

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 14, 2017

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, August 14, 2017.

PRESIDING: Mayor Bryan Shupe

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

City Manager Eric Norenberg, Police Chief Kenneth Brown and Deputy City Clerk Christine Crouch

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation given by Councilmember Starling.

APPROVAL OF PREVIOUS MINUTES

Councilmember Burk made a motion to approve the June 12, June 26, July 6, July 10 and July 24, 2017 Council and Committee Meetings, seconded by Councilmember Mergner. Motion carried.

RECOGNITION

Introductions of New Staff

City Manager introduced and welcomed new employee Suzannah Frederick, who has filled the accountant vacancy in the Finance Department and Erik Retzlaff, the new City Engineer at Public Works. Both were hired following a thorough recruitment though each live in the City and will bring great skill to both positions.

Tribute to Ruth Ann Beideman

Mayor Shupe read the following proclamation into record for Ms. Beideman's work with senior citizens:

*TRIBUTE 2017-21
Recognizing Ruth Ann Beideman*

WHEREAS, It is incumbent upon the City of Milford to recognize and acknowledge those people in our midst that have made outstanding contributions to our citizens and our community; and

WHEREAS, One such outstanding person deserving of recognition is Ruth Ann Beideman for her many years of service to Milford's seniors and all of Sussex County's senior citizens; and

WHEREAS, The willingness of Ms. Beideman to assist senior citizens in and around Milford has significantly raised the quality of life for senior citizens in our community and thus, strengthened and enriched all of Milford; and

WHEREAS, Ms. Beideman has served as the Community Outreach Coordinator at the Milford Senior Center for many years; and

WHEREAS, Since 2016 Ms. Beideman has been the Chairperson of the Sussex County Advisory Committee on Aging and Adults with Physical Disabilities.

NOW, THEREFORE, BE IT RESOLVED, that I, Bryan W. Shupe, Mayor of the City of Milford, take this opportunity to thank and extend the appreciation of the City Council and a grateful Milford community to Ms. Ruth Ann Beideman for her many years of assisting seniors in and around the City of Milford.

The proclamation will be forwarded to Ms. Beideman.

Proclamation 2017-18 / Delaware Hospice 35th Anniversary

Mayor Shupe read the following proclamation into record:

WHEREAS, Delaware Hospice was founded in 1982 by Delawareans for Delawareans; and

WHEREAS, As the only not-for-profit hospice in the state, Delaware Hospice has maintained their mission of providing the highest quality hospice care to the communities it serves; and

WHEREAS, Professional and compassionate hospice staff and volunteers, including physicians, nurses, social workers, therapist and clergy, provide comprehensive care and attend to the particular needs and wishes of each patient; and

WHEREAS, Family members also receive counseling and bereavement care that help them cope with the loss of their loved one; and

WHEREAS, Delaware Hospice, through their numerous programs and services, support almost 10,000 people each year with the support of the community through donations and volunteer hours; and

WHEREAS, Delaware Hospice is an active member of the National Hospice and Palliative Care Organization (NHPCO) and a recipient of the voluntary accreditation from the Joint Commission; and

WHEREAS, Milford is honored to have Delaware Hospice in our community.

NOW, THEREFORE, I, Bryan W. Shupe, Mayor of the City of Milford, do hereby congratulate Delaware Hospice on their 35th Anniversary and thank them for providing the highest quality hospice services, resources, support and education to Milford residents and all families of Delaware.

The proclamation was then presented to Delaware Hospice representatives.

Mayor Shupe then amended the agenda by moving two unfinished business items to the beginning of this meeting so that those in attendance did not have to wait.

Community Garden Agreement

City Manager Norenberg recalled previous discussions with the Economic Development Committee about potential leases for activities and operations at the previous Milford Armory. One of the proposals is for a community garden on the plot of land to the north of the parking lot. In attendance is a group representing the garden.

Blake Moore said he is a LEADelaware Class IV Fellow, in addition to Samantha Steele, who was also in attendance. He is present tonight to represent the Milford Community Gardens, a newly formed non-profit association formed by Milford resident Juanita Smith and himself.

Last year, Ms. Smith was looking for participants in a community garden. She was able to find a lot of interest and willing participants, but did not have the necessary people behind her to actually build one. That is how LEADelaware Class IV became involved. Each two-year class is assigned a project and this year's chose the community gardens in Milford.

Mr. Moore emphasized they are Milford residents who know that Milford is growing and believe this is a good place to start. They look forward to partnering with several businesses and members of the community if given this opportunity.

The goal is to provide a place where people can plant a garden if they don't have space at their homes. They also hope to grow some food for those in need in Milford. In addition, they will partner with some of the University Extensions in Delaware for food safety training and other related training.

Some native plants will also be incorporated which is a passion of Mr. Moore.

City Manager Norenberg summarized the five-year lease stating they will be paying the City \$1 a year to use the grounds. They will also provide publicity and outreach into the community in hopes of engaging the immediate surrounding neighborhood by letting them know of the opportunity. Liability insurance will be required as recommended by legal counsel. There will be no discrimination and the garden will be open to the entire community.

The City's contribution will be the installation of a garden meter and water tap though the group will pay for the actual water usage through a normal monthly bill.

He then reminded Council that Parks and Recreation will be using the facility behind the fence for some of their maintenance and operations.

As a result, this will provide two uses on the site while conversations continue for the use of the main building.

When asked the hours of operation, Mr. Moore explained that they will create a garden policy once they determine who will participate in the project. The goal at this time is to create the garden for a Spring 2018 opening. LEADelaware is involved to ensure the garden has a solid foundation and when they start making their partnerships, the association has the appropriate backing they need.

Mr. Moore also announced they have received a \$1,000 grant from the Delaware Department of Agriculture to help get started.

Councilman Burk moved to authorize the Community Garden Lease Agreement, seconded by Councilman Mergner. Motion carried.

Request/Carlisle Fire Company/Building Enhancement Funds

City Manager Norenberg referenced the following letter submitted by Carlisle President Kevin Donovan:

This correspondence is to inform you that the Carlisle Fire Company is requesting a withdrawal from the building enhancement monies being maintained by the City of Milford. These requested funds will be utilized to newly construct an ambulance building at our current 615 NW Front Street location. As you and your constituents may be aware, we have quickly outgrown our current facility and need the additional space to combat the demands of future growth. Over the past year or so, our building committee has been working extremely hard on this project and has developed what we feel will be a huge asset to our organization with the proposal of this newly constructed facility. Overall, this project is estimated to cost roughly \$270K which is prompting the withdrawal of \$150K from the building enhancement monies. We understand the conservative nature of this account and that these funds have been generated from building permits over the last several years; however, we have no other alternatives but to tap into this funding source for assistance. The remaining \$120K in funding for this project will be derived from the Carlisle Fire Company's contingency fund in an effort to continue our savings and generate interest on those set aside funds.

Past Fire Chief and current Treasurer Joe Mriss presented the request. He explained the plan is to build a four-bay, 44 x 64 building to house both ambulances and a utility vehicle. That would leave one spare bay for other uses. Allowing the withdrawal of \$150,000 from the building enhancement fund will allow them to cover the \$270,000 cost of the project.

Finance Committee Chairman Morrow shared there is \$252,000 in the fund.

Councilman Morrow moved to authorize the withdrawal of \$150,000 from the Carlisle Enhancement Fund for the purpose as described, seconded by Councilman Brooks. Motion carried.

MONTHLY POLICE REPORT

Police Committee Chairman Burk presented the monthly Police Report adding that the Department remains very busy and commended the job Chief Brown and his team did at National Night Out. He feels this is an excellent way to build good rapport within the community.

Motion made by Chairman Burk, seconded by Councilmember Morrow to accept the July 2017 Police Report. Motion carried.

MONTHLY CITY MANAGER REPORT

Mr. Norenberg referenced his report in the packet and provided a quick update on the delinquent tax project. The City's outside legal counselor, City Solicitor and his associate, as well as several city staff members met and are working on the monition process for delinquent property taxes. They are starting to coordinate with Sussex County who has a number of parcels in Milford in similar situations.

After sharing information with City Council a couple weeks ago, certified letters and regular mail were sent to the top ten list. One property owner could not be located and most refused to sign for certified letters though the others were able to be delivered. He feels they are on track to move forward in early September with Sussex County handling two to three properties.

Once this is in place, they will look at the next list of ten properties; They will proceed in the same manner as they work through the list.

An authorization strategy may be brought back before Council in case there are properties in this process the City finds would be beneficial to bid on, useful to one of our departments or as a green space or similar use. That list will be presented to Mr. Rutt after which the City would be pre-authorized to attempt to acquire those properties when we find it is in our best interests.

The City Manager also announced that tomorrow is 'City Hall Selfie Day' and encouraged participation by Council and our residents with their 'I LOVE MILFORD' button.

When asked how many letters were unable to be signed, the Deputy City Clerk stated that of the ten mailed, one did not have a valid address. Therefore, the certified and regular mailing was returned. Two certified mailings were signed for by the owner and the remainder of the letters were returned unsigned.

Councilman Burk added that the entire process takes twenty plus days as the post office continues to attempt delivery.

When asked if the properties will be posted, the City Manager said one more notice will be mailed after which the top ten will be posted on the City's website in approximately two weeks as Council had requested. That list will continue to be updated as needed.

He concluded by stating that two of those property owners contacted the City. One left word that the property is supposedly being sold to another government entity. In that case, that agency would make arrangements to pay the taxes and debt owed in order to complete the closing.

In the other case, the bank was allegedly going to foreclose on the property.

However, there is no documentation in either case though they were given thirty days to provide that.

Councilwoman Peel moved to accept the Monthly City Manager report, seconded by Councilman Campbell. Motion carried.

MONTHLY FINANCE REPORT

Finance Committee Chairman Morrow reported that through the final and twelfth month of Fiscal Year 2016-2017 with 100% of the fiscal year having passed, 101% of revenues have been received and 93% of the operating budget expended.

He noted that expenditures were down eight to ten-percent across board and any left over funds will transfer into the current budget.

Mr. Morrow also pointed out that building permits were up 60%. Real estate transfers taxes and rental licenses also slightly increased this fiscal year.

Councilman Burk moved to accept the June 2017 Finance Report, seconded by Councilwoman Peel. Motion carried.

COMMITTEE & WARD REPORTS

None to report.

COMMUNICATIONS & CORRESPONDENCE

None to report.

UNFINISHED BUSINESS

Ethics Policy

The City Manager included a copy of the sections of Delaware Code Title 29 that cover ethics and the public integrity policy as was requested.

Councilman Burk asked the catalyst that made Milford want to create their own 13-page ordinance versus using the State's Policy and Public Integrity Commission. He was on the Charter Review Committee and recalled it being a long arduous process but does not recall this.

Mr. Norenberg remembered talking about some potential details and language that could be included in the charter. It was later agreed to streamline and not add too much detail in the charter and the consideration of our own ethics policy. As a result, the one line was included in the approved charter.

As a result, Mr. Rutt put together the initial draft though the final draft is what was presented to City Council.

Mr. Rutt explained this is not new; it has been in works for many years. He directed Council to review Title 29 Section 58-2(4) that states it is the desire of the General Assembly that all municipalities and towns adopt a Code of Conduct Legislation. It was one of those needs discussed during the Charter Review and more of a natural conversation in consideration of past conversations about adopting an Ethics Policy.

Councilman Morrow said he found one that was adopted in 2008 or 2009. Councilman Brooks said he has the original policy adopted in 1984.

Councilman Burk asked what it cost to create an Ethics Policy hours-wise and Councilman Morrow feels we are fine with the way it is now. Councilman Brooks reiterated that in 1984, it was accepted and later on, we went with the State Code. As far as he is concerned, we need to stay with the State.

Councilman Morrow said he has a much newer version than Councilman Burk.

Solicitor Rutt said they looked at other municipalities ranging from the size of Wilmington to Ocean View and found that most have their own policies. Councilman Morrow said he will bring his in tomorrow because it is a newer version. Councilman Brooks stated that the State Code of Ethics was already adopted by Council.

Councilman Morrow feels we need to really examine what we have now rather than do a lot of work because we may be way off and perhaps we don't need it; Councilman Brooks said he prefers to use the Board of Ethics through the State of Delaware. Mr. Rutt explained that if the municipality has its own Ethics Policy, they cannot use the State's Public Integrity Commission because they do not have jurisdiction.

Councilman Burk confirmed that if we use the State Code, we can use that Commission; Mr. Rutt answered yes. Councilman Burk is concerned with putting inexperienced members on the board. It is great that other towns have their own board, but he does not feel that is something Milford needs.

Solicitor Rutt confirmed that each municipality has the right to both use the State Code and the Public Integrity Commission; however, the State encourages each municipality to have their own. If the municipality has its own Ethics Policy, they have to have their own board.

Councilwoman Peel asked if there is any record of these two documents that Councilman Brooks and Morrow say were enacted. Deputy City Clerk Crouch said this is the first time she has been asked and will need to look into this.

When asked about the State approving a municipality's code, Mr. Rutt explained that before the Ethics Code is applicable, it has to go through a State review to verify it is at least as stringent as the State Ethics Code.

Councilman Burk pointed out the code reads that 'each municipality should adopt a Code of Conduct' but it does not say it has to be a custom one for that municipality. Mr. Rutt explained that if a municipality says they are not going to adopt our own, then the default is the State Code. However, if the municipality adopts the State policy, there is a question of whether the State will allow that.

He further stated that if you read their decisions, the summaries are not very clear.

Councilman Brooks said that we have done a Code of Ethics on at least three occasions. For us to have a Code of Ethics and for people to say Milford doesn't have one, he cannot understand why there is no paper trail and asked what happened to them.

Councilman Burk said he is really concerned about the costs involved. To him, it has been a re-occurring theme where we are duplicating efforts at different levels in the State Government. That is besides the effort that will be needed to fill this Ethics Board with three or five people. That is the reason he asked what the catalyst that made Milford decide to create an Ethics Board. He came to a lot of meetings and he wants to know where this came from.

Councilman Brooks said the last time they talked about the Code of Ethics, City Council decided to go with the State Code. He said it has to be in the minutes somewhere.

Councilman Campbell feels Milford should create its own Integrity Board that is geared toward our City and the board should consist of residents who are familiar with our City. In the case of the State's Board, its members come from all over the State. He noted that every company/corporation and every civic organization has one and does not understand why someone would not want one.

Councilman Morrow was asked what year the document he found was dated and he believes it was 2002 or 2008. He will bring it in tomorrow. Councilwoman Peel asked if when it was drafted, was it sent forth to be approved by the State; Councilman Morrow does not know but only has a copy of it.

City Manager Norenberg suggests we obtain a copy of what Councilman Morrow has so we at least have a date. Councilman Morrow said he is certain this is a newer version than the one of Councilman Brooks.

Mr. Norenberg said he asked the City Clerk about it and she did not recall a City version being adopted which was the reason that no further research was done.

Councilman Burk moved to postpone action until additional information is obtained, seconded by Councilman Mergner. Motion carried.

NEW BUSINESS

Alcohol Waiver/Chapter 77/Greater Milford Boys & Girls Club/Running of the Goat/5k Post Party

Mayor Shupe recognized Event Organizer Joe Gannon who was in the audience. The Mayor then proceeded to inform Council this is the third annual event. It is a 5k that begins in Arena's parking lot and continues in the downtown area. It benefits the Milford Boys and Girls Club who has submitted the application work which was approved with the exception of this alcohol waiver.

Councilman Mergner moved to approve the alcohol waiver for the Running of the Goat Post Race Event on August 18, 2017 as submitted in the packet, seconded by Councilman Burk. Motion carried.

Community Garden Agreement

Discussed earlier in meeting.

Airport Road Project/No-Cost Change Order

Public Works Director Mark Whitfield reported that the contractor had requested the bid be altered in terms of sequencing in the scope of the job. Altering that sequence will result in a quicker completion date due to the amount of concrete work that is needed on the eastern side. Though they didn't want to commit to a shortened time line, it was agreed to reduce the contract by thirty days which required the change order.

Mr. Whitfield said he is pleased to report that we are a month into the project and the contractor has gained another two weeks. He hopes that at this rate, the project will be completed by Thanksgiving, weather dependent.

Councilman Burk moved to approve the no-cost change order for the Airport Road project, seconded by Councilwoman Peel. Motion carried.

Mayor Shupe thanked Mr. Whitfield for the constant communication with the public with regard to project via both e-mails, text message, Facebook, etc.

Planning Commission/Reappointment

City Manager Norenberg announced there remains two vacancies on the Planning Commission though the intent was to fill them with residents from Ward 3 and Ward 4. As the Planning Commission became more involved in the Comprehensive Plan, it was agreed to hold off trying to recruit people to prevent them from coming in without any knowledge of that process.

One of the changes included in the Charter is that it now states we will have 'up to' nine Planning Commission members rather than a 'required' nine members. If Council is comfortable leaving those two vacancies, we would no longer be in conflict with Charter though Chapter 57 (Planning Commission) needs to be amended to conform with the Charter language.

When asked if there was interest from Ward 1 and Ward 2, Mr. Norenberg stated that is correct. That is the reason those applicants were considered for other boards with one being appointed to the Board of Adjustment.

Councilman Mergner asked if we can fill the two vacancies with those that expressed an interest. City Manager Norenberg stated that would be a decision of Council. However, if he would need to follow up with those applicants to ensure they are still interested in the positions.

Councilman Burk moved to reappoint the following members of the Planning Commission for a three-year term:

W. Ed Holloway 8/31/2017
Rae M. Mims Rae 8/31/2017
Sara M. Pletcher 8/31/2017

Motion seconded by Councilwoman Peel. Motion carried.

Board of Adjustment/Reappointment

Councilman Burk moved to reappoint Ronald Baker for a term of three years to the Board of Adjustment, seconded by Councilman Mergner, Motion carried.

Re-Appropriate FY18 Funds/Solid Waste Division/Software

The following memo was submitted by Solid Waste and Facilities Assistant Supervisor Christie Murphy for Council consideration:

On May 19, 2017, you approved the purchase of the RVision Software for the Solid Waste Division in the amount of \$14,150, of which the funding was transferred from the Landfill Fees line item to Contract Services for the purchase. Since we were unable to complete the software purchase and installation by the fiscal year on June 30, 2017, it was recommended by Jeff Portmann that we cancel the existing purchase order for the software and request that City Council authorize the appropriation from the Solid Waste fund balance to FY 2017-18 Contract Services.

Councilman Burk moved to re-appropriate \$14,150 from the FY16-17 budget to the FY17-18 (current) budget as requested, seconded by Councilman Morrow. Motion carried.

Request/Carlisle Fire Company/Building Enhancement Funds

Discussed earlier in meeting.

ADJOURN

There being no further business, Councilman Mergner moved to adjourn the Council Meeting, seconded by Councilwoman Peel. Motion carried.

The Council Meeting adjourned at 7:47 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Transcriber