

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
October 14, 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, October 14, 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 James Starling, Sr. & 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 7:01 p.m.

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

APPROVAL OF MINUTES

Motion made by Mr. Brooks, seconded by Mr. Morrow to approve the minutes of the September 9, September 23 and October 7, 2013 Council and Committee Meetings as submitted. Motion carried.

RECOGNITION

*Proclamation 2013-12/Extra Mile Day*

The following proclamation was presented making November 1<sup>st</sup> Extra Mile Day in the city:

*WHEREAS, 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, 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, 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, Milford, Delaware acknowledges the mission of Extra Mile America to create 400 Extra Mile cities in America and is proud to support "Extra Mile Day" on November 1, 2013.*

*NOW THEREFORE, I, Mayor of Milford, Delaware do hereby proclaim November 1, 2013 to be Extra Mile Day in the City of Milford.*

*I further 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.*

*s/Mayor Joseph R. Rogers*

*City Planner Gary Norris/American Planning Association Great Places in America Award: Streets-North and South Walnut Street Milford*

City Planner Norris advised the city received a prestigious award from the American Planning Association (APA) who recognized a five-block stretch of Walnut Street from Northeast Fourth Street to Maple Street. This was one of ten streets who received the recognition in the country.

Mr. Norris then introduced David Edgell from the Office of State Planning Coordination.

Mr. Edgell advised that he was present today representing the American Planning Association as the immediate Past President of the Delaware Chapter.

He then read the following comments into the record:

*"I'm excited to be in Milford to help you celebrate North and South Walnut Street's recognition as one of this year's "Great Streets" by the American Planning Association.*

*During October APA celebrates National Community Planning Month, and the announcement earlier this month of the 2013 Great Places in America got things connected with Planning Month off to a great start.*

*The 30 Great Places for 2013 that have recognized across the country --10 Great Streets, 10 Great Neighborhoods, and 10 Great Public Spaces - stand out because of their strong sense of place; interesting and unique characteristics; leadership of local officials; and support and participation of residents.*

*Since APA's Great Places began in 2007, 200 designations in all fifty states and the District of Columbia have been made, including two designations in Delaware: your Walnut Street and The Green, a public space in Dover, which was designated a "Great Public Space" in 2009.*

*Other 2013 Great Places nearby include the Ben Franklin Parkway in Philadelphia; Essex County Branch Brook Park in Newark, New Jersey; and Grand Central Terminal in New York City.*

*Information about these and other Great Places in America can be found on APA's website at [www.planning.org/greatplaces](http://www.planning.org/greatplaces).*

*As I mentioned, Great Places are exceptional because of many things, including the leadership of elected officials, the contributions of businesses and community organizations, and the hard work of engaged citizens and planners.*

*Great Places in America also stand out because of interesting and historic architecture; sidewalks, street trees and bike lanes that encourage residents to walk or bicycle; nearby parks and schools; and local stores and businesses that make shopping and running errands convenient, easy and enjoyable.*

*Walnut Street stands out as a 2013 Great Street given its historic architecture; core of unique and locally owned businesses; a successful public-private revitalization effort; construction of the Mispillion River walkway; and a marketing and branding campaign. Like many Great Places, Walnut Street developed from Milford's incredibly rich history. It was the wealth created from 18th century ship building that enabled Milford to grow and expand development from along Front Street to a new main street - North and South Walnut.*

*Well-to-do families at the time spared little expense when building their homes along Walnut Street first in the in Federal style and then moving onto Greek Revival- and Victorian-influenced architecture.*

*Recognizing and capitalizing on Milford's rich history and unique character, was a downtown revitalization committee that*

*was created in 1992 from discussion during a City Council Workshop about revitalizing downtown businesses.*

*Recognizing the value of its history and historic architecture, the town made \$2.2 million in public and private investments between 1995 and 2000 including sidewalk and street improvements, erosion control and the Mispillion River walkway.*

*In 2007, additional improvements were made along Walnut Street including removal of utility poles, burying power lines, adding benches and sidewalk planters, and adding historic lighting.*

*Complementing these physical improvements has been a rebranding and marketing campaign, based on the town motto, "Art Town, River Town, Home Town," and inclusion of Walnut Street in Delaware's Main Street program in 2008.*

*Today events like the Mispillion Arts League's 'Fine Art Show' and the Bug & Bud Festival that celebrates Arbor Day draw thousands of visitors to Milford each year.*

*Providing the foundation for efforts of Downtown Milford Inc., along Walnut Street, which were recognized with four outstanding achievement awards from the 2010 Maryland--Delaware Revitalization Conference, was a strong and successful commitment to planning and plan implementation.*

*The planning process involved creating a vision for what downtown Milford could become, identifying strategies to make that vision a reality and then following through with implementation of that downtown plan.*

*Today Milford is embarking on the next phase of its future and continued economic success. A new comprehensive plan is being drafted to help Milford navigate future without losing sight of its past or its unique historic character.*

*Given what has been accomplished along Walnut Street by your town's elected officials, community leaders, businesses and residents, APA is confident North and South Walnut Street will continue to be an outstanding example of good planning. Congratulations on your designation as one of America's Great Streets for 2013!"*

Mr. Edgell than added that from a personal standpoint, he has very closely worked with council and the planning commission for many years as the Circuit Rider Planner for Kent County. He was unaware of the award though it did not surprise him because of the accomplishments that have been made.

He then presented the plaque to Mayor Rogers.

Mr. Edgell then noted that when State Planning Director Connie Holland heard about the award, she was extremely excited and proud. She sent a letter which was presented to Mayor Rogers.

Mr. Norris announced that this was a joint effort between the City of Milford, DMI and the downtown merchants.

#### MONTHLY POLICE REPORT

After presenting the Police Report on behalf of Chief Hudson, Mr. Morrow moved to accept, seconded by Mr. Gleysteen. Motion carried.

#### CITY MANAGER REPORT

Mr. Carmean read into record the following report:

##### *Administration*

*Our city planner, Mr. Gary Norris, has officially announced his retirement. Gary has been working for several years on a limited schedule. He is willing to continue to work with the City approximately five days per month for the purpose of giving us must have certification on projects. He will be presenting before the Planning Commission and the City Council*

*those items which need his expertise and professional recommendations. I think that we can survive for a short time utilizing Mr. Norris in this manner, but I do feel the City must have a planning function. This position will be discussed further with the Mayor and Council in the future.*

*I feel that though we have made a lot of cuts, there is a tipping point where we do not have enough people in the seats that have to be filled.*

#### *Streets & Solid Waste*

*The Fall Cleanup went smoothly for our crews and customers. There were some customers who wanted materials picked up that we no longer handle. In most cases, the inability to comply with those requests is a result of what we are prohibited from taking to the Solid Waste Facility. However, yard debris removal expectations of customers have led to a few misunderstandings with our solid waste department. I will be discussing that with Mayor and Council later in the agenda.*

*The Public Works Department is now suggesting we continue to collect yard debris throughout the year. The ordinance passed last year states we will discontinue yard debris collection from November 1<sup>st</sup> through April 1<sup>st</sup>. Last year I found that storms or other situations during the winter have created a need for the yard debris service. It is my recommendation that we give this a trial run under an operational test for the winter. I will ask mayor and council to consider officially changing the ordinance if needed in the future. Curbside leaf pick-up will follow the normal schedule of November 1<sup>st</sup> through January 31<sup>st</sup>.*

#### *Electric*

*I attended the annual DEMEC Board training session and meeting on September 25<sup>th</sup> at the Dover Downs Conference Center. The Annual Dinner followed the meeting and Councilman Skip Pikus attended as my guest. The information was interesting in the most part because it reminded me of how DEMEC has grown in the last ten years. We now own two quick fire generators that can produce energy during peak periods that are fueled by dual fuels which are oil and natural gas. These save the members considerable dollars by making us less dependent on the market. DEMEC also has a purchase agreement with Duke Energy to buy all energy generated by the Laurel Hill Wind Farm in Lycoming County, PA, and we recently purchased part of the base generation plant in Fremont, Ohio at a 13.06% ownership. These investments and purchases could never be considered by the city alone, but with a joint action group like DEMEC we have increased strength in the electric marketplace.*

*We have been a member of DEMEC since their inception under the leadership of City Manager George Russell.*

Mr. Brooks was pleased with the change in the yard debris restrictions and confirmed that notices will be provided to the media to ensure the public is properly advised. Mr. Carmean stated yes and in addition, that information will be provided in the utility bills.

Mr. Pikus confirmed that we are continuing to bill for large amounts of debris or yard waste. Mr. Carmean stated yes. He said Mr. Pikus is referring to a recent situation on Kings Highway that required two city employees and the use of our chipper for two to three hours a day on three different dates. He said the additional service was provided for the mere monthly fee of \$23.50.

The city manager said another problem created by the large or heavy pickups are the injuries to our employees. However, the city still provides bulk pickup and large items such as a freon-free refrigerator or couch will be collected though an additional fee is assessed.

Mr. Pikus emphasized that property taxes do not cover the cost of trash; that service is covered by the trash fee paid by our customers.

Mr. Grier feels the monthly fee needs to be reviewed during the next budget. Mr. Carmean agrees noting that people living outside the city are paying in excess of \$100 per quarter and city customers are paying less than \$75. Even with the higher

fees, those customers are not getting yard debris pickup and are responsible for disposing of it themselves.

Mr. Brooks recalled that during the budget hearings, it was reported the solid waste budget was balanced and there was an emphasis put on the fact that there was no need to increase the trash fee. Mr. Pikus agreed though he believes that may be changing. Mr. Grier believes that by increasing the fee, we can add the services back that were eliminated the past couple years.

Mr. Brooks pointed out that a lot of people only put out one bag of trash each week, while others put out six to eight bags in addition to a full container. It was confirmed the customers putting out the excess trash are being billed accordingly; Ms. Wilson said she told that customers who put out a large volume of trash are required to get a second container which means an additional fee. Mr. Carmean explained that our driver makes a notation whenever this occurs. The customer is then delivered a second can and the additional fee assessed. Mr. Brooks said he observes overflowing trash containers with multiple bags of trash at the same houses week after week and hopes they are being billed appropriately.

Mr. Carmean said we suffer from a number of spoiled customers. He said that over the years, our trash crews have picked up any amount of trash left out without question. He said the crews are lectured every day because they do not address these situations. He explained that the Kings Highway situation would not have occurred had Mr. Carmean been made aware of it. Once he received a phone call, it was too late because the crews had already taken care of it.

He will follow-up and confirm these violations are still being reported by the trash truck drivers.

Mr. Carmean said that these incidents are often the result of friends and family living outside the city who bring their trash to a house in the city to be picked up.

Mr. Brooks also recommended that Mr. Carmean keep local reporters up to date on current projects and associated changes. Mr. Carmean said he went through a period where the reporters were uninterested in those type situations so he lost contact with most of them. However, he now has a close relationship with the newspapers and Milford Live to ensure they continually report on the city.

Mr. Gleysteen asked if purchasing energy from the wind farm increases our electric costs; Mr. Carmean said it may be more than buying energy with fuel-generated energy. However, we are required to purchase a certain amount of green energy.

Mr. Gleysteen asked if we are at the minimum or over; Mr. Carmean said we are a little over but the minimum grows every year. We will need to have more than we currently have by the year 2020. However, the city is in great shape right now. He said there are entities that will wait until the mandate reaches that time and everyone will be out trying to buy green energy at the last minute. That will lead to problems with fines and other problems though we will not be in that situation.

Mr. Pikus reported they are looking at hydroelectric power at the plant in Ohio. Mr. Carmean agreed the Ohio purchase will substantially reduce the city's electric rates down over the next couple years. He recalled council lowering electric rates for commercial and industrial customers as much as 18% more than a year ago.

A presentation showing some pictures of ongoing projects was then provided by Mr. Carmean (attached).

Route 113:

2-Delmarva Delivery Point-This is called the bus ring tap which is actually owned by Delmarva Power and is down by the Solid Waste Authority on Route 113. This is where we will connect our new 138 to their lines for delivery to our new substation. This is a \$4 million project that was built and paid by Delmarva who provided the city with a connection point.

3 & 4-Transmission Route-Photo of Route 113 head north. The poles on the left are the city's present poles. Delmarva also has some transmission on the top and the city is on the lower arm. A lot of the existing poles will remain.

5-Transmission Station-Milford/Harrington Highway-New substation which is about 70% complete. The transformers will

be installed as the last step.

6-New 100-foot steel poles that will be installed along Route 113.

7-Base of new poles. Steel poles will be mounted to base which will be encased in concrete 30 feet deep.

8-Lower portion of poles.

9-Size of base compared to size of bucket truck.

Mr. Gleysteen asked what is being done to prevent the steel poles from rusting; Mr. Carmean explained this was our choice of materials and the new poles are galvanized. Existing poles that appear to be rusty are the result of weather and air conditions. Mr. Carmean said they are made to rust and once they reach a certain point of oxidation it will stop. But because they are an eyesore, the new poles will no longer rust.

10-Close view of pole base showing its size.

11-Communication tower which Mr. Carmean said is extremely large noting it is 165 feet.

12-Donated Solar Field that he placed on one of our lots in our business park. He is negotiating with a doctor to purchase this lot because he has no problem with the panels. However, another property owner in the park does not like them though Mr. Carmean plans to place a substantial screen using evergreens to prevent viewing them from within the park.

13-Framework for the solar panels.

14-Constant water along Northeast Front Street at entrance to Riverwalk Shopping Center. The area was finally dug up and underground springs found. Large plastic collection pipes were installed and the spring water now runs toward the stormwater drain. They are continuing this work further east on Northeast Front Street. There is minimal costs involved because our crews are doing the work.

15-Site of Sewer Pumping Station at Washington Street. Yellow building is old building stripped down to this point.

16-Temporary solution-Blue line is picking up sewage from an existing manhole which is a collection point. It is then pumped over to a collection vault, then goes into the force main across the river and up to Frederica.

Mr. Pikus asked if the pump shown is the one we own; Erik Retzlaff of DBF was present and stated yes.

When asked the plans of the little concrete building, Mr. Carmean referenced the area where the billing office would have been. Further back is where our treatment plant and reservoir will be. He wants to make the front portion a small pocket park with a couple walkways and benches and dedicate the park to Gary Emory for this thirty-five years of service. The park will not cost a lot of money and a usable space.

17-18-Site of previous Sewer Pump Station, Milford Police Department, DMI and Chamber of Commerce Offices (now vacant).

Mr. Pikus asked the status of the pump along the sidewalk area; Mr. Carmean reported it is a good producing well. He wants to improve its look by building a louver type design around the base with a copper cap and some doors that can be easily accessed. Another idea is to paint the concrete and add a medallion to the front.

When asked if the bids have been prepared for the new construction of the plant, Mr. Carmean said they are ready and DBF will soon begin that process. Erik Retzlaff of DBF then explained that next step is to drill the well. He recalled the original plan was to put the well below the current water tower. That would have saved the city a substantial amount of money but unfortunately it was unsuccessful. The last well there failed and based on the current findings, it did not seem like a wise

decision to try again. As a result, they have reverted to the original plan to place the well on the empty lot purchased behind city hall.

Though there will be no savings from the well at the tower site, the removal of the administrative building is a huge savings which will allow some additional work to be done.

Once the well is drilled at the new site, the pipe at the plant will be replaced. Once the results of the well drilling are received, that can be taken out. The actual production well will then be put in. From there, the treatment will be designed.

The pipe replacement project bid will then be bid within the next few months. He expects the actual treatment plant construction bid will probably be announced sometime in February or later depending on the completion of the other phases.

Mr. Pikus confirmed that this presentation covers the water project; Mr. Carmean stated yes.

The city manager also reported that DBF is close to advertising the bids for the Southeast Front Street project.

Mr. Retzlaff clarified that the bids are out on the Southeast Front Street project and will be opened Wednesday. They will then be reviewed and a recommendation made to council on October 28<sup>th</sup>.

Mr. Carmean continues to look for funding for the sidewalk work on Southeast Front Street. He said the downtown merchants refer to the street as a gateway. We have enough money to cover the costs of the really bad sidewalks. DelDOT will provide funds for the ADA requirements at the intersections.

Mr. Brooks questioned the money already allocated for the Southeast Front Street project and the shortfall of \$94,000. The last time the public works committee met, Mr. Retzlaff advised that DelDOT was considering increasing their allotment due to the changes in the ADA compliant laws. Mr. Carmean said that though we keep requesting the money, we have yet to receive an answer.

The city manager also reported that because Milford is in two counties and even though we are not in his district, Senator Colin Bonini is able to fund street projects within the corporate limits. He offered the city \$100,000 which is being put toward the sidewalk restoration project on Southeast Front Street.

It was then confirmed we are still approximately \$100,000 short; Mr. Brooks said it would look so much nicer if all the sidewalk work could be done.

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

#### Committee & Ward Reports

Ward 1-Councilman Shupe advised the overpass work is proceeding and it appears they are actually ahead of schedule. The project is expected to be completed by next year.

Ward 4-Councilman Starling reported the porcelain-berry problem has been addressed. He recalled a couple years ago when it was being addressed on a routine basis. He asked if that can be considered again and that possible funding be allocated annually for removal of the vine.

Mr. Brooks recalled that originally the city received grant money for that purpose though it was discontinued a couple years ago.

Mr. Carmean agreed adding that we discovered a lot of the chemicals that were used to remove the porcelain-berry in storage. Currently, there is enough to handle approximately fifty acres.

Councilwoman Wilson announced the Milford Community Cemetery Board has scheduled a cleanup and beautification project on November 9, 2013 at 10:00 a.m. Volunteers, paint supplies and paint are needed.

The city manager confirmed that our street department will repair the chainlink fence prior to the cleanup date.

There was a discussion about headstones that have fallen over during the years and how the ones are handled who have no family to care for the sites. Ms. Wilson stated that Scott Sipple has addressed many of those stones over the years with the funds from the cemetery account though they are very restricted.

Mr. Brooks reported there is a water problem on North Church Street in proximity of Banneker School and the location of the fence. After a substantial rain event, water collects in a large area of the graveyard and over toward the armory. Ms. Wilson agrees adding that the headstones sit in the flooded water and the roadway is covered with water. Mr. Brooks noted that it is affecting their stability which is part of the problem.

Mr. Carmean said there is a large drainage ditch behind the armory that runs down to Northeast Fourth Street. He believes that could be the problem and will have someone address it immediately.

The city manager reported that the city requested and received more than \$40,000 from Senator Simpson and Representatives Kenton, Peterman and Wilson to add an extension to the cemetery roadway on the Route 113 side. We did not have funding for this project and it can now be done at no cost to the city.

#### COMMUNICATIONS & CORRESPONDENCE

Included in packet.

#### UNFINISHED BUSINESS

None to report.

#### NEW BUSINESS

##### *Proposed Ordinance/Motorized Wheelchairs/Reflective Material Required*

City Solicitor Rutt advised that he was asked for a legal opinion on requirements for motorized wheelchairs. He explained the need was created because of the increasing number of motorized wheelchairs crossing major roadways to get to shopping/restaurant areas. The question was whether or not the city was able to do something for safety purposes.

Mr. Rutt looked at this from two points of view. One was the state motor vehicle laws. He concluded that motorized wheelchairs do not fit under their definition. However, under the ADA regulations, there are provisions that allow municipalities to place some requirements on them for safety reasons only. The municipality can ensure that safety requirements are based on actual risks and not speculation, stereotype or generalizations. Items such as flags or reflective tape can be required though it must not impair the wheelchair and would make it visible to motorists or pedestrians and anyone that may encounter them on the public streets and roadways.

He advised that Chief Hudson had provided Mr. Rutt an incident where an elderly man was hit and killed.

He concluded that if the city wishes to put some kind of safety restriction on this type of device, council has the ability to do so.

Mr. Brooks said he frequently sees one person traveling regularly on Route 113 from the bowling alley area to the shopping centers. He agrees it is a dangerous situation but added it is the only means of transportation for some of these residents.

Mr. Starling said the problem is crossing of Route 113 which he observes on a regular basis. He frequently sees them

struggling to get across with vehicles traveling on the highways.

Ms. Wilson asked how we would provide this information to these residents. Chief Hudson said that in speaking with Mr. Rutt, he had suggested that some of our civic organizations partner with the city. They could purchase the items and distribute them. Mr. Rutt agreed and recommending the city do a public relations campaign and contact the various organizations that assist with the chairs. Chief Hudson suggested that we also get in touch with the various apartment complexes where a lot of these residents live.

Mr. Rutt said it would have to be implemented several months before we began to enforce it.

He emphasized that the intent is to improve the safety of the person in the chair. Right now, there is nothing that requires any type of identifier. He noted that even a motor scooter is required to have lights. However, there are no requirements for the motorized chair and there is a need to put something in place not only for the safety of those in the wheelchairs, but also for the safety of others as well.

Mr. Brooks also recommended the Delaware Safety Council be contacted for their assistance.

Mr. Rutt said he will review ordinances from other towns who have similar codes.

Mr. Rutt reiterated that Title 21 of the Delaware Code does not address wheelchairs.

*Public Meeting/Washington Street Water Plant Project/Councilman Shupe*

Councilman Shupe stated that as Chairman of the Community Affairs Committee, he is always considering ways to inform our residents about what is going on in Milford. He keeps hearing comments about the pumping station on Washington Street and would like to provide information to our residents regarding the time line and what is actually occurring there. He thinks holding a public meeting to discuss this would be helpful. He spoke with Mr. Starling about the matter who informed him that the project has changed over the past couple years. For example, there was a building going to be built but that is no longer in the plans.

He feels it would help our citizens get a grasp of what is going on and help with public relations. He is asking council to allow him to take that on and proceed with the city manager and the city clerk.

Mr. Starling then stated that after his conversation, he gave the matter further consideration and recalled the number of meetings council has had where it was discussed at length. He also confirmed there are costs associated with council meetings.

Mr. Shupe has observed that only a handful of residents attend council meetings. When he hosted a meeting for his ward, there were forty to fifty people that attended. Both he and the city manager received several calls from residents who thanked them for giving them an opportunity to hear what is going on. They believe it would be beneficial for council to keep that going.

Mr. Starling suggested that it be done in a regular workshop. The residents could be invited through our newspapers.

Mr. Brooks noted that there has been at least a dozen meetings on the matter. We had a referendum and public hearings on the matter. There have been several updates over the past few months. However, he agrees with Councilman Shupe that the public needs to be informed. It is different from other topics because the project has changed many times since it was originally approved in 2011.

Mr. Brooks noted that when the public voted on it, a new building was being constructed for the billing department. Since then, we purchased the PNC bank and the billing staff will relocate there. The public was also informed the well would be at one site and then it was moved back to the lot behind city hall. He agrees with Mr. Shupe it is confusing to people and this could be a good way to inform them of the final plans.

Mr. Pikus believes all that could be done in a workshop, similar to the presentation provided at the Public Works Committee meeting. Mr. Brooks agrees it could be done in a workshop because nothing needs to be voted on and this is only a way to inform any interested residents.

Mr. Shupe stated that as Chairman of Community Affairs, he is asking council to allow him to be the one to get the information out to the public, bring it to the newspapers and other media. He feels the chairman of the Community Affairs Committee should promote it and get the information to the people.

Mr. Grier asked if Mr. Shupe is willing to allow this to be presented in a workshop setting instead of a separate meeting. Mr. Shupe said he is unaware of the difference. Mr. Pikus recommended it be done as a workshop here in the council chambers. It could be advertised with the media promoting it as a workshop. This would prevent having to set up our equipment and recorder at another location. It could be on the same night as our regular meeting which would be easier on everyone.

Mr. Gleysteen agreed it should be on the same night as our regular meeting. He suggested the newspapers and Milford Live do an article about the status of the project so everyone knows what is happening.

Mr. Pikus said it should be done here at city hall.

Mr. Shupe said he was hoping that council would give him the thumbs up to get this together, be able to put it out to the press and announce it at some of these other meetings.

Ms. Wilson said as he gets it together, all council members can make their constituents aware. Mr. Brooks said the important thing is to inform the public how much money has been saved on the project over the years.

Mr. Carmean said in this particular project, there are two different projects. He did not give it much thought about the change that occurred during the three years he was gone. At the time of the referendum, it was decided to put the billing office at that site. He said it makes no difference if you call it a public hearing or a workshop. Mr. Rutt pointed out it cannot be considered a public hearing due to legal ramifications.

#### *Update/City Utility Projects*

Refer to City Manager's report.

#### *Yard Debris Services/Extension*

Refer to City Manager's report.

#### *C&C Drywall/Land Sale*

Mr. Carmean advised that C&C has expanded their business at our business park and has substantially increased the number of people they have employed over the years. As a result, they need a lot more room for unloading trucks. Presently, Vickers Drive (street in front of them) is blocked at least six hours a day because the trucks have no place to unload. They are placing large tarps in the middle of the roadway where they are unloading.

He is offering to sell about 50 feet of our side property and 100 feet off the back of their building. This would provide adequate space for an entrance off Vickers Drive. Trucks could then drive around to a load area at the rear corner of their property and would reopen Vickers Drive for other traffic.

According to Mr. Duplechain, the area delineated on the map as wetlands is not actual wetlands but something DNREC required. Fourteen to fifteen additional acres of open area is still available should our public works facility need to expand in the future.

Mr. Carmean feels we need to support the sale of this property especially considering their increase in employment numbers.

The city manager stated that he will have our engineers determine the square footage and a recommended sale price.

Mr. Morrow confirmed this will get the trucks out of the roadway; Mr. Carmean stated yes.

Mr. Brooks asked if Neal Moore's Bus Company, who is next door to this property, has a problem getting their buses out on the roadway because of the congestion. Mr. Carmean said his buses come straight out so they are not affected.

Mr. Carmean recalled the deed restrictions placed on the lots that were sold in the business park. One restriction is the lots cannot be subdivided.

Of the lots that are undeveloped, he is working with Dr. Scott Hammer to purchase one of the two reserved lots in Independence Commons. He knows this is a valuable lot considering its location, proximity to Airport Road and existing infrastructure. When a lot is purchased in the park, the entire parcel is used because of the existing stormwater system. In this case, he will offer the lot to the doctors at a reduced price.

The city manager also had the solar panels placed on this lot though they were originally planned for the lot in front of the Boys and Girls Club.

Mr. Grier asked the status of the lots on the opposite side that were purchased several years ago and not developed. His recalls sometime ago when the city was in the process of purchasing those lots back. Mr. Carmean said the city repurchased Roger Alexander's lot last year because it was never developed. He is in the process of addressing the other lots in the same situation.

He said some people bought two-acre lots when this was first developed in the late 1990's. They initially built a business and all these years later have not expanded. Though he understands the need to protect the business, some of businesses want additional land like C&C Drywall.

Mr. Pikus asked the city manager to speak to our solicitor about the policy that realtors are unable to sell the business park lots for a commission. Mr. Carmean said he talked to Mr. Rutt about that after Mr. Pikus questioned him though that was something the legislators added as a stipulation.

Mr. Rutt said this came up under the former city manager but he would need to go back and review that again. He is aware there were a number of restrictions in place that may have been more appropriate at the time the land was purchased.

Mr. Pikus reported that one of our local realtors has again asked him to reconsider the stipulation that realtors are unable to receive a commission off the sale of the lots. The realtor does not want to advertise the park but only wants to be able to work with potential buyers who want to expand their businesses to Milford. He noted there are still a number of available lots and believes it would benefit the city overall.

Mr. Carmean asked if the city would have to pay a fee as the seller; Mr. Pikus said that is a legality we would have to consider and determine exactly who would pay the commission. Mr. Rutt pointed out the commission can be shifted to the buyer. Mr. Pikus feels that fee could be negotiated.

Mr. Rutt will review the restrictions and bring the matter back to council.

#### MONTHLY FINANCE REPORT

Finance Committee Chairman Pikus reported that through the second month of Fiscal Year 2013-2014 with 17% of the fiscal year having passed, 26% of revenues have been received and 16% of the operating budget expended.

He noted the cash balance account is getting low and is expected to increase during the fiscal year.

Disbursements include the \$41,000 from transfer taxes to the police department, \$40,000 from General Fund Capital Reserves (Wawa Funds) to DMI as this year's portion of the five-year \$200,000 commitment, \$608,000 out of Electric Reserves for the PNC Bank purchase and \$25,500 from Sewer Capital Reserves to pay for the Key Properties Easement purchase.

He reported the city is in good financial shape.

Mr. Brooks asked when Delaware Solid Waste Authority rebate is received; Mr. Carmean said we receive it in the spring.

Mr. Grier moved to accept the August Finance Report as presented, seconded by Mr. Starling. Motion carried.

ADJOURN

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

Meeting adjourned at 8:36 p.m.

Respectfully submitted,



Terri K. Hudson, MMC  
City Clerk/Recorder

Attachment: PowerPoint (Projects)



**\* City of Milford  
Utility Projects Update**



\* Delmarva Power delivery point  
Rt 113



\*Transmission Route  
Rt 113



\*Transmission Route  
Rt 113



\*Transmission Station  
Milford-Harrington Hwy



\*Transmission Station  
Milford-Harrington Hwy



\*Transmission Station  
Milford-Harrington Hwy



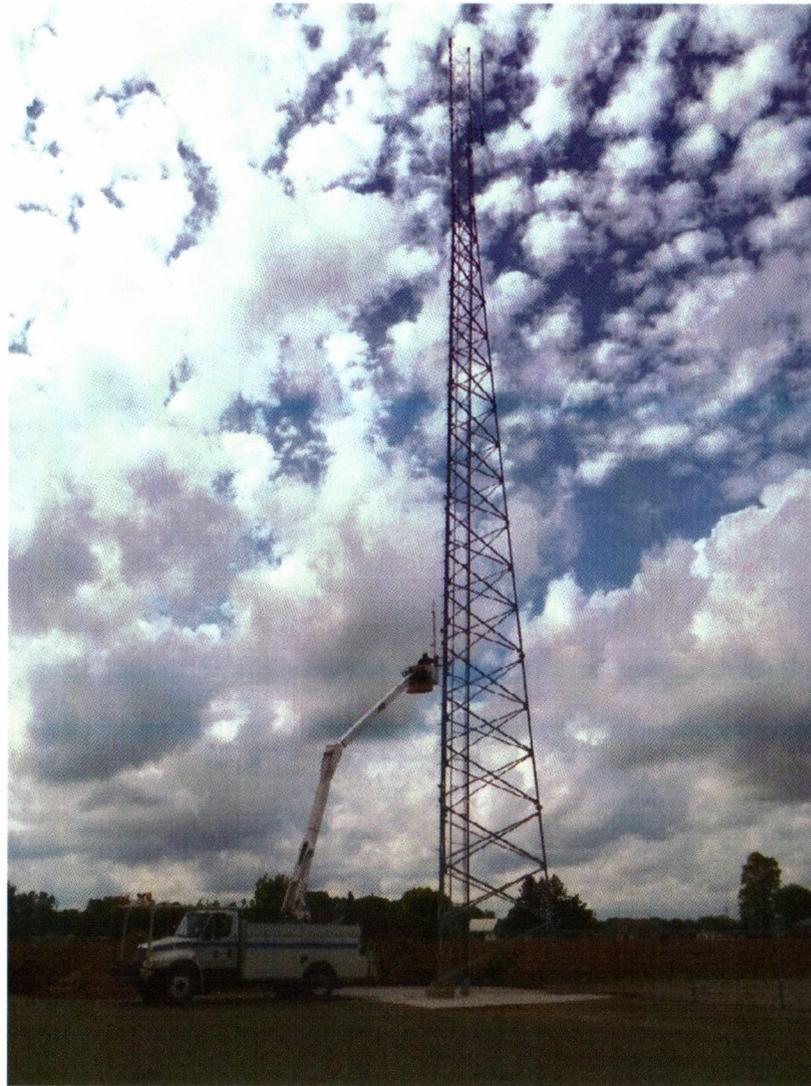
\*Transmission Station  
Milford-Harrington Hwy



\*Transmission Station  
Milford-Harrington Hwy



\*Transmission Station  
Milford-Harrington Hwy



\* **Communication Tower**  
**Public Works**



\* Solar Farm  
Canterbury Rd



\* Solar Farm  
Canterbury Rd



\* Water Drainage Repair  
NE Front St



\* Pump Station  
S Washington St



\* Pump Station  
S Washington St



\* Treatment Plant  
S Washington St



\*Treatment Plant  
S Washington St