things like the number of officers needed at a department. As a result, he and Mr. Portmann were able to squeeze the \$95,000 into the City Administration's budget.

Mr. Morrow asked if Chief Brown has provided the prior study; Mr. Norenberg said he is still trying to get all of the documents though the chief is trying to locate them.

Mr. Morrow said we need to utilize the study that was done as there was a lot of work and time put into that study.

Ms. Peel asked when the previous study was done; it was noted there was a needs and feasibility study completed under City Manager David Baird. Mr. Norenberg explained that part of that study assessed appropriate sites for the new police department. Mr. Burk asked if that where the idea for the Growmark site came from; Mr. Morrow explained there were several sites chosen with three final sites of which Growmark was one. It was determined that would be the most appropriate because of its location in the downtown area.

The other two sites were in the City's business park. One had the solar panels placed on it and is no longer feasible.

Mr. Norenberg said they also came up with some preliminary plans for the building and there were some questions about potential growth and whether it should be built in a way it could expand or could the space be utilized more efficiently. He is unsure that information can still be used because an informed decision is needed and we cannot rely on a study that is out of date now.

Mr. Morrow asked why this is budgeted in the City administration budget and not added to the police budget noting that is a unique situation; Mr. Norenberg said that Council made this one of the City Manager's goals so it was added to his budget and ended up on the City administration side. However, he and Chief Brown have been collaborating up to this point and will continue to do so in the future.

When asked the time frame, Mr. Norenberg explained that once the study is done, the big factor is how to pay for it. He said it is very important to make the public understand the needs and benefits to the community because the voters will have to approve this.

Mr. Burk questioned Mr. Norenberg's goals and asked if he is referring to the \$25,000 non-union employee study. Mr. Norenberg answered no, that one of the goals set for him was to work with the police department to develop a plan for

a new station. He added that to his budget in order to keep that goal on track.

Mr. Portmann referenced the increase in legal services from \$18,000 to \$21,000; engineering fees decreased from \$12,500 to \$5,000. He recalled the previous City Manager adding an engineering line for the first time. Mr. Norenberg believes that \$5,000 will more than adequately cover the periodic engineering issues that need to be paid by the City administration.

The records retention line item shows a decrease due to being combined with the codification line item in the City Council budget.

The vehicle was removed as is noted in Mr. Norenberg's contract whereby he receives a monthly allowance for using his personal vehicle. Gasoline and oil is also down to zero as a result.

The HR Manager was moved to the administrative budget so the advertising and printing budget increased by \$4,000.

The City Manager noted that the HR Manager previously fell under the finance department and there are a number of other line items that increased as a result.

The training budget includes the City Manager, City Clerk, HR Manager, Deputy City Clerk and Office Assistant. The general expense increase and copier costs are a result of the additional personnel. The copier had a lot more use this past year due to the staff in the lower level; that created a shortfall because those costs are based on the number of copies.

Ms. Peel also suggested downgrading the quality of paper being used.

The computer line item increased to \$6,000 for a large laser printer which will be shared at City Hall though the former City Manager requested it last year and it was never purchased.

Mr. Portmann reported there has always been \$25,000 budgeted for discretionary funds by the City Manager. Last year, City Manager Medlarz felt that no discretionary fund was needed and eliminated that line item. This year, Mr. Norenberg decreased added \$15,000 though that is still \$10,000 less than a previous City Manager used.

No capital items were requested this year.

City Council Page 14

Mr. Portmann reported that insurance is down as a result of the public officials' decrease this year.

He referenced the new Christmas decoration line item of \$15,000; the Finance Director recalled this was added to last year's budget and the Electric Superintendent and Parks and Recreation Director were tasked with purchasing the items after the holidays though that was never done. As a result, Mr. Portmann said the \$15,000 can either replace the original funding or be added for a total of \$30,000 though that is up to this committee.

Mr. Burk recalled the conversation and his recommendation was to purchase the new items after Christmas when the items were on sale. It sounds to him like a good opportunity was missed.

When asked how the \$15,000 was determined, Mayor Shupe said it was just an estimate though the committee can determine the exact amount.

Mr. Portmann referenced the codification line item that increased from \$4,000 to \$9,500 based on the elimination of the records retention line item under City administration.

Service agreements remain the same; the cemetery expense was a salary stipend for the Parks and Recreation Director that was not requested this year.

Economic development is a new line item under City administration. There is \$15,000 budgeted for the first time this year. Mr. Brooks asked why this was added when we have a completely separate economic development budget; Mr. Portmann confirmed the \$15,000 will come from the fund Mr. Brooks is referring to as will be explained when the revenues are discussed.

Mr. Portmann then explained that the City Planner's salary, the \$30,000 earmarked for the comprehensive plan and the \$15,000 economic development line item all come from the economic development fund Mr. Brooks is referring to. Mr. Norenberg explained this includes items such as appraisals and legal expenses related to economic development items as have been paid the past couple months.

The City Manager further explained that before the end of June, we will be spending some of the economic development funds to provide a match against the DEDO (Delaware Economic Development Office) grant. Similar expenses are anticipated as we move forward with the DDD next year.

Mayor Shupe verified we received \$20,000 from the DEDO/Downtown Planning Grant of which we had to provide \$3,250 in match money. Mr. Portmann stated yes adding that the City agreed to spend \$20,000 by the end of the year and is why \$23,250 is budgeted in FY15-16. Of that, \$1,000 is left to spend.

It was noted that Carlisle Fire Company signs an annual service agreement to provide fire protection at a cost of \$140,000. The museum is a landmark commission of the City supported in the amount of \$26,000. Our economic development fund has actually paid Downtown Milford \$40,000 over a five-year period and will expire in FY18-19.

Mr. Norenberg reported that the Milford Historical Society is asking why they are not receiving an allocation like Milford Museum does; they were told they have to be a commission of the City or provide direct services that benefit the entire City.

The armory expense line item was reduced to \$10,000 because of the inactivity at that site.

When asked if the building will ever be used, it was noted that parks and recreation, police and public works actually use the facility. Mr. Norenberg explained that the building is not ADA accessible, has an antiquated boiler system so it cannot be heated and no air conditioning. A determination of the future of the building is still needed though that is beyond its current, but limited uses.

A new item added is a resident survey at a cost of \$15,000. Mr. Norenberg explained that one of the things that would be helpful in providing future services to our residents. He said the National League of Cities and International City Manager Association support a national citizens survey that can be administered through either the mail or internet. The intent is to get a random sample survey and quality feedback on our services. Items such as public safety, quality of life and comfortable living would be tracked overtime and benchmarked against communities of similar sizes and characteristics. He recommends repeating the survey every couple of years.

There is no increase to the City Hall cost allocation and actually a \$6,000 decrease.

Revenues Pages 2-3

Mr. Portmann reported there is an increase in the general fund capital reserves from \$280,000 to \$356,000. Included are Bridgeham Avenue and Linstone Lane (\$66,000); half of the street sweeper (\$145,000); police study (\$95,000); and riverwalk decking (\$50,000) all of which are non-recurring capital expenditures.

The next item discussed was the economic development fund that increased from \$173,440 to \$201,255. Included is the Planner's salary and benefits (\$116,255); comprehensive plan update (\$30,000); DMI (\$40,000) and economic development expenses (\$15,000) that was previously presented. This is funded out of the old Wawa sale money though the intent is to remove the Planner from beneath this fund and place the position back under taxes before this fund is diminished.

The Finance Director referenced the \$100,000 sidewalk fund that was removed and reduced to zero as a result of last evening's recommendation by the committee.

Real estate taxes increased from \$3.701 million to \$3.738 based on today's numbers; penalties remain the same and real estate transfer remains at \$500,000 for the police department.

Business and mercantile licenses proposed at \$85,000, will be increased to \$106,250; rental licenses proposed at \$124,000 will be reduced to \$85,000 based on tonight's recommendations.

Building permits are being slightly increased to \$75,000 as we continue on a positive trend. The only other change is the SRO officer which Council, in conjunction with the school district, approved a \$50,000 reduction.

When asked that status of the property tax penalty forgiveness program, Mr. Norenberg reported that as of Monday, the City has collected approximately \$24,000 in back taxes. He recalled that more than \$500,000 was owed when he first reported this to City Council in May. Approximately six or eight payment plans are in place and no penalties will be assessed as long as those monthly payments are current.

