

MILFORD CITY COUNCIL
MINUTES OF MEETING
May 14, 2018

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, May 14, 2018.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Christopher Mergner, Michael Boyle, Owen Brooks Jr.,
Douglas Morrow and James Starling

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

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Councilmembers Lisa Ingram Peel and Katrina Wilson
Second Ward Council Seat Vacant

CALL TO ORDER

Mayor Campbell 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.

APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes of the April 9, 16, 23, and May 3 and 7, 2018 Council and Committee Meetings. Councilmember Brooks moved for approval, seconded by Councilmember Morrow. Motion carried.

RECOGNITION

No special guests in attendance.

MONTHLY POLICE REPORT

Police Chief Brown read some statistics from the monthly Police Report noting the activities he has done in addition to his regular duty.

There being no questions from Council, a motion was made by Councilman Morrow, seconded by Councilmember Starling to accept the Monthly Police Report as submitted. Motion carried.

MONTHLY CITY MANAGER REPORT

City Manager Norenberg referenced the reports from the various City Departments.

He then deferred to Planning Director Rob Pierce who oversees the Code Enforcement Department to provide an update due to some recent concerns expressed.

Mr. Pierce then spoke about the following properties that involve open cases prior to April 1, 2018:

309 North Street (Potential DDD Project)
112 Southeast Front Street (Potential DDD Project)

292 North Rehoboth Boulevard
609 Southeast Front Street (DDD Project)
19810 Cedar Beach Road
509 West Street
306 Southeast Front Street (Potential DDD Project)
113 South Washington Street (DDD Project)
412 East Street
415 South Washington Street
35 Fisher Avenue (Potential DDD Project)
408 Northwest Front Street
403 West Street (DDD Project)
25 North Church Street (Potential DDD Project)
427 South Washington Street
20 Marshall Street (Potential DDD Project)
14 Delaware Avenue
114 Marshall Street (Potential DDD Project)
105 Wilbur Street
115 North Walnut Street (DDD Project)
105 Northwest Front Street (Potential DDD Project)
205 North Washington Street (DDD Project)
317 Fisher Avenue
107 Columbia Street (Potential DDD Project)
501 Southeast Front Street (Potential DDD Project)
704 Southeast Front Street
707 Southeast Front Street
502 North Washington Street
301 South Walnut Street
502 Southeast Front Street
409 Southeast Front Street
214 South Washington Street
107 North Street
312 South Washington Street
113 South Church Street
16 Elizabeth Street
408 East Street
504 Gilcrest Street
712 Lovers Lane
502 North Washington Street
22 Marshall Street

Remedied Violations:

11 Mill Street
209 South Walnut Street
911 Southeast Front Street
205-209 North Walnut Street
810 Southeast Front Street
402 Northeast Fourth Street (DDD Project)
111 McColley Street (DDD Project)
418 South Washington Street
111 West Street
113 West Street
110 Southeast Front Street
208 East Street
490 Milford-Harrington Highway

419 South Washington Street
510 North Washington Street
110 Fisher Avenue (DDD Project)

Mr. Pierce stated that they hope to share some of those properties with potential investors who are willing to put some money into fixing them up. He explained that as the items are remedied, they will be moved to the bottom. In that manner, they can keep a close eye on progress.

He said some of the investors found the documents appealing as it provided them with information on whom to contact about the properties. It also confirms the City of Milford is moving forward and enforcing its ordinance which helps protect other investments in the communities.

Mr. Pierce thanked the Finance Office and their efforts with the tax monitions which he feels has helped Code Enforcement and brought additional attention to the DDD program, besides improving the economy.

He added that he will be presenting an update on a quarterly basis.

City Manager Norenberg added that the follow up on the monitions and delinquent tax accounts are driving up a lot of activity in the Finance and Customer Service Departments. In addition to paying these fees and fines, the property owners are reinvesting in their properties which to him is a true success story.

He also thanked Solicitor Rutt for his help.

Mr. Norenberg referenced a recent article in the Delaware Business Times focusing on the Downtown Development District that highlighted both the commercial successes and the importance of the residential properties being restored.

Councilmember Morrow moved to accept the City Manager Report, seconded by Councilman Starling. Motion carried.

MONTHLY FINANCE REPORT

Finance and Public Works Committee Chairman Morrow reported that through March with 75% of the fiscal year have passed, 71% of revenues have been received and 69% of the operating budget expended. He noted that the revenues indicate a higher than average percentage mainly due to the real estate taxes and building permit fees. Expenses are down as well.

He commended City Manager Norenberg and the Finance Department Staff for the great job they are doing.

Chairman Morrow moved to accept the March 2018 Finance Report, seconded by Councilman Boyle. Motion carried.

COMMITTEE & WARD REPORTS

No report.

COMMUNICATIONS & CORRESPONDENCE

Included in packet.

UNFINISHED BUSINESS

FY 2017-2018 Budget Adjustment/New Position (Code Official)

City Manager Norenberg recalled that during several meetings, City Council discussed the rental license and inspection program. During those meetings, there was considerable interest by Council to hire an additional Code Official. There was a slight time delay due to a new Human Resources Administrator being hired.

However, the City has now advertised and received applications for the additional Code Enforcement Official and will be proceeding with interviewing and selection. However, before they schedule interviews, Council needs to confirm the funding.

The additional Code Enforcement Official will be tasked with inspecting buildings for compliance with the adopted Property Maintenance Code, Zoning Code and Housing Standards. Responsibilities will be shared with the existing Code Official and may be split by enforcement action type or geographic location. The additional Code Official will assist with the day-to-day operation of the Department and may be cross-trained to assist with building inspections. Priorities will include bringing blighted, condemned and vacant structures into compliance with City Codes through corrective actions (restoration or demolition), assistance with the oversight of the rental inspection program, increased proactive property maintenance inspections and response to citizen complaints.

The additional Code Enforcement Official will cost approximately \$83,290 in salary and benefits. Department budgets will be presented to the City Council on June 4th and 5th. During the Planning Department presentations, you will hear that it is recommended to fill this position and refill the Building Official position in FY18-19.

Currently, the overall General Fund budget is not yet balanced for FY18-19. Accordingly, it is recommended that the City Council complete its review of the FY18-19 budget before committing to filling the proposed Code Enforcement Official position.

The options are to defer final approval until the review of the full General Fund budget on June 4th and 5th. If City Council is comfortable funding the position in the FY18-19 budget, effective July 1st, interviews could begin within a week.

The other option is to commit to funding in FY18-19, approve supplemental funding for June and request staff fill the position as soon as possible. Interviews could begin within a week. If selection and background checks are completed quickly, it is possible that a new employee could start by June. If so, a supplemental appropriation from General Fund Reserves will be needed for the additional month.

Councilman Morrow feels we should go with the first option and make sure there is adequate funding in the budget before we commit to it.

Councilman Mergner recalled discussing a third party being used for rental inspections and other activities. When the conversation was to bring another employee on board or use the outside party, he asked if we are considering doing both.

City Manager Norenberg explained the third party vendor is doing rental inspections. However, Council made a decision to focus on Code Enforcement and supplement what our current Code Official is doing. Council directed Mr. Pierce to move forward in that direction and begin the recruitment process. However, the money was not appropriated at the time to cover the remaining fiscal year which is the reason it is being brought back for a final determination before the next step is taken.

Councilman Brooks pointed out it will take at least six weeks to find someone because the former Mayor told him they were unable to find anyone qualified. Mr. Norenberg reiterated that the recruitment has been completed and we can begin interviewing in a week or so. More than likely, the person chosen will need to provide two-week notice to their current employer. He anticipates three to five weeks before there is someone on board full-time. Because it is so close to the end of the fiscal year, it is necessary Council understand the financial impact at the end of this fiscal year.

Councilman Morrow prefers looking at the entire budget picture.

The consensus was to defer final approval until the review of the full General Fund Budget is completed the first week of June. If City Council is comfortable funding the position in the FY18-19 budget, effective July 1st, interviews could begin within a week.

NEW BUSINESS

Adoption/Resolution 2018-07/Sidewalk Waiver/Randy & Kathy Donze/452 Kings Highway

Planning Director Pierce reported there is no sidewalk in the immediate vicinity of this property on Kings Highway. They are in the process of constructing a new home at this site.

As a result, the property owners are seeking a temporary waiver that has been provided to a lot of infill developments.

The property owners were in attendance.

No one from the public wished to comment on the request.

Councilman Morrow moved to adopt Resolution 2018-07, permitting a temporary sidewalk waiver, seconded by Councilman Starling:

Property Owner: Randy & Kathy Donze
Address of Property: 452 Kings Highway
Milford, Delaware 19963
Tax Map No: 1-30-1.19-023.00

RESOLUTION 2018-07
Sidewalk Waiver

WHEREAS, the above stated owner has requested a waiver of the provisions of Chapter 197 of the Code of the City of Milford requiring the installation of curbing and sidewalks; and

WHEREAS, there exists justifiable reasons to waive the installation of said improvements at the present time.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. The required improvement for curbing and sidewalk as set forth in Chapter 197 of the Code of the City of Milford for the above property are hereby waived for installation at the present time.*
- 2. When in the future it is determined by the City of Milford in its sole judgment that it is appropriate to install said improvements, the property owner, its successors or assigns shall be required to complete said improvements at the owner's expense within the time required by the City of Milford.*
- 3. Waiver, as approved and conditioned by Milford City Council, on May 14, 2018, shall be reflected on the Site Plan.*

Motion carried.

*Adoption/Resolution 2018-09/Annexation Committee Investigation/
City of Milford Substation Land/Elks Lodge Road & Wilkins Road.*

Mr. Pierce announced the City is planning to move forward with the request for annexation of City lands which is the current location of the City's Electric Substation in the area of the new Bayhealth Health Campus.

There being no comments from the public, Councilman Brooks made a motion to adopt Resolution 2018-09, seconded by Councilman Morrow:

Annexation/Lands belonging to the City of Milford
Tax Map 3-30-15.00-058.02
6.5 +/- Acres
Current Zone AR-1/Proposed Zone I-S

COMMITTEE DIRECTED TO INVESTIGATE ANNEXATION

Whereas, a Petition, signed by the legal property owner and duly witnessed, requesting annexation into the City of Milford, lying and being in Cedar Creek Hundred, Sussex County and State of Delaware, fronting on the northeasterly side of County Road 211 and on the southeasterly side of County Road 206, adjoining lands of Carl W. Grundman, lands of James H. Cannon, Jr. and other lands of grantor, and more particularly described as follows, to wit

BEGINNING at a set iron pipe on aforementioned northeasterly right of way line of County Road 211, 25 feet from the centerline thereof, and at a corner for other lands of grantor; thence running with said right of way line of County Road 211 North 44 degrees 45 minutes 52 seconds West 625.00 feet to a set iron pipe at the southerly corner of lands of Carl W. Grundman; thence proceeding along said lands of Carl W. Grundman and lands of James H. Cannon Jr. North 49 degrees 45 minutes 54 seconds East 1083.33 feet to a found iron pipe at a corner for said Cannon lands: thence following line of said Cannon lands North 43 degrees 35 minutes 29 seconds West 386.42 feet, passing through an iron pipe found at 385.75 feet to a point on aforementioned southeasterly right of way line of County Road 206; thence following said right of way line of County Road 206, 25 feet from the centerline thereof, North 49 degrees 26 minutes 02 seconds East 100.14 feet to a set iron pipe at a corner for other lands of grantor; thence proceeding along said other lands of grantor the following 5 courses and distances: 1) South 43 degrees 35 minutes 29 seconds East 487.17 feet to a set iron pipe; 2) South 49 degrees 45 minutes 54 seconds West 831.44 feet to a set iron pipe; 3) South 44 degrees 45 minutes 52 seconds East 299.69 feet to a set iron pipe: 4) South 49 degrees 45 minutes 54 seconds west 150.00 feet to a set iron pipe; and finally 5) South 01 degrees 08 minutes 34 seconds East 288.99 feet to the place of beginning, containing 6.5 +/- acres of land, more or less, as filed in Plot Book 32, page 316.

BEING a portion of the lands devised to Mary L. Vreeland, James H. Vreeland, Mary Lou Webb and Kay V. Klute by the Last Will and Testament of Howard S. Vreeland as filed in the Office of the Register of Wills, Georgetown, Sussex County, Delaware.

has been submitted to the City Council of the City of Milford.

Now, Therefore, a Committee, composed of three (3) elected members of City Council and one (1) member of the Planning Commission has been appointed by the Mayor to investigate the possibility of annexing said property, said Committee to be comprised of Chair Owen Brooks, Councilmembers Christopher Mergner and James Starling Sr. along with Planning Commission Chairman Marvin Sharp.

Be It Further Resolved, that said Committee shall submit a written report containing its findings and conclusions, including the advantages and disadvantages of the proposed annexation both to the City and to the property proposed to be annexed and said report shall further contain the committees' recommendations whether or not to proceed with the proposed annexation and the reasons therefor.

Motion carried.

Introduction/Ordinance 2018-13/Gator & Associates/Easy Speak/Conditional Use Amendment

Mayor Campbell introduced the following ordinance:

ORDINANCE 2018-13
Gator & Associates Inc. for an Amended Conditional Use
in a C3 Zoning District; Located on north side of Milford-Harrington Highway
approximately 3,600 feet west of S DuPont Boulevard Intersection, Milford, Delaware
Present Use: Brew Pub with Distillery/Retail
Proposed Use: Same with amended hours of Brew Pub
Tax Map MD-16-173.00-01-12.00

WHEREAS, the City of Milford Planning Commission considered the ordinance, as described, at a duly noticed Public Hearing on April 17, 2018 and recommended its adoption to City Council; and

WHEREAS, Milford City Council conducted a duly noticed Public Hearing on May 29, 2018 to consider all information presented by City Staff, the Applicant, 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 that amends a previously-approved Conditional Use as herein described.

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

Section 1. Upon the adoption of this ordinance by City Council, Gator & Associates Inc. is hereby granted a Conditional Use Permit to amend the original Conditional Use, 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.

Mr. Pierce advised this is a revision in the operating hours previously approved in the original Conditional Use.

Introduction/Ordinance 2018-14/Chapter 230-Zoning/ Article III-Use & Regulations §230-19.3-Institutional Medical District

Mayor Campbell introduced the following ordinance:

ORDINANCE 2018-14
CODE OF THE CITY OF MILFORD
Part II-General Legislation
Chapter 230 Zoning
Article III-Use and Area Regulations
§230-19.3 IM Institutional Medical District

WHEREAS, the City of Milford enacted a Zoning Code, Chapter 230, to protect the health, safety, morals and general welfare of its citizens and to protect and preserve places and areas of historical, cultural or architectural importance and significance; and

WHEREAS, from time to time, City Council determines the need for amendments and additions to the Zoning Code of the City of Milford; and

WHEREAS, City Council has determined all uses permitted in the R-8 Zoning District and residential housing owned, maintained and operated by a healthcare organization for the primary benefit of its patients, patient families, and/or healthcare employers and their employees as well as overnight accommodations for patient families and individuals that are receiving treatment from a hospital or other healthcare facility are appropriate conditional uses in the IM-Institutional Medical Zoning District.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 230 is hereby amended by making deletions as shown by strike through and insertions shown by underline as indicated below:

§ 230-19.3. - IM Institutional Medical District.

C. Permitted uses.

(13) Cafeteria facilities, snack and gift shops, banking facilities, restaurants, retail, personal service shops, and laundry facilities primarily for the use of healthcare employees, patients and visitors.

(14) Pharmacies.

(15) Hospitals and all other healthcare facilities, including any and all support services related thereto.

D. Conditional uses subject to special regulations. The following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with the provisions in Article IX of this chapter:

(1) All uses permitted in the R-8 Zoning District.

(2) Any residential housing owned, maintained and operated by a healthcare organization for the primary benefit

of its patients, patient families, and/or healthcare employers and their employees as well as overnight accommodations for patient families and individuals that are receiving treatment from a hospital or other healthcare facility.

Section 2. Dates.

- Planning Commission Review & Public Hearing: May 15, 2018
- City Council Introduction: May 14, 2018
- City Council Public Hearing: May 29, 2018
- Adoption: May 29, 2018
- Effective: June 8, 2018

Mr. Pierce explained the IM District was amended to allow additional uses consistent with a hospital or large medical-type facility.

In addition, a Conditional Use approval is being added to ensure that neighboring property owners receive notification of the proposal and that any concerns can be heard through the mandatory Public Hearing process.

Introduction/Ordinance 2018-15/Chapter 19-Economic Development & Redevelopment/Abatement of Property Taxes

Mayor Campbell introduced the following ordinance:

ORDINANCE 2018-15
 CODE OF THE CITY OF MILFORD
 Part I-Administrative Legislation
 Chapter 19
 Economic Development and Redevelopment
 Article III-Specific Economic Development Incentive Programs
 §19-9 Downtown Development District Incentive Program

WHEREAS, the City of Milford enacted an Economic Development and Redevelopment Code, Chapter 19, to promote economic development and redevelopment within the City of Milford; and

WHEREAS, from time to time, City Council determines the need for amendments and additions to the Economic Development and Redevelopment Code of the City of Milford; and

WHEREAS, City Council has determined in order to be eligible for a tax abatement through the development incentives provided in the Downtown Development District, the property must have been registered with the City as a rental property as of August 10, 2016, which is when the State of Delaware designated downtown as a Downtown Development District.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 19 is hereby amended by making insertions as shown by underline as follows:

§ 19-9. - Downtown Development District Incentive Program.

C. Development Incentives.

(4) Abatement of Property Taxes.

- (a) Incentive Beneficiaries shall qualify to receive City of Milford property tax abatements for a period not to exceed ten (10) years. The abatement period shall commence from the date of final certificate of occupancy.
- (b) Rehabilitation Projects.
 - i. If the incentive beneficiary improves the assessed value, as determined by the City Tax Assessor, by more than 50% of the original assessed value, the incentive beneficiary shall receive a full abatement of City property taxes for ten (10) years.
 - ii. If the incentive beneficiary improves the assessed value, as determined by the City tax assessor,

by less than 50% of the original assessed value, the incentive beneficiary shall receive a partial abatement of City property taxes on the value of the improvements for ten (10) years.

- (c) New residential or commercial construction shall receive a full tax abatement for five (5) years.
- (d) Properties converted from rental units to owner occupied housing shall receive a full tax abatement for ten (10) years, subject to continued occupancy by the property owner. **In order to be eligible for the tax abatement, properties must have been registered as a rental property with the City of Milford at the time of Downtown Development District Designation by the State of Delaware, which was August 10, 2016.**

Section 2. Dates.

Introduction: 05/14/18

Adoption: 05/29/18

Effective: 06/08/18

Planning Director Pierce explained this involves an amendment to the Economic Development Incentive Program associated with the Downtown Development Program and some modification of the language related to tax abatements of rental properties converted to owner-occupied units.

Authorization/Police Station Project/Architect

City Manager Norenberg reported that at the last Police Committee Meeting on May 3rd, the information for the Request for Qualifications (RFQ) was presented to select an architect and engineering firm to assist with the designs and plans for the new police facility. At that time, it was agreed it would be done in two stages. The first stage would provide the elevations, site plan, renderings and updated budget information needed to educate City Council to move forward with a referendum vote on the potential project.

During that meeting, Redstone and Associates Architectural Firm was discussed. Redstone, out of Michigan, had done some extensive consulting in the previous years, in addition to working with Chief Brown on an updated plan, budget and recommendations in 2016.

Mr. Norenberg shared that Redstone is an expert consulting firm in public safety facilities. However, they generally work with a local architectural and engineering firm. Both architects from the previous firm they worked with have since retired, though one will be available for short-term assistance. As a result, a new firm will need to be hired to handle the design and engineering as the project moves forward.

At the end of the Police Committee, Committee Chairman James Burk resigned from City Council to take a full-time position with another municipality.

As a result, Chief Brown and City Manager Norenberg contacted Mr. Redstone to explore other options. Having consulted with the City Clerk and Solicitor about the timeline and need for a special election to fill the vacancy, one Special Election was discussed at which time both the Council Vacancy and the Referendum for the new Police Facility and five new Police Officers. If it could be worked out, that would save the City a great deal of money though Chief Brown's goal was to have the Referendum completed in time to send the new officers to the next academy class in September.

Mr. Norenberg then referred to the preliminary draft which would require the election work to begin as early as tomorrow. In addition, an authorization is needed from City Council in the amount of \$47,000 for Redstone Architects and a local firm to develop an updated cost estimate, renderings and site plan to prepare an education program for the public to understand the police department's needs.

Two election cycles were included in the packet, one ending with a referendum in September and the other tentatively planned for January 2019.

In the meantime, it is important for the Police Committee to work diligently throughout either timeline though Council will need to make the decision.

Councilman Brooks said he wants to get going on the councilperson. Solicitor Rutt then read the process from the City Charter regarding the remainder of the unexpired term and the need for a Special Election.

Councilman Brooks emphasized that he does not want to wait for the referendum.

Mr. Norenberg then clarified that the Special Election for the Councilperson can be held approximately thirty days sooner though the question before Council is whether to hold two different elections within a month or six week period or save several thousand dollars by having one election for both.

Councilman Brooks reiterated that he wants a councilperson in that seat. Councilman Morrow stated that he does not want the police referendum to hold up the Council election even though two elections will cost more.

Councilman Brooks then pointed out a lot of time is going to be needed to sell the referendum to the people

The consensus of Council was to proceed with the Council Election.

Councilman Mergner referred to the \$47,000 estimate from Redstone and asked if no other firm is being considered; Mr. Norenberg explained the original recommendation was to do an RFQ and select a local firm using the information generated by Redstone in the past. We would then partner with Redstone even though they will not be on the ground designing and engineering and a local firm will be needed.

He only presented the one election option tonight to eliminate having two elections this summer though he agrees that would require an accelerated approach with the exhibits and educational materials needed to move forward.

However, the consensus of Council is to proceed with the Council vacancy and to take our time and go through the process of selecting an engineering/architectural firm for the project.

Councilman Mergner again asked why Redstone has already been chosen; Councilman Morrow explained that Redstone has been working with the police department for the past ten or twelve years. If we hired a brand new engineering firm, it would cost more than \$47,000 to start from the ground up. He said at this point, we will at least have a starting point.

The City Manager estimated the total architectural/engineering fees for the project will most likely be around \$900,000 and this would be a part of the initial work which could then be handed off to another firm after the referendum passes.

Solicitor Rutt then explained the process needed for the Special Election for the Council seat requires sixty days to file after the Election Notice has been posted for twenty days. Therefore, the earliest the City could the Special Election would be at the end of August.

Councilman Boyle agrees with the two elections noting this involves two distinct issues and one issue should not be rushed to comply with the other matter.

Mr. Norenberg pointed out that we are not trying to rush anything, though some options were presented to coordinate the two matters. He understands the need to fill the vacancy as soon as possible and the ability to take our time as we move forward with the plans for the new Police Facility and he certainly supports that.

Mayor Campbell also agreed the Council vacancy is more urgent than the referendum, considering the time that will be needed to properly educate our residents about the needs of the Police.

Mr. Norenberg explained that the matter before Council is whether to release the original RFQ and begin soliciting for an architect and engineering firm for the police department project. That document can then be finalized and the bid advertised.

Inaudible conversations occurring at the same time.

Councilman Mergner recommended that any other resources available statewide be utilized to assist with this project.

Councilman Brooks said he has already suggested Dave Hugg because he just built one in Smyrna. Mr. Rutt reported that Mr. Hugg is the City of Dover's City Planner now.

Councilman Brooks also suggested Morris Deputy at Middletown who also built a police station. Both are Milford boys who would be glad to help. Councilman Morrow feels said that is something the City Manager should be handling.

Councilman Brooks said he wants the City Council election to be done the right way. After that, the referendum should be done correctly and we need to explain to the citizens what is going to be done and there is no need to rush it.

Mr. Norenberg stated that because Council does not want to combine the two elections, the original recommendation was to release the RFQ and allow Redstone to respond to the RFQ, in collaboration with any local partner. The \$47,000 was only being requested if Council agreed to holding parallel elections at the same time.

Councilman Morrow moved to release the RFQ for the new police facility, seconded by Councilman Brooks. Motion carried with no one opposed.

Approval/School Resource Office (SRO) Agreement

Chief Brown said this was discussed at the Police Committee Meeting.

He stated that they met with Milford School District Superintendent Kevin Dickerson and things will move forward in the same manner they have over the past three years and there are no changes to the agreement. It was agreed the same number of officers will be assigned to the school.

Chief Brown noted that the Police Department oversees the administration and assignment of the SRO's, who can be changed as needed.

Councilman Brooks pointed out that Chief Brown had talked about putting an officer at the Morris School in Lincoln and asked if the State Police will allow it. Chief Brown said he talked with the State Police today who are unwilling to relinquish their jurisdiction in the SRO program at that school even though it is part of the Milford School District.

Councilman Morrow moved to approve the Milford School District SRO Agreement as presented, seconded by Councilman Brooks. Motion carried.

Bid Award/Matlinds Estate Paving Project

Public Works Director Mark Whitfield reported that last fall, the City received an offer of Community Transportation Funds from a local legislator for the resurfacing of streets within Matlinds Estates. Per City Ordinances, the City Engineer designed the project for public bids.

Bids were received on May 10th with four alternatives. Alternative A included select base repair, driveway apron repair and resurfacing of all streets. Alternate B included select base repair, driveway apron repair and resurfacing all streets, but excluded portions of Joshua Drive and Lindsay Lane. Options 1 and 3 were for a 2" overlay and Options 2 and 4 were for a 1.5" overlay.

All work on the project is to be completed within thirty days of the execution of the contract.

His recommendation is to award the Bid Item A2 for resurfacing of streets in Matlinds Estates (1.5" overlay, driveway apron repair and some sub-base repair) to Jerry's Paving in the amount of \$90,736, provided funding for the project is approved through the Community Transportation Fund.

Councilman Brooks moved to award the bid to Jerry's Paving in the amount of \$90,736, as described by the Public Works Director, seconded by Councilman Morrow. Motion carried.

Mr. Whitfield anticipates approximately two weeks to have the documents properly executed though his understanding is the

contractor is willing to start as soon as possible. He estimates the project will be completed by mid July.

Adoption/Resolution 2018-11/Declaring City Council Vacancy/Authorizing Special Election

City Manager Norenberg recalled the previous conversation regarding a vacancy in City Council in the second ward. The time line involved was discussed by the City Clerk and City Solicitor and the application of both local and state laws.

City Clerk Hudson advised that the date will be determined within the next couple of days now that Council has decided to proceed with the Special Council Election. The dates will be approved by Council at the May 29th meeting.

Councilman Brooks moved to adopt Resolution 2018-11, seconded by Councilman Morrow:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE ("City Council") DECLARING A VACANCY FOR THE OFFICE OF CITY COUNCIL MEMBER AND CALLING A SPECIAL ELECTION TO FILL SUCH VACANCY FOR THE UNEXPIRED TERM; ORDERING DATE AND TIME TO BE SCHEDULED FOR CANDIDATE FILING DEADLINE AND VOTER REGISTRATION DEADLINE.

WHEREAS, Article IV Council Government-Composition, Qualifications, Vacancies and Procedure, of the Charter ("Charter") of the City of Milford and specifically § 4.05(A)(2) states that the Office of a Councilperson shall become vacant upon death, resignation or removal from office in any manner authorized by law, or ceases to be a lawfully registered voter of the City and a resident of the Ward in which he/she resided at the time of the election and the vacancy is confirmed by City Council; and

WHEREAS, Article IV § 4.05(C) of the Charter further states that if a vacancy occurs in the City Council and the remainder of the unexpired term is more than twelve months, the vacancy shall be filled by a special election. The special election shall be held in accordance with State election laws following the occurrence of the vacancy.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILFORD:

SECTION 1-VACANCY

Due to the recent resignation of Councilman James Frederick Burk of 129 School Place, Milford, Delaware, effective May 3, 2018, the City Council does hereby declare a vacancy in the Office of City Council Second Ward.

SECTION 2-SPECIAL ELECTION

The City Council orders a Special Election in the City of Milford, to be scheduled at Milford City Hall, 201 South Walnut Street, Milford, Delaware, for the purpose of electing a Second Ward Council Member to serve for the remainder of the unexpired term of that office. The candidate receiving a majority of the votes cast shall be declared elected to such office.

SECTION 3-DATE AND TIME

Delaware Code Title 15 Chapter 75, entitled Municipal Elections, and Article IV of the Charter, establishes the procedures for Special Elections of Candidates.

SECTION 4-ANNOUNCEMENT

The City Council hereby directs the City Clerk to post and publish a Notice of Solicitation of Candidates to Fill a Vacancy of the Second Ward Seat.

SECTION 5-DATE AND TIME

The City Council does hereby order a Special Election to fill the Second Ward Vacancy, such date and time to be in compliance with the aforementioned laws.

Motion carried.

There was a question from the audience and Mr. Rutt again explained the process required as a result of the City of Milford Charter and the Delaware Municipal Election Law. Taking the required timelines and deadlines into consideration, the election will be held at some point in August.

There was a concern that the resident had no representation and both Councilman Brooks and Councilman Morrow explained

that Councilwoman Peel is his representative though she is absent this evening due to another commitment. Councilman Brooks emphasized that any resident is able to call any Councilmember and not just the ones from their wards. Again expressing concern, Councilman Morrow reiterated that he has seven representatives until the vacancy is filled at which point he will have eight.

ADJOURNMENT

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

The Council Meeting adjourned at 8:12 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