

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
October 24, 2016

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, October 24, 2016.

PRESIDING: Mayor Bryan W. Shupe

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

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

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 10:31 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

*Proclamation 2016-08/Extra Mile Day*

Christine Ott from the Extra Mile America Organization requested Mayor Shupe proclaim November 1<sup>st</sup> as Extra Mile Day in the City of Milford. Mayor Shupe read portions of the Proclamation into record:

*WHEREAS, the City of Milford, Delaware is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively "go the extra mile" in personal effort, volunteerism, and service; and*

*WHEREAS, the City of Milford, Delaware is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment and conviction to their individual ambitions, family, friends and community; and*

*WHEREAS, the City of Milford, Delaware is a community which chooses to shine a light on and celebrate individuals and organizations within its community who "go the extra mile" in order to make a difference and lift up fellow members of their community; and*

*WHEREAS, the City of Milford, Delaware acknowledges the mission of Extra Mile America to create 550 plus Extra Mile cities in America and is proud to support "Extra Mile Day" on November 1, 2016.*

*NOW, THEREFORE, I, Bryan W. Shupe, Mayor of the City of Milford, do hereby proclaim November 1, 2016, to be Extra Mile Day and urge each individual in the community to take time on this day to not only "go the extra mile" in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country or world a better place.*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed hereto this 24th day of October 2016.*

## COMMUNICATIONS &amp; CORRESPONDENCE

*Approval/City of Milford Logo Stone Formliner*

Mayor Shupe presented a rendering of the proposed overpass on Northeast Front Street and Route 1 that is scheduled to begin construction in 2018. The rendering includes the design that was requested by the City of Milford due to this being a major gateway into our downtown area.

Planning Coordinator Rob Pierce reported they had contacted DeIDOT a couple months ago about the possibility of using formliners and adding the City's logo onto the concrete abutments. DeIDOT is considering the idea and created the rendering with the understanding the City would pay for the addition of the "Welcome to Milford" logo on the north and southbound sides of the overpass.

They are currently preparing the bid documents with plans to begin construction next year. DeIDOT must have the City's approval because it will have to be incorporated into the design when they cast the concrete for the wing walls and bridge.

Mayor Shupe reported that local legislators have offered funding assistance with the project.

Mr. Norenberg reported the estimated cost is approximately \$25,000. Mr. Mergner likes the idea but asked how confident we are of the legislators' commitment. Mayor Shupe commented he is confident we will receive the legislative funding and pointed out that in addition to the Northeast Tenth Street and east of Route 1 traffic, this will encompass Northeast Tenth Street traffic as well.

Mayor Shupe explained they are only asking Council to allow them to move forward so DeIDOT can include the design in the bid documents. However, funding is not being requested at this time. Mr. Pierce explained that DeIDOT wants a commitment the City will be responsible for the costs.

Mr. Starling expressed concern about graffiti and asked if there is anyway to protect it; Mr. Mergner agreed that is a concern after putting \$25,000 into the project. Mr. Norenberg said they will also discuss with DeIDOT what is being used to clean up in these situations.

Mr. Brooks moved to approve the funding for the overpass logo as presented. Mr. Starling seconded the motion. Motion carried.

## UNFINISHED BUSINESS

*Adoption/Ordinance 2016-20/Solid Waste Management Code Amendment*

Mr. Norenberg recalled this ordinance being introduced at the last meeting that includes a number of recommended changes that Public Works Director Mark Whitfield had presented to the Public Works Committee.

The Public Works Director was present and stated there are four different changes. One relates to holidays due to some problems we are experiencing with makeup days. Currently the ordinance is explicit on when the makeup day should be.

He feels that based on the day of the week the holiday falls, there are simpler ways to schedule the makeup day. In his opinion, rather than codifying the makeup days, they are asking that the City Manager and Public Works Director be permitted to create a schedule. In the past couple years, the Public Works Staff has put together a schedule and published it in advance.

He also pointed out that the City only has one collection vehicle that can be used for leaves. In the heaviest leaf drop period in November, it takes an entire week to complete the south side of town. The north side of town can be done in approximately three days.

The ordinance currently states the City will collect leaves every week. Mr. Whitfield said this cannot be accomplished without additional equipment or changes being made to the schedule. He is again asking Council to allow the schedule to be changed so that residents are aware of exactly when the leaves will be collected.

The ordinance also states that bulk items will be collected on Wednesdays. Should the one-man automated truck be purchased as will be recommended, moving the bulk pickup day to Mondays and allowing the City Manager and Public Works Director to switch days as needed should work.

He also still recommends we continue with the twice-a-year collection of bulk items for free.

Currently recycling is collected once every two weeks. They are hoping to be able to collect recycling weekly once the new automated truck is in operation. As a result, he is also asking that language be removed from the ordinance and that scheduling recycling will be left to the City Manager and Public Works Directors' discretion.

Mr. Norenberg added that the leaf collection changes will be implemented upon the passage of the ordinance. The other changes will be phased in during 2017. In the meantime, they will keep the Public Works Committee and City Council updated as these services change.

Councilmember Brooks agrees that more communication is needed and that it has been inconsistent over the years and the reasons why so many of our residents are confused as to the collection schedule.

Councilmember Peel moved to adopt Ordinance 2016-20, seconded by Councilmember Mergner:

City of Milford  
Ordinance 2016-20  
Chapter 193-Solid Waste Management

WHEREAS, the City Council of the City of Milford has heretofore enacted the "Solid Waste Management Ordinance" which is codified as Chapter 193 of the City of Milford Code of Ordinances; and

WHEREAS, under the authority of this Chapter, the City's Public Works Department shall provide Solid Waste Disposal services for its residents and customers and make recommendations as to the collection, recycling, and disposal of associated waste and materials within the City and amendment or repeal of any and all rules, regulations and ordinances otherwise necessary or desirable for carrying out its purposes; and

WHEREAS, the City Council of the City of Milford possesses the authority to enact changes needed for the collection and disposal of solid waste, recyclable material and yard waste within the City; and

WHEREAS, the City Council finds that the adoption of updated provisions regarding the collection and disposition of solid waste, recyclable material and yard waste in the City is in the best interest of the health, safety and welfare of the citizens of the City.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Chapter 193 - SOLID WASTE MANAGEMENT

ARTICLE I - General Provisions

Section 1. Article I Section 193-1 Mandatory Residential Collection is hereby amended by adding a new paragraph 193-1(B) as indicated below:

§ 193-1. - Mandatory residential collection.

A. The maintenance of the public health, safety, sanitation and aesthetics requires that all residential properties in the City of Milford accept, arrange and pay for solid waste collection and disposal services in accordance with this chapter. Residential properties include detached homes, duplexes, townhouses and condominiums.

**B. Customers shall keep all garbage and recycling materials separate in accordance with all collection program guidelines.**

§ 193-2. - Non-residential and multi-unit rental complex services.

Solid waste services through the City of Milford are optional for non-residential entities and multi-unit complexes in common ownership. Upon request containers may be provided, in accordance with the fee established in Section 193-11. Those opting not to utilize solid waste collection through the City shall be required to make arrangements for the disposal and/or collection of the same by a private collector/hauler at no cost to the City.

§ 193-3. - Containers required.

The City shall specify the type of container to be used for each specific collection. Use of any other type container than specified by the City is prohibited. The City will provide containers to the customer as required by the desired level of service at no up-front cost to the customer. If any container is lost or destroyed, another container shall be provided at cost to the customer. Multi-unit rental complexes under common ownership may utilize a City approved dumpster.

Section 2. Article I Section 193-4 Special and Holiday Collections is hereby repealed in its entirety and subsequent sections of this Chapter are appropriately renumbered:

~~§ 193-4. - Special and holiday collections.~~

~~A. Special collections. A special collection will occur one week in the spring and one week during the fall of each year. Customers shall be able to put out additional bulk items during these weeks without an additional charge. Adequate notice of the special collection dates and details shall be provided to customers.~~

~~B. Holiday collections. The City observes the following six holidays in which trash services will not occur:~~

~~New Years  
Memorial Day  
July 4th  
Labor Day  
Thanksgiving  
Christmas~~

~~If the holiday or observed holiday falls on a Monday, collection will be the following day affecting all workdays including Saturdays. If holiday falls on any other weekday, only the collections after that day are shifted by one day.~~

~~C. Holidays such as Martin Luther King Birthday, Presidents Day, Good Friday, Election Day and Veterans Day will not affect collections.~~

§ 193-5 4. - Bills, payments and deposits.

A. The rates as established shall be an assessment and shall be billed to customers on a monthly basis. All bills for service are due and payable each month for normal and additional services performed. Monthly charges, if not paid by the due date, shall accrue interest at the rate of 1 1/2% per month until paid.

B. Bills are rendered for any indicated period of service, either special or monthly, and will show the proper charge as determined by the applicable rate schedule. Bills shall be considered as duly rendered when delivered at or mailed to the recorded address of the customer, as provided by him for that purpose.

- C. The charges imposed under this ordinance shall be a lien against any owner-occupied property served and shall be and remain a lien for ten years from the date of assessment of such charge. Such lien shall have priority over any other lien, encumbrance or conveyance even though such other lien or liens may be of a date prior to the time of attaching of this lien. The City Manager shall have the same authorities, remedies and powers with respect to the collection of this charge as are provided for the collection of taxes.
- D. Any customer, upon receipt of a bill, having reason to doubt its accuracy shall bring or mail the bill within five days to the City for investigation.
- E. Nonpayment of two consecutive months will trigger suspension of trash collection and removal of all city-issued containers.
- F. Creation of new rental accounts, not part of a multi-unit rental complex under common ownership, will require a \$100 reimbursable deposit. Unpaid balances will be applied when account is terminated.

§ 193-6 5. - Violations and penalties.

- A. Unless otherwise prescribed herein, any person violating any of the provisions of Chapter 193 shall, upon conviction thereof before a Justice of the Peace, be sentenced to pay a fine of not less than \$25 nor more than \$300, together with costs of prosecution.
- B. Every violation of this chapter shall be deemed a separate offense for each and every day a violation shall continue and shall be subject to the penalty imposed by this section for each and every such separate offense.

Section 3. Article I Section 193-7-Supplemental Regulations is hereby retitled and amended to read as follows:

§ 193-7 6. - ***Solid Waste Management Supplemental Regulations and Schedules***

The City Manager is hereby authorized to administer Chapter 193 of the City of Milford Code pertaining to the solid waste collection system. ***The City Manager shall promulgate and publish such rules and schedules as necessary for the efficient and economical collection of garbage, recycling and yard waste materials. Adequate notice of the collection schedules shall be provided to all customers and any changes thereto.***

Article II - Solid Waste

§ 193-8 7. - Definitions.

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

**SOLID WASTE** - Commonly referred to as trash or garbage, consisting of everyday items that are discarded which may include food wastes, containers and product packaging and other miscellaneous wastes from residential or commercial sources. Solid waste does not include yard waste, inert waste such as construction debris, hazardous waste, toxic waste or medical waste.

§ 193-9 8. - Unlawful acts and containment requirement.

- A. It shall be unlawful to deposit or place any trash or garbage into any yard waste container or recycling container.
- B. No solid waste or any other similar materials shall be placed in the street, drainage gutter or on the sidewalk.
- C. No solid waste of any description shall be disposed of within the limits of the City in any manner other than that prescribed herein. Deposit of solid waste upon any land, alley, street, public place, vacant lot, watercourse, ditch or any other method of disposal not in accordance with this chapter shall be a violation as prescribed herein.

§ 193-10 ~~9~~ - Collection procedures.

A. General.

- (1) All collection of solid waste materials from residences and other approved establishments shall be by city public works crews or contractors hired or contracted by the City Council.
- (2) On designated collection days, containers shall be placed just behind the curbline without interfering with vehicular or pedestrian traffic.
- (3) Containers shall be placed no earlier than 3:00 p.m. of the day preceding the day of collection and not later than 7:00 a.m. on the scheduled day of collection and shall be removed to a point at the side or rear of the structure not later than 7:00 p.m. of the day of collection.

B. Multi-unit rental complex collection. Owners and/or designee of multi units rental complexes desiring to utilize containers for mass storage may do so, provided that the container and the placement of the container is approved by the City Manager or his designated representative. In no case shall the container be in excess of three-cubic yards' capacity.

C. Items prohibited.

- (1) The scope of the service rendered by the City in the collection and removal of solid waste materials is intended to serve the needs of its customers' related activities. It is considered to be beyond the scope of such service to collect or remove solid waste materials generated by clearing, construction, demolition and any other such activity producing quantities of solid waste.
- (2) Rock, scrap building materials, appliances containing freon or other trash resulting from construction, remodeling or destruction by fire, the elements, acts of God or other causes resulting from a general cleanup of vacant or improved property or trees, brush and/or debris cleared from a property in preparation for construction or landscaping shall not be collected and removed by the City. Such materials will be removed at the expense of the customer.
- (3) Tires will not be collected. Items too bulky or heavy to be removed during the regular city collection maybe removed after special arrangements have been made by the customer.

D. Items piled alongside the container will not be picked up, nor will containers not provided by the City.

E. Mandatory additional container.

- (1) Any additional items found outside container will not be picked up. Items will be tagged and customer informed of pending additional container issuance.
- (2) Additional container delivery and associated fee will be triggered after two consecutive incidents related to additional items or three incidents in any rolling six months period.
- (3) Payment of additional container will be the responsibility of customer until account is terminated.

Section 4. Article II Section 193-11 Collection and Rate Schedule is hereby amended by rescinding Paragraph 193-11(B) and all subsequent paragraphs of this Section are appropriately renumbered:

§ 193-11 ~~10~~ - Collection and rate schedule.

A. The City will collect solid waste as described in this Article II once every week.

~~B. The City Manager shall divide the City into districts and shall schedule the collection of solid waste in these districts on the day or days and at the times that shall be most efficient and convenient to the City. Adequate notice of the collection schedules shall be provided to all customers and any changes thereto.~~

C. **B.** Residential properties:

Effective:

July 1, 2015 - \$24.00 monthly - one container

July 1, 2016 - \$24.50 monthly - one container

July 1, 2017 - \$25.00 monthly - one container

**D. C.** Non-residential properties:

Effective:

July 1, 2015 - \$24.00 monthly - one container

July 1, 2016 - \$24.50 monthly - one container

July 1, 2017 - \$25.00 monthly - one container

**E. D.** Multi-unit rental complex.

Effective:

July 1, 2015 - \$24.00 monthly - one container per unit or three-cubic-yard dumpster(s)

July 1, 2016 - \$24.50 monthly - one container per unit or three-cubic-yard dumpster(s)

July 1, 2017 - \$25.00 monthly - one container per unit or three-cubic-yard dumpster(s)

**F. E.** Additional trash container - \$ 20

Additional yard waste container - \$12

ARTICLE III - Yard Waste

§ 193-~~12~~ **11.** - Definitions.

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

**YARD WASTE** - Biodegradable waste consisting of leaves, grass clippings, twigs, small branches (less than four ft. in length), shrubbery, prunings and other garden material.

§ 193-~~13~~ **12.** - Containers required.

- A. Depositing or placing any yard waste or matter into any garbage container, recycling container or on any city street or in a drainage gutter is prohibited.
- B. Mandatory additional yard waste container.
  - (1) Any additional yard waste found outside container will not be picked up. Excessive yard waste will be tagged and customer informed of pending additional yard waste container issuance.
  - (2) Additional container delivery and associated fee will be triggered by two consecutive incidents related to excessive yard waste or three incidents in any rolling six months period.
  - (3) Payment for additional yard waste container will be the responsibility of customer until account is terminated.

§ 193-~~14~~ **13.** - Collection procedures.

- A. The City will collect yard waste provided that such yard waste is deposited into the yard waste containers issued by the City. Disposal of yard waste that will not fit into the container shall be the responsibility of the customer.
- B. The City will provide for looseleaf curbside collection from November 1 through January 31 in accordance with the following conditions:
  - (1) Loose leaves shall be raked and placed behind the curb for removal by the City's leaf vacuum.
  - (2) Leaves must be free of stones, branches, brush and grass clippings or they will not be collected.
  - (3) It is illegal to place, sweep or blow leaves and other yard waste into the street, storm drains or catch basins.

Section 5. Article III Section 193-15 Collection Schedule is hereby rescinded in its entirety as indicated below and all subsequent sections of this Chapter are appropriately renumbered:

~~§ 193-15. - Collection schedule.~~

~~A. The City will collect yard waste as described in Section 193-14A every two weeks.~~

~~B. The looseleaf curbside collection as described in Section 193-14B will be collected once each week.~~

#### ARTICLE IV - Recycling

§ 193-~~16~~ 14. - Definitions.

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

RECYCLING - Unbagged recycling materials including cardboard, glass bottles and jars (any color), junk mail and envelopes (all types), magazines and catalogs, metal cans (tin/steel/aluminum), milk jugs, bleach/detergent bottles and shampoo bottles, narrow-neck plastic bottles, newspapers, paperboard (cereal/tissue boxes), telephone and soft cover books, pizza boxes (free of food residue). Recycling materials does not include bags, styrofoam (all types), hardback books (pages are acceptable, remove hard cover), light bulbs (all types), household batteries, electronics, broken glass/mirrors/window glass, empty aerosol spray cans, paint cans.

§ 193-~~17~~ 15. - Unlawful acts and containment requirement.

It shall be unlawful to deposit or place any recycling material into any solid waste container or yard waste container or on any city street or in a drainage gutter.

§ 193-~~18~~ 16. - Collection procedures.

The City will provide for the collection of recycling material, provided that such material is deposited into a recycling container provided by the City. Disposal of excessive material that will not fit into the container shall be the responsibility of the customer.

Section 6. Article IV Section 193-19 Collection Schedule is hereby rescinded in its entirety as indicated below and all subsequent sections of this Chapter are appropriately renumbered:

~~§ 193-19. - Collection schedule.~~

~~The City will collect recycling material once every two weeks.~~

#### ARTICLE V - Bulk Items

§ 193-~~20~~ 17. - Definitions.

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

BULK ITEMS - Unbagged garbage other than regular household trash, such as furniture, appliances, large items including, but not limited to, lawn mowers, barbeque grills, hot water heaters, air conditioners, televisions, doors, cabinets and kids toys.

Note: Bulk items do not include materials generated by clearing, construction, demolition and any other such activity producing quantities of solid waste, rock, scrap building materials, appliances containing freon or trash resulting from construction, remodeling or destruction of fire, the elements, acts of God or other causes resulting from a general cleanup of vacant or improved property or trees, brush and/or debris cleared from a property in the preparation for construction or landscaping. Any yard waste material is not considered a bulk item and shall not be collected and removed by the City. Such materials shall be removed by the customer.

§ 193-~~21~~ 18. - Unlawful acts.

It shall be unlawful to place any bulk material or any hazardous chemical on a city street or near a drainage gutter.

§ 193-22 19. - Collection procedures.

- A. Customers are required to contact our Customer Service Department to schedule a pickup.
- B. Customer without prior pick-up arrangements will be tagged and notified of subsequent billing.
- C. Items not removed by customer in subsequent weeks will be removed and billed accordingly.

Section 7. Article V Section 193-23 Collection and Rate Schedule is hereby retitled and paragraphs 193-23(B) and 193-23(C) rescinded and a new paragraph 193-20(B) added as stated below:

§ 193-23 20. - ~~Collection and r~~Rate Schedule.

- A. The bulk fee shall be determined on a sliding scale based on the number of large items picked up as indicated below:
  - (1) A minimum of \$50 will be billed for each pickup of up to five items.
  - (2) Each additional item will be billed at \$10.
- ~~B. The City will collect bulk material every Wednesday.~~
- ~~C. The City will not collect bulk material during those weeks in which a holiday is observed and trash services do not occur. Refer to Section 193-4(b) for holidays that apply.~~

**B. The City Manager shall establish procedures to allow each residential property two scheduled collections of bulk items per year at no charge.**

#### ARTICLE VI - TEMPORARY SUSPENSION OF SERVICES

§ 193-24 21. - Authority.

- A. The City Manager or designee may suspend trash and recycling (and yard waste when applicable) collection services for owner-occupied residences only if the home is unoccupied between a minimum of three months and a maximum of 12 months.
- B. A "Temporarily Suspend Garbage Service Application" must be completed in order to place the service on hold.
- C. A "Temporarily Suspend Garbage Service Application" must be received by the Customer Service Department at least five business days prior to the start of the suspension period.
- D. The Solid Waste Department will collect the trash, recycling and yard waste (if applicable) containers at the start of the suspension and redeliver them on the expected date of return.
- E. The residence for which the suspension has been approved shall remain vacant during the suspension period.
- F. Service will automatically be reactivated at the end of the approved suspension period, unless a request for an additional period of temporary suspension has been requested and approved by the City Manager or designee prior to the automatic reactivation. Failure to request an extension prior to the reactivation date will result in the resumption of the monthly solid waste fee. Continuation of a suspension of service after reactivation requires a new "Temporarily Suspend Garbage Service Application" to be filed with the appropriate fee.
- G. When a suspension is active, the customer may not use any other city trash/recycling/yard waste services, including someone else's container or bulk service.

- H. No credit will be issued should customer fail to submit and complete the "Temporarily Suspend Garbage Service Application."
- I. Partial or retroactive payments of monthly fees are prohibited.

§ 193-25 22. - Suspension fee.

A. At the time of the suspension request, the following service fees shall be paid by the customer:

- (1) A fee of \$35 for removal and storage of the container(s).
- (2) A fee of \$35 for redelivery of the container(s).

B. Service fee shall be paid at the time the "Temporarily Suspend Garbage Service Application" is submitted to the Customer Service Department.

§ 193-26 23. - Noncompliance, violations and penalties.

- A. Noncompliance of this article will result in the immediate reactivation of the solid waste services.
- B. The account will be billed the full service fees for the entire suspension period and a \$100 account reconciliation fee assessed for noncompliance.
- C. Violations and penalties set forth in Section 193-6 shall also apply to Article VI.

Section 8. Dates:

Introduction: 10-10-2016  
Adoption (Projected): 10-24-2016

Ordinances become effective no earlier than ten (10) days following adoption.

Motion carried.

NEW BUSINESS

*Appointment/City of Milford Planning Commissioners*

*Resignation/City of Milford Board of Adjustment Member*

*Appointment/City of Milford Board of Adjustment Member*

Mayor Shupe recalled there are currently two vacant positions on the Planning Commission. Two applications from interested parties have been submitted and he has asked Planning Coordinator Pierce to interview them and make recommendations.

City Manager Norenberg confirmed there is currently one member from Ward 3 and one member in Ward 4. Their hope was to get some interest from other residents in those wards in an attempt to keep the commission balanced geographically.

Presently there are only two applications on file for boards/commissions. With the very recent notice of the vacancy on the Board of Adjustment (next agenda item), there is now a total of three vacancies. Because the Board of Adjustment only has a total of three members, these two applicants will be screened with the hope to fill the one Board of Adjustment vacancy which is more crucial at this point.

In the meantime, the City will continue to do outreach with the help of the media to encourage more applicants from Wards 3 and 4.

*Reappointment/City of Milford Planning Commissioners*

Mr. Campbell moved to reappoint Michael Boyle and Raymond Lynch to the Planning Commission for a three-year term, seconded by Mr. Brooks. Motion carried.

*Reappointment/City of Milford Board of Adjustment Members*

Mr. Campbell moved to reappoint Brendon Warfel to the City of Milford Board of Adjustment for a three-year term, seconded by Mr. Starling. Motion carried.

*Approval/Taser International Body/Vehicle Camera Software Project & Contract/Five-Year Capital Funding*

Chief Brown recalled discussing this proposal at which time Council indicated their support and asked him to proceed. He explained that what they discussed the first time was the cost of \$145,000 for the body cameras and in car cameras. Since that time, Taser has experienced problems with the in-car cameras and is postponing selling them until the matter has been resolved. He does not expect that to happen until at least the Spring 2017.

He is asking Council to approve the amended contract that is included in the packet for a total of \$117,000 over the five-year period. The initial installment for year one is \$35,027.50. However, he has already acquired two grants that will cover the initial payment.

A commitment of \$20,550 is needed for years two through five.

Mr. Mergner asked if this is already in the budget; City Manager Norenberg explained that following this, Council will be approving a series of budget adjustments. Even though Chief Brown has identified the revenue to cover the \$35,027.50, the additional four payments (year two to five) will need to be appropriated.

Councilwoman Peel noted that total cost and asked if this should be put out to bid based on the fact it is over the \$30,000 threshold. Mr. Rutt agreed the charter states that anything over the \$30,000 limit must be publicly bid though he is unsure what process has been followed.

Chief Brown stated the problem is the State is recommending that Delaware police agencies purchase the body cameras through Taser International due to a number of legal reasons. In addition, the Attorney General's Office already has the ability to redact and access videos from Taser's software without the police agency's involvement.

He explained the Delaware Police Chiefs' Association did a year-long pilot program during which time they tested a number of cameras. After that was completed and input was received from various people the Chief's Association is also recommending Taser and the reason Milford chose that vendor.

Chief Brown confirmed the State of Delaware provided two grants to cover the initial costs of the purchase. One is for \$30,000 and the remaining \$5,027.50 is through a second grant.

Mr. Rutt stated that the \$35,027.50 is coming from a different source and not the City of Milford. He suggested this be looked at as five different contracts each year. Considering that, the next four are all below the \$30,000 threshold required to publicly bid.

Councilman Mergner asked why a motion is required if no money is needed this year nor will the \$20,550 have to be approved until next fiscal year.

Councilman Morrow said the legal language in the contract has to be approved and recalled that City Council already voted

to proceed with the project. Councilman Mergner thought it had already been budgeted which is the reason he is confused. Councilman Morrow reiterated there is no money needed this year.

The City Manager explained this needs to be considered from a budget standpoint even though the grant money has been secured and will come in as revenue. Council still needs to approve the contract and the appropriation of the revenue for this purpose.

Mr. Rutt explained it will simply be a pass-thru.

Mr. Norenberg further explained that Council still needs to authorize the capital purchase of the equipment and confirmed the next four years of funding will be approved. He noted that the actual equipment purchase is in year one and years two through five cover the cost of software support, licenses, warranties, etc.

He also recalled that during the initial presentation, Chief Brown stated he would continue to look for grants to support the supplemental years of the contract. In the meantime, the Chief still needs a commitment from Council so he can proceed with the initial investment.

Mr. Morrow moved to approve the Taser Body Vehicle Camera Software Project Contract, seconded by Mr. Mergner. Motion carried.

*FY2016-2017 Budget Amendment/Police Department/Body/General Fund Reserves/Police Body Camera and Software Project Program*

*FY2016-2017 Budget Amendment/Transfer/Planning and Zoning to City Administration/Salary and Benefits*

*FY2016-2017 Budget Amendment/General Fund Reserves to Planning and Zoning/Salary and Benefits*

*FY2016-2017 Budget Amendment/Electric Department/IBEW Local 126 Negotiations/Legal Expenses*

*FY2016-2017 Budget Amendment/Police Department/Teamsters Local 326 Contract Increase*

City Manager Norenberg explained that as budget adjustments are needed throughout the year, he felt it may be a simpler process to submit them on a quarterly basis so that Council has a better understanding of the expenditures and financial implications. Commitments have already been provided by Council in a couple of the requests though funding sources need to be identified.

The requests are as follows:

FY2016-2017 Budget Amendment/Electric Department/IBEW Local 126 Negotiations/Electric Legal Services:  
For outside counsel to support negotiating a collective bargaining agreement with the newly approved bargaining unit comprised of members of the Public Works/Electric Department. A transfer \$20,000 from Electric Reserves to Electric Legal Service is needed.

FY2016-2017 Budget Amendment/Police Department/Teamsters Local 326 Contract Increase:  
Following approval of the collective bargaining agreement for the Police union officers, the new salary chart went into effect this pay period. A transfer of \$185,500 from General Fund Reserves to Police Salary and Benefits Line is needed to cover the retroactive pay as was previously appropriated and held in reserves until the contract was ratified.

FY2016-2017 Budget Amendment/Transfer/City Administration/Salary and Benefit Line Items:  
As a result of the transfer of the Deputy City Clerk/Executive Assistant to Administration as was discussed in August, \$7,137 needs to be transferred from the Planning and Zoning Salaries and Benefits Line Items to City Administration Salary and Benefits Line Items.

## FY2016-2017 Budget Amendment/Planning and Zoning/Salary and Benefit Line Items:

The Office Assistant was promoted to Administrative Assistant/Permit Technician to support the work of the Planning/Building/Code Enforcement team as discussed. Accordingly, the Planning and Zoning Salaries and Benefits line items will be increased by funds from the General Fund Reserves in the amount of \$3,588.

## FY2016-2017 Five-Year Capital Budget Amendment/Police Department/Body Camera Program:

As shown on the \$117,331.21 Taser International quotation provided to the Police Department, the first year amount for the body camera program has a cost of \$35,027.50 that will be funded through State grants. An amendment to the Five-Year Capital Police Budget is needed due to a \$20,550 annual commitment in years two through five of the contract.

Mr. Morrow moved to adopt the amended 5-Year Capital Police Budget for the Body Camera and Software Project as indicated in the Taser Contract, seconded by Mr. Mergner. Motion carried.

Mr. Mergner moved to approve the FY2016-2017 Budget Amendment/Transfer/Planning and Zoning to City Administration/Salary and Benefits, seconded by Ms. Peel. Motion carried.

Mr. Mergner moved to approve the FY2016-2017 Budget Amendment/Planning and Zoning/Salary and Benefits/Transfer of \$3,588 from General Fund Reserves to the Planning and Zoning Salary and Benefits Line items, seconded by Mr. Campbell. Motion carried.

Mr. Campbell moved to approve the FY2016-2017 Budget Amendment from Electric Reserves to the Electric Department Legal Expense line item for IBEW Negotiations in the amount of \$20,000, seconded by Mr. Mergner. Motion carried.

Mr. Starling moved to approve the FY2016-2017 Budget Amendment/Police Department/Teamsters Local 326 Contract Increase in the amount of \$185,500 to the Police Department Salary and related line items, seconded by Mr. Morrow. Motion carried.

## ADJOURN

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

The Council Meeting was adjourned by Mayor Shupe at 11:01 p.m.

Respectfully submitted,



Terri K. Hudson, MMC  
City Clerk/Recorder