

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 27, 2016

Milford City Council held Public Hearings on Monday, June 27, 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: Councilpersons Christopher Mergner, Arthur Campbell, 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 7:01 p.m.

Planning Coordinator Rob Pierce was also present.

*Misphillion Realty LLC on behalf of Brookstone Trace Subdivision
Conditional Use for a Planned Unit Subdivision & Preliminary Major Subdivision
Acreage 23.35+/- in an R3 (Garden Apartment and Townhouse) Zoning District
East side of Old Shawnee Road, Milford, Delaware.
Present Use: Vacant Land; Proposed Use: Townhouse and Garden Apartment Subdivision.
Tax Map 1-30-3.00-077.01; -078.00; -080.02; -443.00 thru -561.00*

Adoption/Ordinance 2016-06

Planning Coordinator Pierce explained this is an amendment to an existing Conditional Use and Preliminary Subdivision application for the Brookstone Trace project.

The application was reviewed at a public hearing before the Milford Planning Commission on May 17, 2016. At that time, they also reviewed the site plan for the proposed addition. All three items were recommended for approval by a unanimous vote at that time.

Mr. Pierce then provided some background history. The community was originally approved and annexed into the city in 2005 with an R-3 zone. City Council approved it as a PUD (Planned Unit Development Townhouse Community) of 119 townhouses in 2006. The applicant, who is present this evening, submitted a petition to annex two acres adjacent to the property on its western end in 2014.

Within the past year, the city's comprehensive plan was revised to include the community as modern density residential. Council approved the annexation in January.

What is being presented is an amended PUD changing the 119 townhouses plan to 104 townhouse lots, a 2,800 square foot recreational facility located in the central green area and a 4 plus acre multi-family parcel consisting of five buildings and a total of 60 apartments.

He acknowledged that staff evaluated the proposal based on the PUD criteria in Chapter 230-48.1 and can be found in the council packet.

Mr. Pierce stated the following comments must be addressed prior to final subdivision approval:

*Final site plan approval of the apartment complex area.

*No objection letter from DeIDOT, Fire Marshall and Sussex Conservation District.

*Final approval from the Public Works Department on the engineering plans.

He then referred to the agency and department comments, mainly involving water and sewer by the city engineer.

Mr. Brooks asked for confirmation that sidewalks will be installed.

Kevin Minnich of Minnich Engineering stated he is present to represent James Masten on behalf of the Brookstone Trace Subdivision. He explained that the project was started by a different developer and owner and he is coming in on the back end adding that the project sat idle for a few years.

Mr. Minnich said that Mr. Pierce provided a good synopsis though he can answer any questions. He verified that sidewalks will be installed adding it was originally approved.

When asked about the fire marshal and DeIDOT comments, Mr. Pierce responded that basically the fire marshal has their standard protocol for submitting comments for site plans. The apartment complexes, for example, will show the fire lanes and fire suppression.

DeIDOT commented that they will have to go through the Development Coordination Manual and obtain their letter of no objection.

The planner added that Davis, Bowen and Friedel has comments regarding the water loop, sewer system, etc. He then referred to the site plan pointing out various aspects of the plan, including the new locations of the townhouses, apartments (five three-story buildings), roads, exits, stormwater and parking areas.

It was confirmed the complex will have dumpsters versus individual containers. The plan also includes a covered parking garage similar to projects in other areas that have utilized garages for apartment complexes.

The planning coordinator confirmed the site plan meets the requirements of Chapter 230.

Mr. Mergner confirmed this is surrounded by a residential area on Betty Street and two to three strip lots on Old Shawnee Road.

City Solicitor Rutt then asked Mr. Minnich to confirm the following:

Mr. Minnich is authorized to represent the Brookstones Trace development on behalf of James Masten.

Mr. Minnich accepts the comments from City Planning Coordinator Rob Pierce as being a true and correct description of the application before City Council.

With no further comments from City Council, Mayor Shupe opened the floor to public comment. No one responded and the public hearing was thereby closed for further comment.

Mr. Morrow moved to adopt Ordinance 2016-06, seconded by Mr. Mergner:

Ordinance 2016-06

Mispiration Realty LLC for a Conditional Use for a Planned Unit Subdivision and a Preliminary Major Subdivision of 23.35 +/- acres in an R3 (Garden Apartment and Townhouse) Zoning District. Property is located on the east side of Old Shawnee Road, Milford, Delaware. Present Use: Vacant Land; Proposed Use: Townhouse and Garden Apartment Subdivision. Tax Map 1-30-3.00-077.01; -078.00; -080.02; -443.00 THRU -561.00

WHEREAS, the City of Milford Planning Commission will consider the conditional use application at a Public Hearing on May 17, 2016; and

WHEREAS, Milford City Council will hold a Public Hearing on June 27, 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 Planned Unit Residential Development as herein described.

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

Section 1. Upon the adoption of this ordinance, Mispillion Realty LLC is hereby granted a Conditional Use Permit to allow a Planned Unit Residential Development, 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 & Public Hearing: May 17, 2016

City Council Introduction: June 13, 2016

City Council Public Hearing: June 27, 2016

Adoption: June 27, 2016

Effective: July 7, 2016

Motion carried.

Having no further business, Mr. Mergner moved to adjourn the Public Hearing, seconded by Mr. Starling. Motion carried. The Public Hearing adjourned at 7:18 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 27, 2016

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, June 27, 2016.

PRESIDING: Mayor Bryan W. Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Arthur Campbell, 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 Councilman Starling.

RECOGNITION

Introduction/Public Works Director Mark Whitfield

City Manager Norenberg introduced Milford's new Public Works Director Mark Whitfield who begins his employment on July 25, 2016.

Mr. Whitfield addressed Council stating he is very excited to be a part of the Milford community and the City of Milford. He has been corresponding with the City Manager and stated that it appears he will not be bored and looks forward to the challenges.

Mr. Norenberg agreed that the Public Works Directors' to-do' list is growing longer noting that a couple more things were just added at the committee meeting earlier this evening.

COMMUNICATIONS & CORRESPONDENCE

Included in packet.

NEW BUSINESS

None to report.

UNFINISHED BUSINESS

Approval/Milford Parade Committee Inc. Requests

City Manager Norenberg stated that he, Police Chief Brown and Captain Bailey recently met with Charles and Jim Gray of the Milford Community Parade Committee. Since he is new, they reviewed a lot of the information regarding the various ways the city supports the parade.

At that time, a request for assistance was submitted which is included in the packet.

Mr. Brooks asked the location of the Milford Plant and Garden Center referenced in the Gray's request and Chief Brown confirmed that is the old Gooden's Florist. Mr. Brooks stated that the One Stop Market, next to this location, is open throughout the parade. Last year, there was a concession stand placed there that had a tremendous impact on the One Stop Market's business.

The owners complained they are open all year round, pay taxes and having this stand next to them is unfair to their business.

Mayor Shupe said that can be later discussed and the City Manager agreed to pass that concern along to the committee.

Mr. Mergner then moved to authorize the Milford Community Parade be held from 6:30 p.m. to 9:00 p.m. on the third Wednesday in October as previously agreed by city council, allow the placement of three reviewing stands along the parade route, permission to be obtained for any private property sites, and the use of four parking spaces in the municipal parking lot between North Washington and North Walnut Streets during the parade; said parking lot thruway cannot be blocked and must be kept clear for vehicles to access throughout the time the four spaces are utilized, seconded by Mr. Burk. Motion carried.

Authorization/Costs & Service/Milford Parade Committee Donation Inserts/Utility Bills

Mr. Mergner moved to authorize payment of all associated costs (paper, copying, postage) with the mailing fund-raising inserts on behalf of the Milford Community Parade, to be paid from the City Council expense line item, and to document any donations received by the City of Milford Customer Service Staff and provide to the Community Parade organizers on a timely basis, seconded by Mr. Morrow. Motion carried.

Mr. Brooks confirmed that Mayor Shupe will talk to Mr. Gray about moving the stand away from the One Stop Market; Mayor Shupe agreed.

Introduction/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 then introduced Ordinance 2016-10 which includes three amendments related to items in the personnel ordinance.

He reported that he is working with the HR Administrator to provide a complete update of the personnel manual though they have a few items that are timely. As a result, the following three amendments are being presented which will be incorporated into the full update upon its completion:

*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 (Projected): 07/11/2016

This ordinance shall take effect and be in force ten (10) days after adoption.

EXECUTIVE SESSION

City Manager Norenberg reported the Executive Session was canceled.

ADJOURN

There being no further business, Mr. Mergner moved to adjourn the City Council Meeting, seconded by Mr. Starling. Motion carried. The Council Meeting was adjourned at 7:27 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 27, 2016

The City Council of the City of Milford met in Workshop Session on Monday, June 27, 2016 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan W. Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Arthur Campbell, 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 convened the Workshop Session of Council at 7:27 p.m.

City Council Retreat

City Manager Norenberg referred to the following memo:

TO: Mayor and City Council

FROM: City Manager Eric Norenberg

SUBJECT: City Council Retreat

Purpose and Background

Many City Councils hold retreats annually or at the beginning of new terms to set goals and priorities, to plan for the future, and to ensure their working relationships are functioning well. At the request of the Mayor, I have surveyed other communities regarding City Council retreats and facilitators used. After that research, I entered into discussions with the University of Delaware Institute for Public Administration/School of Public Policy & Administration about facilitation for a City Council retreat in late-summer/early-fall.

Discussion

The scope for the retreat could include two segments:

** Planning for the Future:*

- * Facilitated discussion and goal setting by City Council, with the help of key City officials. Discussion may include issues related to economic development, encouraging and managing growth, fiscal policy and public safety.*
- * Desired Outcomes: Identification of priorities for the next one to two years and consensus on next steps for developing a strategic plan to guide City Council and City Management for the next 5-10 years (that may include a visioning process involving municipal government officials, stakeholders, and citizens).*

** Team Building:*

- * Understanding roles and responsibilities of elected officials, and appointed officials, City Boards and Commissions and defining expectations*
- * Desired Outcomes: Enhanced understanding of work styles, and focus on methods/processes of effective decision-making related to the goals and plans set in the earlier component.*

Pre-Retreat / Retreat Components: The facilitator would provide the following services and assistance before, during and after the retreat:

- * *Pre-meetings for project design*
- * *Pre-Retreat Questionnaire/Survey of City Councilmembers, the Mayor and Appointees designed with the end objective in mind. Anonymity must be assured. Completion of the Pre-Retreat Questionnaire/Survey may be done electronically, in writing or via interviews depending on the preference of individual elected officials.*
- * *Summary of questionnaire/survey results by IPA staff*
- * *Development of the retreat agenda and related presentation materials to enhance the discussion and interaction between participants*
- * *Retreat facilitation at a location designated and arranged by the City of Milford*
- * *During the retreat, IPA staff will scribe notes/flip charts that captures discussions, decisions and pertinent ideas*
- * *Summary notes of the retreat outcomes*

These services from IPA would cost \$1,500. Other costs for the retreat would be refreshments, facility rental, etc.

Recommendation

It is recommended that the Mayor and City Council discuss and consider scheduling a retreat on one of these three Saturdays: September 10 or 17, or October 8 beginning at 8:30 in the morning. At this time, we anticipate the retreat ending in early to mid-afternoon. The location can be determined once a date is selected.

Mr. Norenberg suggested that council meet to do some goal setting and team building. After having that conversation with Mayor Shupe and a few other Councilmembers, he did some outreach to other cities to find out how other cities handle retreats and whether facilitators are brought in. He was pointed in the direction of the Institute for Public Administration and the School of Public Policy. They provided a proposal of which some of the scope is outlined for a half day Saturday retreat that would be held off site.

They would do some pre-planning for the retreat by gathering input from council on potential goals, then facilitate the retreat. The proposal is approximately \$1,500 with three dates for consideration.

Mr. Norenberg can begin to look for a location once a date is determined.

Council members will review their calendars and provide available dates.

There being no further business, Mr. Mergner moved to adjourn the Workshop Session, seconded by Mr. Campbell. Motion carried.

Workshop Session adjourned at 7:35 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder