

MILFORD CITY COUNCIL
MINUTES OF MEETING
March 26, 2018

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, March 26, 2018.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Arthur Campbell, Lisa Ingram Peel, James Burk, Owen Brooks Jr., Douglas Morrow and Katrina Wilson
City Manager Eric Norenberg, Police Chief Kenneth Brown and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Councilperson: James Starling Sr.

CALL TO ORDER

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

REVISION OF AGENDA

City Solicitor Rutt gave his approval to amend the meeting agenda.

Mayor Shupe then asked for a motion to move the Recognition Item relating to the Jefferson Award Recipients ahead of the Public Hearings due to the number of associated persons in the audience.

Councilwoman Peel moved to amend the agenda as requested by Mayor Shupe, seconded by Councilman Campbell. Motion carried.

RECOGNITION

Jefferson Award Recipients

Mallory Stratton introduced herself as the Program Manager for the Jefferson Awards Foundation. Part of her role is driving the youth programs in Sussex County and she is here tonight on behalf of the LEAD360 program.

She provided some background on the Jefferson Awards stating it began forty-five years ago by Jacqueline Kennedy Onassis, Senator Robert Taft Jr. and Delawarean Sam Beard. The Jefferson Awards Foundation identifies and honors local unsung heroes celebrating their outstanding community service.

Ten years ago they wanted to engage young people ages five to twenty-five in services across the country by seeking and celebrating outstanding youth ideas and replicating the best nationwide. Participants are required to submit their service project ideas for the opportunity to be recognized nationally.

To date, LEAD360 has had more than 6,500 projects, engaged in over one million people nationwide, worked with over forty national partners, had more than one million impressions on social media and impacted over twelve million lives.

A nationwide vote selects the project and this year, one of the finalists was from Delaware. Of the five national finalists, Reagan and Payton Garnsey, ages six and eleven, were the 2018 winners of the LEAD360 contest for finding the Buckets of Love Project as a way to give back to children in their community. Since June 2017, Buckets of Love has donated more than 100 buckets specifically for children ages two to twelve in area hospitals and homeless shelters.

Reagan and Payton Garnsey were one of five 2018 finalists announced in February, and were selected as the winner through an online vote. Their idea will be activated on a national level throughout the remainder of 2018.

Seven mayors throughout Delaware partnered with LEAD360 and committed to hosting and promoting the service contest in their community.

The 2017-2018 State of Delaware Phase 1 competition resulted in 136 projects, 38,631 volunteers, 222,010 volunteer hours, 374,529 lives impacted and a more than \$5,150,632 financial impact.

Four schools, including students from Milford Central Academy, participated in the Abbott's Mill Nature Center Cleanup and assisted with removing debris from the walking trails as well as overgrown trees and picked up trash.

Ms. Stratton also announced this year's City of Milford's top project who will continue to compete in the Delaware Mayor's Top Project at the Delaware Salute to Service Event along with the six winners from the other communities supporting this effort. This year's winner is Jenna Dewey, whose book drive throughout the entire school district resulted in the collection of 1,460 books that will be used to create a Children's Library at a local Women and Children's Shelter.

The City of Milford had two projects with 30 volunteers, 316 volunteer hours, \$4,650 lives impacted and a more than \$7,000 financial impact.

The 2017 Phase 2 Delaware winner was Emma's Art Kits. As a young cancer patient, Emma faced many brain surgeries and a lot of strife through her medical journey. As a result, she created this project to supply art supplies to every child going through a difficult time, whether receiving medical treatment, in a homeless shelter or just needing an outlet to express themselves.

The over 13,000 art kits donated equated to a \$119,000 financial value.

Ms. Stratton then announced that two of the Phase II participants including Milford Central Academy, Jobs for Delaware Graduates were in attendance. Bryce Bowe, Logan Chisenhall, Aberlynn Elkey, Wesley Sharp, Chase Stump and Naje Whaley and Monica Becton-Jones, JDG Middle School Specialist were then recognized.

Milford Central Academy donated 50 art kits they provided to the Milford Multi-Cultural Center.

She noted that Delaware contributed to over half of the national art kits and she is very proud of the many businesses and organizations who stepped up to help.

The Buckets of Love Project was chosen from among 5,000 projects submitted across the country.

Ms. Stratton encourages everyone to support the 2018 Buckets of Love Project for maximum impact this year. Awards will be given in 2019 to the group that has the largest impact.

She then thanked the youngsters that participated as well as Mayor Shupe for participating.

Mayor Shupe thanked those in the Milford Community that engaged and their families that assisted and provided the encouragement to make their children want to serve others.

ADJOURNMENT

Councilwoman Wilson moved to adjourn the Council Meeting, seconded by Councilman Brooks. Motion carried.

The Meeting, as amended, was adjourned at 7:15 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
March 26, 2018

Milford City Council held Public Hearings on Monday, March 26, 2018 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan Shupe

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

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

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Councilmember James Starling Sr.

Mayor Shupe called the Public Hearing to order at 7:16 p.m.

Planning Director Rob Pierce was also present.

ORDINANCE 2018-03

*Conditional Use Amendment, Planned Unit Development and Preliminary Major Subdivision
Mispillion Realty LLC*

23.348+/- acres R-3 Zoning District

Between Old Shawnee Road and South DuPont Boulevard, Milford, Delaware.

Present Use: Vacant Land Proposed Use: Planned Unit Development (Brookstone Trace).

Tax Map 1-30-3.00-80.02; 1-30-3.00-443.00 thru -561.00; 1-30-3.00-77.01; 1-30-3.00-78.00

Planning Director Pierce provided the following data:

The application is for a revised Planned Unit Development and Preliminary Major Subdivision for the Brookstone Trace Development. The land is designated moderate density residential in the City Comprehensive Plan and is presented zoned R-3/Garden Apartment-Townhouse District.

The community is partially developed with parcel roads and infrastructure though no homes have been constructed to date. The property was annexed into the City in November 2005 and received Council approval for the Planned Unit Development containing 119 townhouses in September 2006.

The Planning Commission and City Council approved a revised Planned Unit Development in May and June 2016 which is different from what is being presented this evening. The amended Planned Unit Development is now proposed for 128 townhouse lots, and two 5,600 square foot apartment buildings containing 24 units total. This is an increase in townhouse units and a decrease in apartment units from the preliminary approval granted in 2016.

The applicant also proposes to remove the Community Recreation Building that was added during the Preliminary Approval in 2016. That center amenity area will be replaced with a walking trail, recreational pond, playground and other recreational amenities.

Fieldstone Avenue is already constructed with curbing, road base and sewer and water utilities. The proposed apartment site is an adjoining two +/- acres to the west side of the property.

The packet includes a staff report with an analysis of the Conditional Use and the Planned Unit Development under Section Two.

The revised Planned Unit Development and Preliminary Major Subdivision were reviewed and recommended for approval by the Planning Commission in February 2018. In addition, the apartment site plan was approved by unanimous vote.

Councilman Mergner asked the size of the square footage of the 24 units; Mr. Pierce explained the buildings are three-story, 5,600 square feet consisting of 12 units.

A clarification was made that the original approval was for 119 townhouse units and the new application increases that number by nine townhouses. The lot sizes were reduced from 24 feet to 20 feet to accommodate the request of a builder who is interested in starting construction. The Revised Preliminary Plan contains several reduced lot lines and the reason they were able to pick up additional units in the subdivision layout.

Mr. Pierce further explained the site plan was reviewed by the Planning Commission and meets the zoning requirement of 2.5 parking spaces per unit. The townhouses will have driveways and off-street parking.

Applicant Jamie Masten of Mispillion Realty, 715 South DuPont Highway, Milford, responded by stating this is a very similar plan to the original version. That plan contained 164 units and the new plan has 12 less units or 152 units. Initially, there was no market for townhouses though 119 were first approved. The market changed and Mr. Masten purchased the property from the bank and added a couple of acres, removed some townhouses and added the apartments proposed in the last plan. In the meantime, they lost a few units to the Fire Marshal when receiving final approval for the fire lanes/emergency right-of-ways.

Following that approval, Ryan Homes became interested in the townhouses though they preferred a twenty-foot wide lot versus the approved twenty-four feet based on economical reasons. Ryan Homes' goal is to build a 1,200 to 1,400 square foot unit versus the previous developer who wanted 24-foot wide lots and 2,800 square foot units at a cost of approximately \$300,000.

The product Ryan Homes will sell for \$150,000 to \$160,000 which makes them more affordable according to Mr. Masten. If the clubhouse was included, the HOA monthly fee would have to increase from \$1,300 to \$1,500; that is the reason it was eliminated along with the pool. Despite that, the walking trail has been added, along with some picnic benches and play areas for children.

None of the lot lines were changed in Phase I where the streets and infrastructure already exist. However, a few amendments were made to Phase II.

Mr. Masten shared that he also owns the Lakeview Apartments by the old L&W Building, which are two-bedroom, two-bath units and approximately 800 square feet. This would be a similar produce to those that rent between \$800 and \$1,000 a month.

There being no further questions from Council, Mayor Shupe opened the floor to public comment. No one responded. The Mayor then closed the public comment period.

Councilman Morrow said the affordable housing appeals to him. Councilwoman Wilson agreed, adding she likes the idea of the townhouses to accommodate more families in this area.

Councilwoman Wilson moved to adopt Ordinance 2018-03, seconded by Councilman Burk:

ORDINANCE 2018-03

Mispillion Realty LLC for a Conditional Use Amendment to allow a Planned Unit Development and Preliminary Major Subdivision on 23.348+/- acres in an R-3 Zoning District.

Property is located between Old Shawnee Road and South DuPont Boulevard

Present Use: Vacant Land Proposed Use: Planned Unit Development (Brookstone Trace)

Tax Map 1-30-3.00-80.02; 1-30-3.00-443.00 thru -561.00; 1-30-3.00-77.01; 1-30-3.00-78.00

WHEREAS, the City of Milford Planning Commission considered the ordinance, as described, at a duly noticed Public

Hearing on February 20, 2018 and recommended its adoption to City Council; and

WHEREAS, Milford City Council conducted a duly noticed Public Hearing on March 26, 2018 to consider all information presented by City Staff, the Applicant, and written and verbal public testimony; and

WHEREAS, it is deemed reasonable, beneficial, and in the best interest of the City of Milford to allow a Conditional Use to allow a Planned Unit Development as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Section 1. Upon the adoption of this ordinance by City Council, Mispillion Realty LLC is hereby granted a Conditional Use Permit to allow a Planned Unit Development, in accordance with the application, effective on the date so noted.

Section 2. Construction or operation shall commence within one year of the date of issuance of the permit otherwise the conditional use becomes void.

Section 3. Dates.

Planning Commission Review & Public Hearing: February 20, 2018

City Council Introduction: March 12, 2018

City Council Public Hearing: March 26, 2018

Adoption: March 26, 2018

Effective: April 5, 2018

Motion carried by the following unanimous roll call vote of those present:

Mergner: Vote to approve based on the recommendation of the Planning Commission.

Campbell: Vote to approve based on the Planning Commission's review and determination.

Peel: Recommend to approve based on the fact that we are hearing that Milford need more affordable housing suitable for our folks that are working hard and want to be in a place where they can feel comfortable.

Burk: Votes yes based on the recommendation of the Planning Commission and City Staff. He feels it is a good thing for Milford.

Brooks: Votes yes because it is needed.

Morrow: Votes yes because the Planning Commission approved it, it is needed and its going to be put together well.

Wilson: Votes yes for all the reasons that have been previously stated.

Ordinance 2018-04

Conditional Use

Greater Milford Development Company LLC

Hotel on 1.86+/- acres C-3 Zoning District

Silicato Parkway, approximately 900 feet south of Northeast Tenth Street Intersection, Milford, Delaware.

Present Use: Vacant Land; Proposed Use: Hotel (Microtel Inn).

Tax Map MD-16-174.15-01-01.04

Planning Director Pierce provided the following information:

The application is a Conditional Use for a proposed Microtel Hotel. The Comprehensive Plan designation for this property is Highway Commercial and is presented zoned C-3 (Highway Commercial District). The parcel is located along Silicato

Parkway directly north of the existing Royal Farms.

The applicant proposes to construct a 39,592 square foot, four-story structure with a total of seventy-seven rooms. The hotel will not include a restaurant or bar, though there is a planned pool on the northwest side of the building. Primary access to the property will be from Silicato Parkway, with secondary access from the existing and proposed interconnections with the adjoining commercial parcels.

Chapter 230-14(C)(1) states motels or hotels with a minimum lot size of three acres are a conditional use subject to special requirements set forth by City Council.

The Preliminary Site Plan was subject to three variance requests which were reviewed by the Board of Adjustment on February 8, 2018 and subsequently approved. The applicant sought relief from the minimum lot size requirement of three acres to construct a hotel on a 1.86 acre parcel.

In addition, a second variance was sought for the amount of loading berths required. City codes required two loading spacing for the site and the Board of Adjustment granted approval to allow only one.

The third variance sought relief from the required on-site parking of eighty parking spaces; however the applicant has only provided seventy-seven spaces which were approved by the Board of Adjustment.

Other than the three variance requests, the Preliminary Site Plan and Conditional Use application met all the use and area regulations set forth in the City's Zoning Chapter.

Included in the Council packet is the Staff's evaluation of the Conditional Use based on Chapter 230-48. The application was reviewed by the Planning Commission in February 2018 after which approval was recommended by a unanimous vote.

The Planner Director confirmed there are two vacant lots between Grottos and Royal Farms where the hotel will be developed on the southern most vacant lot or just north of the Royal Farms.

Professional Engineer Ring Lardner, Principal of the firm Davis, Bowen and Friedel, 1 Park Avenue, Milford, Delaware, was present on behalf of the Silicato-Wood Partnership LLC and Milford Microtel LLC. Their representative Ernie Felici was also present.

Mr. Lardner requested the City Planning Director's comments be included in his official record to prevent repeating that information. He further explained the hotel will be located on parcel four of the subdivision.

He shared that Silicato-Wood Commercial Development could be considered a commercially, planned district similar to a residential planned community. This development is a five-lot commercial subdivision first recorded in 2009. The five lots vary in size from 1.66 to 3.42 acres of land.

The five lots were originally designed to accommodate a Kids Cottage, Grottos, hotel, bank and a convenience store with gas pumps. In November 2008, a Site Plan, Conditional Use and a Variance Application were filed for the hotel, a Site Plan and Conditional Use for Grottos, a Site Plan and Conditional Use for Royal Farms and a Site Plan and Conditional Use for the Kids Cottage.

The Silicato-Wood Commercial Development also installed Silicato Parkway and the entrance off State Route 1 as well the regional stormwater management system for the five parcels and adjacent lands. All four applications have received or requested Variances, Conditional Uses and Preliminary Site Plan approval. Only the Grotto Pizza and Royal Farms were constructed from 2010 through 2012.

The hotel and the Kids Cottage did not move forward due to economic reasons at the time.

Milford Microtel intends to build a four-story, 77-room Microtel Inn and Suites. The Planning Commission recommended

approval and granted Preliminary Site Plan Approval at their February meeting.

This project has received approval from DeIDOT, Kent Conservation District, Office of the State Fire Marshal and DHSS. This past Friday a revised plan was submitted to the City of Milford's Public Works with hope it will be approved in the next few days.

The hotel is consistent with the surrounding uses, will not negatively impact the surrounding properties and will add additional economic impact to the existing Grottos and Royal Farms. It will also provide lodging for those visiting and supporting the Kent County DE Turf Sports Complex who recently announced fifty events have been scheduled in 2018. It will also provide lodging for the new medical campus scheduled to open in 2019.

The hotel will also be used during the summertime for vacationers going to the beach in addition to as well as many special events such as NASCAR and FireFly.

In conclusion, Mr. Lardner believes the application will satisfy the requirement of Section 230-48 and the Conditional Use should be approved.

There being no questions from City Council, Mayor Shupe opened the floor to public comment. No one responded and Mayor Shupe closed the public comment portion of the hearing.

Councilman Brooks said the only problem he had was the traffic on Tenth Street and he thought the bypass would be finished first. He said that Mayor Shupe and the City Manager have assured him that Milford Police Department can handle any problems.

Mayor Shupe explained that DeIDOT is working very closely with the developers of this project and referenced the groundbreaking ceremony for the Northeast Front Street Overpass today. He further reported that during construction, they will be closing the crossovers on Route 1 which should slow down the traffic flow on that street. Individuals leaving and going east on Northeast Tenth or Northeast Front Streets will only be able to go north due to the crossovers being eliminated.

The City is confident that DeIDOT will remain in constant communication during the project to make it as safe as possible.

Councilman Burk moved to adopt Ordinance 2018-04, seconded by Councilman Morrow:

ORDINANCE 2018-04

Greater Milford Development Company LLC for a Conditional Use to allow a hotel on 1.86+/- acres in a C-3 Zoning District. Property is located on Silicato Parkway, approximately 900 feet south of NE Tenth Street Intersection.

Present Use: Vacant Land; Proposed Use: Hotel (Microtel Inn).

Tax Map MD-16-174.15-01-01.04

WHEREAS, the City of Milford Planning Commission considered the ordinance, as described, at a duly noticed Public Hearing on February 20, 2018 and recommended its adoption to City Council; and

WHEREAS, Milford City Council conducted a duly noticed Public Hearing on March 26, 2018 to consider all information presented by City Staff, the Applicant, and written and verbal public testimony; and

WHEREAS, it is deemed reasonable, beneficial, and in the best interest of the City of Milford to allow a Conditional Use to allow a hotel as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Section I. Upon the adoption of this ordinance by City Council, Greater Milford Development Company LLC is hereby granted a Conditional Use Permit to allow a hotel, in accordance with the application, effective on the date so noted.

Section 2. Construction or operation shall commence within one year of the date of issuance of the permit otherwise the conditional use becomes void.

Section 3. Dates.

Planning Commission Review & Public Hearing: February 20, 2018

City Council Introduction: March 12, 2018

City Council Public Hearing: March 26, 2018

Adoption: March 26, 2018

Effective: April 5, 2018

Motion carried by the following unanimous roll call vote of those present:

Mergner: Vote to approve based on the recommendation of the Planning Commission.

Campbell: Vote to approve as a result of the Planning Commission's review and determination and he believes the lodging is needed.

Peel: Recommend to approve based on the fact there is a need in Milford.

Burk: Votes to approve based on the previous reasons stated by Councilmembers.

Brooks: Votes yes for the same reasons as Councilman Burk.

Morrow: Votes yes because the hotel is needed and Microtel puts together a nice hotel and he is familiar with the one in Dover and the new one in Millsboro or similar town.

Wilson: Votes yes to approve adding she thinks the timing is right based on the growth that is occurring and there is a need for another hotel in our little town.

ADJOURNMENT

Councilman Mergner moved to adjourn the Public Hearing, seconded by Councilman Campbell. Motion carried.

The Public Hearing adjourned at 7:38 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
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PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Arthur Campbell, Lisa Ingram Peel, James Burk, Owen Brooks Jr., Douglas Morrow and Katrina Wilson
City Manager Eric Norenberg, Police Chief Kenneth Brown and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Councilperson: James Starling Sr.

CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 7:38 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

City Employee Recognition

Public Works Director Mark Whitfield stated that he has three commendations this evening.

He introduced Solid Waste and Facility Supervisor Christie Murphy. Ms. Murphy took on this role last summer and has overseen a lot of the positive changes that have occurred in our solid waste collection.

Mr. Whitfield shared that Ms. Murphy has a passion for customer service and a willingness to improve services and provide the best service the City can to our customers. Our second automated truck has allowed the reduction of man hours and she is working with a vendor in the rerouting of trucks to ensure efficiency. One thing that was absent prior to her taking this position, was prescribed routes that each truck follows. Unfortunately that led to a number of misses each week after which the driver would have to return to service the customer. Reducing the number of misses is vital and Ms. Murphy has excelled in making these prescribed routes work. Tablets in the truck will also display the appropriate location of each container. If the container is missing, a notation will be made to help reduce the number of misses and improve our overall customer service.

Ms. Murphy has also been working on replacing a number of containers, some of which are more than twenty years old, using systematic numbering.

In addition, she has been overseeing a number of DNREC Grants, one of which involved the new containers in the downtown area. But because of these grants, the \$25,000 originally budgeted was not needed.

He then recognized Ms. Murphy for the outstanding work done over the last eight months and presented her with a token of his appreciation.

The Public Works Director then introduced the City's Streets and Utilities Supervisor Charlie Nordberg. Mr. Whitfield stated that the first six months in his new position went very smoothly. Then during the first week of January, the City experienced

the snowstorm and four water line leaks in the same weekend.

Regardless of what time Mr. Whitfield went to the Public Works Office, day or night, Mr. Nordberg was there. He has no idea if he ever went home and may have slept at the facility the entire weekend. However, Mr. Nordberg survived and he and Mr. Whitfield learned a lot during that time. They also looked at a number of ways to improve things in the future with upgraded equipment that will help forego the issues experienced over that weekend.

He expressed gratitude to Mr. Nordberg and looks forward to working with him on the Capital Improvement Plan and increased efficiency productivity.

Mr. Whitfield reported that there will be a demonstration of the pothole patcher tomorrow and that the first repair will be on Ballpark Lane which should make many residents happy.

The Public Works Director then provided Mr. Nordberg with a couple gifts of appreciation as well.

Mayor Shupe thanked Mr. Nordberg who allowed him to ride in his snowplow during the winter storm.

Mr. Whitfield stated that he also wanted to recognize the City's Electric Division. He made reference to the recent chastising by Governor Andrew Cuomo of the New York State Public Utilities for their lack of response and what customers were dealing with. Fingers were pointed to employees not doing what was needed to restore power in a timely manner for those customers.

The Public Works Director is pleased to report that we went through four Nor'easters and had very few power outages. Those we did experience involved single family homes where a pole or a service line was lost due to private trees that came down.

Mr. Whitfield feels that is a testament to the preventive maintenance our employees do. They do a great deal of work to ensure our lines are clear from tree lines as well as ongoing maintenance on the lines and poles.

He emphasized our electric employees pride themselves in the fact that they want to have power restored within an hour. Mr. Whitfield is unaware of anyone that was out of power for more than an hour during all four storms.

Mr. Whitfield was on vacation during the one storm and when he came home on Sunday he found his backup generator running. He is on Delaware Co-Op and burned through about thirty pounds of propane during that weekend as a result. Had Smart Meters been installed as is being done in Milford, the power company would have known his power was out.

Mr. Whitfield will recognize them later this week.

City Manager Norenberg added that in a recent edition of the Delaware State News there were several notes about the outages elsewhere. Though Milford had a lot of wet snow, it was not nearly as bad as the northern portion of Delaware where a lot of trees came down. He feels we are very fortunate to have the crews we have who put extra effort into the loss of power in these situations and kudos to them under their Supervisor Rick Carmean.

The City Manager announced that Rick's wife Lisa, who is our Human Resources Manager, does not like the limelight. For those that were unaware, Ms. Carmean is retiring at the end of March. She asked him not to do much though he did present her with the following tribute:

'On behalf of grateful employees, the City Council and the Milford community, we recognize and salute you for 23 years of dedicated service to the City of Milford!

Your commitment to our City employees has been appreciated and your contributions toward the betterment of our organization will be long-lasting.'

He then provided her with a gift and gift card to the Carmean's favorite restaurant.

Mr. Norenberg then introduced the City's new Human Resources Administrator Jamesha Eaddy who started today and will enjoy a busy week. She already attended the State Benefit Committee Meeting today.

Ms. Eaddy then introduced herself stating that she moved here last year from Charlotte, North Carolina. Her fiancé is stationed at Dover Air Force Base. Prior to coming to Delaware, she was also in the Air Force, then worked as a civilian for the Air Force. She then transferred from the Government to the Bank of America Corporate Office and then TIAA-CREF which is now just TIAA. She moved here and most recently had a HR role at Burris.

Ms. Eaddy concluded by stating she is very excited to be in Milford.

City Manager Norenberg stated the City went through a great selection and interview process for the position. He was very happy with the quality of the candidates and thanked Lisa Carmean for coordinating it and including Chief Brown and Public Works Director Whitfield who participated in the interview process.

He welcomed Ms. Eaddy adding he is very confident she will do a fantastic job.

COMMUNICATION & CORRESPONDENCE

Scheduling/Committee Meetings

City Manager Norenberg referenced the following request:

Please confirm your availability for the following committee meetings for the month of April.

Joint Public Works and Finance Committee Meeting
(Brooks, Morrow, Peel, Burk, Mergner)
Monday, April 9, 2018
6:00 p.m. (prior to Council meeting)

*Public Works Committee Meeting
(Brooks, Morrow, Peel)
Monday, April 16, 2018
5:30 p.m.

Police Committee Meeting
(Burk, Wilson, Brooks)
Monday, April 23, 2018
6:00 p.m. (prior to Council meeting)

Economic Development Committee Meeting
(Mergner, Peel, Starling)
Monday, April 30, 2018
6:00 p.m.

*All members have confirmed their availability.

City Manager provided a brief review of the agenda items for each meeting.

Councilman Mergner suggested scheduling these meetings prior to Council Meetings which would only take Councilmembers away from their families two nights a month. He then asked if the Economic Development Committee Meeting could be moved to May 14th and preferred it be combined with another meeting. In the meantime, he does not want to hold up anything and is willing to make the additional Monday work.

Councilwoman Peel prefers having standing meetings scheduled before regular Council meetings as well.

It was recommended to reschedule the Economic Development Committee meeting at 5:30 p.m. and schedule the Police Committee meeting at 6:30 p.m.

The following times were confirmed:

April 23, 2018	Economic Development Committee	5:30-6:30
April 23, 2018	Police Committee	6:30-7:00

In the meantime, the City Manager will work out a scheduling scheme for some regularly scheduled Committee dates which he will present to Council for confirmation.

UNFINISHED BUSINESS

Ordinance 2018-07/Chapter 88 Building Code

Planning Director Pierce referred to the following memo:

The construction and alteration of all residential or commercial structures within the City of Milford is governed by Chapter 88-Building Construction. Chapter 88 adopts the 2006 International Residential Code (IRC) and the 2006 International Building Code (IBC) which regulate residential and commercial building construction within City limits. These standardized codes are developed by the International Code Council (ICC) and are typically updated every three years.

Building and Residential Code Comparisons

The adopted codes of each county and larger municipalities are provided below for comparison;

Kent County 2012 IRC, 2012 IBC
 Sussex County 2012 IRC, 2012 IBC
 Wilmington 2012 IRC, 2012 IBC
 Dover 2009 IRC, 2009 IBC
 Newark 2012 IRC, 2012 IBC
 Middletown 2012 IRC, 2012 IBC
 Smyrna 2012 IRC, 2012 IBC
 Seaford 2009 IRC, 2009 IBC
 Georgetown those adopted by Sussex County
 Elsmere 2000 IRC, 2000 IBC
 New Castle 2000 IRC, 2000 IBC
 Millsboro 2003 IRC, 2003 IBC
 Laurel 2009 IRC, 2009 IBC
 Harrington 2012 IRC, 2012 IBC
 Camden 2006 IRC, 2006 IBC

Each community may have different additions, insertions or deletions of specific portions of the adopted IRC or IBC code.

In 2017, the City was graded by Insurance Services Office, Inc. (ISO) under the Building Code Effectiveness Grading Schedule (BCEGS) which assesses the building codes in effect in a particular community and how the community enforces those building codes. Municipalities with well-enforced, up-to-date codes should demonstrate better loss experience, and insurance rates can reflect that. The BCEGS program assigns each community a grade from 1 (best) to 10 (worst). ISO develops and provides BCEGS classifications, advisory credits and related underwriting information to insurers.

The 2017 audit returned a grade of 10 for the City, primarily due to the fact that the City operates under an older version of the ICC. For comparison, the City had undergone a similar audit in 2011 where the City scored a 6 on both the residential

and commercial building codes. By adopting the 2012 IRC and IBC, the City would improve their BCEGS grade to 5.

In January 2017, the Department notified homebuilders and individual contractors of the proposed code update and offered to meet with them to discuss concerns in an effort to gather input prior to presenting a code amendment to the Economic Development Committee and City Council. These same contractors were invited to attend the Economic Development Committee meeting.

The Department compared the current City additions, insertions and deletions with those adopted by both Kent and Sussex County to formulate the draft additions, insertions and changes in the provided code amendment.

The main modifications include the following;

- *R311.7.5.1 Risers (similar to Kent and Sussex County) - increases the maximum riser height from 7 3/4 inches to 8 1/4 inches.
- *R311.7.5.2 Treads (similar to Kent and Sussex County) - decreases the minimum tread depth from 10 inches to 9 inches.
- *R313 Automatic Fire Sprinkler Systems - Deleted in its entirety. (similar to Kent and Sussex County)

Staff recommends adopting Ordinance 2018-07, the 2012 International Residential Code and 2012 International Building Code along with the provided additions, insertions and deletions (see 03/26/18 Council Packet).

Councilman Burk asked how many builders have been contacted; Mr. Pierce stated ten to twelve builders and the majority wanted the City to align with the County. However, Kent County handles things differently than Sussex County. The main similarities are listed in the memo.

He leaned more toward the Sussex County amendments because there were fewer.

Mr. Pierce did speak with two builders who provided specific input. One related to requiring landings on outside of sliding doors (required by Kent County). The second was related to ball anchoring (Kent County) though there are questions about whether certain perimeters are enforced in that section of the residential code. His goal was to keep it as simple as possible.

He did review this with the consultants the City works with. The intent is to align with the counties in addition to the reduction in homeowner insurance.

Mayor Shupe opened the floor to public comment. No one responded and the public comment portion of the meeting was closed.

Councilman Burk moved to adopt Ordinance 2018-07 as presented, with the grammar correction, seconded by Councilwoman Wilson. Motion carried.

Ordinance 2018-08/Chapter 55 Personnel Code

City Manager Norenberg reported the City's personnel ordinance (policies and regulations contained in Chapter 55 of the Milford Code) has had minimal updates since 1992. A review and update began in 2009 but was never completed. The purpose of this memo is to outline the recent review of the City's personnel policies and regulations and recommended changes.

He noted that the City Administration began a review of the current Personnel Ordinance in 2016. By 2017, a first draft was ready for review by the management team that includes all Department Directors, Chief of Police, City Clerk, Human Resources Administrator and the City Manager. During several meetings over many hours, this team reviewed the old document and the new document, section by section, to assess needed updates and additions to the document. The draft Employee Policy Manual was then reviewed and edited by labor attorney Molly DiBianco, a partner at the firm of Smith, Katzenstein & Jenkins LLP, for compliance and inclusions of all policies required under Federal and State laws.

Following is a review of the key updates and changes to the existing City of Milford Personnel Ordinance:

- Rename to Employee Policy Manual for a better connection with employees. The final, approved document will be provided to all employees in whatever form they prefer (hard copy or electronic) and available online. Training will also be provided and each employee will be asked to sign an acknowledgement of receipt of the Manual.
- Simplify or define topics for a clearer understanding by employees.
- Update to include processes, rules or other practices that have been followed over the years, but never formally documented in the personnel ordinance.
- Document the change from Probationary Period to Introductory Period. (Defines the first six months of employment in a more positive perspective.)
- Authorize and document the use of Flex Time, which can be beneficial in controlling overtime costs and work needs of the City, while creating flexibility for employees.
- Clearly define the existing practices for Lunch and Break Periods.
- Emergency Conditions was slightly modified in making the decision of City closings, to address the best interest of the citizens of Milford, while maintaining the concerns for safety of City employees.
- Vacation Sell Back was previously approved. Now the program is now incorporated into the manual for a clear explanation of when and how it can be used.
- Sick Leave has been updated to help administer for abuse of sick leave, but also to reward employees that use their sick leave only when absolutely needed, by increasing the time of termination compensation from 156 hours to 240 hours.
- Update to include all current benefits with description highlights.
- Bereavement Leave is clearly defined as to who are immediate family members and who are extended family members.
- Family and Medical Leave is updated and includes the designation of tracking on a rolling year, instead of a calendar year.
- Jury Duty/Court Appearance was updated to clarify policy for situations when an employee must appear in court vs. actually serving jury duty.
- Harassment and Discrimination was updated to reflect current Federal and State laws and practices.
- Participation in Political Activity was condensed for a simpler explanation.
- Gifts and Gratuities are updated to indicate compliance with the Delaware Code of Conduct (ethics laws and related statutes/opinions).
- Volunteer Fire Response was added to clarify approval of an employee's volunteer fire service, during work hours, to help support Carlisle Fire Company's needs to respond to fire calls during regular business hours.
- Internet & Email Policy and the Telephone, Cellular Phone and Data Service Policy were updated to make clear the responsibility that employees have been using the City's devices and systems safely and responsibly.
- Employee Recognition was added to help develop a practice of recognizing employees who uniquely distinguish themselves through outstanding performance or innovation that exemplifies dedication, creativity and personal integrity.
- Grievance Policy was changed to more clearly define the steps that an employee must follow when they have a grievance.
- Smoke-Free/Tobacco-Free Environment was updated to reinforce the State law and to remind employees that they may smoke during approved break times and only at approved locations. It also includes contacting HR to obtain information about quitting.
- Glossary of Definitions and Terms was added for helping employees to understand terms that they may not be familiar with and need defined.

Councilman Morrow appreciates the synopsis provided by the City Manager and the effort put into the document. However, he feels it is a large document and recommends a workshop be scheduled to review it. There were a number of policies referenced in the document that were not included. He is unfamiliar with them and being the HR field, feels they need to be included for the review as well.

Councilman Morrow also noted that the appointing authority is mentioned throughout the manual and according to Mr. Norenberg, that is the City Manager or someone that has the power to appoint over all the departments. Even though, the Police Chief is mentioned and he feels that section should be cleaned up and some clarification added.

City Manager Norenberg said he is happy to provide the additional policies to Councilman Morrow, but with the HR Manager's retirement, he prefers having any questions or concerns asked tonight. He further explained that some of those are administrative policies.

Councilman Morrow asked if there is anything in the new manual that was increased or decreased that Council is unaware of. Councilman Brooks questioned sick leave compensation being changed from the current 156 hours to 240 hours.

Mr. Norenberg explained the basic concept is to try and reward employees for minimizing their use of sick versus abusing sick leave and something that was tentatively agreed to in the Teamsters' contract. This will provide the same benefit to the other employees.

HR Manager Carmean agreed there is a tie into the ongoing negotiations and past history when City Council has approved additional sick leave for some employees. Originally, she explained, both the City Manager and Police Chief felt there was a need to reward employees for not taking advantage of their sick leave. There have been instances where employees have used their sick leave as quickly as they gained it which appeared to be a bigger advantage to them than an employee that doesn't take it and eventually loses it. This will encourage employees to not abuse it.

She also said it ties into the recent job classification/compensation study that was completed and another way to reward employees and make them feel appreciated.

Councilman Burk questioned the safety boot policy and why a new employee does not receive them until after three months; Ms. Carmean stated that is previous policy. Ms. Hudson confirmed it was approved back in 2015.

Councilman Burk asked what happens during the first three months; Councilwoman Peel believes that should be outlined as part of the probationary status/introductory period which is how the State handles new employees as well.

Councilman Morrow referenced the first page, which states 'policies and procedures referenced, but are not included'. He is unsure of how they can be obtained and prefers easier access for our employees. The document, in his opinion, appears to be incomplete when it does not include all employee-related policies.

Mayor Shupe then opened the floor for public comment. No one responded. The Mayor then closed the floor for comments.

Councilman Morrow moved to schedule a workshop to discuss the personnel manual and any related policies, seconded by Councilman Brooks. Motion carried.

A discussion followed about the date of the workshop. Mr. Norenberg feels the April 9th agenda will be fairly light and recommends it be discussed prior to the Council Meeting.

Councilman Morrow moved to amend his motion to add the Workshop to the April 9th agenda, seconded by Councilman Brooks. Motion carried.

NEW BUSINESS

Approval/City of Milford 2018 Election Board

Councilman Burk moved to appoint the following residents to the 2018 Election Board:

Karen Boone
Joanne Leuthauser
Katrina White

Motion seconded by Councilwoman Peel and carried.

EXECUTIVE SESSION

Councilmember Burk moved to go into Executive Session reference the below statutes, seconded by Councilmember Peel:

Pursuant to 29 Del. C. §10004(b)(9) Personnel Matter

Motion carried.

Mayor Shupe recessed the Council Meeting at 8:27 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

Return to Open Session

Performance Evaluations (Council Appointees)

City Council returned to Open Session at 8:48 p.m.

City Manager Evaluations

Councilwoman Wilson made a motion that per the annual evaluation date, the City Manager's salary will be increased per the COLA adjustment as discussed, seconded by Councilman Burk. Motion carried with no one opposed.

ADJOURNMENT

There being no further action, Councilmember Mergner moved to adjourn the Council Meeting, seconded by Councilmember Campbell. Motion carried.

Mayor Shupe adjourned the City Council Meeting at 8:49 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