Unless we hear from a substantial number of the delinquent property owners, we will begin initiating the lien process on a large number of properties. However, Council will be reviewing a new strategy on how to address these properties considering the complex process currently in our charter. An update is needed to help speed up the process in the future which will be reflected when the charter is amended during the next legislative session.

Mr. Brooks asked how we got to the point of so many property owners being delinquent and in particular, how it rose to \$500,000. Mr. Morrow suggested taking the \$500,000 divided by the past twenty years when the delinquent accounts were neglected and that will show exactly how we got there.

Mr. Norenberg said that for whatever reason the City had a reputation of not going after these property owners so they were uninterested in staying current. Mr. Portmann pointed out it was never discussed publicly though it was discussed with the City Manager behind the scene every year during the budget meetings. He said no one wanted to go out and enforce it and make the call to go to a sheriff's sale. He said it is somewhat similar to the sidewalk issue.

Mr. Brooks disagrees emphasizing that taxes are the property owners' responsibility and the City budget is dependent on that. Sidewalks are completely different.

Mr. Portmann then reported the miscellaneous revenues remain the same. The interdepartmental revenues increased to \$800,000.

The total general fund is \$9.152 million.

Budgeted and unbudgeted new items were then discussed.

Mr. Norenberg recalled the IT specialist, resident survey, police legal expenses, parks and recreation seasonal staff hours, replacement accountant, comprehensive plan assistance, police operations and facility needs study, economic development costs, Christmas decorations, non-union compensation study, new code official and the 2% wage adjustment were all discussed and reflected in the proposed budget.

He reported that the life/AD&D & long term disability insurance was renegotiated with a savings of approximately \$7,000. The City Manager is proposing for the first time we add vision coverage as a new benefit for our employees at a cost of \$6,400. Employees will have the option of adding their spouse (\$4.64/month) or other dependents (\$5.16/\$10.00) as optional coverage. The net cost is a savings of \$1,258 to the City.

If Council agrees, an authorization to enter into the contract for the vision care will be added to the June 13th agenda.

Mr. Norenberg said this is a better plan than he had in Ohio and a great benefit to provide our employees.

Mr. Burk moved to approve the new benefit for vision care, seconded by Mr. Morrow. Motion carried with all three members voting yes.

The City Manager then referred to the unbudgeted items. Included are several pay adjustments that may be needed after the compensation study is completed.

Mr. Norenberg is proposing to add a public information specialist whose purpose is to increase outreach to residents via newsletters, social media, etc.

In addition, the police department wage adjustment will be needed upon the resolution of the teamsters' contract.

The additional kayak dock on the river and goat island causeway removal are also unbudgeted items.

City Hall has a great deal of peeling paint and dryrot that was discovered on its fascia because there has been no maintenance since the building was renovated in 2008-2009. Quotes will need to be obtained at a later date.

The replacement telephone system is anticipated to be between \$30,000 and \$40,000. The system at public works is failing and this will provide a linked system citywide.

When asked for recommendations, Mr. Morrow recalled the conversation last night regarding the paving of Airport Road which he feels is a priority. Mr. Portmann said that change was made in the official budget.

The Finance Director confirmed that the budget being presented is a balanced budget though these unbudgeted items are not included. He explained that some of what is proposed needs more concrete numbers. Other items such as the kayak and causeway need to be determined as well. Any later pay adjustments will need to be considered at that time.

As a result, there are only a couple items that can be considered tonight.

The phone system will be discussed once the final numbers are received. The same applies to the painting of City Hall.

Mr. Campbell believes the additional kayak dock and goat island are not urgent items and can wait; Mr. Burk agrees that goat island needs more investigation before that happens. Mr. Morrow agreed. Mayor Shupe added there are some developments with the kayak dock that involve other funding mechanisms and not City monies.

Various numbers were then considered for the budget; Mayor Shupe reiterated that there may be some interested parties planning to develop near the river that may be interested in the kayak dock. Mr. Mergner likes the idea the City may not have to come up with that money and instead it could part of a development that is being planned.

Mr. Mergner feels the public information specialist should be considered and feels that is more important than a kayak dock. When asked how this information is being relayed to our residents now, Norenberg said it involves a number of people but no one is a professional in terms of utilizing the website and social media. He said Christine Crouch does a great job of administering the website but fresh content as far as videos and marketing materials as needed.

The City Manager would like to share this position with another organization in town if possible.

Mr. Burk then recommended contacting Milford School District; Mayor Shupe noted that it has been discussed with the school.

Mr. Norenberg said if Council likes the idea, he is willing to work with the new superintendent and bring back a more detailed proposal at a later date. He said the City would hire the individual and be reimbursed a portion of their costs though it is still very hypothetical. He has discussed this with the new superintendent though he does not know how far

it has gone.

Mr. Morrow agrees on that point and the need for that position and recommends allocating \$31,500. Ms. Peel asked if that can be paid from the economic development fund. Mayor Shupe suggests nothing else be paid from that fund and recalled the Finance Director's earlier concerns about the fund being depleted.

Mr. Morrow recommends it be paid from the general fund; Mr. Portmann stated no, the capital reserve funds can be used for the kayak but an ongoing personnel position is not a capital item.

Mr. Portmann confirmed the general fund account has \$1.15 million. Mr. Campbell recommends allocating \$31,500 from that fund for the new position. Mayor Shupe noted that will become an annual expense needed in every budget. Mr. Portmann reiterated that Council already funded the economic development position out of the economic development fund though it should be in the tax budget. This will add a second position and at some point, a massive tax increase will be needed to pay both salaries as these funds dry up because they are recurring expenses.

Mr. Burk asked if the PIO can be part-time; Mr. Norenberg said essentially it will be part-time though a split full-time position.

Ms. Peel asked how the new IT assistant and code official will be paid; Mr. Portmann explained that when they met with each department head there was a certain amount of money available. These items were prioritized with the blessing of the department head. Some of the items did not make it because there was not enough money.

Ms. Peel asked if the IT position is more important than the PIO. Mr. Norenberg feels that given the nature of keeping our utility billing system and other systems operating and supported, it is more critical at this time.

Mr. Burk asked to consider hiring someone that can do both noting that we hired someone that was an economic developer and planner. He feels that someone familiar with IT work is probably familiar with how to use social media.

The City Manager explained that Wes is looking for specific skill set in the area of server maintenance. The other position requires the ability to write press releases and other items.

Mr. Burk asked if when the work study is done for the City employees, if man hours and downtime be considered when the work study is done for City employees, or will it only involve comparable wages; Mr. Norenberg explained we would benchmark against other municipalities or similar jobs that exist in the private sector to compare current wages and benefits.

Mr. Burk asked if they will be looking at a typical day in the life of our IT Manager, for example, and how many hours he works. Mr. Norenberg said no, but we would benchmark the job description based on the IT position, versus just a server maintenance person.

Mr. Burk was thinking if we had a part-time person and any downtime when the servers were functioning could be used for social media. He said it would be a similar situation to Rob Pierce who has a two-in-one job combo.

The City Manager stated that we will not know the financial impact of the compensation study until it is completed.

Mayor Shupe reported there may be a possible grant for the public information specialist so we may want to wait on that. It would be part of the Complete Community grant which could happen though we are unsure at this point. However, if it becomes available, one of the eligible items is the cost of someone to handle public information.

It was then agreed to put the public information specialist on hold and budget a \$30,000 one time allocation for the kayak dock. In addition, add the telephone system and Airport Road improvements but remove the causeway.

Mr. Portmann advised the telephone costs are not in the budget and will be presented to City Council at a later date along

with the City Hall fascia repairs and any impact as a result of the pay study.

It was agreed that no committee meeting is needed on June 9, 2016.

Mr. Portmann confirmed the budget will be ready for adoption at the June 13th Council Meeting.

Mr. Morrow moved to accept the budget as discussed, seconded by Mr. Mergner. Motion carried.

There being no further business, Mr. Mergner moved to adjourn the Finance Committee meeting, seconded by Mr. Burk. Motion carried.

The Finance Committee was adjourned at 8:25 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
July 11, 2016

A Meeting of the Public Works Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, July 11, 2016.

PRESIDING: Public Works Committee Chairman Owen Brooks Jr.

IN ATTENDANCE: Committee Members:
Councilwoman Lisa Ingram Peel

Mayor Bryan Shupe

City Manager Eric Norenberg and City Clerk Terri Hudson

Chairman Brooks called the Committee Meeting to order at 6:05 p.m.

*Proposal/Northwest Milford Area - Holly Hill Road Water Main Extension.
(Baltimore Aircoil Company, Crop Production Services & Hickory Glen)*

City Planning Coordinator Rob Pierce was present.

Mr. Pierce referenced the Northwest Water/Wastewater Study that Davis, Bowen and Friedel completed this past October. The study considered several undeveloped properties along Williamsville Road and State Route 14/Milford-Harrington Highway and evaluated what improvements were needed to service them with water and sewer.

He then referred to the proposed water demands for Hickory Glen and Amberwood on Holly Hill Road. He recalled that Hickory Glen was proposed for 399 EDU's and Amberwood for 216 EDU's a couple years ago.

Mr. Pierce reported that Hickory Glenn will need to construct their water main through their site though it needs to be determined who will be responsible for the water main extension.

He explained the original study recommended constructing a 10-inch water main with a cost share between Hickory Glen and Amberwood based on EDU's. The shared cost breakdown was 65% for Hickory Glen and 35% for Amberwood. Since that time, Amberwood is no longer developing and Crop Production has purchased the property as an industrial site and 7.5 EDU's. Based on city code and EDU allocation, that reduces Amberwood/Crop Production's breakdown to 2% while Hickory Glen has increased to 98% of the costs.

Mr. Brooks asked if Baltimore Air Coil (BAC) has ever requested annexation noting that on numerous occasions they have experienced water problems and the city has able to accommodate them. He recalls when one of their managers informed him their plans were to annex as soon as BAC was contiguous.

Mr. Pierce feels there are more benefactors of the water main extension, including Baltimore Air Coil, who could utilize the line when it is extended, thus sharing some of the costs. In addition, there are sixteen strip lots along Holly Hill Road that could potentially tie in when their wells fail. As we extend beyond their properties, we could leave a connection which would require the city to carry another 4% for the strip lots.

He referenced Chapter 222 of the City Code that states that when the city spearheads a public works agreement, the contributions must be based on EDU calculations.

Mr. Pierce reported the city does not feel that may be the most equitable way of splitting out the costs since Hickory Glen would have to pay 98% when compared to its original estimate of 65%. Comparatively, 65% is a cost of \$325,000 and 98% of \$490,000.

Ms. Peel asked if Crop Production Services considered paying the original cost owed by Amberwood at the time they

purchased their property; Mr. Pierce explained that 35% comes out to \$175,000 and is much more than their proposed investment.

Mayor Shupe asked Crop Production plans; Mr. Pierce said the proposed use is a small office that will house their management and clerical staff, as well as customer support. It will also contain approximately one dozen outbuildings for fertilizer storage. Overall, they are relocating their services from Rehoboth Boulevard to Holly Hill to allow additional room in a more suitable industrial setting.

It was confirmed they would completely abandon their present site on Rehoboth Boulevard.

Ms. Peel asked if any property owners are interested in switching from well to public water; Mr. Pierce said we would need to send out a letter asking who was interested. Perhaps we could provide them a break in the connection fee to encourage participation though that needs to be a decision of the new public works director and Mr. Norenberg.

Mr. Brooks is concerned that if Hickory Glen slowly develops after the pipes are installed, it could take years to break even. Mr. Pierce explained that if the city signed an agreement with the four parties, for example, the city would want the money now. He said this is an initial investment that most developments anticipate. The water will need to be constructed at the site and looped back into the system before any permits are pulled.

Ms. Peel asked if Hickory Glen is aware that Amberwood has been sold to Crop Productions who is not developing as was proposed. Mr. Pierce said they have been discussing a development and utility agreement and are trying to bring Hickory Glen, Crop Productions and Baltimore Air Coil together on some type of cost allocation for the water main extension.

Mr. Brooks recalled the number of times Hickory Glen asked for an extension of their approved plan; Mr. Pierce is familiar and recalled the latest extension was because the Northwest Study had not been completed. The delay at this point is to agree to the cost share allocation and hopefully get the other parties involved due to the property ownership changes.

It was confirmed that Hickory Glen was aware of their initial 65% share. Mr. Pierce said one scenario is to leave them at 65% and try to proportion the remainder and split the 35% between the industrial users.

Ms. Peel does not believe we can persuade them to accept a much higher percentage when one property is only responsible for 2% and Baltimore Air Coil does even need it yet. Mr. Pierce added that Crop Production Services bought the property and has already received preliminary approval. They plan to use a well until the water main has been extended though they prefer public water if the cost allocation is reasonable.

Mayor Shupe explained that in order for this to work, all entities need to buy in. If Hickory Glen says no to 98%, the main cannot be extended.

When asked who needs it the most, Mr. Pierce feels that they all need it; in her opinion, Ms. Peel feels that Hickory Glen needs it more than the other properties at this point.

Mr. Norenberg pointed out that at some point in the future, BAC may do some expansion that will require more water for fire protection, employees, etc. That could potentially drive up their level of need. They didn't meet with them the other day as was scheduled so he is unsure if there is any news though he and Mr. Pierce have been talking steadily about annexation and help that is needed for their growth plan.

The Planning Coordinator confirmed the water main extension project is estimated at \$500,000. However, that is only a rough estimate design at this point.

Ms. Peel said it seems unfair based on the proposed EDU's to pay more; however, it may be a good measure for Crop Production to say they are investing in safe clean water and offer more money considering they are moving fertilizer to this site.

Mr. Norenberg agreed adding that they have been considering the risk of whether the city should put forth the effort and expense for a water line especially not knowing when Hickory Glen will develop. He said we know that BAC and Crop Production could use the water line though it will be expensive for only two customers and a gamble on the subdivision being completed.

Mr. Pierce said if they all sign on any proportionate share, it should be completed like the Bayhealth pump station was done where the money was collected up front to prevent the city from holding the debt. Ms. Peel noted that Bayhealth is not Hickory Glen; Mr. Pierce again emphasized the city would not be carrying any of the debt except for the strip lots.

Ms. Peel asked what happens if Hickory Glen enters into a contract but does not develop and how would the city recoup that money.

Mr. Pierce explained the design would not be started until the money was escrowed. Ms. Peel confirmed if it does not come through, then it does not happen. The Planner agreed the city is not going to put up 90% nor is Crop Production or BAC.

Mayor Shupe asked if there is a plan for Crop Production if Hickory Glen does not happen. Mr. Pierce stated they will have an on-site well.

Ms. Peel said that BAC also has a well and the only one in this deal with something to lose is Hickory Glen.

Mr. Pierce said they were considering holding them with the original percentage while trying to reallocate the remainder among the other two parties which could cost BAC \$130,000 and Crop Production \$50,000.

When asked for a synopsis, Mr. Pierce explained that the smallest user needs the water now versus the other properties. Ms. Peel asked if Crop Production needs it more than 2% or 4%. If reallocated, Crop Production could end up paying \$50,000 or 10%.

When asked what they want from the Committee, Mr. Norenberg asked for the Committee's feedback and concurrence on this matter. They hope to have more news from BAC when they meet on Thursday. But they would like some confirmation they are on the right track and that the Committee has no major concerns. They discussed it with Mr. Portmann who has some concerns about the possibility of the outlay of money that will not be recouped through some sort of escrow.

The city manager said they wanted the Committee to provide some input though it will need to be added to the Council agenda in a month or so unless something major occurs in the meantime. A supplemental appropriation from reserves will be needed and an authorization to proceed with the development agreement.

Ms. Peel feels we are moving in the right direction, though the outlier is Hickory Glen. If they do not develop and BAC and Crop Productions do not have an urgent need, she feels it is a risk for the city and not a smart investment. She prefers getting all three parties at the table to obtain a financial commitment.

Mr. Pierce reported that before final approvals are granted, these agreements will need to be executed. If the city is involved, we will need the money up front. A delayed approach could be considered or a waiver granted on the water requirement thus allowing Crop Production Services to install a well on their property. The city could require the parties to work it out privately though once the water is available, they would be required to tie it. He reiterated they are only trying to determine what the cost share should be.

The intent is to be fair to all parties according to the Planner.

When asked the Committees' opinion, Mr. Brooks said he does not want to put up half a million dollars of city money to get this started though he knows that was done east of Route 1 in Southeast Milford. He will not do that again.

Ms. Peel agreed adding it is just two risky. Mr. Brooks recalled having numerous hearings for Hickory Glen over the past

several years and the nights the Council Chambers was packed with residents opposed to that development adding that it still has not developed.

