

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
July 11, 2016

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, July 11, 2016.

PRESIDING: Mayor Bryan Shupe

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

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

COUNSEL: City Solicitor David Rutt, Esquire

#### CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 7:03 p.m.

#### INVOCATION AND PLEDGE

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

#### APPROVAL OF PREVIOUS MINUTES

Motion to approve the June 13, 2016 and June 27, 2016 Committee and Council Meeting minutes made by Councilmember Brooks, seconded by Councilmember Mergner. Motion carried.

A moment of silence followed for those victims, families and communities affected by the recent tragedies in our country.

#### RECOGNITION

##### *Milford Police Department*

Chief Brown recognized three officers and a civilian for their actions during a recent burglary earlier this month at a local convenience store. The incident was occurring at 3:30 a.m. when the civilian was driving on S.E. Front Street and observed the suspect breaking glass and entering the store. The suspect, holding a pry bar, two duffle bags and a front loaded backpack, was able to be apprehended by Corporal Tiffany Wyatt, PFC Brandon Dodd and PFC Miles Kosiorowski while still in the store.

In June, an armed robbery occurred at a market on South Walnut Street, at which time two civilians responded when they overheard the victim screaming. While in contact with the police department, their assistance directly resulted in the officers apprehending the suspect within a short time frame.

Chief Brown, along with Mayor Shupe, issued the following commendations:

Officers Wyatt, Dodd and Kosiorowski:

*In recognition for the apprehension of a burglary-in-progress suspect on July 1, 2016; your professional handling of an intense and difficult situation prevented serious injury or death to the suspect, yourself and fellow officers.*

Brandt Craft:

*In recognition of your assistance in the apprehension of a burglary suspect on July 1, 2016; your quick actions in notifying the police department of a burglary in progress and describing the suspect resulted in his apprehension within the store.*

Robert Bell:

*In recognition of your assistance in the apprehension of a robbery suspect on June 20, 2016; your quick actions in describing and following the suspect led officers to the suspect's last known location which resulted in his arrest.*

Photos were then taken.

#### MONTHLY POLICE REPORT

Police Committee Chair Burk presented the monthly report on behalf of Chief Brown. Chairman Burk moved to accept, seconded by Councilmember Peel. Motion carried.

#### CITY MANAGER REPORT

City Manager Norenberg referenced his monthly report noting that a number of code enforcement cases have been closed. He recalled the question last month regarding the number of open cases as a result of catching up on paperwork.

As a follow-up to the Tax Penalty Forgiveness Program, he reported that sixteen payment plans have been set up which should result in another \$45,000 being paid in delinquent taxes.

Councilmember Peel moved to accept the City Manager's report, seconded by Councilmember Starling. Motion carried.

#### COMMITTEE & WARD REPORTS

##### *Committee Meetings*

Chairman Burk informed council his committee met two weeks ago and the minutes are included in the packet.

In addition, a joint Police and Community Affairs Committee meeting followed after which the Planning Coordinator discussed some proposed ordinance changes related to licenses and fees.

##### *Haitian Creole Community Relations Group*

Councilmember Wilson reported that she, City Manager Norenberg and MPD Sergeant Masten met with the group yesterday to discuss how to build better relationships with our Haitian residents as well as ways to make them feel a part of Milford.

#### COMMUNICATIONS & CORRESPONDENCE

##### *National Night Out*

Mr. Norenberg added that they were very interested in the National Night Out sponsored by the Police Department in August.

Chief Brown then announced that their annual event will be held on August 2<sup>nd</sup> in the Bicentennial Park beginning at 6:00 p.m. Free food and entertainment will be offered.

##### *Prayer Vigil*

Councilman Starling then informed Council that a prayer event is scheduled on Thursday at 6:00 p.m. in the Bicentennial Park in an effort to come together as a community and support the victims and families of the various tragic events that have occurred.

