

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
November 9, 2015

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, November 9, 2015.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Garrett Grier III, Lisa Peel, James Burk, Owen Brooks Jr., Douglas Morrow Sr., James Starling and Katrina Wilson  
Police Chief Keith Hudson and City Clerk/Recorder 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 Councilman Starling.

#### APPROVAL OF PREVIOUS MINUTES

Motion made by Mr. Grier, seconded by Ms. Peel to approve the minutes of the September 28<sup>th</sup> Council Meeting and October 12<sup>th</sup> Council Meetings as presented. Motion carried.

#### RECOGNITION

No special guests in attendance.

#### MONTHLY POLICE REPORT

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

#### CITY MANAGER REPORT

Mayor Shupe referenced the Utility and Parks and Recreation Department reports included in the packet. Council members had no questions.

#### COMMITTEE & WARD REPORTS

Councilwoman Wilson stated that she wanted to make a comment. She emphasized that there is never a 'quiet month' for the police. She asked that as the mayor and council look around our city and seek out resources, they consider all residents, all constituents and the well being of our entire city. As this body moves forward, she wants each person to think about playing a balancing act for all neighborhoods of the city. That is what she has done over the past twenty plus years and she thinks it is important that the new members of council consider this as well.

Ms. Wilson recalled the number of times the downtown has been discussed. She asked that all of Milford be considered and not just downtown. She does not feel that downtown reflects Milford in general and feels it is important that council understand that.

She noted that the focus is soon going to switch to the area where Bayhealth is developing and asked that council take a moment to think about that.

Ms. Wilson does not really feel the numbers and statistics in the police report accurately reflect what is happening in this town. She said most of the council members do not hear the police sirens and gunshots. She asked that everyone focus on all our needs and especially the need for more police. She agrees the riverwalk is not safe but in order to properly address the problem, more police officers are needed. There is a lot of activity in that area and she does not think we have the manpower that is needed to police it.

Ms. Wilson believes council is speaking two different languages and asked that this body understand what is real in today's world.

Mr. Starling added that council members would be very surprised of the number of people that walk through his neighborhood with their backpacks. He stressed that other towns are helping with this situation. This community has a committee that helps with that situation. Both his wife and Councilwoman Wilson are on that committee which he feels is a very important committee. He pointed out that everyone in this room comes out of a warm house everyday. But he observed people walking by who are looking for a place to sit or get something to eat. He has actually witnessed people pulling food out of waste containers to get something to eat.

He is unsure what the city can do but he feels there is a need for a shelter as well.

Mr. Burk asked everyone to keep their eyes open adding that he has seen Milford Police Department in the area of Dorey Insurance. He noted that she is having a lot of problems with vagrants hanging in the rear of her property on NE Front Street.

He is aware of a person who was sleeping on the ground out by Rita's (by Walmart) and a lot of people were driving by and did not even look. He recommends calling the government agencies who can help these people even though a lot of time these people do not want help. He feels if we all work together we could make a difference.

#### COMMUNICATIONS & CORRESPONDENCE

Nothing to report.

#### UNFINISHED BUSINESS

##### *Review/Solid Waste Ordinance Fees*

Mayor Shupe recalled the number of recent discussions council has had regarding our current solid waste ordinance. At the last meeting, we were presented with a breakdown of the cost per yard waste container which came out to \$11.22.

We have also received a couple complaints regarding the \$50 bulk pickup fee charged for one to five items.

Council suggested obtaining information from other municipalities which is included in packet.

Mayor Shupe said he is presenting this for informational purposes only. He is willing to send the matter to a committee for review due to the many conversations council has had. The committee can then make a decision on what the direction the city should go and decide if they want to leave the ordinance as is, make it stricter or make it more lenient. The committee could also consider privatizing services if they feel that is appropriate.

He suggests the public works committee review these matters. Mr. Brooks said it depends on councils' feeling. If they are satisfied with it, there is no need for it to be reviewed by the committee.

Mr. Burk pointed out that the comparisons show various ways of handling it. Therefore, it is not a case where other municipalities are handling it differently from Milford. Everyone has something unique and noted that the pricing is all over

the place.

Mr. Brooks said some are privatized; Mr. Burk said the problem with going private is we just purchased new equipment.

Mayor Shupe reiterated that if council wants to keep the services as they are, then no action is needed. However, if the recommendation is to make changes, then he will send it to the public works committee.

Mr. Brooks feels that \$50 is a lot of money to pick up a sofa or a chair. He said the same house could set out five items for the same price. He said that is steep and needs to be looked at. The mayor recommends a review of the entire solid waste ordinance by the public works committee.

Ms. Wilson moved that the public works committee review the code and make recommendations, seconded by Mr. Starling. Motion carried.

#### NEW BUSINESS

*Introduction of Ordinance 2015-22/Sewer Code Amendment*

*Introduction of Ordinance 2015-23/Water Code Amendment*

Mr. Pierce explained these two ordinances add the same language to both the water and sewer codes. This gives the city the ability to administer public works agreement in more detail and adds aid-in-construction for future projects.

Mr. Pierce recalled this ordinance being discussed a couple months ago.

Mr. Rutt emphasized these two ordinances are on the agenda for introduction only.

Mayor Shupe introduced Ordinance 2015-22/Sewer Code Amendment and Ordinance 2015-23/Water Code Amendment. Council will see them at the next meeting at which time they can discuss them.

*Adoption/Resolution 2015-33/Annexation of Lands belonging to Mispillion Realty LLC/Shawnee Road  
Tax Parcel No. 1-30-3.00-80.02/Committee Review*

Mayor Shupe said the city received a request for annexation this past November from James Masten-Owner of Mispillion Realty which stated as follows:

*Please accept this letter as my request for annexation for two-acre parcel. Parcel is located next to Brookstone Trace off Old Shawnee Road which is a townhouse project. This will need to be reviewed by the annexation committee.*

City Planner Pierce advised that the resolution needs to be adopted to start the annexation process. A report will be generated after the committee reviews the request.

The application was held up because the request was not consistent with the city's comprehensive plan. As a result, the comprehensive plan had to be amended which is a somewhat lengthy process.

Ms. Wilson moved to adopt Resolution 2015-33, seconded by Mr. Grier:

*Annexation/Lands belonging to Mispillion Realty LLC*

*Tax Parcel No. 1-30-3.00-80.02*

*1.99 +/- Acres*

*Current Zone A-R/Proposed Zone I-S*

#### COMMITTEE DIRECTED TO INVESTIGATE ANNEXATION

*Whereas, a Petition, signed by the legal property owner and duly witnessed, requesting annexation into the City of*

*Milford, situated east of Old Shawnee Road (CR 619) and South of Fieldstone Avenue, legally described as follows:*

*All that certain lot, piece and parcel of land, lying and being situate in Cedar Creek Hundred, Sussex County and the State of Delaware, as depicted on a survey prepared by Bob Nash Associates, Inc., dated August 2013, last revised 30 September 2013, east of but not adjacent to the easterly right of way line of Shawnee Road, also known as SCR 619, at sixty (60) feet wide, adjoining other lands now or formerly of Frank Emmi, Jr., lands now or formerly of Brookstone Trace Subdivision, lands now or formerly of Brian T. Warnock, lands now or formerly of Jayson D. Crouch, lands now or formerly Vincent M. Consentino, lands now or formerly of Leah B. Tazelaar, lands now or formerly of Betty J. Anderson and lands now or formerly of Arthur R. Bradley, being more particularly described as follows, to wit:*

*BEGINNING at a corner for other lands now or formerly of Frank Emmi, Jr., and at a corner for lands now or formerly of Jayson D. Crouch, said point being distant 300 feet more or less from the centerline of Betty Street and 308 feet, more or less, from the right of way line of Shawnee Road; thence proceeding with said Emmi lands North 26 degrees 07 minutes 16 seconds East 107.84 feet to a found concrete monument at a corner for lands known as Brookstone Trace Subdivision; thence proceeding with said Brookstone Trace Subdivision the following four courses and distances: (1) North 26 degrees 11 minutes 09 seconds East 86.58 feet to a found concrete block on end; (2) South 64 degrees 58 minutes 51 seconds East 222.13 feet to a found concrete monument and (3) South 25 degrees 03 minutes 03 seconds West 191.72 feet to a found concrete monument at corner for lands now or formerly of Brian T. Warnock; (4) South 25 degrees 03 minutes 03 seconds West 191.64 feet to a found concrete monument at a point in the line of Vincent M. Consentino; thence following lands of said Consentino and in part with lands now or formerly of Leah B. Tazelaar, Betty J. Anderson and Arthur R. Bradley, North 65 degrees 14 minutes 12 seconds West 228.68 feet to a found iron pipe at a corner for lands of Brian T. Warnock; thence finally running with lands now or formerly of said Warnock and Jayson D. Crouch, North 25 degrees 54 minutes 02 seconds East 190.02 feet to the place of beginning, containing 1.99 acres of land, more or less.*

*has been submitted to the City Council of the City of Milford.*

*Now, Therefore, a Committee, composed of three (3) elected members of City Council and one (1) member of the Planning Commission has been appointed by the Mayor to investigate the possibility of annexing said property, said Committee to be comprised of Chair Katrina Wilson, Douglas Morrow, James Burk and Planning Commission Chairman Archie Campbell.*

*Be It Further Resolved, that said Committee shall submit a written report containing its findings and conclusions, including the advantages and disadvantages of the proposed annexation both to the City and to the property proposed to be annexed and said report shall further contain the committees' recommendations whether or not to proceed with the proposed annexation and the reasons therefor.*

*NOW, THEREFORE, I, Teresa K. Hudson, City Clerk of the City of Milford, do hereby certify that the foregoing resolution was duly and regularly adopted by the City Council of the City of Milford at a Council Meeting held the 9th day of November 2015 by a majority vote.*

Motion carried.

The annexation committee meeting will be held November 23<sup>rd</sup> at 6:30 p.m. at which time the request will be reviewed.

#### *MONTHLY FINANCE REPORT*

Through the third month of Fiscal Year 2015-2016 with 25% of the fiscal year having passed, 34% of revenues have been received and 23% of the operating budget expended.

Finance Committee Member Morrow noted the numbers look good though it is early in the year.

Mr. Burk moved to accept the March finance report, seconded by Mr. Starling. Motion carried.

#### *EXECUTIVE SESSION*

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

*Pursuant to 29 Del. C. §10004(b)(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed (Employment Contract)*

*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 (Land Issue)*

*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 (Pending Land Purchase)*

*Pursuant to 29 Del. C. §10004(b)(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed & 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 (Personnel & Potential Litigation)*

Motion carried.

Mayor Shupe recessed the Council Meeting at 7:40 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 8:26 p.m.

*Pending Land Purchase*

Mr. Mergner moved to approve the land purchase in accordance with the Masten Realty appraisal as was discussed in Executive Session, seconded by Mr. Grier. Motion carried.

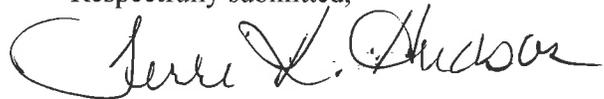
No action needed on the other items discussed.

*ADJOURN*

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

The Council Meeting adjourned at 8:29 p.m.

Respectfully submitted,



Terri K. Hudson, MMC  
City Clerk/Recorder