

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 12, 2016

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, September 12, 2016.

PRESIDING: Mayor Bryan Shupe

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

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

COUNSEL: Solicitor David Rutt, Esquire

BOARD OF APPEAL & REVISION—Canceled

Mayor Shupe announced that all tax appeals have been resolved by Tyler Technology representatives. Therefore, no appeal hearings before Council are required this evening.

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 Starling.

APPROVAL OF PREVIOUS MINUTES

Motion to approve the August 8, August 16 and August 22, 2016 Committee and Council Meeting minutes made by Councilmember Brooks, seconded by Councilmember Morrow. Motion carried.

RECOGNITION

Carlisle Fire Company/Carlisle Enhancement Fund/Grant Request

The following request was submitted by President Ryan Knowles:

The Carlisle Fire Company would like to take \$60,000.00 from the Carlisle Enhancement Fund for construction of an additional building to house our two ambulances and storage. The Carlisle Fire Company will also be matching the same amount for construction cost.

Councilmember Brooks moved to approve the request, seconded by Ms. Wilson. Motion carried.

Introduction/DMI Executive Director Steve Twilley

Director Twilley addressed council stating that he has worked in non profits for more than thirty years and has never seen such an empowered group of volunteers as DMI has. He then commented on the many great partnerships the organization has which includes the City of Milford.

He said that having been a Milford resident for thirty years and his love of Milford is one of the main reasons he accepted the position as Executive Director.

Mr. Twilley referenced the number of improvements that have occurred in Milford over the past twenty years and he is excited about what is on the horizon with both the River Town Rebirth Plan and Downtown Development Designation and believes the best is yet to come.

He is excited to continue that work with the volunteer group and the City of Milford and looks forward to seeing everyone downtown.

Mayor Shupe and City Council Members congratulated Mr. Twilley on his new position.

Promotions/Milford Police Department Officers

Chief Brown then promoted two officers to the rank of Corporal. Al Sargent is a member of the Patrol Division and Timothy Maloney was transferred from the Patrol Division to the Criminal Division in January 2016. He advised that both officers were hired from Milton Police Department in July 2013 after two years of service at that department.

Commendations/Milford Police Department Officers

Chief Brown then commended Corporal Kirk Marino, Sergeant Matthew Smith, Corporal Al Sargent, PFC Nigel Golding and Jonathan Ricketts for going above and beyond for an incident that occurred in August.

The Chief then read the following e-mail that Corporal Marino wrote to Lieutenant David Wells:

Knowing that Chief is very focused on community-oriented policing and serving our citizens, I wanted to take a minute to bring something to your attention that involved several officers. On Saturday, August 13th, we responded to a personal injury accident in the parking lot of Walmart. During the investigation it was learned that one of the patients was a six-year-old girl. She had been in a mini van with her parents and three siblings. There is a language barrier with the parents so the older brother translated for the police and was very helpful. The six-year-old patient and her four-year sister were both very confused and upset. To calm them down, I grabbed three of the stuffed animals from my trunk and gave one to each of the sisters. Since the older boy was twelve-years-old, I felt he was a little outside the realm of stuffed bears and bunnies. I apologized to him and told him that I did not have anything to give him. While he was helping translate for the paramedics, his father asked me if anyone had a cell phone charger so he could call his other family members and tell them about the accident. None of the officers had one that would work on his phone. Since his battery was dead, he was unable to recover his contact numbers. Since the older boy helped us out so much and was left a little in the lurch without a gift like his sisters were given, Sergeant Smith suggested we get something a little more age appropriate to give him. So we all chipped in and purchased the older boy a gift. To prevent a future occurrence of having a dead cell phone, we also got a car charger for the dad's cell phone. We tried to get together on Sunday to drop the items off but our high complaint load prevented that from happening at a reasonable hour. We started off a little busy on Wednesday but myself, Corporal Sargent and Officer Ricketts found time to swing by and drop the toy and charger off.

None of the officers involved are seeking recognition but it was more about making a positive impression.

I wanted to let you know so that Chief understands that each of these officers shares his goal of providing the best service as possible.

Chief Brown said that is the reason he is commending these officers.

Certificates were then issued and photos taken.

Chief Brown then informed City Council that Sergeant Michael McMillan is retiring from the department after twenty-six years and Friday is his last day.

Sergeant McMillan then addressed Council stating that during his career he has watched the City and department grow. He said you will not find a better department in the state that goes out during a 24-hour cycle and commits itself and does things for its residents more than Milford does. That includes everything from foot patrol to checking businesses to simple things

you do not hear about.

He said these officers are an educated and professional group and committed to law enforcement. They not only do what is ethically and morally correct, but make the town look good.

Sergeant McMillan said he has had a great ride and though it has had a few bumps, its just time to give the other officers a chance to move up.

Proclamation 2016-11/Prostate Cancer Awareness Month/David Sauls

Mayor Shupe then read the following proclamation into record:

PROSTATE CANCER AWARENESS MONTH

WHEREAS, among men, prostate cancer is the most commonly diagnosed non-skin cancer and the second leading cause of cancer-related deaths; and

WHEREAS, each day, countless physicians and researchers devote themselves to treating patients and finding a cure; and

WHEREAS, educating the public about the risks and treatment of prostate cancer is one of the strongest tools they have to increase early detection and save lives; and

WHEREAS, with early detection and treatment, prostate cancer can be cured and many deaths can be avoided; and

WHEREAS, the 2016 observance of National Prostate Cancer Awareness Month provides a unique opportunity for citizens throughout the City of Milford and the nation to join together to raise public awareness of the symptoms, prevention and treatment of prostate cancer.

NOW, THEREFORE, I, Bryan W. Shupe, by virtue of the authority vested in me as Mayor of the City of Milford, Delaware, do hereby proclaim the month of September as

NATIONAL PROSTATE CANCER AWARENESS MONTH

Mr. Sauls thanked Mayor Shupe, City Manager Norenberg and City Clerk Hudson for the recognition and proudly announced he is now an eleven-year survivor.

He invited City Council to attend the Community Men's Health Fair on Saturday, September 17th at Eden Hill Medical Center. In addition, Bayhealth is hosting a Prostate Free Cancer Screening at Kent General on Saturday, September 24th and Thursday, September 29th at Milford Memorial Hospital.

He will also be giving a presentation at Milford Place (former Heritage) on September 21st.

Delaware Municipal Clerk of the Year/City Clerk Terri Hudson

Mayor Shupe then congratulated Ms. Hudson on being awarded Delaware's Clerk of the Year by the Delaware League of Local Governments.

Mrs. Hudson thanked City Manager Eric Norenberg for nominating her and Deputy City Clerk Christine Crouch for her assistance adding that it was a total surprise but she is extremely honored.

Mr. Norenberg stated that he is pleased with the number of Council Members that will be attending the recognition dinner on September 22nd.

MONTHLY POLICE REPORT

Police Committee Chair Burk presented the monthly report on behalf of Chief Brown noting the officers were extremely busy in August. Councilmember Morrow moved to accept, seconded by Councilmember Starling. Motion carried.

Chief Brown thanked the street department for installing the two new speed signs.

CITY MANAGER REPORT

Mr. Norenberg referenced the City Manager's monthly report in the packet and the photo of the street crew installing one of the speed signs that was mentioned by Chief Brown.

He informed Council that there will be a presentation by DeIDOT and our Planning Coordinator at the next Council meeting regarding the proposed DeIDOT Bayshore Byway Route that will be extended from Dover through Milford and extend to Lewes and Rehoboth.

He included some related information in the email sent to City Council a couple weeks ago. In addition, the packet includes a report and map from the current Byway program. He asked Council to do as much reading about the program as possible prior to the next meeting.

The City Manager also reported the City received a check last week for just under \$9,000 in reimbursement funds from FEMA for expenses incurred during the Winter Storm Jonas in January. He recalled the power line that went down and the water main break at the intersection of South Walnut and Southeast Second Street. Both of those expenses were part of the declared disaster which resulted in approximately 75% of the total repair costs being reimbursed.

Mr. Norenberg reminded Council the Retreat starts at 8:30 in Arena's meeting room. Some light refreshments and coffee will be served in the morning and a regular lunch later in the day.

Ms. Peel moved to accept the City Manager report, seconded by Mr. Campbell. Motion carried.

MONTHLY FINANCE REPORT

Finance Committee Chairman Morrow reported that through the first month of the new Fiscal Year 2016-2017 with 8% of the fiscal year having passed, 16% of revenues have been received and 8% of the operating budget expended.