#### UNFINISHED BUSINESS

*Adoption/Ordinance 2016-10/Code of the City of Milford/Chapter 55 Personnel-Use of Telephone, Mail, Copiers, Cellular Telephones, Internet, Email Systems, New Hires' Vacation & Vehicle Allowance*

Mr. Norenberg recalled the introduction of Ordinance 2016-10 at the June 27<sup>th</sup> meeting. It involves three minor changes to the Personnel Code that governs a variety of personnel rules and regulations. The majority of the code has not been updated since the early 1990's.

The sections being amended address technology issues including the internet, cellular telephones, e-mails, etc. In addition, a new section will be added to allow an opportunity for new hires to be given some starting annual leave when they transfer from another job. A vehicle allowance provision with the option to use a personal vehicle versus the use of a city vehicle as was done for Mr. Norenberg. The latter will save the city money on insuring and maintaining vehicles when it is not needed for special purposes like a police vehicle or a public work's service.

Councilmember Peel moved to adopt Ordinance 2016-10, as presented, seconded by Councilmember Campbell:

*ORDINANCE 2016-10  
CODE OF THE CITY OF MILFORD  
PART I-ADMINISTRATIVE LEGISLATION  
CHAPTER 55-PERSONNEL*

*WHEREAS, the City of Milford created a Personnel Ordinance and Manual in 1992 which, from time to time, has been updated to address new or changing practices, government regulations or technologies; and*

*WHEREAS, the City of Milford provides training, facilities, tools and equipment to enable employees to do their jobs; and*

*WHEREAS, the City Council budgets funds for the purchase and maintenance of such items, but expects the funds to be spent prudently and for the City Manager to administer reasonable expenditures of such budgeted funds while regularly monitoring; and*

*WHEREAS, the terms of said Personnel Ordinance and Manual need to be updated once again to address new technology and recruitment practices.*

*NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:*

*Section 1. That the City of Milford Code, Chapter 55 Personnel, Section 630. USE OF PHONE AND MAIL SYSTEMS is hereby repealed in its entirety.*

~~Personal use of telephones for outgoing calls while on duty, including local calls, is not permitted. Employees may be required to reimburse the City for any charges resulting from their personal use of the telephone. Phones may be available for personal outgoing calls during breaks, meal periods or at other times with the supervisor's permission.~~

~~The use of City-paid postage for personal correspondence is not permitted.~~

~~To assure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.~~

*Section 2. That the City of Milford Code, Chapter 55 Personnel, Section 630, is hereby inserted to read as follows:*

*630. USE OF TELEPHONE, MAIL, COPIERS, CELLULAR TELEPHONES, INTERNET AND EMAIL SYSTEMS*

*Personal use of the City telephone or cellular phone system is limited to emergency or pressing reasons, preferably during breaks and meal periods. Employees may be required to reimburse the City for any charges resulting from the personal use of telephones or cell phones. Staff should refer to the detailed Cellular Telephone Policy.*

*The use of City-paid postage for personal correspondence is not permitted. Excessive personal use of City copiers, fax machines or printers by employees is not permitted. Reimbursement for such use will be in accordance with procedures and policy established the City Manager.*

*City employees may be issued a cellular telephone, smart phone or similar device to accomplish their assigned duties. Alternatively, under specific circumstances, a "communications allowance" may be paid to compensate employees for their use of personal cellular telephone, smart phone or similar device for City business. The City Manager and Police Chief are authorized by City Council to have either a City-issued cellular telephone or a "communication allowance" per written agreement with City Council.*

*The determination of employees to receive a City issued cellular telephone, smart phone or similar device or a communications allowance, will be based on criteria and procedures established in the City's Cellular Telephone Policy issued by the City Manager.*

*Cellular phone and smart phone use must be in compliance with the City's Safety Manual, the Vehicle Use Policy, local ordinances and Delaware State Law.*

*Internet access is to be conducted in a responsible and professional manner, reflecting the City's commitment to ethical and non-discriminatory government practices. It is also the City's desire to protect the organization, as much as possible, from viruses or illicit attempts to access the City's servers. The City of Milford maintains an electronic mail system to conduct City business. All email messages composed, sent, received and/or stored are the property of the City and not the property of any employee. The City has a Computing Resource Use Policy which explains how email and the Internet must be utilized. Before using email or the Internet, employees must acknowledge that they have reviewed and understand the City's Computing Resources Use Policy.*

*Section 3. That the City of Milford Code, Chapter 55 Personnel, Section 416, is hereby added as follows:*

*416. Vacation Leave for New Hires*

*As a recruitment tool for FLSA-exempt employees, the City Manager may award up to 120 hours of annual leave prior to the completion of one year of service and approve the rate of accrual thereafter.*

*Section 4. That the City of Milford Code, Chapter 55 Personnel, Section 661, is hereby added as follows:*

*661. Vehicle Allowance*

*The City Manager and Police Chief are authorized by City Council to have either a City-issued vehicle or a vehicle allowance per written agreement with City Council. Department Heads who must travel extensively for their job and who must be able to respond to after hours' emergencies may either have a take home vehicle or a vehicle allowance as determined by the City Manager. Employees receiving a vehicle allowance are responsible for paying liability, property damage and comprehensive insurance coverage upon such vehicle and are responsible for all expenses in relationship to the purchase, operation, maintenance, repair and regular replacement of the vehicle. Proof of insurance levels satisfactory to the City shall be provided upon request by the City. The City of Milford shall reimburse employees with a vehicle allowance, at the established mileage rate of the vehicle for any City business use beyond Kent or Sussex Counties, if a City-owned vehicle is unavailable for such trip. The City shall maintain an "accountable plan" in accordance with related IRS regulations.*

*Section 5. Dates.*

*Introduction: 06/27/2016  
Adoption: 07/11/2016  
Effective: 07/21/2016*

Motion carried.

*City Council Retreat*

City Manager Norenberg explained that at the last meeting, he presented the concept of a City Council retreat and has since discussed several concepts with Mayor Shupe. He did some research through other Delaware city managers to find out how they held the retreats and whom they used as a facilitator.

He has since discussed the idea with the University of Delaware Institute for Public Administration who has offered to facilitate the retreat. The retreat will involve some pre-planning with council members for advanced interviews and feedback in order to make the retreat productive.

Mr. Norenberg referred to an outline of what the retreat would entail and offered three dates the IPA staff would be available--September 10, September 17 and October 8, 2016.

Right now, he proposes a time of 8:30 a.m. through 2:00 p.m. Goal setting, team building and planning for the future will be discussed, in addition to setting the stage for the Strategic Plan which was a goal when he was hired.

Mr. Campbell asked if this would take longer than four to five hours; Mr. Norenberg advised it will last until 2:00 p.m. though it depends on councils' engagement. He said that many city councils begin on Friday night for three hours then come back the next morning with a three-quarter day session.

Mr. Norenberg reported the only other time Milford's council did this was in 2009.

When asked if the community calendar was checked, Mr. Norenberg advised that one of the September dates was the same day as the Freedom Festival and even though council would not be available for part of the day, they could attend during the afternoon.

Council then asked that the September 10<sup>th</sup> date be eliminated because of the Freedom Festival. Mr. Norenberg then asked if September 17<sup>th</sup> would be best. Mr. Starling reported that he is a season football ticket holder at Delaware State University and will not be available on any of the three dates.

Mr. Brooks said any of the three dates will work for him; Mr. Burk and Mr. Campbell said September 17<sup>th</sup> will work for them.

The City Manager then informed council that the retreat falls under FOIA and must be considered a public meeting and categorized as a workshop session. The meeting will be posted and the community notified though from past experiences, not many residents show up because it is a long day.

He will continue to work on the details and find a location for September 17<sup>th</sup>.

**NEW BUSINESS***Introduction/Ordinance 2016-08/Crop Production Services Inc./Conditional Use*

Mayor Shupe then presented Ordinance 2016-08 for introduction:

*Ordinance 2016-08*

*Crop Production Services Inc. for a Conditional Use for a Fertilizer Storage and Distribution Center in an I2 (General Industrial) District on 34.17+/- acres. Property is located on the south side of Holly Hill Road 2900 feet southwest of the intersection of Route 14 and Holly Hill Road, Milford, Delaware. Present Use: Vacant Land; Proposed Use: Fertilizer Storage and Distribution Center. Tax Map MD-16-182.07-01-01.00 thru -99.00; MD-16-182.07-02-01.00 thru -99.00; MD-16-182.07-03-01.00 thru -23.00*

*WHEREAS, the City of Milford Planning Commission will consider the conditional use application at a Public Hearing on June 21, 2016; and*

*WHEREAS, Milford City Council will hold a Public Hearing on July 25, 2016 to allow for public comment and further review of the ordinance; and*

*WHEREAS, it is deemed in the best interest of the City of Milford to allow a Conditional Use for a Fertilizer Storage and Distribution Center as herein described.*

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

*Section 1. Upon the adoption of this ordinance, Crop Production Services Inc. is hereby granted a Conditional Use Permit to allow a Fertilizer Storage and Distribution Center, in accordance with the application, approved plans and any conditions set forth at the Public Hearings.*

*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: June 21, 2016*

*City Council Introduction: July 11, 2016*

*City Council Public Hearing: July 25, 2016*

*Adoption (Projected): July 25, 2016*

City Planning Coordinator Rob Pierce stated that the Planning Commission reviewed the site plan and recommended conditional use approval on June 21<sup>st</sup>. The conditional use is needed for a fertilizer sales storage/distribution facility in an I-2 District in addition to the chemical processing/storage facility in a source water protection area of excellent groundwater recharge.

The public hearing will be held before the next Council Meeting.

*Adoption/Resolution 2016-10/Scheduling Board of Revision and Appeal Hearing/FY 2016-2017 General Assessment*

The City Manager explained that as tax assessments are being mailed, council needs to schedule a Board of Revision to hear any related appeals as provided under the City Charter.

Mr. Brooks moved to adopt Resolution 2016-10, seconded by Ms. Wilson, with the corrected 2016 (as shown) below:

*WHEREAS, the provisions of Article VII, Section 7.06 of the Charter of the City of Milford state that Council shall cause a copy of the General Assessment to be hung in two public places in the City of Milford and there to remain for the space of ten days for public information; and*

*WHEREAS, attached to said copies shall be notice of the day, hour and place that Council will sit as a Board of Revision and Appeal for said General Assessment.*

*NOW, THEREFORE, BE IT RESOLVED, that on Monday, September 12, 2016 at 7:00 p.m., the City Council of the City of Milford will sit as a Board of Revision and Appeal for the 2016-2017 General Assessment.*

Motion carried.

*Authorization/Edward Byrne Memorial Justice Assistance Grant Program*

Chief Brown explained that Milford Police Department, as the selected fiscal agent, intends to submit an application for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The total allocation of \$52,560,000 is for a disparate of Sussex County agencies, with recommended allocations of \$18,001 to the City of Milford, \$13,924 to the City of Seaford, \$10,035 to the Town of Laurel and \$10,600 to the Town of Georgetown.

The department intends to use this money to help defray the cost of mobile in-car radios in order to keep up with changing

technology.

Ms. Wilson moved to authorize the submission of the Edward Byrne Memorial Justice Assistance Grant (JAG) as described, seconded by Mr. Burk. Motion carried.

#### MONTHLY FINANCE REPORT

City Manager Norenberg reported that through the eleventh month of Fiscal Year 2015-2016 with 92% of the fiscal year having passed, 90% of revenues have been received and 82% of the operating budget expended. He noted that revenues are the result of lower electricity sales than originally projected because of the milder temperatures. However, electric expenses were lower as well.

Councilmember Burk moved to accept the May 2016 Finance Report, seconded by Councilmember Starling. Motion carried.

#### EXECUTIVE SESSION

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

*Pursuant to 29 Del. C. §10004(b)(9) (Personnel Matters) Police Issue*

Motion carried.

Mayor Shupe recessed the Council Meeting at 7:43 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 8:05 p.m.

No action needed on the below two items discussed in Executive Session:

*Teamsters Local 326 Agreement*

*Potential Union Issue/Non Police*

#### ADJOURN

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

Council Meeting adjourned at 8:06 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder