

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
December 8, 2014

The Monthly Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, December 8, 2014.

PRESIDING: Mayor Bryan W. Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Garrett Grier III, S. Allen Pikus, Owen Brooks, Jr., Douglas Morrow, Sr., and Katrina Wilson

City Manager Richard Carmean, Police Chief Keith Hudson and City Clerk/  
Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

#### CALL TO ORDER

Mayor Shupe called the Monthly Meeting to order at 7:02 p.m.

#### INVOCATION & PLEDGE

The Pledge of Allegiance followed the invocation given by the City of Milford's Office Assistant Katrina White.

#### APPROVAL OF MINUTES

Motion made by Mr. Brooks, seconded by Mr. Grier to approve the minutes of the October 27, 2014 Workshop and November 10, November 18, November 24 and December 2, 2014 Committee and Council Meetings as submitted. Motion carried.

#### RECOGNITION

No special guests in attendance.

#### MONTHLY POLICE REPORT

Police Committee Chairman Morrow presented the police report on behalf of Chief Hudson. Mr. Pikus moved to accept the police report, seconded by Mr. Grier. Motion carried.

#### CITY MANAGER REPORT

City Manager Carmean read the following report into record:

#### *ADMINISTRATION*

*As announced by Mayor Shupe at our last workshop, there will be an open house at the recently acquired armory. The purpose is allowing any interested persons the opportunity to look at the building and offer some thoughts for its use. Some funding source is needed to cover the costs of heat and electric in the building. During the budget hearings this past June, we were unaware the city would acquire this building this fiscal year. Parks and Recreation will be using the basketball court for their winter program. Permission was given to do that as long as no immediate use was needed which deemed more important.*

*The armory had oil heat and was changed to HVAC. The units were fairly new when we acquired the building and I expect to get several years of use out of them.*

*The new billing office is close to completion. I will not give the date of the opening, but plan for our staff to be in before Christmas. I am happy with the work and think the public will be pleased with the location and facility.*

#### *STREETS AND SOLID WASTE*

*Our solid waste crews will be working several days over the Christmas and New Years' holidays. The amount of waste that accumulates for our customers is very difficult for crews if we only have a few days to collect. Customers can find the holiday schedule on our website and in utility bills. They can also call the office anytime.*

*I made the decision to pay our crews overtime to handle the collection on the days city offices are closed next year.*

*Southeast Front Street is complete with the exception of the no parking signs. Crews will have them installed within the next week. There are a few areas that require some alterations, but not an abundance of problems. The process of mill and overlay is not the same process as constructing a new street with a new roadbed. There are manholes and water valve boxes up and down city streets. To attempt to make those perfectly level would be a difficult cost to bare. Therefore, there are small depressions and a few slightly raised areas around some of the valve boxes and manholes. I think that this street is greatly improved and it has never been in the great shape it is today all the way out to Rehoboth Boulevard. The new sidewalks and curbing also add to the appearance of the street.*

#### *SEWER AND WATER*

*We had a main break on Marshall Street and Southeast Second Street on Sunday, November 29<sup>th</sup> and our employees made necessary repairs.*

*We have continued our needed hydrant replacement project and two hydrants were changed out on Seabury Avenue and Marshall Street.*

*Our crews have also been working with Teal Construction on the installation of the new raw water main which runs down Washington Street from our new well located on the city property in the rear of city hall.*

*The Southeast Tower Project is moving along with the site preparation. I gave permission for crews to work on tree removal on Saturday and Sunday this past weekend. Due to the location, this should have no impact on surrounding areas.*

Mr. Brooks asked if the curbing on Southeast Front Street could be painted yellow to indicate no parking; Mr. Carmean said he has already discussed that with Street Superintendent Tim Webb. If that is the pleasure of council, he will see that Mr. Webb handles it.

Chief Hudson indicated that they will begin enforcing the no parking as soon as the signs are installed.

Mr. Brooks believes that painting the curbs will reinforce the fact that no parking is allowed; the city manager agreed and will follow up with Mr. Webb.

The city manager also reported that crews added curb cuts for the six or seven homes that did not have off street parking prior to the road construction. That permits off-street parking for all homes.

Mr. Grier moved to accept the city manager report, seconded by Mr. Brooks. Motion carried.

#### COMMITTEE & WARD REPORTS

No reports.

## COMMUNICATIONS &amp; CORRESPONDENCE

*Downtown Holiday Stroll*

Mayor Shupe reported the Holiday Stroll was a success and that more than four hundred people visited several of the businesses and stores.

*Code Purple*

Mayor Shupe was informed by the minister of the Multi-Cultural Church that their church will be participating in Code Purple. Code Purple is a statewide program where shelters will be provided to the homeless after temperatures drop below 32 degrees. The church will provide fifteen to twenty sleeping areas for those individuals.

The mayor said he has been working with the church on a location for the homeless.

Ms. Wilson advised that the coalition group will meet tomorrow at 5:30 p.m. at the Multi-Cultural Community Center at 105 Northeast Front Street.

## UNFINISHED BUSINESS

*Adoption/Ordinance 2014-13/New Chapter 190/Smoking Prohibited in City Parks, Buildings and Facilities*

Mayor Shupe recalled that this ordinance was initiated by Councilman Pikus after he receiving numerous complaints from people using our parks. It has been reviewed in open forum by the Community Affairs, Parks and Recreation and Police Committee.

After a great deal of time was spent reviewing this, the final version, presented to council at the last meeting, reads as follows. Mr. Morrow moved to adopt Ordinance 2014-13, seconded by Mr. Pikus:

*AN ORDINANCE OF THE CITY OF MILFORD PROHIBITING SMOKING IN CITY PARKS, BUILDINGS AND FACILITIES, SPECIFYING REQUIRED SIGNAGE, PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS THEREOF AND ESTABLISHING AN EFFECTIVE DATE.*

*WHEREAS, a new chapter in the Code of the City of Milford is being created to prohibit smoking in all City parks, buildings and facilities; and*

*WHEREAS City parks are intended for the healthy enjoyment of all citizens, including children and youth; and*

*WHEREAS smoking and tobacco use in parks can result in litter of cigarette butts, cigar butts and other tobacco-related waste which can cause environmental degradation and pose a health risk to children and animals; and*

*WHEREAS studies have shown that children and youth exposed to smoking and tobacco use are more likely to smoke when they get older; and*

*WHEREAS many parks in the City contain trees and plants that can be combustible, particularly in the dry summer months and pose an increased risk of fire; and*

*WHEREAS, on September 23, 2014, the Community Affairs Committee and Parks and Recreation Committee recommended a smoking ban in City Parks; and*

*WHEREAS, City Council has previously taken formal action by voting on a policy which prohibits smoking in City Buildings and Facilities.*

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The Code of the City of Milford is hereby amended by adding thereto a new Chapter 190, to be entitled Smoking Prohibited in City Parks, Buildings and Facilities to read as follows:

Section 2. CHAPTER 190. SMOKING PROHIBITED IN CITY PARKS, BUILDINGS AND FACILITIES.

§ 190-1 Definitions.

§ 190-2 Smoking prohibited.

§ 190-3 Park Conditions.

§ 190-4 Enforcement and Civil Penalties.

§ 190-5 Payment.

§ 190-6. Procedure to Contest a Violation.

§ 190-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

Building: Free-standing structure enclosed by a floor, ceiling and walls on all sides that are continuous and solid except for closeable entry and exit doors and windows.

Open-Air Facility: Structure that is not fully enclosed but may be partially enclosed (for example, structures with open sides).

Parks and Recreation Director: City of Milford Parks and Recreation Director and any employee or designee thereof.

Smoking: Inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe or tobacco like products in any manner or form.

§ 190-2 Smoking prohibited.

(A) Parks.

(1) Smoking shall be prohibited at all times in all City of Milford public parks and playgrounds, including, without limitation:

- a. Banneker Park
- b. Bicentennial Park
- c. Marshall Pond Park
- d. Marvel Square Park
- e. Memorial Park South
- f. Tony Silicato Memorial Park
- g. Library Square
- h. Milford Library Amphitheater
- i. Goat Island
- j. Mispillion Riverwalk
- k. Milford Dog Park

(B) Smoking is prohibited at all parks and playground areas owned by the city and open to the public.

(1) Exception.

- a. Land owned by the City of Milford and used by Milford Little League.

*Policy will be established and enforced by Milford Little League Board of Directors and/or designee.*

*(C) Smoking is prohibited in a building or open-air facility owned, leased or operated by the City of Milford.*

*§ 190-3 Park Conditions.*

*A. At the entrance(s) of each designated park, there shall be appropriate signage designating the prohibition.*

*§ 190-4 Enforcement and Civil Penalties.*

*(A) The Milford Police Department shall enforce this chapter.*

*(B) Any person observed violating this chapter who has not been issued a written warning, shall be issued a verbal warning for a first offense.*

*(C) Any person who has received a written warning and is observed violating this chapter, shall be subject to a civil penalty of \$25 beginning with the second violation and not less than \$50 for each subsequent violation.*

*(D) Milford Police Officers, City Code Officials and the Parks and Recreation Director shall have the authority to eject from a park facility any person observed violating this chapter.*

*(E) The name of any person issued a verbal warning shall be immediately reported to the Milford Police Department.*

*§190-5 Payment.*

*All payments for civil penalties received under this chapter shall be delivered to the Milford Police Department (payable to the City of Milford) within thirty (30) days after receipt.*

*§190-6 Procedure to Contest a Violation.*

*Persons who wish to contest the validity of a smoking violation under this chapter may contest the violation by appealing the decision to the Justice of the Peace Court, which shall have exclusive jurisdiction to hear the appeal.*

*Section 3. Dates.*

*Introduction 11/24/2014*

*Adoption 12/08/2014*

Motion carried.

Ms. Wilson stated she is in favor of the ordinance, but hopes it will be enforced in a fair manner. She is aware of many people who smoke when they are fishing, for example. She asked that some time be allotted to educate our residents and that the officers, code officials and parks and recreation staff are patient with those individuals over the next several months.

The city manager pointed out this law allows our Parks and Recreation Director and code officials to approach people who are violating the ordinance. He does not want them to physically eject anyone from the park. He said that the ordinance also requires any verbal warnings be reported to the police. He hopes that our civilian employees will contact the police to prevent being put in a confrontation.

Mayor Shupe referenced Ms. Wilson's comments and agrees that education is needed the first couple of months and even during the first year to ensure the information is properly disseminated.

Mr. Mergner noted the exception at Milford Little League Park and asked if people are able to smoke at that park. Chief Hudson said he was informed by a league official they have a smoking policy in place. He feels it would be best left to their discretion as he understands the board has designated specific areas in the park where smoking is allowed.

Mr. Brooks added that persons wishing to smoke at the little league park are required to go to the outside parking lots or the roadway/sidewalk near Shea Concrete on Fourth Street.

Council agreed Milford Little League should continue to develop their own rules in this matter.

*Adoption/Ordinance 2014-14/Chapter 165 Amendment/Parks and Recreation*

Mayor Shupe recalled the Parks and Recreation Ordinance, adopted this past summer, was created to officially place on the books the rules and guidelines being used by the Parks and Recreation Director for a number of years. In the meantime, the city received a request for an event which could potentially bring a large number of visitors to the city. Because the current Parks and Recreation Code bans alcohol in our parks, he feels there is a need to reexamine that rule.

Mayor Shupe recommends that alcohol could be permitted during special events, as long as specific rules are adhered to and approval from the appropriate state agency and city council is obtained.

He noted that rules were also added for the new Dog Park that opened on November 1, 2014. In order to legally enforce, the rules need to be added to the Parks and Recreation Code.

During the last review, city council made several recommendations which have since been added to Section 2 as indicated below:

*WHEREAS, the Council of the City of Milford adopted Ordinance 2014-10, entitled Parks and Recreation, for the purpose of providing necessary regulations, conditions and requirements which shall be uniformly applied to the general use of city parks; and*

*WHEREAS, the Milford City Council desires to adopt revised rules governing the city parks; and*

*WHEREAS, the use of alcohol in city parks is currently banned by ordinance; and*

*WHEREAS, the City Council desires to amend the Parks and Recreation Ordinance to allow the use of alcohol on park property for a special event; and*

*WHEREAS, recognizing that special events enhance the quality of life for residents and visitors, as well as provide substantial economic benefits, it is deemed to be in the best interest of the City of Milford to allow alcoholic beverages in the parks by requiring the event organizer to comply with specific rules as stated herein; and*

*WHEREAS, a new Milford Dog Park opened on November 1, 2014 for the further use and enjoyment of the public; and*

*WHEREAS, the City Council desires to update its established rules regarding permissible and prohibited activities in the City Dog Park.*

*NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:*

*Section 1. An Ordinance to Amend Article II-Parks and Recreational Rental Rules and Regulations-of the Parks and Recreation Code of the City of Milford by adding an exception to the alcohol prohibition.*

*Section 2. §2.03(d) is hereby amended by adding (1)(a), (1)(b) and (1)(c) as stated below:*

*(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, 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(c)*

*Section 3. Article IV. Penalty for Violations. Article IV is hereby renumbered as Article V.*

*Section 4. Article IV. A new Article IV, entitled Milford Dog Park, is adopted as follows:*

*Article IV. Milford Dog Park*

*§4.01. 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).*

*§4.02. 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:*

- (a) *Park is open sunrise to sunset only.*
- (b) *All dogs must be licensed and wear current license and vaccine tags.*
- (c) *Dog owners/handlers assume all risks for injury or loss of any kind to themselves and their dogs.*
- (d) *Dog owners/handlers are legally responsible for any damage caused by the dog.*
- (e) *Dogs must be on a leash and under control at all times outside the fenced area.*
- (f) *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).*
- (g) *Only people with dogs are permitted in the fenced area.*
- (h) *Each owner/handler must be above the age of 13 and shall not supervise more than two dogs while in the park.*
- (i) *Excessive barking is prohibited; dogs barking excessively must be removed.*
- (j) *Dogs exhibiting aggressive behavior are to be removed immediately.*

- (k) 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.*
- (l) 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.*
- (m) No human or dog food, including treats, are allowed in the park for any reason.*
- (n) Prohibited from entering the park are dogs with sickness, female dogs in heat, puppies under four months of age and all other domestic animals.*
- (o) Smoking is strictly prohibited in the park.*

*§4.03. Infraction of the rules as stated in §4.02 may result in temporary or permanent loss of park privileges. All other state and local laws apply.*

*Section 5. Dates.*

*Introduction 11/24/14*

*Adoption 12/08/14*

Mr. Pikus discussed nonprofit organizations and asked if council had considered restricting this to nonprofit organizations. Mayor Shupe stated no; Mr. Pikus then asked if this will open up the parks for anyone to use. Mayor Shupe emphasized that alcohol will only be allowed at a special event and after approvals are obtained. He also pointed out that in addition to the approval from the State of Delaware and city council, public restrooms, designated areas and identification will have to be provided for persons over the age of twenty-one years who wish to participate.

Mr. Grier asked if the security deposit would vary depending on the size of the event; Mr. Carmean agrees the deposit would be based on the size of the event. A larger deposit should be required for a bigger event because of the potential impact it could have on the area.

The city manager said that he spoke with Gary Emory and Brad Dennehy and both informed him that weddings have occurred in the park. Alcohol would not be permitted at the wedding unless all rules and approvals were in place.

Mr. Carmean also agreed that the events would be sponsored by nonprofits. Mayor Shupe pointed out that the first approval needed from the ABCC (Alcohol Beverage Control Commissioner) would be for an event/gathering license.

Ms. Wilson confirmed that a reception could be held though they would have to meet all the criteria in the ordinance.

Mr. Pikus moved to adopt Ordinance 2014-14, seconded by Mr. Mergner. Motion carried.

*Adoption/Ordinance 2014-16/Chapter 130 Amendment/Floodplain Management*

Mayor Shupe advised that some changes in DNREC's regulations have required counties and municipalities to amend their flood damage prevention rules and regulations to remain in compliance with the statute. In this case, the city's entire Chapter 130 was repealed and replaced with a new Chapter 130. Our code officials have been working with state agencies and a consultant firm hired by the state to assist with the amendments at the local level.

Mr. Pikus asked if council asked the city solicitor to review the ordinance; Mr. Carmean said that was requested at the last council meeting.

Mr. Rutt stated he is reviewing it but it is taking a much longer time due to the amount of information it includes. He is comparing it to both Kent and Sussex County ordinances to prevent any conflicts. However, he has not had the time to finish the review due to the recent holiday.

Mr. Pikus moved to postpone action on Ordinance 2014-16, seconded by Mr. Morrow. Motion carried.

*Adoption/Ordinance 2014-17/Chapter 88 Amendment/Building Construction*

Mayor Shupe reported that the same requirements apply to the building construction code. To meet those requirements and to eliminate the need to change the ordinance each time a floodplain map is amended, two references to Chapter 130 were added to the ordinance.

Mr. Grier moved to postpone action on Ordinance 2014-17, seconded by Ms. Wilson. Motion carried.

*Adoption of Resolution 2014-21/Route 1 Overpass Support*

Mayor Shupe recalled that city council agreed at the last workshop, following a presentation by Woodshaven Resident Emmett Venett, to adopt a resolution supporting the grade-separated roadway on Route 1 at Northeast Front Street.

Mr. Pikus moved to adopt the following resolution stating that the City of Milford supports the funding and construction of the Route 1 overpass at Northeast Front Street, seconded by Mr. Brooks:

*STATE ROUTE 1 & NORTHEAST FRONT STREET GRADE-SEPARATED ROADWAY SUPPORT*

*Whereas, the City of Milford understands the need and fully supports the construction of a grade-separated roadway bridging Route 1 at the junction of Northeast Front Street (State Route 14) in Milford, Delaware; and*

*Whereas, the construction of this overpass will provide a transportation improvement by providing a continuous flow of east/west traffic across State Route 1; and*

*Whereas, this grade-separated roadway will greatly reduce accidents and protect drivers by eliminating the intersections presently in use at Northeast Tenth Street/State Route 1 and Northeast Front Street/State Route 1.*

*NOW, THEREFORE, Be It Resolved, that the City Council of the City of Milford, respectfully request the Delaware Department of Transportation raise the priority of the Northeast Front Street project and that funding be provided to enable the design, engineering and acquisition of required land in the hopes of moving this project forward.*

*BE IT FURTHER RESOLVED, that the City Council of the City of Milford is willing to assist the Department in whatever action is needed to preserve the safety of the citizens of Milford and the visitors which transit our city and the surrounding community.*

*s/Mayor Bryan Shupe*

Motion carried.

Mr. Brooks asked who will receive the resolution; Mayor Shupe advised that DelDOT contacted him today and he will be discussing some additional information with them. He will present the resolution and ask how we can assist in getting the construction accomplished and to move the project along.

His intent is to work more closely with DelDOT to get this in motion. The resolution confirms the City of Milford and city council support the construction of the overpass.

Mr. Pikus confirmed the resolution will be sent to the Secretary of DelDOT; Mayor Shupe stated yes.

Mr. Brooks feels it is important that DelDOT know council adopted the resolution and they understand the importance of this overpass.

It was noted that several DelDOT representatives were present at the meeting.

Mr. Brooks emphasized that the number one responsibility of city council is safety and this impacts a number of our residents, people living east of Route 1 and students and teachers at Milford High School.

Mayor Shupe invited any council member who wished to participate in the discussion to attend.

Ms. Wilson feels the resolution is a major step in providing proof of councils' wishes and recalls that an overpass has been considered in this area for decades. Mr. Brooks agreed the original plan was to place an overpass on Tenth Street which was approximately forty years ago.

Mr. Pikus stressed that DeIDOT needs to understand that city council does not want the Northeast Front Street project delayed. Council wants the overpass built and not moved down the lists. Councilman Pikus agreed.

#### NEW BUSINESS

##### *FY 2014-2015 Budget Adjustment/DBF Services/Milford Armory*

City Manager Carmean recalled mentioning in his monthly report that the city had not obtained the armory at the time the budget was discussed. Because of that, no money was budgeted for heating or electric.

He felt the public should not have access to the building until it was confirmed it was safe. He hired a senior architect from Davis, Bowen and Friedel's (DBF) Salisbury office only to confirm the building was sound. He then had him do some CAD drawings of floor plans for different uses in order to get the square footage.

He then had the architect consider how to service the entrances.

Mr. Carmean recommends that the next city manager and Finance Director Jeff Portmann create a line item for electric and heat. He said that even though Parks and Recreation will be using the armory this winter, they were unprepared to budget any funds as well.

Mr. Brooks asked if Parks and Recreation still used the school for their basketball program; Mr. Carmean confirmed they did. When asked if they are paying a rental fee to use the school, Mr. Carmean stated yes. Mr. Brooks suggested using the rental fee that would have been paid to the school to offset the heat and electric costs since they will no longer be using the school facilities.

The city manager agreed that will help though it may not cover the entire bill.

Mr. Morrow asked if DBF had provided a written report of their assessment; Mr. Carmean said no though that was the intent. He also has an environmental evaluation that was done through the State of Delaware before the city would agree to take the building. He wanted assurance there was no asbestos contamination or other environmental issues. The report verified there are no concerns.

Mr. Pikus said the funds can be taken from General Fund Capital Reserves and though that account has been used, there are still sufficient funds.

Mr. Pikus moved to allocate \$6,692.50 for the Milford Armory structural analysis from General Fund Capital Reserves based on the city manager request, seconded by Ms. Wilson.

Mr. Morrow asked that this be paid contingent upon the receipt of a report we can later refer to should any concerns arise.

Motion carried.

Mayor Shupe asked council to speak with residents for suggestions on what the armory should be used for. He will then discuss those options at a future meeting.

Mr. Grier asked if the building is still being considered as a potential police department; Mr. Morrow said that is the reason he would like to see the report. The city manager, Chief Hudson and he will be meeting with an architect on Wednesday morning at the armory.

Mr. Carmean explained they are meeting with a group of sales people at no cost to the city. Their business creates off site mezzanines and they will determine if the basketball court area has the required structure and height to add a mezzanine. Potentially, the city could end up with a 16,000 square feet building by adding the mezzanine.

He feels that the building could be a blank slate on both floors once the downstairs walls are removed. It could then be designed for offices.

*FY 2014-2015 Bulletproof Vests/Purchase Approval/Transfer Tax Account*

Mayor Shupe explained this matter has been discussed in executive session though a vote and funding source are needed.

Mr. Pikus questioned that a motion had been made to purchase the vests; it was confirmed no vote had been taken. Mr. Pikus asked if there is a need for the vests; Chief Hudson explained this is an upgrade from a Level 2 to Level 3A vest that will protect the officers from higher caliber weapons the current vests will not stop. The intent is to increase resistance by purchasing an upgrade vest.

Mr. Pikus asked if Chief Hudson feels it is necessary to buy new vests; Chief Hudson said it is definitely in the best interest and safety of our police officers to purchase the higher level vests.

Mr. Morrow asked if there is grant money available for a portion of the vests.

Chief Hudson confirmed the cost will be approximately \$30,000. Mr. Pikus pointed out it needs to be bid if over \$30,000.

Mr. Pikus asked if some of the \$20,000 received from Kent County could be used to purchase the vests; Chief Hudson advised that money was allocated for another item but if that is what council recommends, he will use those funds.

Mr. Pikus asked if he can use the \$25,000 grant from Sussex County; Chief Hudson said those monies are being used to purchase the other items that were requested. Mr. Pikus suggested the funds left in the department's training budget also be used.

Mr. Morrow emphasized that we cannot eliminate or reduce training to pay for the vests. He does not want to sacrifice any training that is required.

Chief Hudson explained that a lot of the training budget is used to purchase training ammo and duty ammo which has substantially increased in cost over the past several years.

Mr. Pikus feels the money could come from the Kent County funds and training budget. That would prevent having to transfer reserve funds to the police budget.

Mr. Pikus asked the city manager if that would work. Mr. Carmean recalled this being discussed at previous meetings and it was suggested by him and recommended that the \$40,000 received from unexpected transfer taxes as a result of an error in the county's calculations be used.

Mr. Morrow suggests that Chief Hudson and the city manager discuss with the finance director on which funds to use.

Mr. Grier suggests that we proceed with the vote to purchase the vests; Mr. Pikus said that was already done. Mayor Shupe pointed out it was only discussed in executive session and no motion was made.

Mr. Grier recommends the vests be purchased, seconded by Mr. Pikus. Motion carried.

The city manager then noted that Mr. Pikus is now presenting different funding sources. He prefers to work this out with the finance director and Chief Hudson. In that manner, they can determine the amount of money that will be needed for training, firearms, etc. for the balance of the fiscal year and still allow the vests to be purchased without coming back to council.

Council agreed noting that was the intent when it was discussed in executive session.

Mr. Carmean then stated that he would use a portion of the transfer tax fund as was previously discussed; council agreed.

*Alcohol Waiver/Brewfest Request/Downtown Milford, Incorporated*

Mayor Shupe presented a request from Downtown Milford, Incorporated to sponsor a new event which will be called "Brewgrass Festival in Bicentennial Park". The festival will offer live bluegrass music, food to purchase and beer tastings from local Delaware and Maryland breweries. There will be a maximum of 500 participants. The event is planned for Sunday, June 14, 2015 from noon to 4:00 p.m.

The amendment to the Parks and Recreation Ordinance adopted earlier this evening allows an exception for alcohol to be served at special events, as long as the organizer meets the requirements outlined in the ordinance. That change will allow this event, and similar events, to occur if the criteria in the ordinance is met.

Mr. Pikus asked if council is able to approve the event tonight; Mayor Shupe stated yes.

Mr. Pikus moved for approval of the event, seconded by Mr. Grier. Motion carried.

MONTHLY FINANCE REPORT

Finance Committee Chairman Pikus reported that through the fourth month of Fiscal Year 2014-2015 with 33% of the fiscal year having passed, 41% of revenues have been received and 31% of the operating budget expended.

He noted that the general improvement fund is negative which is only temporary because funds will be received from the Southeast Front Street and Goat Island projects. That will bring that account back up to approximately \$550,000.

Mr. Pikus also noted that any funds needed for the Milford Armory will be paid from the General Fund Capital Reserves.

He concluded by stating that all of the city funds remain healthy though he emphasized the report is only as of October.

Mr. Morrow moved to accept the October 2014 finance report, seconded by Ms. Wilson. Motion carried.

EXECUTIVE SESSION

Ms. Wilson moved to go into Executive Session reference below reasons, seconded by Mr. Mergner:

Pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation (Union Contract).

Pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements, or sales or leases of real property (Property Sale).

Mayor Shupe recessed the Council Meeting at 7:48 p.m. for the purpose of an Executive Session as permitted by Delaware's Freedom of Information Act.

Motion carried.

*Return to Open Session*

City Council returned to Open Session at 8:20 p.m.

*Police Union Contract*

Mr. Morrow stated that based on the recommendation of the Police Committee, Mr. Morrow moved not to approve the Union Contract in its current form and direct City Manager Carmean and his negotiating team to continue discussions, seconded by Ms. Wilson. Motion carried with no one opposed. Mr. Brooks abstained.

*Property Sale*

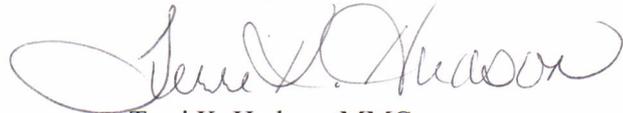
Mr. Grier moved to give the city manager permission to continue negotiating the property discussed in executive session, seconded by Ms. Wilson. Motion carried with no one opposed.

ADJOURN

With no further business, Mr. Pikus moved to adjourn the Council Meeting, seconded by Mr. Grier. Motion carried.

The Council Meeting adjourned at 8:22 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Terri K. Hudson".

Terri K. Hudson, MMC  
City Clerk/Recorder