

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
August 22, 2016

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, August 22, 2016.

PRESIDING: Mayor Bryan W. Shupe

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

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 7:00 p.m.

#### INVOCATION AND PLEDGE

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

#### RECOGNITION

Police Committee Chairman Burk thanked Chief Brown for having his officers handle traffic control for the Running of the Goat event this past Friday night.

Mayor Shupe warned Council he is 'on call' and is waiting for a call from his wife at any point due to expecting their first child at any moment.

Councilmember Mergner thanked City Manager Norenberg and Mayor Shupe for choosing him to represent Milford at the Kent Economic Partnership monthly meeting. During the first meeting, he learned that their purpose is for representatives from Dover and other Kent County cities to discuss economic development and support projects that will create jobs while improving the quality of life for county residents.

He will be attending the meetings and will provide Council with future feedback.

#### COMMUNICATIONS & CORRESPONDENCE

##### *City of Milford/Downtown Development District Designation*

Mayor Shupe announced this is the first official meeting since the City of Milford was publicly recognized as a Downtown Development District by the State of Delaware. He said it is a big step in the Rivertown Rebirth Plan that was approved last year.

The DDD will allow private investors to receive up to 20% of construction costs for commercial and residential investments in the designated area. He feels this will be the catalyst in driving the rebirth plan.

Public meetings will be scheduled in the near future to provide more information to residents and businesses.

#### UNFINISHED BUSINESS

*Adoption/Ordinance 2016-13/Chapter 165/Parks & Recreation Code Amendment*

Mr. Norenberg stated that at the last meeting, they introduced Ordinance 2016-13 which includes a number of updates to the Parks and Recreation Code. The main topics involve permitting and reservations of parks and open space. It supports Resolution 2016-12 that provides fees for facilities and rentals as recommended by the parks and recreation committee that met approximately a month ago.

Councilmember Wilson moved to adopt Ordinance 2016-13, seconded by Councilmember Mergner:

*ORDINANCE 2013-16*

*WHEREAS, One of the missions of the City of Milford is to enhance the community's quality of life by providing well-designed and properly maintained parks, facilities and recreational opportunities for all residents; and*

*WHEREAS, it is necessary to amend Chapter 165 of the City of the City of Milford to provide for more efficient and effective operations of the City of Milford Parks and Recreation areas; preserve park facilities for long-term use; promote recreational opportunities for the community; and protect the health, safety and welfare of its citizens and all park users.*

*NOW, THEREFORE, Be It Ordained by the City of Milford that:*

*Section 1.*

*Chapter 165 of the Code of the City of Milford, entitled Parks and Recreation, is hereby amended as indicated below:*

*Chapter 165 - PARKS AND RECREATION**ARTICLE I - General**§ 165-1. - Definitions.*

*DIRECT ROUTE - The shortest and most direct path a person may travel to access the pedestrian bridge for the purpose of reaching the opposite side of the Bicentennial Park without any detour or additional stop in the park along the way.*

*PARK AREA - All city parks, playgrounds, recreation fields and areas.*

*PARK - The term park or park area includes all parks, playgrounds, recreation centers and fields, water areas, riverwalks, greenways, trails, nature preserves or other recreational areas and facilities thereon, under the jurisdiction, control or ownership of the City.*

*PARKS AND RECREATION DIRECTOR - City of Milford Parks and Recreation Director and any employee or designee thereof.*

*PERMIT-Document issued by or under the authority of the Parks and Recreation Director granting use of reserved park/facility area and which sets forth terms and conditions applicable thereto.*

*PERMITTEE - Person granted and receiving approved permit. Individuals, firms, associations, corporations, nonprofits and/or a combination thereof granted and receiving approved permit.*

*SPECIAL EVENT - Any outdoor meeting, activity, parade, gathering or group of persons, vehicles, or a combination thereof having a common purpose, design or goal, upon any public street, sidewalk, alley, park, beach or other public property, place or building, in a park or facility which special event substantially inhibits the usual flow of pedestrian or vehicular travel or which occupies any outdoor park area of any public area or building which results in use preempting normal use otherwise to be made of the area by the general public or which deviates from the established or customary use. The term "special event" shall not be construed to include a funeral procession.*

§ 165-2. - Fees Fee Schedule.

*Fees for permits and services required by this chapter shall be established by resolution of City Council. The list of park facilities and fees, based on the number of hours requested, shall be established by resolution of City Council.*

§ 165-3. - Enforcement.

- A. *The Milford Police Department, Code Enforcement Officials and Parks and Recreation Director shall enforce this chapter.*
- B. *Any city employee authorized to enforce this chapter, as provided herein, has the authority to eject from a park facility any person in violation of this chapter or any other law.*

ARTICLE II - Parks and Recreation Rental Rules and Regulations.

§ 165-4. - Purpose.

*The purpose of this article is to establish rules and regulations governing the operation and use of park and recreation facilities including established and designated park, picnic areas, buildings and shelters devoted to recreational purposes, athletic fields, bocce ball courts and other recreational areas and facilities, and the parking areas provided in connection therewith which are located within the Milford City limits, for the end and purpose that the public may obtain the maximum enjoyment and utilization thereof in accordance with the purposes intended, and that the facilities may be conserved and protected for the public good.*

§ 165-5. - Hours.

- A. *All public parks, owned and operated by the City of Milford, shall be closed from sunset to sunrise daily, except where otherwise posted or permitted.*

*Exceptions:*

- (1) *Bicentennial Park-Persons traveling by foot or bike from the Franklin Street area to the Northeast Front Street area, or reverse, shall only be by direct route and must immediately exit the park upon completion.*
    - (a) *Persons found congregating, standing, loafing or remaining in the park when required to take the direct route when the park is closed shall be considered in violation of this chapter.*
  - (2) *Parks owned by City of Milford but managed and operated by Milford Little League.*
  - (3) *Any other exception to the hours of operations shall require the approval of City Council.*
  - (4) *Notice of any permitted exception must be provided to the Milford Police Department.*
- B. *Any park or portion thereof may be closed to the public by the Parks and Recreation Director at any time and for any interval of time or for certain uses as he/she finds reasonably necessary.*

§ 165-6. - Rules and regulations.

- A. *Patrons shall remove all trash that is brought into the park.*
- B. *Dogs and other pets are not permitted in the parks during rentals or special events.*
- C. *Deposit shall be refunded only after buildings, grounds and/or equipment is inspected and found to be clean and without damage.*
- D. *No alcoholic beverages permitted. Refer to Chapter 77 of the City of Milford Code.*
  - (1) *Exception and Regulations.*
    - (a) *Alcoholic beverages may be sold and consumed at special events in parks only upon City Council approval of the written request to the City of Milford and receipt of the applicable permit from the State of Delaware Alcoholic Beverage Control Commission.*
    - (b) *The point of sale and consumption must be within a confined and designated service area with identified entrance/exit and barriers, low fencing, chains and stanchions or similar materials that will serve to define the area and restrict access.*

- (c) *No alcohol may be taken outside the confined service area and is strictly prohibited on city streets and sidewalks beyond the boundaries of the designated area as posted by the event organizer.*
  - (d) *The event organizer is required to provide event identification to those persons twenty-one years of age or older who intend to purchase and consume alcohol at the special event in the park.*
  - (e) *Underage persons may be present in the confined service area if accompanied by a responsible adult.*
  - (f) *The Parks and Recreation Director will conduct an on-site inspection prior to the start of the event to ensure compliance with Article II of this code.*
  - (g) *Persons may only possess and consume alcohol made available at the event. No alcoholic beverages may be brought into the event.*
  - (h) *For safety reasons, all alcohol beverages must be served and consumed in plastic or paper cups or non-breakable containers.*
  - (i) *The event organizer must provide temporary or portable toilets. Such number will be determined by the Parks and Recreation Director whose decision will be based on the proposed number of attendees. Such temporary or portable toilets must be removed from the event site within twenty-four hours after the conclusion of the event for which the permit was granted.*
  - (j) *A security deposit, as determined by the Parks and Recreation Director and based on the anticipated number of participants, shall be paid at the time the organizer enters into an agreement for the use of the park. Security deposit will be refunded only if the area is left in good and undamaged condition and free of litter after a determination by the Parks and Recreation Director. Security deposit shall be forfeited for repair or maintenance time to clean up the area. The security deposit is a separate payment than the rental fee. Refer to 2.03(c).*
- E. *The Parks and Recreation Director shall determine whether permittee is required to hire Special Duty Police Officers from the Milford Police Department.*
- F. *It is the responsibility of the permittee to rent portable restrooms if required.*
- G. *Noise levels must comply with Chapter 157 of the City of Milford Code.*
- H. *Special event hours are restricted to the following times:*
- (1) *Monday-Saturday 9:00 a.m. to dusk.*
  - (2) *Sunday 12:00 noon to 7:00 p.m.*
- I. *Fire, health and safety regulations must be obeyed at all times.*
- J. *The Parks and Recreation Director reserves the right to refuse any application, revoke any approval of accepted application and/or cancel the proposed event which has been previously approved.*

*§ 165-7 - Application & Permit.*

*The Park, Pavilion or Equipment Reservation Application must be completed and signed by the applicant. Approval by the Milford Parks and Recreation Department is required. Upon approval by the Milford Parks and Recreation Director, a permit shall be issued.*

*Permits shall be required for the exclusive or special use of park grounds, areas, trails or facilities when they are otherwise closed to the public.*

*Permit must be in the permittee's possession in order to enforce its privileges, including asking individuals to move from the designated reserved space.*

*§ 165-8. - Hold harmless agreement & Certificate of Liability.*

*A Hold Harmless Agreement, releasing the City of Milford and its agents from all injury and liability of any kind arising from permittee's use and occupancy of city property must be signed by permittee and received by Milford Parks and Recreation Department before any permit will be issued.*

*A minimum of \$1 million liability insurance is required by a Special Event Permittee. Named as additional insured on the certificate shall be the City of Milford, its agents, officers, employees and volunteers. This certificate must*

*be provided to the City of Milford for review no less than fifteen (15) days prior to the event.*

### *ARTICLE III - Renting Prohibited*

*[§ 165-9. - Facility rental; public access.]*

*Facilities funded by a source other than the City of Milford shall not be rented for an exclusive use. Such facilities are considered open to the public and cannot be denied access.*

### *ARTICLE III - Smoking Prohibited.*

*§ 165-9. - Smoking.*

*Smoking is strictly prohibited in the parks.*

### *ARTICLE IV - Milford Dog Park*

*§ 165-10. - Creation.*

*There is hereby established within the City of Milford a dog park for the purpose of allowing the off-leash exercise of dogs, provided that such dog is under the control of an owner/handler who is competent and knowledgeable relative to the behavior of said dog(s).*

*§ 165-11. - Rules and regulations.*

*As a condition of entering the Milford Dog Park, dog owners and handlers must read and agree to be bound by the following rules and regulations:*

- (1) Park is open sunrise to sunset only.*
- (2) All dogs must be licensed and wear current license and vaccine tags.*
- (3) Dog owners/handlers assume all risks for injury or loss of any kind to themselves and their dogs.*
- (4) Dog owners/handlers are legally responsible for any damage caused by the dog.*
- (5) Dogs must be on a leash and under control at all times outside the fenced area.*
- (6) Owners/handlers must carry a leash at all times and closely supervise their dogs. At no time may the owner/handler exit the fenced area without his/her dog(s).*
- (7) Only people with dogs are permitted in the fenced area.*
- (8) Each owner/handler must be above the age of 13 and shall not supervise more than two dogs while in the park.*
- (9) Excessive barking is prohibited; dogs barking excessively must be removed.*
- (10) Dogs exhibiting aggressive behavior are to be removed immediately.*
- (11) Any waste left by the dog must be picked up immediately and properly disposed of in the containers provided. Owners/handlers may use old grocery sacks/bags.*
- (12) Owners/custodians must fill any holes created by their dogs and report any observations of gaps or weaknesses in the boundary fencing to the Parks and Recreation Department.*
- (13) No human or dog food, including treats, are allowed in the park for any reason.*
- (14) Prohibited from entering the park are dogs with sickness, female dogs in heat, puppies under four months of age and all other domestic animals.*
- (15) Smoking is strictly prohibited in the park.*

*§ 165-12. - Violations; Penalties.*

*Infraction of the rules as stated in § 165-11 may result in temporary or permanent loss of park privileges. All other state and local laws apply.*

*ARTICLE V - Penalty for Violations.**§ 165-13. - Fines.*

*Any person found violating any clause or provision of any section of this chapter shall be fined not less than \$50.00 and not more than \$250.00, for each offense upon conviction thereof.*

*Section 2.**Dates.*

*Introduction: August 8, 2016*

*Adoption: August 22, 2016*

*Effective: September 2, 2016*

Motion carried.

*Adoption/Resolution 2016-12/Parks & Recreation Fees*

The City Manager referenced the following resolution that outlines the recommended fees and changes for the lease of park and recreational facilities in the City. The main change is the addition of the four-hour time limit on rental periods.

In addition, there are varied rates for 'individuals/non-profit renters' and 'for profit renters'. In addition, an incidental park usage fee (for profit renters) has been added to rent space not itemized within the other categories and was created for instructional-type activities in a specific open space area of the park.

He recalled a question was raised at the last council meeting regarding a potential conflict regarding the same use of space. He noted that the ordinance requires the permit to be in the possession of the renter should a question arise.

Councilmember Mergner moved to adopt Resolution 2016-12, seconded by Councilmember Starling:

*SECTION 1.02 OF CHAPTER 165 OF THE CITY OF MILFORD CODE ENTITLED PARKS AND RECREATION AUTHORIZES CITY COUNCIL, THROUGH RESOLUTION, TO ESTABLISH FEES AND CHARGES FOR PARKS AND RECREATION PERMITS AND SERVICES*

*RESOLUTION 2016-12  
Parks and Recreation Permit & Service Fees*

*WHEREAS, the Charter of the City of Milford provides that all administrative fees be set by Ordinance; and*

*WHEREAS, the user fee schedule utilized by Milford Parks and Recreation requires the approval of Milford City Council; and*

*WHEREAS, Chapter 165 of the City of Milford Code entitled "Parks and Recreation" authorizes City Council to establish fees through the adoption of a Resolution; and*

*WHEREAS, the fees contained in this Resolution shall be effective ten days following its adoption to coincide with that of Ordinance 2016-13; and*

*WHEREAS, Resolution 2014-09 is hereby rescinded.*

*NOW, THEREFORE, IT IS HEREBY RESOLVED by the Mayor and Council of the City of Milford, the following Parks and Recreation Permit and Service Fee Schedule is hereby authorized:*

(Rates shown are based on four-hour increments)

<b>INDIVIDUALS &amp; NON-PROFIT (501c3) RENTERS:</b>	
<b><u>LOCATION</u></b>	<b><u>4-Hour Rate</u></b>
<i>Parks and Pavilions MANDATORY DEPOSIT</i>	\$50
<i>Bicentennial Park &amp; Pavilion (Adjacent Mispillion Riverwalk &amp; Northeast Front Street Parking lot)</i>	\$50
<i>Memorial Park South (Adjacent to Mispillion Riverwalk behind Calvary United Methodist Church off Southeast Second &amp; Franklin Streets)</i>	\$75
<i>Optional: Basketball Court</i>	\$25
<i>Marvel Square Park &amp; Pavilion (Located behind the Milford Parks &amp; Recreation Department at 207 Franklin Street)</i>	\$75
<i>Riverwalk Basketball (One) Court (Memorial Park South along the Riverwalk)</i>	\$25
<i>Banneker Basketball Court &amp; Park (Banneker School Park off Fourth &amp; North Streets (Two Courts &amp; Adjacent Green Areas)</i>	\$50
<i>Field Adjacent to Milford Boys &amp; Girls Club</i>	\$75

<b>FOR-PROFIT RENTERS:</b>	
<b><u>LOCATION</u></b>	<b><u>4-Hour Rate</u></b>
<i>Parks and Pavilions MANDATORY DEPOSIT</i>	\$100
<i>Bicentennial Park &amp; Pavilion (Adjacent Mispillion Riverwalk &amp; Northeast Front Street Parking lot)</i>	\$100
<i>Memorial Park South (Adjacent to Mispillion Riverwalk behind Calvary United Methodist Church off Southeast Second &amp; Franklin Streets)</i>	\$150
<i>Optional: Basketball Court</i>	\$50
<i>Marvel Square Park &amp; Pavilion (Located behind the Milford Parks &amp; Recreation Department at 207 Franklin Street)</i>	\$150
<i>Riverwalk Basketball (One) Court (Memorial Park South along the Riverwalk)</i>	\$50
<i>Banneker Basketball Court &amp; Park (Banneker School Park off Fourth &amp; North Streets (Two Courts &amp; Adjacent Green Areas)</i>	\$100
<i>Field Adjacent to Milford Boys &amp; Girls Club</i>	\$150

<b>INCIDENTAL PARK USAGE FEE/FOR PROFIT RENTERS*</b>	
<b><u>Location</u></b>	<b><u>Fee</u></b>
<i>Open Park Space* Only (Pavilions or Basketball Courts not Included) Per Occurrence (2 Hours or Less)</i>	\$25

<b><i>INCIDENTAL PARK USAGE FEE/FOR PROFIT RENTERS*</i></b>	
<i>*Any Open Park area (Includes existing Mispillion River Floating Kayak Dock)</i>	

*BE IT FURTHER RESOLVED that the preceding Parks and Recreation Permit and Service Fee Schedule shall become effective September 2, 2016.*

Motion carried.

NEW BUSINESS

*Bid Award/Davis, Bowen and Friedel, Incorporated /Fisher Avenue Pump Station Project*

City Manager Norenberg reported that DBF handled the bid process for the Fisher Avenue Pump Station upgrade for the City.

DBF Principal Jason Loar was present and explained the project involves the rehabilitation of the Fisher Avenue pump station which is an old station that will be gutted and rebuilt.

Prior to the issuance of the final addendum, a few contractors had requested an extension on the bid date originally scheduled on Thursday, August 11<sup>th</sup>. To accommodate the contractors in anticipation of better pricing, it was agreed by City officials to extend the bid date to Tuesday, August 16<sup>th</sup>.

Mr. Loar submitted the following recommendation:

*On Tuesday, August 16, 2016 at 2 pm at City Hall, the bids for the above referenced project were received and opened. On behalf of the City, we have evaluated the bids and the associated documentation submitted by each of the General Contractors and all documentation is in order. A tabulation of all bids were included in the council packet.*

*Based on our review of the bids, we recommend that the contract be awarded to the apparent low bidder M2 Construction, LLC of Landisville, Pennsylvania with a total base bid of \$899,300.00. This recommended bid is within the City's proposed budget for this project.*

*If Council is in agreement with our recommendation, the formal award of the Contract should be made contingent upon the funding agency, the United States Department of Agriculture-Rural Development (USDA-RD), approval of the bid process. A second copy of these documents, and any additional documents required, will be submitted directly to the City's Attorney upon the vote by City Council to award this project. At which time a copy of the attorney's letter and a letter of concurrence to our recommendation from the City will be forwarded to USDA-RD, along with copies of the bid documentation.*

City Solicitor Rutt stated that the original bid advertisements does not indicate the bid date can be extended; however, state law requires that possibility be included in the advertisement. It was confirmed that notice was given by addendum to all plan holders that the bid date could be extended. In addition, it was verified that all plan holders had received that addendum.

Councilmember Brooks asked if there is sufficient funds to pay for this project; City Manager Norenberg responded by noting that this is part of the USDA project funding.

Councilmember Brooks then moved to award M2 Construction, LLC of Landisville, Pennsylvania for a total base bid of \$899,300.00, seconded by Councilmember Morrow. Motion carried.

*Authorization/DBF Proposal Amendment 0052A019.B01/NE Front & Route 1 Water & Sewer Realignment*

City Manager Norenberg explained that in order to prepare for the overpass at Route 1 and Route 14/NE Front Street, work

has been underway for a couple years to design and plan the relocation of city utilities. Included in the packet are two DelDOT letters confirming that (1) funds in the amount of \$47,824 have been allocated to reimburse the city for additional preliminary engineering costs incurred as a result of State Contract No. T201112201, F.A.P. No. NHS-K008 (13), Project ID No. 09-25000, SR 1, NE Front Street Grade Separated Intersection and (2) the City's relocation estimate in the amount of \$38,000 was approved for construction administration & inspection costs for the relocation of the sewer and water facilities for State Contract No. T201112201, F.A.P. No. NHS-K008 (13), Project ID No. 09-25000, SR 1, NE Front Street Grade Separated Intersection.

DBF Principal Jason Loar further explained that his firm has been under contract with the City of Milford to redesign some sewer and water realignments as a result of the DelDOT planned realignment work. It was agreed that DelDOT would reimburse the city for any related fees as a result of the realignment.

Mr. Loar confirmed the work was completed but as the project moved forward, DelDOT asked for some additional items and coordination outside of the original scope of work. In order to keep the project moving, the additional services were performed on June 21<sup>st</sup>. With the amendment to the proposal, DBF is offering to handle the normal construction administration and construction inspection services to ensure proper installation.

He reiterated the City will be reimbursed by DelDOT as the August 2<sup>nd</sup> letters state and do in fact match the fees submitted.

Councilmember Mergner moved to authorize the amended Davis, Bowen and Friedel Proposal Project 0052A019.B01 related to the additional Northeast Front and Route 1 Water & Sewer Realignment work as presented, seconded by Councilmember Morrow. Motion carried.

*Appointment/Kent County Sewer Advisory Board/City Public Works Director*

The City Manager explained that for the past year or so, the City Planner has been representing the City on the Kent County Sewer Advisory Board. However, it would be more appropriate to have our new Public Works Director represent the city on the board.

Councilmember Mergner moved to appoint Public Works Director Mark Whitfield to the Kent County Sewer Advisory Board as Milford's representative, seconded by Councilmember Campbell. Motion carried.

*St. John the Apostle Church/2017 Oktoberfest/Chapter 77/Alcohol Waiver & Street Closure*

The following request was received from St. John's the Apostle Church Administrative Assistant Amanda Fulton:

*The Parish of St. John the Apostle Catholic Church would like to hold our 26th Annual Oktoberfest fundraiser. The dates and times for this year's event are Friday, September 23<sup>rd</sup> from 6pm-10pm and Saturday, September 24<sup>th</sup>, from 10am-10pm.*

*As is tradition with the German Oktoberfest, we will have a beer booth as well as wine to compliment the other styles of international food being offered.*

*We are requesting an alcohol waiver from the City of Milford Code restrictions.*

*Also, in the past the city has generously allowed us to block off a portion of School Place directly in front of the church and parking lot to eliminate congestion and allow for pedestrian safe passage crossing that street.*

Motion made by Councilmember Burk, seconded by Councilmember Peel to approve the alcohol prohibition waiver as submitted. Motion carried with Councilmember Starling casting the one dissenting vote.

*Downtown Milford, Inc./Eat in the Street Event/Chapter 77/Alcohol Waiver & Street Closure*

The following request was received from DMI President SaraKate Hammer:

*Downtown Milford, Inc. is planning to host the 4th Annual Eat in the Street Fundraiser on September, 18, 2016 from 5:30 to 8:30 p.m. This event will be held at the Milford Senior Center in the event of inclement weather.*

*Eat in the Street will host 125 seated diners, with approximately 25 other persons serving and assisting the event. Diners will be served food prepared by local establishments as well as beer and wine service.*

*DMI plans to close Walnut Street in Downtown Milford from the corner of NE/NW Front Streets the corners of SE/SW Front Streets along Walnut Street starting at 2:30 p.m. and until 9:30 p.m., pending DELDOT approvals of the event which have already been submitted.*

Motion made by Councilmember Mergner, seconded by Councilmember Campbell to approve the alcohol prohibition waiver as submitted. Motion carried with Councilmember Starling casting the one dissenting vote.

*Police Committee Recommendation/Redstone Contract/Update 2011 Police Analysis*

Police Committee Chairman Burk reported the police committee met on August 16th to discuss the Redstone Architects proposal to update the 2011 Police Needs and Feasibility Study. He recalled that during the budget hearings, City Council was presented with a \$95,000 estimate to do a study of the police department. Redstone Architects are willing to update their previous analysis at a cost of \$7,500. As a result, the police committee voted unanimously to recommend to City Council the approval of the \$7,500 update which will save the City \$87,500.

Chairman Burk noted that other documents were provided by the City Manager to be included in the packet. However, this was the committee's recommendation.

Councilmember Burk continued by stating that though he was not on City Council in 2011 though two of the committee members--Councilwoman Wilson and Councilman Brooks were. They talked about the detailed process that took place during that study which included numerous interviews, reviews and recommendations. Council and police department staff and employees were very involved in the process. As a result, the committee feels this is a more fiscally responsible way to update that plan.

He reported that Mr. Redstone will come here along with Matthew Berge who will oversee the project.

Councilmember Burk said that Councilman Morrow is familiar with Mr. Redstone and is very impressed with his knowledge and expertise. Councilmember Morrow agreed adding he is one of the leading police facility experts in the country.

Councilmember Burk stated that Mr. Redstone discussed a number of factors that have changed since the plan was completed in 2011. Therefore, he is very confident in his ability and believes this is a wise use of City funds, particularly when this provides the ability to save taxpayers' money.

Councilmember Morrow moved to approve the Redstone proposal in the amount of \$7,500 as submitted and discussed, seconded by Councilmember Wilson. Motion carried.

*Police Committee Recommendation/Body Camera System Purchase*

Chief Brown reported that he also discussed a body camera project at the police committee meeting. He explained that in today's environment of maintaining good relations between the police and community, these cameras are more important than ever. One of his goals was to fully deploy the department with body cameras. Currently, the department has cameras in the vehicles though their scope of view is limited.

He referenced the recent Milwaukee shooting noting that had that not been captured on the officer's body camera, the unrest in the City would have been much worse. He believes that one incident can more than pay for the camera system.

Chief Brown stated the most expensive component of the project is the storage of the video evidence and redaction process

necessary to make the evidence presentable in court.

During the past year, the State of Delaware authorized some pilot programs. New Castle County Police liked the Taser body camera product so much, they were unwilling to wait until their pilot program was complete and instead purchased over 200 cameras and other equipment.

He believes that Taser International is the leader in this market just as they were with the electronic control weapons. In addition to the cameras, they have created a software program (evidence.com) that will store the evidence for the department. This would provide the State Attorney General's Office the ability to link into Milford's software to obtain what they need which lessens the departments' burden.

In addition, whenever the vehicle lights are activated, the body and car cameras are activated. The same applies when the Taser weapon is turned on; the body camera is activated though the officer has the ability to turn it on sooner if needed.

The total package of \$145,603 includes a complete camera replacement program at 2½ and 5 years as well as a full five-year warranty program. Payment in year one is \$44,683 and \$25,230 in years two through five. The price also covers the cost of two technicians coming to Milford to provide three days of training to the officers.

Chief Brown is 90% confident he will be able to obtain the first year's payment through grants. However, he needs a commitment from City Council for the annual \$25,230 due in years two through five. He cannot guarantee he will be able to find a grant for subsequent years because most recurring costs are ineligible. However, he hopes to find funding to at least offset most of the \$25,230 annual payment though he needs a commitment in case that did not happen.

Councilmember Campbell confirmed these cameras are essential; Chief Brown stated in his opinion and for the protection of the City he feels they are.

Councilmember Burk agrees the department will recoup the majority of the project costs by, if noting else, less man hours involved in reviewing and copying the recordings for evidence purposes. He then asked if there is a market for the old cameras; Chief Brown believes they may be able to sell them.

He added that there is an opt-out option; for example, if in year three, some hardship prevents paying the third installment of the five-year plan, they can simply opt out of the program and the software would be discontinued. Should that occur, the department would retain the cameras and hardware.

Councilmember Wilson does not see us ever getting to a point where these cameras can be eliminated; therefore, she also supports the concept.

Councilmember Burk asked if a motion is needed for Chief Brown to pursue the agreement with Taser International; Solicitor Rutt stated that essentially Council would be adopting a motion to fund the program for years two thru five for a total of \$100,920. Councilmember Burk added that it should include any balance from year one versus what is obtainable through grants. Mr. Rutt agreed the motion should include 'subject to offsets from any grants that can be acquired'.

City Manager Norenberg stated that Chief Brown will need to come back later with the contract for Council approval once he and the Finance Director have looked at the budget to determine how they can accommodate future funding. At that point, the contract would need to be on the agenda for approval due to it being a multi-year contract and it being over the \$30,000 threshold.

Several Councilmembers stated that they are willing to authorize the commitment to move forward. Councilmember Burk pointed out it is less than \$30,000 per year.

Councilmember Burk moved to authorize Chief Brown to proceed and obtain a contract, subject to Council approval, seconded by Councilmember Wilson. Motion carried.

EXECUTIVE SESSION

Councilmember Mergner moved to go into Executive Session reference below reason, seconded by Councilmember Peel:

{Pursuant to 29 Del. C. §10004(b)(4)} (Collective Bargaining Updates)

{Pursuant to 29 Del. C. §10004(b)(2)} (Preliminary discussions on Site Acquisitions)

Motion carried.

Mayor Shupe recessed the Council Meeting at 7:41 p.m. for the purposes as permitted by the Delaware Freedom of Information Act.

*Return to Open Session*

Councilmember Burk moved to return to the regular session, seconded by Councilmember Mergner. Motion carried.

City Council returned to Open Session at 8:15 p.m.

*Teamsters Local 326 Contract*

No action.

*IBEW Potential Contract*

No action.

*Potential Land Purchase*

Councilmember Burk moved to authorize the City Solicitor to continue negotiations on a potential land purchase as was discussed in Executive Session, seconded by Councilman Brooks. Motion carried.

ADJOURN

Councilmember Mergner moved to adjourn the Council Meeting, seconded by Councilmember Campbell. Motion carried.

Council Meeting adjourned at 8:16 p.m.

Respectfully submitted,



Terri K. Hudson, MMC  
City Clerk/Recorder