He advised that on the bottom of page two, the Carlisle Enhancement fund shows a balance of \$128,107. The revenues are showing a higher percentage because of the real estate taxes, though that will balance out as we progress into the new fiscal year.

City Manager Norenberg advised that Finance Director Jeff Portmann has been working on bond refinancing and beginning in October, we will be hearing from our bond counsel, in addition to a report from the Finance Director, recommending both electric and sewer bonds be refinanced. This will result in a savings of approximately \$800,000 plus.

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

COMMITTEE & WARD REPORTS

Community Affairs Report (Permitted Chickens)

Community Affairs Committee Chair Peel reported that her committee met to discuss a request from a resident who is interested in having chickens in the City limits. The letter indicated they had done some research on other municipalities who allow chickens. Though they are not asking for roosters, they would like to have hens for the purpose of laying eggs for food purposes only.

The committee agreed to do some additional research before a final decision is made. In the meantime, the City Clerk and the Planning Coordinator will gather that information.

Mr. Brooks asked if a specific number was considered; Chair Peel explained that what is being considered is the acreage, number of chickens and any limitations. The request was for sixteen chickens which the committee was basing on their three-acre site. However, the general consensus of the committee was to limit the number that was requested.

Mr. Brooks recalled years ago when his neighbor had horses and chickens. There were no problems as a result.

Councilwoman Peel believes that raising chickens have become popular again and more people are growing and producing their own food today.

Councilwoman Wilson feels that a choice is made when deciding to live in the City versus living in the suburbs or a country area. She feels that when someone moves into the City limits, there is a reason for codes and policies in place. She noted that it has taken many years for the City to put those laws and ordinances in place and to ensure they are being enforced. Even though there has been some difficulty enforcing it, she recalled only a few years ago when some residents had chickens running loose in their yard. The code enforcers were contacted and had them removed.

Councilwoman Wilson finds it hard to believe that these residents are very close to downtown which is a major focus of the City right now. She thinks allowing chickens is a step backwards and she cannot fathom any reason for the request. She believes that City limits should remain City limits and chickens, horses and farm animals should continue to be prohibited. Not only is that Ms. Wilson's opinion, but a lot of residents she is familiar with.

She recalled the number of Councilmembers over years that made those decisions and believes they were put in place for sound reasons. Ms. Wilson believes the biggest nuisance would be to their neighbors and could have the ability to have a domino effect citywide.

In her opinion, this is a slippery slope.

Mr. Starling agreed adding that he will have some further comments on the matter as it is discussed in the future.

Chairwoman Peel stated that they will take everyone's comments into consideration though the final decision will be City Council's regardless of the committee's recommendation.

Mr. Campbell suggested that some confer with their neighbors before this would be allowed. Chair Peel pointed out that Milford High School has a waiver and Mr. Campbell agreed it was the result of their agricultural program and building. Councilmember Burk pointed out a lot of conditions are being considered. He pulled Kent County's code which allows chickens though they have a minimum setback. He reported the City of Dover approved a new ordinance which was only put in effect in April and only involves one or two residences so they do not have a lot of experience with this yet. He agrees that much more research is needed.

Ward Two

Councilman Burk then reported that Milly Pederson from Josephine Keir Ltd. runs the Milford in Bloom project. Ms. Pederson was unaware we had completed our budget and were in a new fiscal year. However, she is requesting the City expand the watering efforts downtown to seven days a week because of the problems with dead plants.

Councilman Burk also received an email from Marcia Reed of Gallery 37 about the issues with the rental across the street from her downtown store. He gave her some state contacts because she has questions about the possibility of tenants being evicted due to some recent activity with the police department.

Mr. Burk noted that the process the City Planning Coordinator Rob Pierce is working on, had some push back from the state with regard to the housing authority and conflicts that require eviction as a result of convictions or arrests.

Ms. Reed stated she was also worried about the safety of a child who was living at the property.

He has received another complaint from a Ward 2 resident that he will pass onto Mr. Pierce to have our code officials review.

City Manager Norenberg advised that he met with the DMI subcommittee that handles downtown beautification. At that time, City Council had approved some additional funding for watering and other landscape maintenance by the Parks and Recreation Department. A major reason the Parks and Recreation staff hours were expanded was to keep up with the plant and flowering watering Monday through Friday. It was also agreed that weekends would be handled by volunteers on weekends.

Mr. Norenberg is aware that the summer began with four or five volunteers on Saturdays and Sundays though that number has dwindled. He will follow up with DMI Executive Director Steve Twilley.

Back to School Block Events

Councilwoman Wilson thanked the police department for their participation with the recent back to school events on Truitt Avenue Extended and the First State Manufacturing site on Southeast Fourth Street.

UNFINISHED BUSINESS

Introduction/Ordinance 2016-18/Chapter 19 Amendment/Economic Development & Redevelopment/Downtown Development Designation Incentives

Mr. Norenberg introduced Ordinance 2016-18 and recalled that in May, Council approved an application for the Downtown Development Designation (DDD) program that was submitted to the State the following month. Interviews were conducted in July and the City was approved for the DDD program in August.

As a condition, the City needs to approve the incentives that were included in the application and requires an ordinance. The document had a couple minor edits proposed by the State and have been reviewed by the City Planning Coordinator and City Solicitor.

Ordinance 2016-18 will be presented for full consideration at the September 26th Council Meeting:

*Ordinance 2016-18
Chapter 19-Economic Development and Redevelopment
Downtown Development District Incentive Program*

WHEREAS, on May 23, 2016, Milford City Council adopted a resolution supporting the application to the State of Delaware to become a Downtown Development District; and

WHEREAS, incentives were reviewed and recommended by the Economic Development Committee and presented to Milford City Council for their approval; and

WHEREAS, building on the state's efforts to redevelop Delaware's commercial business districts and drive private investment in towns and cities, Governor Markell on August 10, 2016 officially designated the City of Milford's Downtown Development District; and

WHEREAS, an amendment to the Economic Development and Redevelopment Ordinance, Chapter 19 is needed to incorporate the designation.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Definitions. §19-2 is hereby amended by adding two definitions.

Section 2. §19-6 Incentive Options is hereby amended by adding §19-6 (B)(7) and Paragraph E.

Section 3. Chapter 19 is hereby amended by adding a new Section to be referred to §19-9 entitled Downtown Development District Incentive Program.

Section 4. Dates.

City Council Introduction: September 12, 2016

City Council Review: September 26, 2016

Adoption (Proposed): September 26, 2016

Ordinance is effective ten days following adoption.

The full version is available in the Council packet.

NEW BUSINESS

Authorization/Davis, Bowen and Friedel, Inc. Proposal/Airport Road Design and Rehabilitation Project

City Manager Norenberg recalled that one of the largest projects budgeted this year is the Airport Road Project and our new Public Works Director Mark Whitfield has been working with Davis, Bowen and Friedel, Inc. (DBF).

Mr. Whitfield was present and explained there is a desire to have Airport Road completed before the end of the fiscal year (June 30th). As a result, we are on a tight time frame with the design between now and January, bid letting in January and award in February. Construction would need to start in April with a completion date of June. In order to maintain that schedule, it is Mr. Whitfield's recommendation to award a contract for design services to DBF in the amount of \$108,400. He noted this is roughly 5% of the total amount of the construction project and is within the scope of the project which is approximately \$237,000 budgeted for professional services.

It was confirmed the reason the June 30th deadline was a condition by one of the legislators who assisted with funding.

Ms. Wilson recalled that when this started, there were a number of funding sources involved. City Manager Norenberg agreed it involves a number of funding sources internally as well as State of Delaware CTF funds.

Ms. Wilson moved to authorize Davis, Bowen and Friedel, Inc. Professional Services Contract for the Airport Road Design and Rehabilitation Project in the amount of \$108,400 to be funded from sources determined by the Finance Director and in accordance with the FY 2016-2017 City of Milford budget, seconded by Mr. Morrow. Motion carried.

*Introduction/Ordinance 2016-11/GD Blessing Child Care Learning Center on behalf of E. Stuart Outten
Conditional Use to allow a Daycare Center in a C2 (Central Business) District
Tax Map MD-16-183.10-04-68.00*

City Manager Norenberg introduced the following ordinance:

*GD Blessing Child Care Learning Center on behalf of E. Stuart Outten
Conditional Use for a Day Care Center in a C2 (Central Business) District on .262+/- acre
North side of SW Front Street at the intersection of Church Street and SW Front Street
Present Use: Vacant Building; Proposed Use: Daycare Center.
Tax Map MD-16-183.10-04-68.00*

Adoption is proposed for the September 26, 2016 meeting following a public hearing.

*Introduction/Ordinance 2016-12/Christopher & Jenna Menge
Conditional Use to allow a Home Occupation in an R1 (Single Family Residential) District
Tax Map 3-30-11.05-088.00*

City Manager Norenberg introduced the following ordinance:

Christopher & Jenna Menge

Conditional Use for a Home Occupation in an R2 (Residential) District on .20+/- acres

313 Marshall Street

Present Use: Single Family Detached Dwelling; Proposed Use: Same with Customary Home Occupation.

Tax Map 3-30-11.05-088.00

Adoption is proposed for the September 26, 2016 meeting following a public hearing.

Introduction/Ordinance 2016-16/Gator & Associates Inc. on behalf of James Grant

Conditional Use for Multiple Permitted Uses and Mixed Uses and a Business, Commercial or Industrial in a C3 (Highway Commercial) District

Tax Map MD-16-173.00-01-12.00

City Manager Norenberg introduced the following ordinance:

Gator & Associates Inc. on behalf of James Grant

Conditional Use for Multiple Permitted Uses and Mixed Uses and a Business, Commercial or Industrial, in a C3 (Highway Commercial) District on 1.2+/- acres.

586 Milford-Harrington Highway

Present Use: Vacant Storage Warehouse; Proposed Use: Brew Pub with Distillery, Fitness Center and Warehouse.

Tax Map MD-16-173.00-01-12.00

Adoption is proposed for the September 26, 2016 meeting following a public hearing.

Appointment/City of Milford Planning Commission Vacancy

Mr. Norenberg reported that Commissioner Michael Yosifon recently resigned from the Planning Commission. As a result, there is only one member from Ward 3 and Ward 4. The City has received two applications though neither are from those wards.

As a result, he preferred to announce the situation in hopes of recruiting a resident from one of those two wards to maintain the usual balance of two members from each ward with the help of the Ward 3 and 4 Councilmembers.

Adoption/Resolution 2016-14/Scheduling Trick or Treat Date & Time

Councilman Burk moved to adopt Resolution 2016-14, seconded by Councilwoman Peel:

Scheduling Halloween Trick-or-Treat

WHEREAS, the children of Milford are entitled to the fun and festivity associated with the observance of Halloween Trick-or-Treat custom of traveling with friends and family going door to door in their neighborhoods displaying their costumes and gathering treats; and

WHEREAS, parents are urged to join in the festivities by accompanying their children throughout their journeys in celebrating Halloween Trick-or-Treat; and

WHEREAS, residents are requested to indicate their willingness to welcome children by keeping their porch or exterior lights on and that youngsters call only on homes so lighted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council, that the Halloween Trick-or-Treat observance be held in an orderly manner on Monday, October 31, 2016 between the hours of 6:00 P.M. and 8:00 P.M. in the City of

Milford.

AND, BE IT FURTHER RESOLVED THAT:

**Only celebrants of 12 years and under will be permitted to engage in Trick-or-Treat.*

**All celebrants are to refrain from committing acts of vandalism or destruction.*

**Motorists are asked to be ever watchful of our youngsters making these annual rounds.*

Motion carried.

EXECUTIVE SESSION

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

{Pursuant to 29 Del. C. §10004(b)(4)} (Collective Bargaining Matters)

{Pursuant to 29 Del. C. §10004(b)(9)} (Personnel Matters)

Motion carried.

Mayor Shupe recessed the Council Meeting at 7:49 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 8:36 p.m.

Ratification/Teamsters Local 326 Collective Bargaining Agreement

IBEW Update

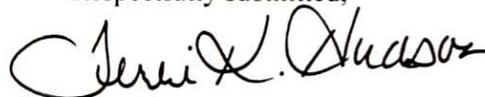
No action needed.

ADJOURN

There being no further business, Councilmember Mergner moved for adjournment, seconded by Councilmember Peel. Motion carried.

The Council Meeting adjourned at 8:38 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder