

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 9, 2013

The Monthly Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, September 9, 2013.

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Bryan Shupe, Garrett Grier III, S. Allen Pikus, Dirk Gleysteen, Owen Brooks, Jr., Douglas Morrow, Sr. and Katrina Wilson

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 Monthly Meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation given by Councilwoman Wilson.

APPROVAL OF MINUTES

Motion made by Mr. Pikus, seconded by Mr. Grier to approve the minutes of the August 5, 12, 15 and 26, 2013 Council and Committee Meetings as presented. Motion carried.

RECOGNITION

No special guests were present to be recognized.

MONTHLY POLICE REPORT

After Police Committee Chairman Morrow presented the monthly police report on behalf of Chief Hudson, Mr. Pikus moved to accept the report as submitted, seconded by Mr. Shupe. Motion carried.

CITY MANAGER REPORT

Mr. Carmean presented the following report:

Administration

The new billing format has now been sent to customers in all four cycles. There are still some things that will be changed. We instituted our outsourced mailing of utility bills at the same time. There were a few problems in the first two cycles, but nothing out of the ordinary considering the scope of the changes. In particular, our e-notification customers did not receive a hard copy of the bill. We did mail taxes in-house this year, but next year they will also be handled off-site.

The new and very large tower for our radio system has been installed at public works. We are within a month of completion of the changeover from the analog system to a digital system.

Electric

We are continuing to receive materials for our 138 transmission line on Route 113. Electrical Engineer Alan Cobb has been on site several times the past few weeks overseeing the initial work. Electric Superintendent Rick Carmean and I have been communicating on a regular basis with Delmarva Power due to the fact they share space on our present poles. We are trying to coordinate our construction plans with them. Solicitor Rutt is assisting me in any matters that require legal interpretation.

Warfel Construction has basically finished the concrete work for the substation and the steel was erected for the transformer bays. This means the substation is about 40% complete. This should be complete and on line no later than the first of the year.

Our crews are trimming trees that are a danger to our service lines. I have instructed them to make every effort to contact owners of trees in need of trimming before the work is done. We do maintain the right to do emergency trimming without contact. This work is instrumental to help maintain our excellent record of keeping the electric on for our customers.

Sewer and Water

The Washington Street Treatment Plant demolition is finished. The next step is to drill a test well at the Washington Street tower to make sure we have a sufficient supply and quality of water for a permanent well at the site. This well is only possible because of our purchase of the PNC property. According to Eric Retzlaff of Davis, Bowen and Friedel, the ability to place this well at the tower instead of on the lot behind City Hall could save us approximately \$200,000.00. This proves the point that the PNC property had much more value to the City than to most other purchasers.

In addition, the new well will require very little property.

Streets & Solid Waste

I have realized that we have a glaring problem with our new solid waste ordinance regarding our spring and fall cleanup. I feel certain that some customers will take these two occasions to demand we pick up ANYTHING. During the spring clean-up week, we had several customers demand we remove truckloads of tree limbs because we stated we would pick up everything they wanted removed from their property. The ordinance states we will only pickup yard debris that fits into the yard waste can. If we do not enforce that during the special cleanup dates, people will simply wait for these clean-up weeks to cut a massive number of tree limbs or in some cases, whole trees, then bring them to the curb. We no longer remove construction materials, which includes scrap materials from home remodeling and materials from demolition. These items are also stockpiled awaiting our seasonal cleanup weeks. I will try to develop a notice to customers outlining what we will not remove on the special cleanup weeks.

In the past, the trucks would cover the entire city every day. However, we are down 30% in personnel and have one less trash truck on the route. Therefore, it is difficult to return to a customer for a second visit. The letter will state that all items must be put out for one pickup.

Anyone with a problem should contact me and we will work it out.

Mr. Brooks asked if the customer's pickup is on Monday and another collection is needed later in the week due to additional yard debris, for example, is Mr. Carmean indicating the customer should contact him, public works or are they required to wait until the next regularly scheduled collection. Mr. Carmean stated that the solid waste department plan is to have one open day per week that would not be dedicated to yard debris and recycling. He agreed that in the situation Mr. Brooks explained, it could be done on a limited basis and they would be willing to try and schedule it.

Mr. Pikus asked if the press will be contacted when the letters will be sent out. He is concerned we will get phone calls saying the customers did not see the letter. Mr. Carmean explained the letter will be mailed with every utility bill so everyone will receive it.

Southeast Front Street engineering is complete and bids will soon be available to interested contractors. In the past month, we have discovered other problems with our stormwater collection system on that street, but will not hold up this overdue project.

After many years of investigation by numerous people, the constantly standing water problem on Northeast Front Street has been solved. Public Works Director and the Street Superintendent had equipment to excavate the roadway to determine the source of the water. They found there were no leaks in water services and found it was groundwater and water from several underground springs. By using the curbing and sidewalk, they are directing the water into a flexible line that goes down to the stormwater drain. They have suggested we continue about another 150 feet east to further alleviate any similar problems.

Mr. Brooks recalled the previous problem discussed in regard to the traffic light at Northeast Front and Washington Street. He reported that vehicles traveling south on Washington Street are delayed for long periods of time. It appears the light may be skipping a cycle for vehicles traveling in that direction.

Mr. Carmean agreed and advised council that he had ordered some white signs with arrows pointing to the stop line. He has experienced the same problem traveling north and believes the problem is that vehicles go beyond the white stop line and miss the trip.

The city manager will follow up and get back with Mr. Brooks.

Mr. Carmean then reported that the markings at the entrance into the Milford Square Shopping Center are being addressed. Mr. Brooks noted that the stripings have worn off. Mr. Carmean agreed but believes the current configuration is very confusing to drivers. The idea was to have two lanes, one being used as a turn lane into McDonalds. This would prevent traffic from backing up.

Mr. Brooks agreed a simpler configuration could be made.

Mr. Pikus asked if the city has control over the Milford Plaza Shopping Center and the markings within the lot. He reported that the majority of the striping is gone because of the construction that has occurred the past few years. Vehicles are drifting into the wrong lanes and in particular, the area where Chick-Fil-At is going.

Mr. Pikus asked Mr. Carmean to contact the owner and request the markings be repainted as was done several years ago. Mr. Carmean recalled the time when he got tired of waiting for the owner to respond and he ended up having our employees install the stop signs within the parking lot.

Mr. Carmean said he will see that the owner/manager is informed.

When asked the schedule of the billing staff relocating to the PNC building, Mr. Carmean said that he will have the initial drawings of the layout for council to approve at the workshop. Once approved, we can proceed with the bidding process for the construction. The billing staff should be operating there by January 2014.

Mr. Pikus moved to accept the city manager's report, seconded by Mr. Gleysteen. Motion carried.

COMMITTEE AND WARD REPORTS

1st Ward

Mr. Shupe expressed his appreciation for the work that was done in his ward. He said there have been some ongoing problems at the Meadows at Shawnee as a result of the road construction. He thanked Chief Hudson for placing the speed signs on Rehoboth Boulevard several weekends to slow vehicles coming off the Route 1 overpass. He also thanked the public works department for getting and installing the no u-turn signs at the entrance of Meadows at Shawnee.

Circle of Light

Ms. Wilson said that the Circle of Light is preparing to come back before council. They are in the process of finalizing their report for council consideration.

COMMUNICATIONS AND CORRESPONDENCE

Documents included in packet.

UNFINISHED BUSINESS

Referendum Process/Update

Mr. Carmean said this was discussed briefly and asked that council make a determination on the \$3.5 million loan and whether to proceed with the referendum.

Mr. Pikus moved to proceed with a referendum to borrow \$3.5 million at 1.5%, seconded by Mr. Grier. Motion carried.

NEW BUSINESS

*FY 2013-2014 Budget Adjustment/Parks and Recreation
Award of Bid/Bocce Ball Court/Parks & Recreation*

Parks and Recreation Director Gary Emory requested the \$18,800 proceeds from the sale of the Masten Park land will be transferred to pay for two projects that are underway. The money will be put toward the Banneker Basketball Court renovations and the Bocce Ball Court.

Mr. Pikus asked if the turf at the Bocce Ball Court is interlocked. Mr. Emory explained it is a state of the art, synthetic turf court. They were planning two courts, but the bids came in two times the estimated costs. As a result, only one will be built at this time.

Matthew Spong of Landscape Architectural Services of Dover, oversaw the bid process and submitted the following recommendation to city council:

Advertisements for bids for this project were placed in the Delaware State News Public Notices on 8/2/13 and 8/5/13. On 8/6/13 a non-mandatory pre-bid meeting was held at the City of Milford Parks Department. Bids were due on Tuesday 8/20/13 at 11:00 a.m. at the City Hall Council Room.

The bid price solicited from contractors was requested as follows:

Base Bid: provide all labor, materials and equipment to construct (1) Bocce Ball Court, including sediment & erosion control, grading, concrete slab, artificial turf surface, 6X6 wood edging, concrete paver access walk, sodding and clean-up.

Add Alternate #1 was to add the construction of a 2nd Bocce Ball Court to the Base Bid.

Deduct Alternate #1 was to deduct the cost of sod from the Base Bid and provide a seeded lawn in lieu of sod.

On 8/20/13 (3) bids were received from the following contractors. All bidders submitted the required bonds, bid forms, non-collusion statements and acknowledged receiving Addendums #1 & #2.

<i>Contractor</i>	<i>Base Bid</i>	<i>Add Alternate #1 2nd Court</i>	<i>Deduct Alternate #1 Deduct Sod</i>	<i>Total with Alternates</i>
<i>Gateway Construction, Inc. Hartly, DE</i>	<i>\$51,588</i>	<i>+\$30,000</i>	<i>-\$1,000</i>	<i>\$80,588</i>
<i>Conventional Builders, Inc. Houston, DE</i>	<i>\$38,000</i>	<i>+21,300</i>	<i>-\$500</i>	<i>\$58,800</i>
<i>Road Site Construction, Inc. DBA/Clean Cut Interlocking Pavers Lewes, DE</i>	<i>\$33,809</i>	<i>+24,056.50</i>	<i>-\$337.30</i>	<i>\$57,528.20</i>

The low bidder is Road Site Construction, Inc.

After discussion with Gary Emory, Parks & Recreation Director, it is my recommendation that the base bid for construction of (1) Bocce Ball Court be awarded to Road Site Construction, Inc. DBA/Clean Cut Interlocking Pavers for \$33,809.

Mr. Emory advised that Milford Senior Center will take an active part in overseeing the court which includes signing out the balls and the overall operation of this facility.

When asked if the senior center will schedule the court, Mr. Emory said that Parks and Recreation will schedule tournaments but he believes the court be an 'open to the public type' situation.

He reported the facility will be open to the public next spring though it could be done by fall depending on the weather.

Mr. Emory confirmed that no maintenance is required on the court. The boards will be removed prior to any festivals to make the area more suitable for a large crowd.

The following request was submitted by Mr. Emory:

I would like to request a transfer of funds from the recent Masten Park land sale totaling \$18,800 to the following line items:

\$13,809 (Capital Parks 451-70-50) Bocce Ball Court Development

\$4,991 (Facility Maintenance and Repairs 451-40-34) Banneker Basketball Court Renovations

\$18,800 Total Transfers

Mr. Carmean said that because the billing office/building was eliminated from the Washington Street Water Treatment facility, there will be an open area in the front which can accommodate a small pocket park. The suggestion was to place a parking lot there though that would not be allowed by DNREC due to the impervious surface requirements.

When asked the status of the dog park, Mr. Emory said that is also underway and is being done in house. It will be open by spring.

He explained that approximately six inches of dirt needs to be removed and topsoil brought in and seeded. The fence already exists and water will need to be made available.

Mr. Pikus said that Mr. Emory informed him that he is responsible for cutting sixty-one parcels every week; Mr. Emory clarified it is actually 200 acres. Mr. Carmean pointed out that includes the cemetery.

Ms. Wilson asked Mr. Emory to inform council of the plans at the Banneker Basketball court. Mr. Emory reported the court will be completely renovated. The court was installed 35 years ago with funds from the Land and Water Conservation Trust Fund Grant in partnership with Milford School District. The city is mandated to take care of that park. He made a pledge to refurbish the park which will be state of the art and good for another 35 years.

Mr. Pikus confirmed that balance of the money will go toward those renovations. Mr. Emory said the Banneker Court will be paid out of the operations and maintenance budget because capital funds could not be used because it is already owned by the city.

The total renovations are between \$20,000 and \$25,000.

He explained that five years ago, the city entered into a lease agreement with Milford School District that charged the city with perpetual maintenance. At that time, the school district was going to turn the court into a storage shed area. City council became involved which resulted in the lease agreement. Mr. Emory said he is very proud of his accomplishments there.

Mr. Pikus moved to transfer \$13,809 to Capital Parks 451-70-50 for the Bocce Ball Court Development and \$4,991 to Facility Maintenance and Repairs 451-40-34 for the Banneker Basketball Court Renovations. The funds will come from the proceeds from the sale of the Masten Park to Sudler Lofland. Ms. Wilson seconded the motion. Motion carried.

Mr. Emory then announced to city council that Wednesday is his 35th Anniversary.

Mr. Grier then moved that the base bid for the construction of one Bocce Ball Court be awarded to Road Site Construction, Inc. DBA/Clean Cut Interlocking Pavers for \$33,809, seconded by Mr. Pikus. Motion carried.

Introduction/Ordinance 2013-6/Chapter 230-Zoning Code/Planning & Zoning Fees

The city manager introduced the following ordinance whose language in the Zoning Code will coincide with the changes to the Planning, Zoning and Engineering fees adopted by council via a resolution at the last meeting:

AN ORDINANCE TO AMEND Chapter 230-Zoning, Article XI-Administration of the Code of the City of Milford.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Amends §230-57 Planning and Zoning Fees to read as follows:

*ARTICLE XI - Administration
§ 230-57. Planning, and zoning AND ENGINEERING fees.*

Planning, and zoning AND ENGINEERING fees shall be set by resolution ADOPTED by City Council and are maintained by the City Clerk's office.

Section 2. All ordinances or parts of ordinances previously adopted and in conflict with this ordinance are hereby repealed.

Section 3. Dates.

Introduction to City Council: September 9, 2013

Planning Commission Review and Public Hearing: September 17, 2013

City Council Review and Public Hearing: September 23, 2013

Section 4. The Ordinance shall become effective no sooner than Ten Days after Adoption by City Council.

It was confirmed the matter will go before the Planning Commission for their recommendation. Council will consider that during their public hearing and make a final determination.

Introduction/Ordinance 2013-7Chapter 200-Subdivision of Land/General Requirements & Design Standards

The city manager introduced the following ordinance whose language in the Subdivision Code will now coincide with the changes to the Planning, Zoning and Engineering fees adopted by council via a resolution at the last meeting:

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

AN ORDINANCE TO AMEND Chapter 200-Subdivision of Land, §200-5 General requirements and design standards of the Code of the City of Milford.

Section 1. Amends §200-5 General requirements and design standards (H) Improvements (4) to read as follows:

*The developer shall pay the review and inspection fees as set forth in Chapter 230, Zoning, § 230-57, ~~Planning and zoning fees.~~ **PLANNING, AND ZONING AND ENGINEERING FEES.** The cost for each segment or phase of the development shall be paid prior to commencement of utility construction.*

Section 2. All ordinances or parts of ordinances previously adopted and in conflict with this ordinance are hereby repealed.

Section 3. Dates.

Introduction to City Council: September 9, 2013

City Council Review and Public Hearing: September 23, 2013

Section 4. The Ordinance shall become effective no sooner than Ten Days after Adoption by City Council.

A final determination will be made at the next council meeting.

Adoption/Resolution 2013-18/Halloween Events

Mr. Brooks moved to adopt Resolution 2013-18, seconded by Mr. Shupe:

WHEREAS, the children of Milford are entitled to the fun and festivity associated with the observance of the Halloween; and

WHEREAS, we would like to continue the celebration in an orderly manner.

NOW, THEREFORE, BE IT RESOLVED, I, Joseph R. Rogers, Mayor of the City of Milford, do hereby request and urge the observance of this annual period as follows:

WEDNESDAY, October 16, 2013 starting at 6:30 p.m. and ending at 9:00 p.m. shall be the time for the Annual Community Parade.

THURSDAY, October 31, 2013 shall be the official date for youngsters to observe Halloween Trick or Treat Night.

AND, BE IT FURTHER RESOLVED THAT:

**Only celebrants of 12 years and under will be permitted to engage in Trick or Treat between the hours of 6:00 p.m. and 8:00 p.m.*

**All celebrants are requested to refrain from committing acts of vandalism or destruction.*

**Residents are requested to indicate their willingness to welcome children by keeping their porch or exterior lights on and that youngsters call only on homes so lighted.*

Motion carried.

It was noted the Community Parade is always held the third Wednesday of October.

Adoption/Resolution 2013-19/Fall Clean-Up Week

Mr. Pikus moved to adopt the following resolution, seconded by Mr. Morrow:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Milford, in Council met:

WHEREAS, it is desirous to promote the general cleaning of the City of Milford and improve its overall beauty to the maximum enjoyment and benefit of all citizens and visitors; and

WHEREAS, we are fortunate to live in a community so abundantly blessed with natural assets that we have a continuing responsibility to preserve our environment by keeping it clean, healthy and in order by organizing and carrying out clean-up and fix-up projects which will enhance, restore and maintain the beauty of all properties; and

WHEREAS, all maintenance and clean-up debris, including large and bulk items, shall be placed for curbside pickup in order to exemplify cleanliness and beauty.

NOW, THEREFORE, I, Joseph R. Rogers, Mayor of the City of Milford, by the power vested in me, do hereby proclaim the week of September 30, 2013 to October 4, 2013 "Fall Clean-Up Week" in the City of Milford.*

Motion carried.

Permission to Sell and Consume Alcohol/Downtown Milford, Incorporated/Eat in the Street Event

Mr. Carmean advised that Downtown Milford is closing off a portion of Walnut Street and will be setting a table in the middle of the street for one hundred guests. Different restaurants will be participating and Dog Fish Head Brewery will be providing a different beer for each course. Approval is needed to serve the beer on the street.

When asked if permission is needed from the State Office of Alcoholic Beverage Control Commissioner, Mr. Carmean stated that the commissioner requires permission from the city before their application can be considered by the state.

Mr. Shupe then moved to grant permission to sell and consume alcohol at the designated areas as noted on the map submitted by DMI for the Eat in the Street Event on September 22, 2013, seconded by Mr. Morrow. Motion carried.

MONTHLY FINANCE REPORT

Finance Committee Chairman Pikus reported that through the first month of Fiscal Year 2013-2014 with 8.3% of the fiscal year having passed, 7.8% of revenues have been received and 7.8% of the operating budget expended.

He noted that some departments are over the 7.8% mark at the end of July; that is due to a number of major purchases, repairs and contracts that are paid at the beginning of the fiscal year. Mr. Pikus anticipates it will even out as the year progresses.

Mr. Brooks asked if the \$5,000 that has been spent out of council is the result of Delaware League and SCAT dues. Mr. Carmean stated yes and pointed out that Delaware League dues alone are \$4,000.

Mr. Pikus moved to accept the finance report, seconded by Mr. Morrow. Motion carried.

ADJOURN

Mr. Pikus moved to adjourn the meeting, seconded by Mr. Morrow. Motion carried.

The Monthly Meeting adjourned at 7:49 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Terri K. Hudson".

Terri K. Hudson, MMC
City Clerk/Recorder