

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 8, 2016

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, August 8, 2016.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Arthur Campbell, Lisa Peel,
James Burk, Owen Brooks Jr. and Douglas Morrow

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

COUNSEL: Assistant City Solicitor James Sharp, 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 Burk.

APPROVAL OF PREVIOUS MINUTES

Motion to approve the June 7, June 8, July 11, July 25 and July 28, 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 Officers

Chief Brown recognized Corporal Kirk Marino and PFC Nigel Golding.

The Chief informed Council that these two officers responded to a loud music complaint and upon their arrival, they realized it was a family celebration in honor of a birthday. Believing the music was within reason, they opted to join in the celebration. Officer Marino provided a K-9 demonstration and small toys that are kept in the trunk of the police car.

Chief Brown feels this deserved recognition because it reinforces the relationship the department wants to have with the residents.

Certificates were issued to each officer stating as follows:

ABOVE AND BEYOND

Presented to Corporal Kirk Marino and PFC Nigel Golding in appreciation for service above and beyond the call of duty while responding to a loud music complaint on July 17, 2016. Realizing this was a birthday party being held for a young child, both officers went out of their way with a K-9 demonstration and participation in the celebration.

Photos were then taken.

MONTHLY POLICE REPORT

Police Committee Chair Burk presented the monthly report on behalf of Chief Brown. He also commented on another successful National Night Out which was held this past Tuesday.

Councilmember Peel moved to accept the police report, seconded by Councilmember Morrow. Motion carried.

CITY MANAGER REPORT

City Manager Norenberg referenced his monthly report adding that Councilmember Wilson and other officials have met with the Haitian and Hispanic residents to connect more with the community. On the 'Third Thursday' event, the hours of our Customer Service office were extended to coincide with those of the downtown businesses. The intent is to provide shoppers an opportunity to visit local merchants during the evening hours.

Translators were made available for anyone needing their assistance. Unfortunately, customer service has had no customers take advantage of the extended hours since its inception in May. Though the 'Third Thursday' efforts will continue for our downtown merchants, our office will no longer be open as a result.

Councilmember Brooks moved to accept the monthly City Manager report, seconded by Councilmember Morrow. Motion carried.

MONTHLY FINANCE REPORT

Finance Committee Chairman Morrow reported that through the twelfth month and end of Fiscal Year 2015-2016 with 100% of the fiscal year having passed, 98% of revenues have been received and 93% of the operating budget expended. He noted that revenues are lower because there was less electric purchased and sold are the result of lower electricity sales than was originally projected because of milder temperatures. However, electric expenses were lower as a result.

Councilmember Burk moved to accept the June 2016 Finance Report, seconded by Councilmember Mergner. Motion carried.

COMMITTEE & WARD REPORTS

2nd Ward Report

Councilmember Peel asked the record to reflect some concerns she has regarding code enforcement and latent drug sales. She is asking for help even though she understands there is a lot of community policing occurring. However, she has talked with Chief Brown though she understands this does not occur when the police are present.

She feels that when the City is encouraging people to invest in business and residential properties and those property owners are putting in their blood, sweat and tears into that home or business, it is very discouraging to see those type things happening.

Councilmember Peel knows that both people that contacted her are willing to work with the City and the Police Department. But she wanted to give the City Manager, City Planner and Police Chief an opportunity to address the public and tell them what they need to do, whom they should be calling and the best way is to collect documentation to support the police or code officials to do their jobs.

Chief Brown emphasized the best and quickest way to handle is that anytime someone observes this activity, they should immediately call the Police Department. He reported the Department has been working with the downtown businesses including the ones Councilmember Peel is referencing.

The Chief agrees it is not enough and are being more proactive by putting additional Police Officers on foot in the downtown area. He hopes this will help curtail this type of activity.

He reiterated the importance of calling immediately when someone witnesses that type of conduct.

Councilmember Burk then informed Council that one of his constituents contacted him this week. He visited their property prior to tonight's meeting this evening. He then referenced a corridor down Walnut Street where several properties are for sale emphasizing how discouraging it is to see an old beat up truck covered with carpets, along with three tractor trailer tires piled up in the rear yard(s). He said it was somewhat talked about during the hiring process and particularly when the broken window theory was discussed. He said if the City allows broken windows to exist and the code is not enforced, people will continue to think they can get away with it. He agrees we need to step up our game.

Councilmember Burk said he is willing, and believes that Councilmember Peel would be willing, to walk the second ward with other residents or City officials. He reported that residents used to do that in another municipality with their Councilmembers. He emphasized the importance of a person being outside of their vehicle, walking around and observing things.

He believes we need to step up our game if we want to attract the right people and right businesses to Milford.

The Councilman then recalled the lengthy discussion regarding sidewalks during the budget hearings. He wants to make sure we have the correct language in the ordinance to be able to enforce the sidewalk requirements that they must be repaired. He commented on the importance of walkability which is another draw to our town. He concluded by stating there are a number of sidewalks in need of serious repair.

Councilmember Burk added that City Planner Rob Pierce did respond quickly and he hears good things about Code Official CC Dennis as well. He just thinks it is time that we work as team though that is going to require everyone putting some extra time into it.

Councilmember Campbell said it is especially important with the new hospital which will have a major effect on who will move into town. Councilmember Burk feels it is just as important for the residents that already live here.

Councilmember Peel believes it is one thing to attract people but pointed out there are people who have chosen to invest in their home while the house next door to them may be boarded up.

She also recalled conversations about rentals and the importance of bringing landlords into the loop so that they understand the benefit of good neighbors in addition to not allowing them to house criminals or allow criminal activity to occur. Councilmember Peel feels we need to continue to look at enforcing landlord rules.

City Manager Norenberg responded by stating we are making progress in filling the new code compliance officer position that Council authorized. The job description has been updated which is now in the hands of our HR Department; he expects to begin recruitment within the next couple of weeks.

The City Manager is aware that our code official has put a lot of time and effort into addressing code violations of a number of homes that were for sale. He feels that is a positive benefit to the neighboring house that had some challenges with properties that were on the market though he is unsure of their current status. That department is trying to catch up though we are willing to walk through the neighborhood in order to see things through other people's eyes.

The City Manager said that Councilmember Peel also referenced tenant landlord relationships which recently came up in a recent conversation with state officials. They were informed there are some new guidelines from HUD on those programs. As a result, the City will be working with colleagues at the State Housing Authority to ensure the practices the City puts in place are compliant with federal rules and regulations. They informed the Director of the State Housing Authority that Milford wants theirs to be a model program so it is successful and defensible in court. They will continue to work on people being accountable for their behavior and good neighbors.

1st Ward Report

Councilmember Mergner then reported that speeding on Elks Lodge Road is a problem. He said it has become a race track

and a potential hazard between the speed and driving behavior. He asked if the City has any jurisdiction on that road; Chief Brown explained that only small portions of that road are in the City.

Councilmember Mergner asked if there is someone we can contact to ask for some patrol in that area. The City Manager recalled that Councilmember Mergner and he discussed this a couple months ago. At that time, he put in a website request to DeIDOT to do a study though he has not had a report back on whether or not that was completed.

He said there were two segments on Elks Lodge Road where speed studies were done; they reviewed one segment in the past few years though the other has been much longer.

Mr. Norenberg will follow up and remind them of the points expressed by Councilmember Mergner that the hospital is developing in that area.

Speeding

Councilmember Brooks reported there is speeding all over town; Councilmember Burk agreed. Councilmember Brooks stated that Tenth Street is a racetrack especially on weekends when people are coming back from the beach. He talked with Councilmember Morrow who stated that North Walnut Street has the same problem.

Councilmember Burk referenced the problem on Lakeview. He has recently observed a patrol officer sitting at the old Middle School running radar. He believes that Lakeview, Walnut and Seabury are all racetracks. He sees people doing fifty miles an hour which is confirmed by the blinking speed sign showing the speed.

Councilmember Brooks pointed out that the drivers who aren't speeding are either texting or talking on their cell phones.

Councilmember Mergner asked if there are any more speed signs that can be installed; Chief Brown said he has two portable speed signs that can be moved but are currently on other streets.

Councilmember Burk asked if they can track the data; the Chief said some of the units have that capability. Councilmember Burk suggested that instead of waiting for DeIDOT, we should do a study by storing our own data to at least get an idea of how fast people really are going.

Councilmember Brooks does not see an advantage to the speed signs and actually finds that drivers on Tenth Street actually began speeding up once the signs were installed on his street. Councilmember Peel finds them to be a deterrent on the streets in her ward; Councilmember Mergner agreed they have been very effective in his neighborhood and he has actually observed drivers hitting their brake lights on a consistent basis once they see the sign. Councilmember Brooks said they never do that on his street which includes a school zone with a twenty-mile an hour speed limit.

Chief Brown said he has another sign that will be permanently mounted on Southeast Front Street. Another has also been ordered though they have not determined its location.

Police Study

Police Chair Burk then reported that a meeting was held with Chief Brown, retired Chief Hudson, Mayor Shupe, City Manager Norenberg and himself. At that time, they discussed the police and facility study. Councilmember Burk made contact with the previous Consultant Dan Redstone who did the 2011 study. Mr. Redstone informed him they are more than willing to help them out.

Mr. Redstone indicated he will provide a very reasonable proposal to update the study and is willing to come to Delaware to meet with Chief Brown and his officers.

Councilmember Burk pointed out that will save the City a considerable amount of money versus the \$95,000 that was presented at the time of the budget.

Mr. Redstone also informed Councilmember Burk that though the French and Ryan firm no longer exists that Chief Hudson worked with, one of the partners (Pat Ryan) is still doing contractual work which would prevent restarting the design portion of the study.

He will keep City Council posted.

Mayor Shupe stated that is wonderful news and is very appreciative that Councilmember Burk is taking the lead.

Parks and Recreation Committee

Councilmember Campbell reported that the Parks and Recreation Committee met for the first time in four years. Several ordinance changes were recommended which will be later discussed.

UNFINISHED BUSINESS

None.

NEW BUSINESS

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

Mr. Norenberg referred to the final change order (#6) from CB&I, Incorporated that showed a decrease of \$14,000 for the overall project. He said that Mayor Shupe thought it was a good idea to share this change order with City Council.

The City Manager asked Council to authorize him to sign the change order. Councilmember Mergner moved to authorize Change Order 6, seconded by Councilmember Morrow. Motion carried.

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

City Manager Norenberg stated that a Parks and Recreation Committee meeting was held the end of July. He then introduced Ordinance 2016-13, the result of recommendations and amendments discussed at that meeting. It will also enable a resolution to be adopted with relation to the proposed fees.

Proposed Resolution 2016-12/Parks & Recreation Fees

The resolution, presented for review only, outlines the proposed fees and changes related to services and facilities provided by the Parks and Recreation Department.

Mr. Norenberg explained this is scheduled for adoption at the August 22nd meeting and will comply with Ordinance 2016-13.

He explained that two rental tiers--'individuals and nonprofits' and 'for profit' have been created. A four-hour time frame has also been established.

The last item, an 'incidental park usage' fee, applies to the rental of a specific open space or non facility area for the purpose of instruction or directly related recreational use on a set time/date. The incidental park fee will be based on two-hour increments.

Councilmember Mergner asked how the park uses will be policed on a weekend to prevent any conflicts. The City Manger explained that will be a collaboration of communication between Parks and Recreation and the Police Department. Councilmember Mergner recommends that the renter have something in writing to support the agreement.

Councilmember Brooks pointed out that the ordinance requires a permit be issued and to be in the possession of the renter to prevent any problem.

Parks and Recreation Chairman Campbell also reported that a designated smoking area was also discussed. However, it was determined that it would result in additional expenses and policing so it was agreed to keep the current prohibition.

Executive Session

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

Pursuant to 29 Del. C. §10004(b)(4) (Collective Bargaining Updates)

Motion carried.

Mayor Shupe recessed the Council Meeting at 7:36 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 8:18 p.m.

Teamsters Local 326 Agreement

Councilmember Burk moved to authorize the administration and legal team to negotiate up to option E as discussed and presented, seconded by Councilmember Morrow. Motion carried.

Potential Union Issue/Non Police

No action needed.

ADJOURN

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

Council Meeting adjourned at 8:20 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder