

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
November 2, 2016

A Meeting of the City of Milford Police Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Wednesday, November 2, 2016.

PRESIDING: Chairman James Burk

IN ATTENDANCE: Committee Members:  
Councilmembers Owen Brooks Jr. and Katrina Wilson

Mayor Bryan Shupe (Participated via Telephone)

City Manager Eric Norenberg & City Clerk Terri Hudson

Chairman Burk called the Committee Meeting to order at 5:30 p.m.

*Redstone Report*

Chairman Burk reported he, Councilman Morrow and Chief Brown met with Dan Redstone at the International Association of Chiefs of Police (IACP) Conference in San Diego. He briefly reviewed the updated reported noting that the cost of construction from 2011 has increased to \$13 million. Chief Brown worked with Mr. Redstone to reduce the square footage by approximately 4,500 square feet less than the original proposal. Unfortunately the actual cost of construction caused the overall price to increase.

Councilman Burk wants to start getting a game plan together. He took a class at the IACP Conference about how to deal with public and public perception when you are planning a new police facility. One thing they encouraged was a lot of workshops to inform the public so that they are aware of the needs.

Chairman Burk referenced the recent flooding issue as a result of a rain event adding that we need a concerted effort of explaining why this is needed. In addition, we need to point out that we are on the preface of some more growth citywide so he feels this is the right time to get the ball rolling.

He also noted that Milford does not have the anti-police sentiment that is occurring throughout the country and he is convinced that if we involve the community, we can get everyone on board and earn their trust. However, he does understand that we will never know the results until the close of the referendum.

Chairman Burk pointed out that the \$13 million is the number that is needed and that is just the way it is.

Councilman Brooks said that is what he emphasized to everyone each day. He also tells them if we are going to have a two-percent tax increase, it will be a two-percent tax increase and nothing more. He has told a lot of people not to compare City Council to the Milford School Board.

Chief Brown said the negative part of this situation is that the project has increased by approximately \$5 million than the cost 2011 even though they have reduced the size of basically every office in the new department and anything else they could remove.

However, he has had some time and has rethought one item that was reduced. The community room was reduced approximately in half and he now feels that it will be too small. He would like to increase it back to its original size or at minimum, somewhere in the middle. The Chief pointed out there is no separate training room which was why part of the reason it was sized as originally planned.

Councilwoman Wilson was surprised it had been changed and recalled that it was supposed to be used as a multi-purpose room. Chief Brown agreed and reiterated that he reduced it too much when they downsizing the offices.

Councilwoman Wilson remembered initially, that was going to be one of the big selling points of the new department with the hope to get our residents excited about something they could potentially have the ability to use. She asked how much the room was reduced though she agrees that should probably be reconsidered.

Mr. Brooks asked if we could build a substation in another area of town and continue to use the current police department. Chief Brown said he would have to think about that. He noted that the property being considered for the new police department across the street is still centralized and provides the ability for the officers to get wherever they need in a reasonable amount of time.

Mr. Brooks said where they are now cannot be made bigger and there are a lot of problems with the parking. He agrees the parcel across the street is a great location.

Chief Brown emphasized there are a lot of problems with the current building. He said the City Manager has talked about tearing it down and making it a park. He said a park would provide the new police station across the street on the hill with a beautiful view, especially from the community room depending on its location. He agrees that room could be utilized for a number of activities.

Chief Brown thinks it is important to move forward with the lot and does not want to lose it. He is afraid another offer could be made and the department would lose that property.

Mr. Brooks asked the update on the property and recalled that three years ago, they approved a \$50,000 deposit and asked its status.

City Manager Norenberg explained it is still in the hands of our City Solicitor who was working to revise the contract that for some reason, was never executed by Growmark. He recalled that City Council gave him direction to renegotiate that contract with enough time to get through the due diligence period and evaluate the site. A referendum could then be planned for 2017. In that manner, if it failed, the City would be able to backout of the purchase contract. However, he will need to follow up with Solicitor Rutt.

To Chief Brown's point about a park, Mr. Norenberg said he spoke with FEMA a couple months ago about the possibility of funding assistance with the project. They informed him that because the proposal was to build on a completely different site, the only assistance they could provide was with the demolition of the old station. The land could then be made into another City Park. Chief Brown would then be rid of the problematic building that is located in a flood plain. It would then be turned into something that is not at risk when we have a heavy rain or snow event. At the same time, we would create a public benefit. The federal government would provide 75% to 80% of the cost to demolish the department and build a park.

Unfortunately that would not help offset the cost of the main project.

Chief Brown reiterated his concern over the reduced-size community room because it was originally built for 72 people with tables and chairs. Chief Brown reduced it to allow for 48 people which he feels is too small considering the number of officers alone the department has today. He feels it is important to change it back to its original size which would allow up to 72 people.

To offset that cost, he is willing to eliminate one of the two sally ports. Originally the plan was for two bays which would accommodate two police vehicles.

Councilman Brooks is concerned that we are removing things that sound like they may be necessary. If we don't try to get what is needed the first time, there may not be a second chance. He referenced City Barn which was supposed to meet Public Works' needs for the next forty years and is changed in some way every couple of years.

Councilwoman Wilson agrees it is important to get what we need now and stressed that we don't want to be in the same situation we are now at the current department.

Chief Brown reported that under the 2011 plan, a lot of the equipment and motorcycles were going to be stored in the garage areas of the main building. That was removed to cut down on the amount of space needed for the main structure. Instead, some shed-type buildings can be constructed in the rear of the property and should be adequate to house that type of equipment.

Mr. Brooks again asked if anyone has spoken with Smyrna and Middletown's Town Managers to discuss how they were able to fund their new police departments. Chief Brown said he had planned to attend the Smyrna Police Department's Ribbon Cutting tomorrow though he has another meeting at the same time.

Councilwoman Wilson agrees this is a good time to proceed adding that the City has always been very truthful about any increase. In addition, there have not been the problems with the police in our town that other towns have experienced though that could change tomorrow. Therefore, she agrees that most people will support it and suggests we proceed.

Chief Brown asked if the Committee feels it is necessary for Dan Redstone to come here and speak with City Council. He would only charge for his travel expenses.

Councilman Brooks wanted to make sure Mr. Norenberg was familiar with Mr. Redstone. The City Manager said he spoke with him once but Chief Brown has since taken the lead.

Councilwoman Wilson said they met with Mr. Redstone on a couple different occasions in 2010 and 2011 and were very impressed with him. Councilman Brooks recalled him working with Alvin French on the project.

Chief Brown added that Mr. Redstone is unable to draw up any documents without knowing the exact site. Chairman Burk agreed he is concerned that the land has not yet been acquired. Mr. Redstone remembered that amount of land was very limited in Milford in addition to the need for the site to have two access roads.

Councilman Brooks wants to be able to run wires under the floor at the new police station. He said they can be placed between two levels of flooring versus being run on top of the ground floor. That way things could be moved without a problem.

Chief Brown said that cannot be done at the current department because everything below the floor is water.

Mr. Norenberg then discussed moving the new police station further back on the land away from the road which would provide additional security benefits. He said a driveway corridor could be created to the station from Northeast Front Street and a lot or two subdivided off and sold. That would generate some additional revenue though we will not know if that can be done until the design is completed and site evaluated. However, if the entire site is not needed, something similar could be done to help defray some of the costs.

It was confirmed the property has more than fifteen acres and though the majority is clear, it does have a wooded and wetland area.

Chairman Burk thinks we need to schedule some workshops and move forward with the project.

Chief Brown noted that more land is needed now because they have decided to make it a one-story building versus a two-story building. Doing that will save \$.5 million in handicapped accessible elevators.

Mayor Shupe suggested making the community room large enough it is comparable to the Carlisle Fire Company. It could then be rented out for events and meetings which would bring in some additional revenues to offset its annual operating costs.

Chief Brown said he had not thought about renting it out but the original plan was to allow civic organizations to use it. Councilwoman Wilson recalled when that was discussed in the past, Council was very excited to have the ability to host large meetings and events there. In addition, the community and non-profits would have the ability to hold various events there throughout the year.

Councilman Brooks recalled that the meeting room at Public Works was supposed to be used for that purpose as well though its use has been very limited. Chief Brown said they recently held their post-Community Parade dinner at Public Works though it really was not large enough.

Mayor Shupe said it would be interesting to know how much revenue Carlisle Fire Company brings in from their hall each year.

City Manager Norenberg asked if Chief Brown was proposing a kitchen area where renters could serve food. The Chief said he had not thought about that but that is also something that can be pursued. The City Manager said that though that is a possibility, it would add to the complexity of leasing the room.

Mayor Shupe asked for a time line before the referendum is scheduled; Chief Brown said he and Chairman Burk have discussed having a referendum within the next year. Chairman Burk agreed that we need to start having workshops so this is very transparent and is similar to what Bayhealth has done for the hospital which created a lot of excitement.

He agrees the community room is a benefit and a good selling point. He is trying to figure out how to show people the current condition of the police department and does not feel tours would be appropriate particularly in the secured areas. However, showing people the floods or the overcrowding would definitely help paint the picture.

Councilman Brooks said the original people who lived in Milford are familiar with the flooding areas in the Northeast Front Street area between Rite Aid and up to the police department. Councilwoman Wilson feels that anyone that has been in the downtown area for even a couple years knows what that is like.

Chief Brown said the majority of people in Milford know a new police department is needed because of the water problems alone.

Chairman Burk's concern is those voters who are transplants and live in the developments outside of the downtown area. Most of them are people on fixed income and always vote. So it is important to get them on our side.

When asked if there are any more questions about the report, Mr. Brooks said he just received it and will look at it further though he personally knows we need a police station. Councilwoman Wilson said it was talked about in 2010 and 2011 and our needs have grown even more in addition to the overall expense.

*City of Milford Animal Code Chapter 79 (attached)*

City Manager Norenberg explained that when we started talking about permitting chickens in the community, we reviewed Chapter 79 Animal and Chapter 230 Zoning, both of which address animals.

He and Planning Director Rob Pierce met with Chief Brown to discuss both chapters and the roles and the responsibility of the police department versus code enforcement. In January, the Delaware Animal Services Division out of the State's Division of Public Health began handling community service and enforcement. They handle animal control and investigate animal cruelty and enforce some of the state laws regarding animals.

The current code includes out-of-date language referring to the Kent County SPCA. In addition, there are a number of provisions regarding feral cats that no longer apply.

He believes that Chief Brown, Planning Director Pierce and he agree where the rules and responsibilities lie relative to the police and code enforcement departments.

Mr. Norenberg also spoke with the Director of the Delaware Animal Services Division and discussed their responsibilities. Their duties include animal cruelty, animals at large, etc. In addition, our code officials will handle animal issues that are on private property including the chicken provision that has been discussed. He reported that anything on private property will fall under code enforcement as a zoning regulation opposed to something the police department would handle.

There is a proposal to update the code which is currently in the Solicitor Rutt's hands to review. Once Mr. Rutt approves, it will be presented back to this committee or to City Council for consideration in late November or early December.

It was confirmed the Delaware Animal Services Division handles all dog licensing, investigates animal cruelty and assists dogs at large or other items that fall under State Law.

Chief Brown added that they will not enforce any violations that fall under City ordinances of which barking dogs is one of the biggest violations in Milford.

Councilwoman Wilson asked how wild animals such as raccoons are handled; Chief Brown explained that currently the police department is calling private contractors though that is at the expense of the homeowner. Chairman Burk agreed adding that even DNREC will not even get involved in those situations anymore.

Councilwoman Wilson asked what happens if it is in a public area or at an abandoned home; he is concerned that a lot of these wild animals can be found at these homes and because there is no homeowner, the first call is made to the City. There is no solution if the City informs the caller that it is the property owner's responsibility when there is none.

Councilman Brooks said his neighborhood has a lot of groundhogs and Paynter Lynch used to handle it for the City but he retired.

City Manager Norenberg explained that from a public safety standpoint, if a private contractor was called to handle a situation on private property, similar to weed and grass cutting, that cost would be assessed against the property as a lien if it was not paid by the property owner directly. In the meantime, he will follow up with Mr. Rutt on this matter as well. He added that if someone was living in the house, those costs would be their responsibility.

Chairman Burk feels that because Chief Brown is working with City staff on the code changes, he suggests it go directly to Council and the committee members agreed.

#### *Taser Body Camera Contract Update*

Chief Brown confirmed the equipment has been ordered and the preliminary work completed. He hopes to have everything in place by mid December and if not, definitely after the holidays.

Chairman Burk said he went to a Taser presentation at the IACP Conference and was able to get a much better grasp and was very impressed with the product.

#### *Adjourn*

There being no further business, Councilwoman Wilson moved to adjourn the Committee Meeting, seconded by Councilman Brooks. Motion carried.

The Meeting adjourned at 6:11 p.m.

Respectfully submitted,



Terri K. Hudson, MMC  
City Clerk/Recorder

Attachment:  
City of Milford Code/Chapter 79 Animals

# Chapter 79 - ANIMALS

## GENERAL REFERENCES qc

### ARTICLE I - Definitions

#### § 79-1. - Terms defined.

As used in this chapter, the following terms shall have the meanings indicated:

ANIMAL — Dog, cat and any species of mammals except human beings.

ANIMAL CONTROL AGENCY — An agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

CAREGIVER — Anyone who puts out food for feral cats.

CAT COLONY — A social group of cats who avoid human contact and breed with each other to create a growing population of homeless cats; cats who group together in an alley, corner of a parking lot or a grassy area.

FERAL CAT — An untamed domestic cat living in the wild; unaltered cats released by owners who no longer care for them; offspring of such an abandoned cat.

HORSE-DRAWN VEHICLE — A carriage, wagon, cart, sled or sleigh or other device drawn by horses which has a passenger carrying capacity.

OWNER — The person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of an animal.

TNR PROGRAM — A humane and nonlethal approach to feral cat population control; a comprehensive management plan where healthy feral cats are sterilized and vaccinated, then returned to their habitat and provided with long-term care.

### ARTICLE II - Control of Dogs, Cats and Other Animals

#### § 79-2. - Running at large; exceptions.

A. It shall be unlawful for any person or persons to permit any animal owned, kept, maintained or in the custody or control of such person or persons to run at large either upon the public streets, sidewalks, highways, alleys or thoroughfares of the City of Milford or upon private property of any other person or persons without permission of the owner of that property or of the person in possession of that property.

(1) Exceptions:

(a) Such restriction shall not apply to cats.

(b) Such restriction shall not apply to dogs owned by the Milford Police Department or other law enforcement agencies and maintained as police K-9 units while under the custody and control of the trainer or handler.

[Ord. No. 2012-16, § 3, 9-24-2012]

#### § 79-3. - Dog license required.

A. The owner or lawful possessor of any dog shall obtain a license for his dog pursuant to the licensing requirements of the county in which the owner or lawful possessor resides. License must be kept current. Any owner or possessor who fails to comply with the provision of the applicable county shall be subject to a fine of not less than \$25 nor more than \$300.

B. The owner of the dog shall affix or cause to be affixed to said dog the identification tag associated with the license required in Section 9-3A. Said dog shall thereafter, at any and all times, have attached to it said identification tag.

§ 79-4. - Leash required; exceptions.

A. No animal shall be permitted in or upon any public street, sidewalk, alley, park, parkway or other public place in the City or in or upon any property belonging to said City unless said animal is on a leash and is under the complete control of the person owning or, at the time, in possession of said animal.

(1) Exceptions:

(a) Cats.

(b) Feral cats that have been trapped, spayed or neutered and re-released are exempt from Subsection A. Each cat would be ear-tipped, clearly identifying it as a product of the Kent County SPCA Feral Cat TNR Program.

B. Notwithstanding anything in this article to the contrary, no person shall be compelled to keep any animal in his possession on a leash while in or upon any public street, alley, parkway or other public place in the City if, at the time, said animal is securely confined in an automobile.

§ 79-5. - Feral cats.

A. Individuals who choose to apprehend a feral cat running at large within the City of Milford shall have the feral cat delivered to the Kent County SPCA.

B. No individual will trap a feral cat off his/her property of record except the Kent County SPCA pursuant to specific authorization from the City of Milford Police Department.

C. Each feral cat colony will be registered by the caregivers with the City of Milford and Local Animal Control Agency, which will serve as a clearinghouse for information on current caregivers and assistance for persons found in violation of this section. A caregiver who fails to register within the time allowed shall be subject to a fine of not less than \$100 nor more than \$300.

D. Any person or caregiver determined to be in violation of Subsections E(1) through (4) below shall be in violation and may be allowed a period of time to come into compliance, or provide satisfactory evidence of working to achieve compliance.

E. Failure to comply in the time given will result in issuing a violation citation. Caregivers of feral cat colonies shall implement proper management and sterilization practices as follows:

- (1) Sterilize (spay/neuter) all adult cats that can be captured.
- (2) Vaccinate against rabies, as required by law, all cats that can be captured.
- (3) Make every attempt to remove kittens from the colony before eight weeks of age for domestication and placement.
- (4) Make every attempt to sterilize all kittens over eight weeks of age and before five months of age.
- (5) Make every attempt to remove sick or injured cats from the colony for immediate veterinarian care or for humane euthanasia.
- (6) Assure responsibility and arrangements for feeding the cat colony regularly throughout the year, including weekends, holidays and vacations.
- (7) Keep feeding areas clean and orderly.
- (8) Maintain secure and safe winter shelter as required in § 79-6C of this article.
- (9) A microchip implant and ear-tipping will be mandatory and used on feral cats in order to be identified as a spayed or neutered and vaccinated member of a managed colony.
- (10) The feral cat caregiver shall be vaccinated for rabies; the expense will be the responsibility of the individual or rescue group.

- (11) Maintain proof of sterilization, vaccination, medical records, and implant identification for all cats. These records must be provided to the animal control or law enforcement agency upon request.

F. Animal(s) creating a public nuisance. The designated agency/rescue group will be notified within 48 hours of removal of any feral cats.

G. In the event the feral cat caregiver fails to comply with this section, the designated agency/rescue group will be notified within forty-eight-hour period before removal of any animal. The designated agency/rescue group will attempt to resolve the situation prior to removal of a cat by an enforcement agency.

§ 79-6. - Outdoor housing facilities; feral housing.

A. The following categories of cats must not be kept in outdoor facilities, unless the attending veterinarian specifically approves that practice:

- (1) Cats that are not acclimated to the temperatures prevalent in the area or region where they are maintained;
- (2) Breeds of cats that cannot tolerate the prevalent temperatures of the area without stress or discomfort (such as short-hair breeds in cold climates); and
- (3) Sick, infirm, aged or young cats.

B. When their acclimation status is unknown, cats must not be kept in outdoor facilities when the ambient temperature is less than 50° F.

C. Shelter from the elements. Outdoor facilities for cats must include one or more shelter structures that are accessible to each animal in each outdoor facility, and that are large enough to allow each animal in the shelter structure to sit, stand, vertically stretch and lie in a normal manner, and to turn about freely. It must be large enough to contain all the animals at one time. Shelters in outdoor structures for cats must contain a roof, four sides, and a floor; building surfaces in contact with animals must be impervious to moisture. Metal boxes/barrels, cars, refrigerators or freezers, and the like must not be used as shelter structures. Shelter structures must:

- (1) Provide the cats with adequate protection and shelter from the cold and heat;
- (2) Provide the cats with protection from the direct rays of the sun and the direct effect of wind, rain, or snow;
- (3) Be provided with a wind break and rain break at the entrance; and
- (4) Contain clean, dry bedding material if the ambient temperature is below 50° F. Additional clean, dry bedding is required when the temperature is 35° F. or lower.

§ 79-7. - Noisy animals.

No person shall keep any animal which causes frequent or long-continued noise so as to disturb the comfort or repose of any person in the vicinity. Any violation of this section, in addition to the penalties set forth in § 79-12, is declared to be a nuisance and as such may be abated.

§ 79-8. - Appointment of Animal Control Official; impoundment procedure.

The Society for the Prevention of Cruelty to Animals of the State of Delaware, Kent County, 32 Shelter Circle, Camden, DE (KC SPCA) has been designated as the animal control agency for the City of Milford. It shall be the duty of the SPCA to apprehend any animal found in violation of the provisions of this article and to impound such animal in a suitable place. A record of the breed, color and sex of the animal and the number of its license, if any, shall be made at the time of impoundment and shall be maintained by the SPCA.

§ 79-9. - Right of entry by Animal Control Official or designee; impoundment.

D. No person shall drive or operate a horse-drawn vehicle on any day or at any time that the Chief of the Milford Police Department or his designee makes a specific determination that it would be inconsistent with other special events or public safety requirements.

Upon presentation of proper credentials, an official of the SPCA and/or a City of Milford Code Official or Milford police officer may enter upon the yards of private property in order to enforce the provisions of this article. It shall be the duty of the Animal Control Official or his duly authorized representative to impound all animals over the age of six months that are untagged, as provided for in this article, or that are in or upon any private property without the permission and consent of the owner of such property or that are in or upon any public street, alley, sidewalk, park or other public place unleashed.

§ 79-10. - Redemption of impounded animals; costs.

The owner of any dog apprehended and impounded by the SPCA may reclaim said dog upon the payment of any fine and cost imposed for any violation of this chapter. Further, if the animal is of a character which requires a license under the laws of the State of Delaware and does not bear a license when impounded, proof of proper licensure must be demonstrated to the SPCA prior to redemption by the owner. If proof of proper licensure cannot be demonstrated by its owner, the animal cannot be reclaimed until such time as the owner has procured a proper license.

§ 79-11. - Obstruction of Animal Control Agency/Official.

No person shall willfully oppose, restrict, delay or obstruct the SPCA in the discharge or attempt to discharge or perform any act or duty authorized or prescribed herein.

§ 79-12. - Violations and penalties.

Unless otherwise established herein, the following fines and penalties shall apply to Article II of this chapter: Any person found guilty of violating the provision of this article shall forfeit to the City of Milford a fine of not less than \$25 but not more than \$300, plus the costs of prosecution.

### ARTICLE III - Prohibited Animals

§ 79-13. - Keeping or slaughtering of certain animals within City limits.

No person shall keep or slaughter any swine, cow, bull, sheep, goat, goose, duck, hen, rooster, turkey or like animal or other farm animal within the City of Milford unless in conformity with Chapter 230, Zoning, and properly licensed and inspected by the appropriate state agencies.

§ 79-14. - Exception for parade animals.

Animals used in parades where a City of Milford parade permit has been issued are exempt from the provisions of this chapter.

§ 79-15. - Violations and penalties.

Any person found guilty of violating the provision of this article shall forfeit to the City of Milford a fine of not less than \$100 but not more than \$500, plus the costs of prosecution.

### ARTICLE IV - Horse-Drawn Vehicles

§ 79-16. - Conditions and restrictions.

The provisions of Article III shall not be applicable to any person who brings into the City a horse for the purpose of providing transportation in horse-drawn vehicles carrying passengers on a fixed route under the following terms and conditions:

- A. Each route shall be approved by the City Manager.
- B. The horse shall not be kept or maintained within the corporate limits of the City when not being used for the purpose of providing transportation.
- C. Horse-drawn vehicles are prohibited from all other streets and areas within the City unless specifically approved by the City Manager for providing point-to-point transportation for special events, including but not limited to weddings, theatrical performances and funerals.