

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 26, 2013

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, August 26, 2013.

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Bryan Shupe, Garrett Grier III, S. Allen Pikus,
Owen Brooks, Jr., Douglas Morrow, Sr. and James Starling, Sr.

City Manager Richard Carmean, Police Chief Keith Hudson and
City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Rogers called the Council Meeting to order at 7:00 p.m.

Board of Revision and Appeal Hearing

It was announced the Board of Revision and Appeal hearing was canceled because the two property tax appeals filed had been satisfied.

INVOCATION AND PLEDGE

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

RECOGNITION

No special guests in attendance.

COMMUNICATIONS & CORRESPONDENCE

All items included in packet.

UNFINISHED BUSINESS

Approval of Revised Redner's Market Agreement
Approval of Redner's Market Escrow Agreement

Mr. Carmean advised there have been changes to the agreement since council originally approved the document. P.E. Randy Duplechain of Davis, Bowen and Friedel has been negotiating with Redner's on behalf of the city over the past month.

Mr. Rutt confirmed he has reviewed the agreement a couple different times. The first agreement is a Water Service Agreement that obligates Redner's to pay 50% or up to \$200,000 of the costs needed for a new well head and associated work.

The second agreement establishes an Escrow Account and appoints an Escrow Agent who is a law firm in Pennsylvania whom Solicitor Rutt corroborated is a very reputable firm. The process requires any bills be sent to the Escrow Agent who is responsible for making payment up to \$200,000.

The city manager thanked Mr. Duplechain for the time he spent overseeing this matter.

Mr. Rutt reported that the Conditional Use application for Redner's Market was reviewed by the Planning Commission last week. The commission recommended approval conditioned on council approving these two agreements.

Mr. Pikus moved to approve the revised Redner's Market Agreement as presented, seconded by Mr. Shupe. Motion carried with no one opposed.

Mr. Pikus then moved to approve the Redner's Market Escrow Agreement as presented, seconded by Mr. Shupe. Motion carried with no one opposed.

Adoption of Resolution 2013-14/Planning, Zoning & Engineering Fees-Revised

Mr. Carmean recalled when this was discussed by council at a previous workshop. He explained the changes will ensure the city no longer loses money on permitting, fees and inspections. He feels the revision makes clear the applicant is now responsible to pay any costs incurred by the city during the application process.

Most of the changes involve land use planning review fees and professional services.

The city manager confirmed that administrative fees are included and the applicant will be charged accordingly. The only change to any set fee is an increase in the application resubmission or rescheduling fee.

Mr. Pikus moved to adopt Resolution 2013-14, seconded by Mr. Starling:

SECTION 230-57 OF THE CITY OF MILFORD ZONING CODE PREVIOUSLY ESTABLISHED FEES;
ORDINANCE 2008-13 AUTHORIZES CITY COUNCIL, THROUGH RESOLUTION,
TO ESTABLISH ALL FUTURE PLANNING & ZONING FEES.

RESOLUTION 2013-14
PLANNING, ZONING AND ENGINEERING FEES

WHEREAS, the City of Milford Planning Department needs to comprehensively update its existing land development application fee schedule; and

WHEREAS, the City of Milford has a need to engage duly qualified engineers and related professionals; and

WHEREAS, the existing engineering fee schedule must be amended to allow the City Public Works Department to recoup the cost of professional services rendered for engineering reviews; and

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Mayor and Council of the City of Milford, the Planning, Zoning and Engineering Fee Schedule is hereby revised as reflected in the Proposed Fee Schedule.

BE IT FURTHER RESOLVED that the revised fee schedule shall be effective on 08/26/2013.

A. Planning and Zoning Fees:

1. Site plan: \$700.
 - a. Amendments to a Site Plan: \$100
2. Subdivision:
 - a. Minor residential: \$300 plus \$50 per unit
 - b. Minor commercial or industrial, less than four acres: \$500 plus \$100 per lot
 - c. Major residential: \$1,000 plus \$10 per unit
 - d. Major commercial or industrial, in excess of four acres: \$1,000 plus \$100 per lot
3. Conditional Use: \$700

- a. Amendment to a Conditional Use: \$700
- 4. Variance/Board of Adjustment Hearing:
 - a. Residential: \$300.
 - b. Commercial/industrial: \$1,000.
- 5. Rezoning: \$1,000 plus \$100 per acre.
- 6. Commercial maintenance agreement: \$500.
- 7. Interpretations of Subdivision or Zoning Code: \$300.
- 8. Application resubmission or rescheduling fee (required with each resubmission as a result of a revised design or a request for change in public hearing date): ~~\$100.~~ **\$200.**
- 9. Annexation.
 - a. Residential, less than one acre: \$350
 - b. Residential, one acre to five acres: \$2,500
 - c. Residential, in excess of five acres: \$2,500 plus \$100 per acre
 - d. Commercial: \$2,500 plus \$500 per acre
- 10. Zoning inspection.
 - a. Proposed use: \$200.
 - b. Violation of use: \$200 for first visit; \$500 for each subsequent visit.
- B. **Land Use Planning Review Fees: Owner/Applicant shall be responsible for any and all professional service costs associated with their project, if deemed necessary, plus an additional 10% to cover City administration. These costs will be billed as encumbered.**
- C. Engineering Review Fees:
 - 1. Preliminary Major Subdivision: ~~\$500~~
 - 2. Final Major Subdivision ~~\$1,500~~
 - 3. Final Minor Subdivision ~~\$500~~
 - 4. Final Site Plan 0 to 5,000 square foot building ~~\$250~~
 - 5. Final Site Plan, over 5,000 square foot building, add ~~\$250~~ for each additional 5,000 square feet
 - 6. Sewage Pump Station ~~\$1,500~~
 - 7. Revisions ~~\$100/sheet per revision~~

Owner/Applicant shall be responsible for any and all professional service costs associated with their project, if deemed necessary, plus an additional 10% to cover City administration. These costs will be billed as encumbered.
- D. Project management and infrastructure inspection fee: ~~Four percent of any infrastructure improvement construction costs to include stormwater management, drainage, sanitary sewer and water systems, roads, curb, gutter and sidewalks, and other related systems shall be paid by the owner/developer.~~
Owner/Developer shall be responsible for any and all direct costs for construction phase services related to construction of any infrastructure improvements including but not limited to stormwater management, drainage, sanitary sewer and water systems, roads, curb, gutter and sidewalks and other systems that are to be dedicated to the City and/or impact the City's infrastructure.
- E. Any construction fees (i.e., grading, curbing, gutter, subbase, traveling surface, sidewalks, etc.) incurred by the City relative to the development of any property shall be paid by the owner/developer.
- F. Subdivision Agreement: \$2,500 per agreement.
- G. Alley or Street Closing Petition: \$300
- N. ~~Subdivision and Specifications Manual: \$30.~~
- O. ~~Zoning Code Manual: \$30.~~

Words stricken are deletions; words in red are additions.

Motion carried.

*Streetscapes Project/City De-Obligation/Account Clarification/CTF Fund/Food Bank & Carlisle Fire Company/
Transfer to General Fund Reserves*

Mr. Carmean recalled at the last meeting, council approved a swap-out of legislative funds with Senator Bonini for the Food Bank in the amount of \$100,000 and Representative Peterman, Representative Kenton and Senator Simpson for Carlisle Fire Company in the amount of \$11,000.

He reported that he failed to take care of a de-obligation. He recalled the old Streetscapes Project whose work was completed years ago and whose money has been sitting idle since that time. As a result, Mr. Portmann recommends the \$161,000 in the Streetscapes Account be transferred into the General Fund Reserves to cover the costs of the legislative swap-out as presented.

Mr. Carmean then reported that the general fund reserves will then be at approximately \$160,000 which will hopefully get us through the remainder of this fiscal year.

Mr. Brooks moved to de-obligate the Streetscapes Project funds and transfer those funds into the General Fund Reserve Account, seconded by Mr. Morrow. Motion carried with no one opposed.

NEW BUSINESS

Adoption of City of Milford Tax Warrant/FY 2013-2014

Mr. Carmean referenced the Assessment Values for FY 2013-2014 which have been posted as required. The following warrant directs the city manager to collect taxes which are due on September 30th.

The tax department did receive two appeals, but both were settled by our appraisers. Therefore, no hearing was needed this evening.

Mr. Pikus asked if we sent notices out informing property owners they could apply for the senior citizen tax waiver; Mr. Carmean believes that is the taxpayers' responsibility though the tax reduction is publicly posted.

Mr. Pikus asked the deadline for filing for the waiver; Ms. Hudson advised it is normally around the first week of June. The city manager confirmed that no one can apply for the waiver after the deadline. He said the same applies to appeals. Anyone wishing to argue their assessed value will now have to wait until next year.

Mr. Carmean said that with our new billing system, we should be able to provide this information to every customer.

Mr. Pikus moved to adopt the following Property Tax Warrant for Fiscal Year 2013-2014, seconded by Mr. Starling:

GREETINGS:

The Charter of the City of Milford provides the following:

"Article VII, Section 7.12: Attached to said tax list shall be a warrant, under the Seal of the City of Milford, Signed by the Mayor and Attested to by the Secretary, commanding the City Manager to make collection of Taxes as stated in the Tax Lists."

THEREFORE, YOU, THE CITY MANAGER, DULY APPOINTED BY THE COUNCIL OF THE CITY OF MILFORD, ARE HEREBY COMMANDED TO COLLECT THE TAXES AS LEVIED IN THE FOUR WARDS AS FOLLOWS:

Assessed Per Billing Register	\$1,004,317,982
Exemptions	[189,368,360.00]
TOTAL ASSESSED VALUE	\$814,949,622.00

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ESTIMATED TAX PER PROPERTY VALUES		\$3,748,768.27
Senior Citizen Discount		[26,680.00]
TOTAL TAXABLE (Fiscal Year 2013-2014)		\$3,722,088.00

Motion carried with Mr. Morrow abstaining for business-related reasons.

FY 2013 Budget Adjustment/PNC Expenses/Miscellaneous

Mr. Carmean noted that council approved several related invoices at the last meeting. Since that time, we have received some additional bills and expect more to come in. He recalled that council voted to spend \$300,000 on the renovations to the bank. Items include ADA accessibility changes, a rear door exit, etc.

He is requesting \$60,000 more out of electric reserves to cover the fees associated with professional service related to engineering, architectural and legal expenses.

Once that work is completed, the renovation will be bid out and additional money will be transferred to cover the costs of the work.

Mr. Brooks asked how much of the professional services have been completed; Mr. Carmean said the work was started. The billing staff is currently reviewing the plans and providing their input. After those changes are incorporated, he will present the plans to council to ensure they are acceptable. Once that is done, the construction project will be bid.

Mr. Brooks asked the estimated costs of getting the public works building back to its normal condition; Mr. Carmean explained he had the office built with temporary fixtures knowing the staff would eventually be moved out. The counters and other items were installed without any damage to the walls or flooring. Carpeting is the only item that will have to be replaced. As a result, the costs will be minimal.

Once the staff is out of that room, it will again be used as a meeting room. It will also be available for temporary housing in the case of a storm situation. Because the public works facility was built to be an emergency shelter, the city manager advised it contains a full commercial kitchen and room for bunks should our staff have to work round the clock during a catastrophic event.

The main purpose of the area that has housed the billing department the last few years is for gatherings. He recalled when Pop Warner used it as well as other community groups.

Mr. Pikus asked the cost of replacing the drive-in window equipment at the PNC facility. Mr. Carmean reported that PNC cut out the tubes with a hacksaw though the tubes were left at the site. The pneumatic tubes will have to be replaced and relocated and he is unsure what other work will be required.

The bank has a good camera system though that equipment was also removed. Mr. Carmean intends to add a camera system to make it as safe as possible. When Mr. Brooks suggested the cameras be viewed live at the police department, Mr. Carmean said he definitely agrees adding it will also be recorded.

Mr. Rutt explained there is an option for an ATM agreement though PNC has the right of first refusal should we decide to install one.

Mr. Carmean feels the purchase was a great deal for the city and will save more than \$1 million which was projected for the new building on the river.

His goal is to have this project completed and staff in by January 2014.

Mr. Pikus moved to transfer \$60,000 out of electric reserves, seconded by Mr. Brooks. Motion carried with no one opposed.

FY 2013 Budget Adjustment/Streets & Grounds/Beaver Tree Consulting Service/Bill Pike

The city manager reported that he decided to continue with the Porcelain Berry Project started a few years ago. The problem was brought to his attention by Councilman Starling who discovered the invasive species in the Penn Fountain Walkway area where the vines are strangling out trees and shrubs and invading the entire landscape. After checking around, it was discovered we have enough chemical on hand to cover approximately 50 acres. We plan to hire Beaver Tree Consulting Service and have Bill Pike and his brother, who specialize in the work, assist in applying the chemical for a two to three-week period a couple days a week.

The city manager spoke with a contractor who does this work for about \$500 an acre. Mr. Pike, who was the city's arborist for several years and his brother, will handle the spraying for about \$150 an acre.

He advised that one department felt it was another department's responsibility which is how this got out of control. Previously it fell under the jurisdiction of Parks and Recreation, but Mr. Carmean has since put it under the Public Works Director which he feels is appropriate.

Mr. Carmean reported this was not in the budget and asked that council approve a budget transfer of \$7,500 from electric reserves into the public works budget.

Mr. Pikus moved for approval of \$7,500 from Electric Reserves into the Public Works Budget, seconded by Mr. Grier. Motion carried with no one opposed.

Reappointment of Planning Commission Members

Terms of the following Planning Commissioners expire August 31, 2013:

Archie Campbell
Jason James
Kerri Fry

Planning Commission Chairman James Burk was present and advised that Jason James had submitted his resignation effective August 31, 2013 due to unrelated personal commitments. A replacement will be needed to fill that vacancy.

Mayor Rogers requested the reappointment of Mr. Campbell and Mr. Fry for a three-year term; Mr. Brooks moved for confirmation of the two appointments, seconded by Mr. Shupe. Motion carried with no one opposed.

Reappointment of Board of Adjustment Members

Mayor Rogers recommends that Brendon Warfel be reappointed to the Board of Adjustment. His term expires on August 31, 2013. Mr. Grier moved to confirm the appointment of Brendon Warfel to the Board of Adjustment for a period of three years, seconded by Mr. Morrow. Motion carried with no one opposed.

EXECUTIVE SESSION- 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

Mr. Pikus moved to go into Executive Session reference legal advice, seconded by Mr. Grier. Motion carried.

Mayor Rogers recessed the Council Meeting at 7:30 p.m. for the purpose of an Executive Session as is permitted by Delaware's Freedom of Information Act.

Return to Open Session

City Council returned to Open Session at 7:55 p.m.

City Solicitor Rutt advised that no action is needed as a result of the discussion in Executive Session.

ADJOURN

With no further business, Mr. Brooks moved to adjourn the Council Meeting, seconded by Mr. Morrow. Motion carried. The Council Meeting adjourned at 7:56 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Terri K. Hudson".

Terri K. Hudson, MMC
City Clerk

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 26, 2013

The City Council of the City of Milford met in Workshop Session on Monday, August 26, 2013 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Bryan Shupe, Garrett Grier III, S. Allen Pikus,
Owen Brooks, Jr., Douglas Morrow, Sr. and James Starling, Sr.

City Manager Richard Carmean, Police Chief Keith Hudson and
City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

The Workshop Session convened at 7:57 p.m.

Economic Development Committee Update/Councilman Grier

Mr. Grier reported the Economic Development Committee met on August 15th. In addition to himself, Committee Members Starling and Shupe attended along with Councilmen Pikus and Gleysteen. Two items were discussed.

David Wilk, who is National Chair of Corporate Real Estate and Advisory Services for Sperry Van Ness and Corporate Valuation Advisors, made a presentation to the committee and offered some ideas on projects he has worked on. Mr. Wilk has more than 35 years of real estate experience on commercial, industrial, residential, agricultural, governmental, and institutional real estate projects and has worked in forty-eight states as well as a number of other countries.

The committee asked Mr. Wilk several questions to determine his recommendations for Milford. After a lengthy discussion, Mr. Wilk was directed to the website to review the city's Economic Development Strategy and Action Plan created by John Rhodes in 2010.

Mr. Grier assured him that city council is pro economic development. Mr. Wilk stressed the importance of city council working together in addition to the community's support of the initiative. Once he has reviewed the strategy and action plan, Mr. Wilk was asked to return with some direction for the city.

The second item discussed was the future of the Economic Development Director position. The entire committee was in favor of continuing with the position and agreed the funding would be paid from the Wawa Economic Development fund.

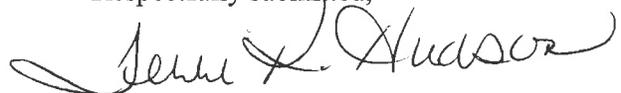
Mr. Grier advised the meeting ended with a motion that the city manager fine tune the economic development director's job description and bring it back to council for a final review.

Mr. Brooks said that the committee's recommendation is what he believed was agreed at the time of the budget hearing. Mr. Grier concurred that is what the conversation entailed at the hearing as well.

Mr. Grier then asked the city manager to forward the revised job description to city council; Mr. Carmean recommended he first meet with the committee in order to get some input before it is presented to the full council.

With no further business, the Workshop Session concluded at 8:04 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder