

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.

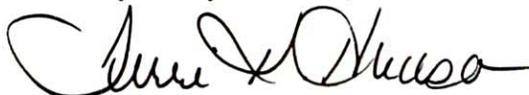
Mr. Morrow-Yes because it fits with the area and he agrees with the staff recommendation.

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,

A handwritten signature in black ink, appearing to read "Terri K. Hudson". The signature is fluid and cursive, with a large initial "T" and "H".

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 DeIDOT 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. DeIDOT 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

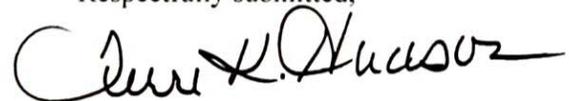
No action needed.

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