

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 28, 2017

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, August 28, 2017.

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 Deputy City Clerk Christine Crouch

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 7:01 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

There were no special guests in attendance.

COMMUNICATIONS & CORRESPONDENCE

Fourth Ward Block Party

Councilwoman Wilson reported they just held their fifth Annual Back to School event for neighborhood children. Over one hundred backpacks were given out and everyone had a great time.

She also noted there has been a lot of property maintenance activity occurring throughout the City. She commends that department for responding after each phone call, adding that they have been extremely busy this summer.

Councilman Brooks thanked the City Manager for all the complaints he gave him this past month and the manner in which they were handled.

City Manager Norenberg reminded Councilmembers of their invitation to the Delaware Municipal Electric Cooperation Board of Directors Annual Dinner on Wednesday, September 20th. Please RSVP to the Deputy City Clerk by the end of next week.

UNFINISHED BUSINESS

Ethics Policy

City Manager Norenberg referenced the packet that contained prior minutes and documents related to the previous ethics policy discussions.

Mr. Norenberg noted that the minutes refer to the adoption in 1984. Additional minutes reflect a discussion in 2008 and 2009 about potentially adopting an updated ethics policy. It appears to indicate that further discussion would follow, though it may have fallen through the cracks.

In January 2015, adoption of an ethics policy or formally adopting the State Code was again discussed. There is no further information.

Solicitor David Rutt stated that the 1984 Code of Ethics, included in the packet, predates the State Code. In addition, there is no evidence that code was ever reviewed or approved by the State Public Integrity Commission. As a result, the 1984 is void and ineffective because State Code requires any ethics policy adopted by a municipality to be at least as stringent as the State Code and reviewed and approved by that Commission.

As a result, there is no ethics policy effective for the City of Milford at this time.

Councilman Burk noted that the January 12, 2015 minutes reflect that the Mayor and City Manager at that time, felt it was most appropriate to use the State's Ethics Code. It appears an ordinance would be drafted as a result.

Councilman Brooks felt we went with the State and asked if Councilman Morrow agreed; Councilman Morrow stated yes and believed we fell under the jurisdiction of the State of Delaware.

When asked if an ordinance is necessary or if the City automatically falls under the document because we do not our own code, Mr. Rutt explained that by default, the City is subject to the State Code. However, he knows that some towns do a resolution that the municipality would follow the State Code to have something on the books.

Councilman Burk moved to adopt the State Code related to ethics conduct in Title 29, versus having a separate code and a separate board/commission for Milford, seconded by Councilman Brooks. Motion carried.

City Manager Norenberg stated that in addition, there is a need for all officials who are subject to the State Public Integrity regulations and guidelines to be provided the proper training. That includes a number of the City staff, as well as our elected and appointed officials. He will pursue that with the intent of holding that training in the very near future.

NEW BUSINESS

Appointment/Kent County Tourism Board of Directors

City Manager Norenberg referenced the following email from Wendie Vestfall:

Over the past year, Kent County Tourism has worked diligently to create and drive visitor interest to our County. Those efforts include a 5-year Strategic Plan, a new brand identity – Delaware's Quaint Villages, targeted social media campaign, trade show sales strategy, media buys and relations, hosting influencers and writers, and the launching of a brand new responsive design website (VisitDelawareVillages.com). Since the launch of our site in April, we have seen over 70,000 visitors. Our efforts are proving that Kent County is not only a great place to live and work, but to also visit, explore, experience, and recharge.

As part of the new strategic plan, the Board of Directors and I are seeking out new members to be on the board that are passionate and have a stake in growing tourism/ economic development for the County. We believe that with the right people on our board, Kent County Tourism could become a powerful partner for the county & its cities like Milford in helping to bring new hospitality business and events to the area. Kent County is a great place and we'd like to see everyone working together and who have a stake in our county and ultimately it's success.

To do this, we have revised our bylaws to allow the City Councils of Milford, Smyrna, Dover & Harrington to appoint a representative to serve on our board. This appointed member may be the Mayor or City Council member themselves or a designee who resides or conducts business in their City. The designee should engage in tourism/economic development and understands the requirements of board membership (see attached document). Our goal is to have all nominated/appointed board members voted in by our current board at our September 21st meeting. New board members would start the following month in October.

I am hoping that I can count on you to participate/take advantage of having someone be the voice of tourism for Milford. As it is truly our goal to make sure everyone is represented as part of our efforts.

Please let me know if you have any questions and/or would like more information regarding our strategic plan and current efforts to appoint someone. I can be reached at wvestfall@visitdelawarevillages.com or 302-734-4888 ext. 14. I would also be more than happy to come meet with you and/or your appointee prior to them accepting the seat. Please let me know no later than Friday, August 25th if you intend to appoint someone to our board. I will then need to know who that appointee will be by Monday, September 11th in order to have the board vote them in at our next meeting.

The intent is to have either the Mayor, Councilmember or designee who resides in or conducts business in the City of Milford who is knowledgeable about tourism and economic development.

The City Manager asked for volunteers or suggestions from City Council.

Councilman Mergner advised he is on the Kent County Economic Partnership Board adding that the objectives are very similar to what they are trying to achieve. Mayor Shupe agreed adding there are a number of boards for economic development in Kent County and he is a member as well.

Mayor Shupe asked that Council contact him with any recommendations for that board.

Public Hearing Procedures

The City Manager reported that the following procedures are what is currently being followed, though it was agreed there is a need to have them in writing to ensure everyone, including the public, understands the process.

The Mayor shall preside over Public Hearings and follow these steps:

- 1. Call the Public Hearing to order.*
- 2. Mayor or City Solicitor will explain the procedure.*
- 3. Mayor will identify the application or subject by name and number.*
- 4. In the case of land use or similar matters, the Mayor will call on the City Planner or other appropriate staff to establish advertising was done as required by law and to review the application or subject.*
- 5. Mayor will then call on the applicant or representative to concisely present their application. The applicant is asked to limit their presentation to 15 minutes. If the application is sufficiently complex that more time is necessary, the applicant should notify the City Clerk prior to the meeting and the Mayor will determine and announce if additional time is granted.*

Questions may be asked by the City Council or the Mayor during the testimony to clarify comments or statements made during the remarks. The Mayor must recognize speakers first. However, City Councilmembers should reserve discussion or expression of opinions until the deliberation portion of the Public Hearing.

- 6. The Mayor will then invite testimony from all who favor the application (up to three minutes per person).*
- 7. The Mayor will then invite testimony from all opposed to the application (up to three minutes per person).*
- 8. The Mayor will then invite testimony from those not opposed or in support of the application (up to three minutes per person).*
- 9. After everyone has spoken, the Mayor declares the public hearing closed.*

10. *The City Council discusses the application based on the merits presented, after which the Mayor will call for a motion.*
11. *A roll call vote will be conducted on the motion with each Councilmember voicing her/his vote (aye or nay) followed by a brief reason for supporting or opposing the motion based on information presented on the record. The order of the roll call vote will change with each such vote and will be tracked by the City Clerk.*

City Solicitor Rutt agreed this defines the process more clearly as well as adds some time limitations which will be helpful. He asked Council to keep in mind the roll call vote; when involving a zoning matter, a reason is needed to support or oppose the motion based on information on the public record. That does not include reasons such as "I went today and looked at the project and thought it looked good" or "I talked to some neighbors and they think it is a good project", etc.

He emphasized the reason has to be based on what is presented at the podium or offered into the record and backed by paper documents, etc.

City Manager Norenberg informed Council that the roll call vote will rotate so that it is not always the person immediately to the left of the Mayor that begins. Mr. Rutt added that in many jurisdictions, it often goes first to the Councilmembers whose ward the property is located.

Councilwoman Wilson moved to approve the Public Hearing Process as presented, seconded by Councilwoman Peel. Motion carried.

ADJOURN

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

The Meeting adjourned at 7:23 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Terri K. Hudson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Terri K. Hudson, MMC
City Clerk/Transcriber