There being no further business, Mr. Brooks moved to adjourn the Committee Meeting, seconded by Ms. Peel. Motion carried.

The Committee Meeting adjourned at 6:36 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
July 11, 2016

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, July 11, 2016.

PRESIDING: Mayor Bryan Shupe

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

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

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 7:03 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF PREVIOUS MINUTES

Motion to approve the June 13, 2016 and June 27, 2016 Committee and Council Meeting minutes made by Councilmember Brooks, seconded by Councilmember Mergner. Motion carried.

A moment of silence followed for those victims, families and communities affected by the recent tragedies in our country.

RECOGNITION

Milford Police Department

Chief Brown recognized three officers and a civilian for their actions during a recent burglary earlier this month at a local convenience store. The incident was occurring at 3:30 a.m. when the civilian was driving on S.E. Front Street and observed the suspect breaking glass and entering the store. The suspect, holding a pry bar, two duffle bags and a front loaded backpack, was able to be apprehended by Corporal Tiffany Wyatt, PFC Brandon Dodd and PFC Miles Kosiorowski while still in the store.

In June, an armed robbery occurred at a market on South Walnut Street, at which time two civilians responded when they overheard the victim screaming. While in contact with the police department, their assistance directly resulted in the officers apprehending the suspect within a short time frame.

Chief Brown, along with Mayor Shupe, issued the following commendations:

Officers Wyatt, Dodd and Kosiorowski:

In recognition for the apprehension of a burglary-in-progress suspect on July 1, 2016; your professional handling of an intense and difficult situation prevented serious injury or death to the suspect, yourself and fellow officers.

Brandt Craft:

In recognition of your assistance in the apprehension of a burglary suspect on July 1, 2016; your quick actions in notifying the police department of a burglary in progress and describing the suspect resulted in his apprehension within the store.

Robert Bell:

In recognition of your assistance in the apprehension of a robbery suspect on June 20, 2016; your quick actions in describing and following the suspect led officers to the suspect's last known location which resulted in his arrest.

Photos were then taken.

MONTHLY POLICE REPORT

Police Committee Chair Burk presented the monthly report on behalf of Chief Brown. Chairman Burk moved to accept, seconded by Councilmember Peel. Motion carried.

CITY MANAGER REPORT

City Manager Norenberg referenced his monthly report noting that a number of code enforcement cases have been closed. He recalled the question last month regarding the number of open cases as a result of catching up on paperwork.

As a follow-up to the Tax Penalty Forgiveness Program, he reported that sixteen payment plans have been set up which should result in another \$45,000 being paid in delinquent taxes.

Councilmember Peel moved to accept the City Manager's report, seconded by Councilmember Starling. Motion carried.

COMMITTEE & WARD REPORTS

Committee Meetings

Chairman Burk informed council his committee met two weeks ago and the minutes are included in the packet.

In addition, a joint Police and Community Affairs Committee meeting followed after which the Planning Coordinator discussed some proposed ordinance changes related to licenses and fees.

Haitian Creole Community Relations Group

Councilmember Wilson reported that she, City Manager Norenberg and MPD Sergeant Masten met with the group yesterday to discuss how to build better relationships with our Haitian residents as well as ways to make them feel a part of Milford.

COMMUNICATIONS & CORRESPONDENCE

National Night Out

Mr. Norenberg added that they were very interested in the National Night Out sponsored by the Police Department in August.

Chief Brown then announced that their annual event will be held on August 2nd in the Bicentennial Park beginning at 6:00 p.m. Free food and entertainment will be offered.

Prayer Vigil

Councilman Starling then informed Council that a prayer event is scheduled on Thursday at 6:00 p.m. in the Bicentennial Park in an effort to come together as a community and support the victims and families of the various tragic events that have occurred.

UNFINISHED BUSINESS

Adoption/Ordinance 2016-10/Code of the City of Milford/Chapter 55 Personnel-Use of Telephone, Mail, Copiers, Cellular Telephones, Internet, Email Systems, New Hires' Vacation & Vehicle Allowance

Mr. Norenberg recalled the introduction of Ordinance 2016-10 at the June 27th meeting. It involves three minor changes to the Personnel Code that governs a variety of personnel rules and regulations. The majority of the code has not been updated since the early 1990's.

The sections being amended address technology issues including the internet, cellular telephones, e-mails, etc. In addition, a new section will be added to allow an opportunity for new hires to be given some starting annual leave when they transfer from another job. A vehicle allowance provision with the option to use a personal vehicle versus the use of a city vehicle as was done for Mr. Norenberg. The latter will save the city money on insuring and maintaining vehicles when it is not needed for special purposes like a police vehicle or a public work's service.

Councilmember Peel moved to adopt Ordinance 2016-10, as presented, seconded by Councilmember Campbell:

*ORDINANCE 2016-10
CODE OF THE CITY OF MILFORD
PART I-ADMINISTRATIVE LEGISLATION
CHAPTER 55-PERSONNEL*

WHEREAS, the City of Milford created a Personnel Ordinance and Manual in 1992 which, from time to time, has been updated to address new or changing practices, government regulations or technologies; and

WHEREAS, the City of Milford provides training, facilities, tools and equipment to enable employees to do their jobs; and

WHEREAS, the City Council budgets funds for the purchase and maintenance of such items, but expects the funds to be spent prudently and for the City Manager to administer reasonable expenditures of such budgeted funds while regularly monitoring; and

WHEREAS, the terms of said Personnel Ordinance and Manual need to be updated once again to address new technology and recruitment practices.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. That the City of Milford Code, Chapter 55 Personnel, Section 630. USE OF PHONE AND MAIL SYSTEMS is hereby repealed in its entirety.

~~Personal use of telephones for outgoing calls while on duty, including local calls, is not permitted. Employees may be required to reimburse the City for any charges resulting from their personal use of the telephone. Phones may be available for personal outgoing calls during breaks, meal periods or at other times with the supervisor's permission.~~

~~The use of City-paid postage for personal correspondence is not permitted.~~

~~To assure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.~~

Section 2. That the City of Milford Code, Chapter 55 Personnel, Section 630, is hereby inserted to read as follows:

630. USE OF TELEPHONE, MAIL, COPIERS, CELLULAR TELEPHONES, INTERNET AND EMAIL SYSTEMS

Personal use of the City telephone or cellular phone system is limited to emergency or pressing reasons, preferably during breaks and meal periods. Employees may be required to reimburse the City for any charges resulting from the personal use of telephones or cell phones. Staff should refer to the detailed Cellular Telephone Policy.

The use of City-paid postage for personal correspondence is not permitted. Excessive personal use of City copiers, fax machines or printers by employees is not permitted. Reimbursement for such use will be in accordance with procedures and policy established the City Manager.

City employees may be issued a cellular telephone, smart phone or similar device to accomplish their assigned duties. Alternatively, under specific circumstances, a "communications allowance" may be paid to compensate employees for their use of personal cellular telephone, smart phone or similar device for City business. The City Manager and Police Chief are authorized by City Council to have either a City-issued cellular telephone or a "communication allowance" per written agreement with City Council.

The determination of employees to receive a City issued cellular telephone, smart phone or similar device or a communications allowance, will be based on criteria and procedures established in the City's Cellular Telephone Policy issued by the City Manager.

Cellular phone and smart phone use must be in compliance with the City's Safety Manual, the Vehicle Use Policy, local ordinances and Delaware State Law.

Internet access is to be conducted in a responsible and professional manner, reflecting the City's commitment to ethical and non-discriminatory government practices. It is also the City's desire to protect the organization, as much as possible, from viruses or illicit attempts to access the City's servers. The City of Milford maintains an electronic mail system to conduct City business. All email messages composed, sent, received and/or stored are the property of the City and not the property of any employee. The City has a Computing Resource Use Policy which explains how email and the Internet must be utilized. Before using email or the Internet, employees must acknowledge that they have reviewed and understand the City's Computing Resources Use Policy.

Section 3. That the City of Milford Code, Chapter 55 Personnel, Section 416, is hereby added as follows:

416. Vacation Leave for New Hires

As a recruitment tool for FLSA-exempt employees, the City Manager may award up to 120 hours of annual leave prior to the completion of one year of service and approve the rate of accrual thereafter.

Section 4. That the City of Milford Code, Chapter 55 Personnel, Section 661, is hereby added as follows:

661. Vehicle Allowance

The City Manager and Police Chief are authorized by City Council to have either a City-issued vehicle or a vehicle allowance per written agreement with City Council. Department Heads who must travel extensively for their job and who must be able to respond to after hours' emergencies may either have a take home vehicle or a vehicle allowance as determined by the City Manager. Employees receiving a vehicle allowance are responsible for paying liability, property damage and comprehensive insurance coverage upon such vehicle and are responsible for all expenses in relationship to the purchase, operation, maintenance, repair and regular replacement of the vehicle. Proof of insurance levels satisfactory to the City shall be provided upon request by the City. The City of Milford shall reimburse employees with a vehicle allowance, at the established mileage rate of the vehicle for any City business use beyond Kent or Sussex Counties, if a City-owned vehicle is unavailable for such trip. The City shall maintain an "accountable plan" in accordance with related IRS regulations.

Section 5. Dates.

*Introduction: 06/27/2016
Adoption: 07/11/2016
Effective: 07/21/2016*

Motion carried.

City Council Retreat

City Manager Norenberg explained that at the last meeting, he presented the concept of a City Council retreat and has since discussed several concepts with Mayor Shupe. He did some research through other Delaware city managers to find out how they held the retreats and whom they used as a facilitator.

He has since discussed the idea with the University of Delaware Institute for Public Administration who has offered to facilitate the retreat. The retreat will involve some pre-planning with council members for advanced interviews and feedback in order to make the retreat productive.

Mr. Norenberg referred to an outline of what the retreat would entail and offered three dates the IPA staff would be available--September 10, September 17 and October 8, 2016.

Right now, he proposes a time of 8:30 a.m. through 2:00 p.m. Goal setting, team building and planning for the future will be discussed, in addition to setting the stage for the Strategic Plan which was a goal when he was hired.

Mr. Campbell asked if this would take longer than four to five hours; Mr. Norenberg advised it will last until 2:00 p.m. though it depends on councils' engagement. He said that many city councils begin on Friday night for three hours then come back the next morning with a three-quarter day session.

Mr. Norenberg reported the only other time Milford's council did this was in 2009.

When asked if the community calendar was checked, Mr. Norenberg advised that one of the September dates was the same day as the Freedom Festival and even though council would not be available for part of the day, they could attend during the afternoon.

Council then asked that the September 10th date be eliminated because of the Freedom Festival. Mr. Norenberg then asked if September 17th would be best. Mr. Starling reported that he is a season football ticket holder at Delaware State University and will not be available on any of the three dates.

Mr. Brooks said any of the three dates will work for him; Mr. Burk and Mr. Campbell said September 17th will work for them.

The City Manager then informed council that the retreat falls under FOIA and must be considered a public meeting and categorized as a workshop session. The meeting will be posted and the community notified though from past experiences, not many residents show up because it is a long day.

He will continue to work on the details and find a location for September 17th.

NEW BUSINESS*Introduction/Ordinance 2016-08/Crop Production Services Inc./Conditional Use*

Mayor Shupe then presented Ordinance 2016-08 for introduction:

Ordinance 2016-08

Crop Production Services Inc. for a Conditional Use for a Fertilizer Storage and Distribution Center in an I2 (General Industrial) District on 34.17+/- acres. Property is located on the south side of Holly Hill Road 2900 feet southwest of the intersection of Route 14 and Holly Hill Road, Milford, Delaware. Present Use: Vacant Land; Proposed Use: Fertilizer Storage and Distribution Center. Tax Map MD-16-182.07-01-01.00 thru -99.00; MD-16-182.07-02-01.00 thru -99.00; MD-16-182.07-03-01.00 thru -23.00

WHEREAS, the City of Milford Planning Commission will consider the conditional use application at a Public Hearing on June 21, 2016; and

WHEREAS, Milford City Council will hold a Public Hearing on July 25, 2016 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a Conditional Use for a Fertilizer Storage and Distribution Center as herein described.

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

Section 1. Upon the adoption of this ordinance, Crop Production Services Inc. is hereby granted a Conditional Use Permit to allow a Fertilizer Storage and Distribution Center, in accordance with the application, approved plans and any conditions set forth at the Public Hearings.

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: June 21, 2016

City Council Introduction: July 11, 2016

City Council Public Hearing: July 25, 2016

Adoption (Projected): July 25, 2016

City Planning Coordinator Rob Pierce stated that the Planning Commission reviewed the site plan and recommended conditional use approval on June 21st. The conditional use is needed for a fertilizer sales storage/distribution facility in an I-2 District in addition to the chemical processing/storage facility in a source water protection area of excellent groundwater recharge.

The public hearing will be held before the next Council Meeting.

Adoption/Resolution 2016-10/Scheduling Board of Revision and Appeal Hearing/FY 2016-2017 General Assessment

The City Manager explained that as tax assessments are being mailed, council needs to schedule a Board of Revision to hear any related appeals as provided under the City Charter.

Mr. Brooks moved to adopt Resolution 2016-10, seconded by Ms. Wilson, with the corrected 2016 (as shown) below:

WHEREAS, the provisions of Article VII, Section 7.06 of the Charter of the City of Milford state that Council shall cause a copy of the General Assessment to be hung 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, September 12, 2016 at 7:00 p.m., the City Council of the City of Milford will sit as a Board of Revision and Appeal for the 2016-2017 General Assessment.

Motion carried.

Authorization/Edward Byrne Memorial Justice Assistance Grant Program

Chief Brown explained that Milford Police Department, as the selected fiscal agent, intends to submit an application for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The total allocation of \$52,560,000 is for a disparate of Sussex County agencies, with recommended allocations of \$18,001 to the City of Milford, \$13,924 to the City of Seaford, \$10,035 to the Town of Laurel and \$10,600 to the Town of Georgetown.

The department intends to use this money to help defray the cost of mobile in-car radios in order to keep up with changing

technology.

Ms. Wilson moved to authorize the submission of the Edward Byrne Memorial Justice Assistance Grant (JAG) as described, seconded by Mr. Burk. Motion carried.

MONTHLY FINANCE REPORT

City Manager Norenberg reported that through the eleventh month of Fiscal Year 2015-2016 with 92% of the fiscal year having passed, 90% of revenues have been received and 82% of the operating budget expended. He noted that revenues are the result of lower electricity sales than originally projected because of the milder temperatures. However, electric expenses were lower as well.

Councilmember Burk moved to accept the May 2016 Finance Report, seconded by Councilmember Starling. Motion carried.

EXECUTIVE SESSION

Mr. Mergner moved to recess into Executive Session reference below reason, seconded by Mr. Campbell:

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

Motion carried.

Mayor Shupe recessed the Council Meeting at 7:43 p.m. for the purpose of an Executive Session as permitted by Delaware's Freedom of Information Act.

RETURN TO OPEN SESSION

City Council returned to Open Session at 8:05 p.m.

No action needed on the below two items discussed in Executive Session:

Teamsters Local 326 Agreement

Potential Union Issue/Non Police

ADJOURN

There being no further business, Mr. Brooks moved for adjournment, seconded by Mr. Mergner and carried unanimously.

Council Meeting adjourned at 8:06 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
July 25, 2016

Milford City Council held Public Hearings on Monday, July 25, 2016 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan W. Shupe

IN ATTENDANCE: Councilmembers Arthur Campbell, Lisa Ingram Peel, James Burk,
Owen Brooks Jr., Douglas Morrow and James Starling Sr.

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

COUNSEL: City Solicitor David Rutt, Esquire

Mayor Shupe called the Public Hearing to order at 6:59 p.m.

City Planning Coordinator Rob Pierce was also present.

Crop Production Services Inc./Conditional Use

District: I2 (General Industrial) Acreage: 34.17+/- acres

S/O Holly Hill Road 2900 feet SW/O Route 14 and Holly Hill Road Intersection.

Present Use: Vacant Land; Proposed Use: Fertilizer Storage and Distribution Center.

Tax Map MD-16-182.07-01-01.00 THRU -99.00; MD-16-182.07-02-01.00 THRU -99.00; MD-16-182.07-03-01.00 THRU -23.00

Adoption Ordinance 2016-08

Mr. Pierce referred the location of the property zoned I2, which is consistent with the City's Comprehensive Plan. The current use is a vacant recorded subdivision and the proposed use is a fertilizer sales and storage facility. The business, located on Rehoboth Boulevard, will relocate to this site.

The Planning Coordinator informed Council that City Staff has reviewed the conditional use and I2 zoning designation for a chemical processing and recharge. They have also provided an evaluation of the fertilizer storage and distribution facility, as well as the storage water protection ordinance for chemical processing and storage within an area of excellent groundwater recharge.

The property is adjacent on the north by a proposed subdivision zoned R8; to the south with an annexed piece of land zoned R2. To its west is the Baltimore Air Coil industrial facility and to the east is some undeveloped agricultural land, both within Kent County's jurisdiction.

The Planner then referred to the proposed site plan showing the entrance with a small administration building and several storage buildings for the fertilizer product.

This site is proposed to be served by the City sewer with a small pumping unit tied into existing infrastructure. A temporary on-site well will be used until water service can be provided. It will also be served by City electric.

The applicant is seeking a variance to pave its internal roadways which is the only criteria not met as a result of the site plan review/approval. A public hearing is scheduled August 11th before the Board of Adjustment.

JC Dodd of Becker Morgan Group was present on behalf of the applicant. As was mentioned, he stated the only item that needs to be addressed is the variance which will allow them to pave the front office and storage areas. Everything else meets the City code. They have met with DelDOT and the Conservation District and are in the process of obtaining those approvals as well.

Mayor Shupe then asked for comments from the public. No one responded. Mayor Shupe then closed the floor to public comments.

Mr. Brooks feels this is a good move noting that Crop Productions has been in his ward for years and he has never received a complaint.

Mr. Brooks then moved to adopted Ordinance 2016-08, approving the conditional use as presented, seconded by Mr. Morrow. Motion carried by the following roll call vote:

Mr. Campbell-Yes stating he reviewed the Planning Commission minutes and agrees with their recommendation.

Ms. Peel-Yes based on the review of the Planning Commission notes.

Mr. Burk-Yes it is a reasonable request and he is in agreement with the staff recommendation.

Mr. Brooks-Yes it is the right location and when changed to I2, he recalled the Council Chambers was packed. He said no one is present this evening and he votes yes.

Mr. Morrow-Yes because it fits with the area and he agrees with the staff recommendation.

Mr. Starling-Yes and agrees with the comments of the other members of City Council.

With no further business, Mr. Brooks moved to adjourn the Public Hearing, seconded by Ms. Peel. Motion carried.

The Public Hearing adjourned at 7:14 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
July 25, 2016

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, July 25, 2016.

PRESIDING: Mayor Bryan W. Shupe

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

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

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 7:18 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

Prayer Vigil

Councilmember Burk thanked Chief Brown, his Officers and City Manager Norenberg for attending the recent Prayer Vigil at Bicentennial Park. He asked Mr. Starling to thank his wife and acknowledged Councilmember Wilson for her help in organizing the event.

COMMUNICATIONS & CORRESPONDENCE

Charter Review Committee Meeting-July 26, 2016

City Manager Norenberg advised the meeting tomorrow night will be canceled due to not having a quorum. Members will be advised of a rescheduled date.

UNFINISHED BUSINESS

City Council Retreat Date

Mr. Norenberg recalled the consensus of Council was to hold the upcoming retreat on Saturday, September 17th beginning at 8:30 a.m. The City Clerk will inform Council once the location has been confirmed.

Councilmember Peel moved to approve the September 17, 2016 date for the City Council retreat to begin at 8:30 a.m., seconded by Councilmember Burk. Motion carried.

NEW BUSINESS

Highway Sign Update

Mr. Norenberg stated that he has been reporting to Council the need for the removal and replacement of the 'Welcome to Milford' sign at the Route 113/Route 1 split north of Milford. The sign is a variation of the new branding theme of Milford with the River Town, Art Town, Home Town slogan and is ready for installation.

He noted that Mayor Shupe, Planning and Economic Development Coordinator Rob Pierce and he were in Smyrna recently talking to DelDOT about adjusting some of the highway signage north and south of Milford as the planned overpasses and entrances are improved in the future.

One of their main concerns was the sign at the southern most overpass at Wilkins Road and the future exit of the new Bayhealth campus that exiting to “Lincoln” with no mention of Milford. DelDOT agreed to address that sign, in addition to three advanced signs referencing the same.

They are also working with them on signage for the future Route 14/NE Front Street Interchange to ensure it will make Milford very noticeable along Route 1.

The City Manager thanked the Milford Chamber of Commerce and those that donated and sponsored the new welcome sign as well as City staff who replaced and installed the posts in preparation for the new sign.

Adoption/City of Milford FY2016-2017 City of Milford Tax Warrant

The City Manager explained this is the official authorization and direction by City Council to collect property taxes.

When asked about the senior citizen’s discount, City Solicitor Rutt explained the State of Delaware allows counties and municipalities to provide a senior discount if they apply for it.

It was determined that the senior citizen exemption number displayed is based on the actual number of applications received and authorized for FY16-17. The notice, along with the deadline for applying, is advertised in advance of the tax billing in order to provide the number needed for this document and budget preparation.

Councilmember Morrow moved to adopt the FY2016-2017 City of Milford Tax Warrant, seconded by Councilmember Starling:

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 | \$1,047,857,712 |
| Exemptions | [\$220,804,500] |
| TOTAL ASSESSED VALUE | \$827,053,212 |
| | x .0046 |
| ESTIMATED TAX PER PROPERTY VALUES | \$3,804,444.75 |
| Senior Citizen Discount | [29,072.00] |
| TOTAL TAXABLE (Fiscal Year 2016-2017) | \$3,775,372.75 |

Due Date: September 30, 2016

Motion carried.

Approval/Running of the Goat 5K Event:

*Municipal Parking Lot Closure & Use
City Code Alcohol Waiver/Post 5K Party*

City Manager Norenberg referenced a letter from Arena's and the Milford Boys Girls requesting the use of the municipal parking lot at 200 NE Front Street for a post Running of the Goat 5K event on Friday, August 19th.

Also submitted was the following request for a waiver of the Open/Consumption Alcohol prohibition in the City:

Dear Honorable Mayor and Members of City Council:

RE: Alcohol Ordinance Chapter 77 Waiver & Use of Municipal Parking Lot

Arena's Deli at 200 NE Front Street in Milford is sponsoring a Run the Goat 5K on Friday evening, August 19, 2016 from 5:15pm to 7:00pm on behalf of the Greater Milford Boys and Girls Club.

Following the 5K, we are planning a Post-Race Party in the city parking lot in front of Arena's. Because Chapter 77 of the Milford City Code prohibits the possession of open containers and consumption of alcohol in outdoor and public areas, we respectfully request council grant us permission to allow alcohol at the Post-Party Event until 11:59 p.m. Those consuming alcohol will be wearing wristbands and restricted to a confined area as is required by Delaware State Law. In addition, we will strictly adhere to all related local and state rules and regulations.

Councilmember Burk moved to approve the request for the Municipal Parking Lot Closure and Use as requested on August 19th, with Councilmember Peel seconding motion. Motion carried.

Councilmember Peel moved to approve the alcohol waiver as requested and stated, seconded by Councilmember Campbell. Motion carried by a roll call vote of 5 to 1 with Councilmember Starling casting the dissenting vote.

City Solicitor Rutt then stated that as a point of order, Councilmember Peel must recuse herself from voting due to a personal conflict as a member of the Milford Boys and Girls Club Board of Directors.

Councilmember Burk then made a motion to repeal the previous vote and moved to approve the municipal parking lot closure and use request as submitted, seconded by Councilmember Morrow. Motion carried with Councilmember Peel abstaining for the reason stated.

Councilmember Burk then moved to repeal the previous vote and to approve the alcohol waiver for the Running of the Goat post party as submitted, seconded by Councilmember Campbell. Motion carried by a 4 to 1 vote with Councilmember Starling casting the dissenting vote and Councilmember Peel abstaining for the reason stated.

Authorization/City of Milford FY 2016-2017 Budget/Adjustment/Reserves/City Hall Painting & Repairs

City Manager Norenberg recalled a previous conversation during the budget hearings regarding the need for repainting the trim and various portions of city hall in preparation for the group photos of the Mayor and City Council. Some power washing revealed that dryrot was present and other maintenance was needed. Quotes were acquired with the building official overseeing the process and recommending the low bid of \$4,800.

During the process, quotes were also obtained to do an injection sealing around the base of the building because of continuing water intrusion problems in the area of the ADA ramp and lower level. The quote recommended came in at \$4,000.

Mr. Norenberg recommends an allocation of up to \$10,000 in case any change orders are needed as those projects are addressed.

Councilmember Brooks moved to approve up to \$10,000 for City Hall painting, repairs and the injection sealing project as stated, seconded by Councilmember Burk. Motion carried.

Councilmember Burk moved to authorize up to \$10,000 be paid from the General Fund Reserve account for these projects, seconded by Councilmember Peel. Motion carried.

Adoption/Resolution 2016-11/City Check Signing Authorization

The City Manager reported the need to update the check signing process and authorized check signers. In the research, the City Clerk found several items that needed to be restated in one resolution. He noted that authorized city check signers are the Mayor and Vice Mayor as his alternate, as well as the City Manager and designee, who is presently the Chairman of the Finance Committee.

It was confirmed that two live signatures are needed for checks in the amount of \$10,000 or more. If the Mayor or Vice Mayor are unavailable, the City Manager will sign the check.

Councilmember Peel moved to adopt Resolution 2016-11, seconded by Councilmember Brooks:

*AUTHORIZING SIGNATURES, INCLUDING FACSIMILE SIGNATURES,
FOR CITY OF MILFORD CHECKS*

WHEREAS, The City of Milford Charter states that the Mayor or his/her designee shall countersign all orders, checks and warrants authorized by Council; and

WHEREAS, A resolution is required to designate certain positions be authorized to sign checks on behalf of the City of Milford accounts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE, AS FOLLOWS:

Section 1. Checks issued for less than the amount of \$10,000 shall only require facsimile signatures

Section 2. Checks issued in the amount of \$10,000 or more, hereby require the live signature of two designees.

Section 3. The live signatures shall be those persons in the positions of the Mayor and City Manager or Finance Committee Chairperson.

Section 4. Such authority shall remain in force until revoked by a future Resolution adopted by City Council.

Section 5. Any prior authorizations not consistent with the positions as stated in this Resolution are hereby superseded.

BE IT FURTHER RESOLVED, that a copy of this resolution be kept on file at the City of Milford Finance Department.

Motion carried.

Employee Contract Amendment/Cellular Telephone Allowance/Ordinance 2016-10

Mr. Norenberg recalled at the last Council meeting, an ordinance was adopted that amended the City's Personnel Code and provided for the issuance of cell phones when approved under certain circumstances. Included was an option to allow a communication allowance for certain employees, as determined by the Police Chief or City Manager. It also stated that City Council needed to make the determination when an allowance was needed for either the City Manager or Police Chief.

He reported that his contract allows for the allowance though that was not included in the Police Chief's contract. As a result, a motion is needed by council to authorize a \$40 monthly communication allowance for Chief Brown.

He explained that amount was based on normal smart phone voice and data plan expenses if paid directly by the city. The \$40 is a taxable item and nets out to less than that amount and is paid through payroll.

Councilmember Campbell moved to authorize a \$40 cell phone communication allowance for Chief Brown, seconded by Councilmember Starling. Motion carried.

EXECUTIVE SESSION

Councilmember Burk moved to go into Executive Session reference below reason, seconded by Councilmember Peel:

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

Motion carried.

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

Return to Open Session

Councilmember Burk moved to return to the Regular Session, seconded by Councilmember Starling. Motion carried.

City Council returned to Open Session at 7:46 p.m.

Teamsters Local 326 Binding Arbitration Agreement

IBEW Potential Contract

No action needed.

ADJOURN

Councilmember Brooks moved to adjourn the Council Meeting, seconded by Councilmember Peel. Motion carried.

The Council Meeting adjourned at 7:47 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
July 28, 2016

A Meeting of the Parks and Recreation Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Thursday, July 28, 2016.

PRESIDING: Parks and Recreation Committee Chairman Arthur Campbell

IN ATTENDANCE: Committee Members:
Councilmembers Katrina Wilson and Owen Brooks Jr.

City Manager Eric Norenberg and City Clerk Terri Hudson

Chairman Campbell called the Committee Meeting to order at 5:33 p.m.

Parks and Recreation Director Brad Dennehy was also present.

Proposal & Recommendations/Park Fees & Charges

City Manager Norenberg informed the committee that we are receiving an increased number of requests for groups to use open space in our parks and it may be advantageous to add a new classification. As a result, an 'incidental' park usage fee is being proposed by the Parks and Recreation Director.

Mr. Dennehy does not want to increase fees for residents and nonprofits, but feels there is a need to address people who are making a profit in some capacity. He has had requests for yoga-type programs, dog instruction and kayak tours. He is favor of using the park for those uses, though we should not increase the fee for residents and nonprofits. However, anyone making money and especially those charging an admission fee to other people, should be charged appropriately. In those cases, the parks will have to be maintained and policed. In addition to other services, the trash containers must be emptied before and after an event by the park staff.

The current code has a flat fee for residents, nonprofits or for profits with no distinction.

He would like to keep the fee structure that was put in place in 2014 for residents and nonprofits. However, the fees should be increased for nonprofits and participants who are charging an admission fee.

The Director referenced the code which does not elaborate on the length of time the park can be rented and recommends a four-hour increment. He also suggests a fee schedule be established for a multi-day event. They have looked at other communities and have found that they typically break out the rental time into four-hour increments. If rented for the entire day, the renter would be charged for two four-hour increments or eight hours; two days would be four four-hour increments or sixteen hours, etc.

Mr. Dennehy is also proposing an 'incidental park usage fee'. Currently there is no fee charged to a person wanting to teach Tai Chi, yoga or something similar. There is a rental fee for Memorial Park of \$75 though he feels that is expensive if someone is teaching a Tai Chi or yoga class for an hour. As a result, they are proposing a \$25 fee for a two-hour or less instructional use. In turn, the organizer would receive all admission fees though the city will only receive the \$25 incidental fee.

Mr. Campbell asked if \$25 is too inexpensive; Mr. Dennehy explained that the City Manager provided various options, some which were based on acreage. He prefers to take some money in and simply being aware of the activity occurring in the park versus having a lot of different rental categories. That is the reason they want some feedback from the committee.

Mr. Dennehy feels if the Committee believes \$25 is too cheap, that can be discussed.

Mr. Norenberg feels that by keeping the fee affordable will provide the opportunity for someone to come in and teach dog obedience, yoga or Tai Chi. These programs provide more opportunities for recreation in our parks which will allow us to serve our community with programs that our staff does not have to provide. Also, we do not have to go out and look for a yoga, Tai Chi or dog obedience instructor.

In addition, the City can also do some cross promotions that will benefit the community without it creating additional burdens on the Parks and Recreation staff. If we were to charge \$100 or \$50, any admission charge would have to be increased to accommodate the City fee. At this point, they recommend a nominal fee as we police and keep track of the activities. He does not feel this will create a huge burden on our facilities because most of what is being discussed is open space use. By creating this incidental fee, we can still rent the pavilion for a birthday party at the same time a Tai Chi class is held in another area of the park.

Mr. Dennehy said it is his passion to offer kayaks and canoes and provide a program operated by college kids and certified instructors. Because his department does not have those resources, it makes more sense to contract with an established kayak company who is insured and certified and can schedule classes and tours on a weeknight or Saturday morning. But the \$25 fee could discourage that if they were only on the river for two hours.

Mr. Campbell asked if we will charge \$25 per day or per week in that case. Mr. Dennehy explained that if there was a class scheduled each Wednesday for six weeks, they would be charged \$25 per week for the six-week program.

Mr. Brooks asked what happens if the program gets rained out; Mr. Dennehy said they would be credited most likely and that fee applied to the following week. He said we are not trying to make a lot of money though our residents enjoy the parks and a lot of church groups use them. We don't want to discourage those people from using the parks.

He recalled a recent event that popped up involving skateboarding and rock music. There were concerns about the event and when they tried to partner with the annual Jonathan Dukes' event, Mr. Dennehy referred them to the Milford Boys and Girls Club who allowed them to use their property.

The Director said he also wants to stop people from coming in at the 11th hour and think the City can put together a lot of resources at the last minute for the event.

He said Parks and Rec is receiving more and more requests and they need to respond with something more official on the books.

Mr. Campbell asked if there are any liability issues, Mr. Dennehy said the City has its own liability insurance for anything that occurs in the park. But usually require a copy of the participant's liability insurance to prevent someone who may be hurt during a Tai Chi event from suing the City if they are injured.

The City Manager said there are three components to this recommendation:

- (1) Period of time associated with fee and clarify it is for a four-hour period; anything beyond that involves another fee period.
- (2) The current fees are doubled for the 'for-profit' groups/individuals but will remain the same for residents and nonprofits who want to use the park and all rentals will be based on four-hour increments.
- (3) Implement a new incidental fee of \$25 for uses of up to two hours for Tai Chi, yoga, etc. that are not a burden on the park and could be complimentary to the City's existing programs.

Mr. Norenberg said the other option is to form a partnership with instruction or recreational type groups and charge a different rate if it is something the City is unable to provide but will enhance the recreational programs in Milford. However, that will need to be carefully thought out.

He wanted this presented to the Committee for feedback in order to present that to the full Council as an ordinance amendment.

Mr. Campbell said he was approached by the Milford Senior Center about moving some potential classes outside in the park area.

The City Manager responded by stating that someone who schedules a class every Tuesday and Thursday has the privilege and ability to reserve a specific area in the park in advance. In that manner, they can sell their clients the opportunity to be in that class every week at the same place over the next several weeks. Right now, someone could decide at the last minute to use Bicentennial Park for a Tai Chi class sponsored by Milford Senior Center while our staff is there mowing the grass. But having a fee structure and schedule creates the reservation and guarantees their space, weather permitting on that date and time.

Ms. Wilson likes the idea and in particular, the 'as-needed' type events. She does not feel there will be much additional work to partnering with the different groups in the City but prefers they come to the office with their ideas. It will be our job to let people know what is available and the costs. She feels \$25 is very appropriate and knows other places that charge much more.

She also agrees that three-day functions may be too much as well. She recalled a carnival type festival that was held at the Riverwalk Shopping Center from Friday to Sunday. She felt that was a lot for this community to handle and recalled that most of the people involved were not from this area.

Mr. Dennehy said if it was a carnival they were making money. That is the reason he is addressing the fees though he does not want anyone to think Parks and Recreation is against private enterprise. However, Milford has spent a lot of money developing and maintaining their parks and it is only appropriate the City receive a small cut from that money. For those type events, we would double our rate and limit the event to four hours, unless more time is needed which would come with an additional fee.

Mr. Dennehy said they try and feel people out on the type of event someone is planning. They have ten to twelve questions that are asked to anyone requesting to rent the parks. That prevents people from using religion as a guise. For example, they will present an event as a revival but once these questions are asked, they learn that vendors are coming in to sell things. He feels that any event that is raising funds should pay a fee, because it does create a need for City services and will impact City finances because at a minimum, his staff has to come in on Monday to clean up the parks and empty the additional trash.

Mr. Campbell pointed out there is a definite impact on the police department which is another factor that must be considered.

Mr. Norenberg said they were also considering charging a fee for a fundraising event and a separate fee for non profits that will make money from the event. Instead, they did not want it overly-complicated with the first iteration and is how they came up with what was presented to the Committee.

The City Manager wants to make a couple changes initially and come back later to review the process and determine if it still needs to be adjusted.

Mr. Brooks asked if there has been any consideration about renting the armory for events. He is aware of some Milford students that travel to Dover to play indoor hockey. He asked if the armory can be used for that.

Mr. Norenberg said they have been exploring how to use the armory because there are a number of challenges including no heating or cooling at this time. It is also not ADA accessible. A lot of the wall covering and flooring, except for the

basketball court, was stripped out for various remediations, including asbestos, when the last occupants moved out.

He reported they have recently talked to a couple nonprofit groups that are interested in utilizing the building and are working on some ways to collaborate with them to lease the building from the City in exchange for making some of the repairs. That will prevent the City from a lot of out-of-pocket expenses particularly with the heating system, paint and other necessary repairs.

One of the ideas, according to Mr. Norenberg, is to make it a nonprofit incubator with one master tenant who can create space that other nonprofits could use. In particular, those groups may not have a home base in Milford but do provide services here so occasional office space is needed.

He also stated there are challenges with recreational uses, and in addition to the HVAC and ADA issues, there is no space beyond the sidelines of the basketball court for spectators. As a result, they are holding off as they continue to investigate these other uses.

Mr. Brooks said even though the City got the building for \$1, there was \$20,000 budgeted which means \$100,000 over a five-year period without any use. Mr. Norenberg advised that very little money has been spent on the building. Utilities have been minimal and the money was actually budgeted for heating and cooling costs though it has been determined the cost just to heat the building would be much higher if used on a regular basis. The outbuildings in the rear are being utilized for storage by public works mainly and the police.

Mr. Dennehy said he contacted several contractors and it was very difficult to get anyone to look at the antiquated boiler system. One quote was finally able to be obtained and was in the neighborhood of \$60,000 though that involved scrapping the original boiler system and installing a new and modern system,

He also noted that we must adhere to the conditions of the transfer from the State of Delaware that it must be used as a nonprofit community benefit.

Mr. Brooks said it used to be used for basketball and then the school started charging the City to use their gym. Mr. Dennehy said the City has a good relationship with the Boys and Girls Club and the basketball program is strong. The problem with the armory is the court with no room for spectators.

Ms. Wilson moved to recommend to accept and adopt the new fees as presented by the Parks and Recreation Director, seconded by Mr. Brooks. Motion carried.

Review & Recommendations/No Smoking Ordinance in Parks

Chairman Campbell reported that he has been approached by several older residents about the possibility of a designated smoking area in the Bicentennial Park versus totally prohibiting it.

Ms. Wilson said that people have gone to her and have stated the same concerns. She said she has been a nonsmoker her entire life though her father smokes a cigarette and pipe. He is a fisherman who fishes along the river in various areas of the park. He was very upset when he learned of this rule and told her that normally, he is by himself and there is no one around him. He did not understand the reasoning because it is in an open-air area and there is rarely anyone even close to him.

Mr. Campbell agreed these residents questioned him about the possibility of smoking a pipe or cigar in a designated area. They explained they typically take a cigar, walk away from any people they are with, take a couple puffs and then return to their family.

Mr. Brooks said he recalled talking about the no-smoking rule at the Little League Park where a smoker simply walks to

the edge of the road, to smoke. He recalled many years ago, when people used to smoke in the Council Chambers and he came in one night and made a motion to prohibit smoking there. He expected some resistance, but the motion passed within the following five minutes.

Mr. Campbell reiterated they are only asking for a designated area. They have also offered to clean up after themselves to prevent those problems. He told them he would present the concept on their behalf.

Mr. Dennehy said from a park perspective, he feels they could create a designated area that would have to be striped off and signs posted. However, the ordinance would have to be adjusted to reflect that smoking was permitted in the designated areas.

Ms. Wilson said there are a lot of residents that walk through our park and smoking is offensive to many people. Therefore, it makes this very difficult and the reason Council decided to make the parks no smoking versus providing designated areas.

The City Manager said that it sounds like the residents who talked to Mr. Campbell would be responsible parties and respectful of the designated area and clean up. But someone else may be using the park and when they see smoking is allowed in another area, they believe it is permitted in the park. There are also associated litter problems which can cause much bigger problems. In addition, more signs would be needed which would clutter the park.

Mr. Dennehy said they we purchased a backpack leaf vacuum that is used for cigarette butts in the parking lots. It is used before a special event and often in the parking lots by Arena's, Park Place and behind Georgia House. He said there are an unbelievable number of cigarette butts found in the streets, gutter pans and parking lots. It is a serious problem for his staff to clean up especially when the parks are supposed to be smoke free.

Mr. Campbell will inform the residents it will be left as status quo.

Recommendations/Special Events-Rules & Regulations

Mr. Norenberg advised the Committee that staff is working on developing a special event application process and a sample is included in the packet. As we start to see more event requests, some may be somewhat random and not well planned, which means that not all City departments were informed though they could be impacted.

As a result, we are looking at something that will be as much of a planning guide for people who want to hold a special event, as well as an educational tool for City requirements.

The City Manager believes it will be helpful to have a guide that can be downloaded in addition to receiving the request in a timely manner. This does not involve any new regulations but instead pulls all pertinent information into one document/application so that all city departments are able to review the plans in advance of the event.

The Police and Fire Departments will need to be involved and he only wanted the Committee to be aware it is being worked on. He encouraged the Committee Members to contact him with any comments or recommendations.

Adjourn

There being no further business, Ms. Wilson moved to adjourn the Parks and Recreation Committee Meeting, seconded by Mr. Brooks. Motion carried.

The Meeting adjourned at 6:19 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder