

CITY OF MILFORD
COUNCIL MEETING MINUTES
June 13, 2022

The City Council of the City of Milford met in Regular Session on Monday, June 13, 2022

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Daniel Marabello, Mike Boyle, Andrew Fulton, Andrew Fulton, Todd Culotta, Brian Baer, Nirmala Samaroo, Jason James Sr., and Katrina Wilson

STAFF: City Manager Mark Whitfield, Police Chief Kenneth Brown and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

Per the Limited Public Health Emergency Declaration issued by Governor John Carney on March 1, 2022, and the virtual meeting provisions provided in Senate Bill 94, Milford City Council Meetings and Workshops are held in the Council Chambers at City Hall with attendees able to participate remotely as well.

CALL TO ORDER

Mayor Campbell called the meeting to order at 6:02 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the April 25, 2022 and May 9, 2022 Council Meetings. Motion to approve made by Councilmember Fulton, seconded by Councilmember Boyle. Motion carried.

RECOGNITION

None.

STAFF REPORTS

Monthly Police Report

Councilman Boyle provided the monthly police statistics on behalf of Chief Brown.

Please see packets for staff reports. Monthly report highlights were provided by City Clerk Hudson, City Manager Whitfield, Public Works Director Mike Svaby, Planning Director Rob Pierce, Parks and Recreation Director Brad Dennehy, HR Director Jamesha Williams, Economic Development and Community Engagement Administrator Sara Bluhm, and Finance Director Lou Vitola provided monthly updates for each of their departments/offices.

City Clerk Report

Newspapers were discussed for future public notices due to the cessation of the Milford Beacon.

Monthly City Manager Report:

Public Works Department

Planning & Zoning Department

Parks & Recreation Department

It was suggested by Council that the various entryways into town be reviewed, and beautification improvements considered.

Also reported, the boards going out to the launch by the dog park are warped and need attention.

Though Chief Brown nor P&R Director Dennehy were aware, it was noted that several people have been seen carrying bags and are suspect of setting up domiciles there. Chief agreed to have additional patrol there during the evening.

Human Resources

Chief Brown reported the department continues to have four police vacancies and he is unaware of any additional officers considering leaving for another agency.

Economic Development & Community Engagement IT Department

IT Director Dale Matthews was not in attendance though his report was available for review in the packet.

Councilmember Wilson complained about the length of the mandatory cyber training and asked that Director Matthews consider shorter sessions.

Finance Department

Finance Director Vitola reported that at a minimum, a draft report of the FY21 Audit will be provided at the June 27th Council meeting.

Councilmember Fulton moved to accept all Staff Reports as presented, seconded by Councilman Baer. Motion carried.

WARD REPORTS & COMMUNICATIONS

Councilmember Wilson personally thanked the City of Milford, and in particular, Mayor Campbell and his wife, and City Clerk Hudson and her husband for the support given their family during the recent loss of her father-in-law who passed away at the age of 90.

UNFINISHED BUSINESS

Adoption/Resolution 2022-10/FY23 Operating Budget & Capital Improvement Plan

City Manager Whitfield referenced the resolution that adopts the City's fiscal year 2022-23 budget and the capital program and also authorizes the increase in real estate property tax.

The highlights from the four budget hearings were included in the packet, in addition to the questions asked throughout the process and the subsequent responses.

This year's property tax increase will be increased by one cent per \$100 of assessed property value, which is needed to balance the FY23 budget. The operation and maintenance budget is \$46,837,891; debt service is \$1,102,067; capital program is \$5,921,880 for a total budget of \$53,861,838. The real estate tax assessment will increase to .49275 per \$100 of assessed value.

Councilman James noted that the one cent tax increase was a decision by City Council and will occur each year for the next three years. This decision was made to prevent a five-cent increase needed to balance last year's budget.

The City Manager also noted the one cent increase is offset by again transferring \$100,000 from the real estate transfer (RTT) tax and moving it to capital. Because RTT is unsustainable and fluctuates each year, using it for capital is more prudent because capital items can be deferred though operational expenses cannot.

Mayor Campbell opened the floor to comments from the public. No one was present and no one participating virtually responded. The floor was closed.

Councilmember Fulton moved to adopt Resolution 2022-10, authorizing the FY23 operating budget and capital improvement plan and the tax increase of one cent, seconded by Councilmember Boyle:

RESOLUTION 2022-10
ADOPTING THE CITY OF MILFORD FISCAL YEAR 2022-2023 BUDGET & CAPITAL PROGRAM
AND AUTHORIZING AN INCREASE IN REAL PROPERTY TAXES

WHEREAS, the operating and capital budgets of the City of Milford for the Fiscal Year 2022-2023 were prepared and submitted to the City Council by the City Manager in accordance with Article VI 'Financial Procedures' of the City Charter; and

WHEREAS, the City Council was presented with the proposed budget following a comprehensive study and review while meeting in public sessions on May 16, 2022, May 18, 2022, May 19, 2022, and June 6, 2022; and

WHEREAS, this budget includes a property tax increase to pay for the overage of general fund operating expenses above what is presently received in real property tax revenues; and

WHEREAS, it is the responsibility and duty of the City Administrative and Finance Staff and Mayor and City Council to ensure the budget is balanced with future revenues equal to or greater than current expenditures/expenses; and

WHEREAS, a proposed increase in the property tax of \$0.01 per \$100 of assessed property is required in the FY23 budget; and

WHEREAS, in the opinion of the City Council, the budget accurately, as possible, reflects the city's anticipated revenues and expenditures for the fiscal year beginning July 1, 2022 and ending June 30, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILFORD, that the City of Milford's Operating Budget for Departments shown under General Fund as Administration, Planning and Zoning, Code Enforcement and Inspections, Finance, Information Technology, Police, Streets Division, Parks and Recreation and Council; and the Water, Sewer, Sanitation and Electric Divisions was adopted and approved as the budget of the City of Milford for Fiscal Year 2022-2023 in the following amounts:

Operations and Maintenance - \$46,837,891
Debt Service - \$1,102,067
Capital Program - \$5,921,880
Total Expenditures - \$53,861,838
Real Estate Tax Assessment - \$0.49275 per \$100 of Assessed Value

Motion carried by a roll call vote of 8 to zero.

NEW BUSINESS

Parks & Recreation Advisory Board Vacancy

P&R Director Dennehy reported he does not currently have any applicants, but asked it be placed on the next agenda.

Councilmembers were encouraged to inform constituents of the vacancy on the board and to complete the on-line application for anyone interested.

Introduction/Ordinance 2022-19/Building Code Chapter 88

This ordinance amends Chapter 88 Building Construction by adopting the 2018 version of the International Residential Code, the International Building Code and the International Swimming Pool and Spa Code. Public comments will be heard at the June 27th Council meeting.

Authorization/Contract Renewal FY23 Contract/Planning & Code Department/First State Inspection Agency, Inc

Planning Director Pierce reported the Planning Department has utilized First State Inspection Agency, Inc. (FSIA) for residential and commercial building plan review and inspection services since 2017. The City has renewed contracts annually with FSIA for on-call services to assist the City's Building Code Official during vacation days, leaves of absence and/or increases in building permit activity. A copy of the proposed FY23 contract and fee schedule for review. There is no proposed increase in the fee schedule from last year's contract.

Councilmember Boyle moved to authorize the Mayor to execute the FY23 First State Inspection Agency, Inc. contract for ongoing on-call residential and commercial building plan review and inspection services, seconded by Councilmember Baer. Motion carried with no one opposed.

Re-establishment/Tree Preservation and Advisory Council

City Manager Whitfield referred to a current ordinance within the City Code related to a Tree Preservation and Advisory Council. Because we have an in-house arborist, there is a desire to establish the board that will provide guidance for a tree plan for the City, as well as species that would be acceptable for planting both in the public spaces and our parkland.

It would be beneficial to appoint individuals with some expertise, whether it be a horticulturist, arborist or landscape architect or those with expertise in this field.

Council was asked to contact individuals within their wards that are experienced in this area to submit the on-line application in order to get the Council established.

Adoption/Resolution 2022-07/Updated Council Rules & Procedures

Solicitor Rutt recalled during a recent workshop and meeting, the updating of Council's rules and procedures were discussed. The packet includes the result of those discussions.

Councilman Boyle questioned the roll call order that is alleged to change with each vote and asked if that was necessary; Solicitor Rutt said it does not, but it gives Mayor Campbell the flexibility. It could be amended, to say the order of the roll call may be changed at the discretion of the mayor. In that way, Councilman Marabello does not have to be first in all roll call votes.

Several Councilmembers agreed it would be beneficial not using the same order. It was agreed the Mayor would have the ability to change the order. Other items were also discussed including stronger language related to the distribution of items.

The floor was opened for public comment. No one replied and the floor was closed.

Councilman Boyle moved to adopt Resolution 2022-07, as amended, seconded by Councilmember Baer. Motion carried.

Authorization/MSD School Resource Agreement

It was noted that Finance Director Vitola negotiated the Police Agreement with Milford School District administrators.

Director Vitola noted that there are not a lot of changes, only that the costs have increased due to the MOU becoming stale over the past few years. Initially, it appeared this was a lot for the district to digest at first and were looking for ways to lessen the impact on the budget. The City was hoping to take a step toward the full cost recovery.

When he presented those numbers, based on a time split of when the officers serve the school district, which is nine to ten months a year. That split ended up being too much for the budget to sustain and the MOU somewhat muddled the responsibilities of the crossing guards. Then other services came into play such as Parks and Recreation. Instead, it was agreed to address those services separately and keep this agreement focused on the SRO's and the police.

A five-year period was used to get some stability and work toward the full cost recovery model. By then, it will be four- or five-years stale and the City will most likely be slightly under collecting.

He noted there is \$7,500 in increasing revenue every year FY27. The starting point is \$145,000 for two SRO's if elected though they now have the flexibility to select the number of officers. In addition, there is a \$5,000 50/50 cost share for the crossing guards which is equal to the \$150,000 previous costs. Then it will increase by \$7,500 for two officers, every year for five years.

Director Vitola noted there is also a provision in the MOU to auto renew with a cost escalator of 1.05%.

He feels this is fair for Milford residents to receive full cost recovery for any services from any City Departments, but also believe it is a fair contract for the school district.

The contract is also before the MSD Board for review and approval tonight.

Mayor Campbell expressed concern about only having two SRO's. Director Vitola shared that there was a period of time when only one SRO serving them, and the contract was rebated accordingly from \$150,000 to \$125,000. Chief said that is correct.

There is no longer three SRO's provided several years ago. Instead, they have hired Constables at a couple schools to backfill.

When asked how the elementary schools are covered, Chief Brown said one officers floats between all three elementary schools. In addition, there is one SRO on the Central Academy/High School campus.

The Chief noted this is because of staff shortages in his department.

The Mayor reiterated he is very uncomfortable with only two SRO's. Chief noted there are constables in those schools.

When asked if the agreement could be more open and based on the needs of the school district; Director Vitola stated it is and the school district has the ability to choose zero, one, two or three SRO's. But the police department has to be able to accommodate the choice. His understanding is they are comfortable with the two-officer model. If they prefer three SRO's, they will pay the additional costs as long as the department is able to provide the coverage.

When asked how many constables the school has hired, in addition to these two SRO's. Chief Brown said he does not know that number, though he is aware there is one at Banneker and another one at the Lincoln School.

It was agreed that the school district needs to determine the security requirements and needs. Then there is a need for our police department to be able to accommodate them.

Mayor Campbell said for the record, he does not agree with providing only two SRO's considering today's environment.

Councilman James emphasized the City is not in a position to dictate to the school such decisions; instead, the school district is a separate entity and needs to tell the City what is needed. Then the police department can be addressed how to accomplish that as far as the number of SRO's and resources they need. He said this is the responsibility of the School Superintendent and the school board. Councilmembers agreed.

Councilmember Fulton moved to authorize the Milford School District School Resource Officer/Crossing Guard Memorandum of Understanding, seconded by Councilmember Wilson. Motion carried.

Appointment/Search Committee/Chief of Police Vacancy

Mayor Campbell said a professional search firm is being considered. Wants they provide candidates, he would like a committee will review them, after which it would be brought before City Council for final action.

When asked if the committee will screen the candidates and provide the short list of candidates. Ultimately, City Council will interview the candidates and Council will make the decision.

Council agreed with the search firm doing the ground work, but all of that information should be presented to Council as a whole and not a separate committee that filters the information. Councilmember Culotta agrees the decisions should be made by Council though the group should not be too large because that can become chaotic. He does not want a committee to provide Council with the short list.

Mayor Campbell said he is open to suggestions, and this was only an idea. It was agreed to develop a list of what Council is looking for in the candidates. It was agreed that is critical and current topics and interests need to be highlighted such as behavior health, community policing or five or so top characteristics or interests needed in the next police chief.

It was agreed to develop a good list of what Council is looking for.

City Clerk Hudson noted that there was no outside contractor in the last police chief search. However, that was done for the City Manager. They basically handle all the advertising, publications, they make the contacts, arrange the appointments for the interviews before Council and do the actual backgrounds. They are the ones in contact with the applicants on a regular basis.

The backgrounds are very thorough and involve a number of areas, and not just a criminal and workplace investigation. It is an intense selection process that included personal finance, family backgrounds, etc.

She said that from the nationwide search that was done by the City for the police chief and the initial application was very detailed and it became very clear, based on Council's expectations, who was right and who was wrong for the position. And anyone on the bubble was interviewed and Council would rank the candidates. Eventually it came down to two finalists and Chief Brown of course, was selected.

Councilman James said he has seen those firms miss the mark by a lot and end up with something not wanted. He hopes that when the search firm is selected, they have experience in recruiting a police chief.

City Manger Whitfield said he was given two recommended firms from other City Managers. One has some experience in Delaware and Rehoboth Beach and Milton being two. There is also another firm whose chief recruiter is actually a former police chief and has FBI and law enforcement experience. He does recommend one based on feedback and remarks from other City Managers.

It was suggested Chief Brown be an advisor because of his experience and is very familiar with the characteristics of a good chief. He also believes that Milford Police Department is capable of finding out about the candidates.

The City Clerk also added that the International Association of Chief of Police has a search team that does worldwide. That team consists of current and former police chiefs and executives who specialize in this type of work.

It was agreed that a deep and strong list of what they are looking for, including what is a qualifier and a disqualifier. That will whittle down the number of applications while being assured that Council helped with the screening process.

When asked if a workshop was needed, it was noted that the search firm selected will actually be in touch with council in the beginning to determine their wants and needs. It will also involve individual interviews with the Mayor and Council.

It was confirmed that Chief Brown's resignation date is July 31st.

The meeting temporarily recessed at 7:36 pm and resumed at 7:40 pm.

EXECUTIVE SESSION

Councilmember Fulton moved to go into Executive Session reference the below statutes, seconded by Councilmember Wilson:

Legal-

Teamsters Agreement-

Pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation

Property Purchase-

Pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements, or sales or leases of real property

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:41 p.m. for the purpose permitted by the Delaware Freedom of Information Act.

Return to Open Session

Councilmember Marabello moved to go back into regular session, seconded by Councilmember Wilson. Motion carried.

Council returned to Open Session at 7:59 p.m.

Potential Vote:

IBEW Agreement

Councilman Fulton moved for approval of the City Manager to negotiate in good faith with the IBEW as was discussed in Executive Session, seconded by Councilmember Boyle. Motion carried.

Property Purchase

No action needed at this time.

ADJOURNMENT

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

The Council Meeting adjourned at 8:00 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder