

*MILFORD CITY COUNCIL  
MINUTES OF MEETING  
December 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, December 9, 2013.

PRESIDING: Mayor Joseph Ronnie Rogers

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

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

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 Councilman Starling.

#### APPROVAL OF MINUTES

— Motion made by Mr. Pikus, seconded by Mr. Shupe to approve the minutes of the November 18, 2013 Council Meeting as presented. Motion carried.

#### RECOGNITION

No special guests in attendance.

#### MONTHLY POLICE REPORT

Chairman Morrow presented the police report on behalf of Chief Hudson. Mr. Pikus moved to accept the police report, seconded by Mr. Shupe. Motion carried.

#### CITY MANAGER REPORT

##### *ADMINISTRATION*

*I believe that the leak into the basement has finally been permanently repaired. We have not had any problem with the leak after I had the entire ramp caulked at the seam against the building. This held for a short period, but once again the seam opened up. I decided to have a curb style concrete form poured that attaches to the building and covers the seam.*

— *Carlene Wilson has retired and we have hired her replacement who will begin December 23rd. Ms. Wilson was a pleasure to work with and we all miss her personality and dedication to her job. I will announce the identity of the person hired once she fulfills her obligation to her present employer. Mrs. Hudson, our City Clerk led the interview process with Christine Crouch, Deputy City Clerk, assisting. I was also part of the interview board and was impressed with the caliber of applicants. Once we are out of the holiday season, we give Ms. Wilson a luncheon in appreciation of her service.*

#### STREETS AND SOLID WASTE

*I am glad to report that the leaf pickup is going well. Most people have stopped raking leaves onto the sidewalk or in the gutter. There is improvement though not everyone is cooperating. More and more people are taking advantage of the service.*

*Crews have been working with our mechanic to ready our plows and other snow equipment for the coming months. Everyone hopes we don't need to use the equipment, but we have to be prepared.*

#### *ELECTRIC*

*Our hired contractors are on site and working to get our transmission lines built and extended to the new substation. Part of the infrastructure upgrades are to our present distribution lines on the Milford-Harrington Highway and Canterbury Road. Electric Superintendent Rick Carmean feels the project will completely finished by mid-January.*

#### *SEWER AND WATER*

*Several sewer and water issues will be presented and discussed during the meeting.*

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

#### COMMITTEE & WARD REPORTS

##### *Ward One*

Mr. Shupe reported the overpass is nearly completed and DelDOT is indicating it will be finished by February.

##### *Southeast Front Street Paving Project*

Mr. Brooks is pleased the Southeast Front Street project is finally on the agenda and proceeding.

##### *Holiday Dinners for Needy*

Mr. Starling thanked those that donated items for the Thanksgiving dinner for the needy in November.

#### COMMUNICATIONS & CORRESPONDENCE

Included in packet.

#### UNFINISHED BUSINESS

##### *Adoption/Ordinance 2013-13/Chapter 84/Amendment/Bicycles, Skateboards and other Conveyances*

Ms. Wilson moved to adopt Ordinance 2013-13 amending Chapter 84 as presented, seconded by Mr. Shupe:

##### *Section 1.*

*WHEREAS, The City of Milford recognizes that individuals may require the assistance of a motorized scooter or wheelchair in order to facilitate movement; and*

*WHEREAS, Motorized Scooters and Wheelchairs, when operating, crossing, or traveling on or adjacent to public roadways without proper safety and reflective equipment do thereby create a severe risk of injury or death to both the operator and motorist; and*

*WHEREAS, The City of Milford desires, through the enactment of this ordinance, to identify and establish the minimum level of safety equipment that is necessary in order to safely operate motorized scooters and wheelchairs on public roadways and sidewalks.*

*WHEREAS, The City of Milford intends to update Chapter 84 of the Code of the City of Milford to allow for reasonable, safe use of conveyances on City streets and sidewalks.*

*NOW, THEREFORE, THE CITY OF MILFORD ORDAINS:*

*Section 2.*

*Article I "Use on Sidewalks," §1 "Prohibited acts; penalties," Subsection B shall be amended as follows:*

*This section is hereby deleted in its entirety.*

*Section 3.*

*Article IV titled "Motorized Scooters and Wheelchairs," is hereby created and will read as follows:*

*Article IV: Motorized Scooters and Wheelchairs*

*§ 84-8 - Definitions.*

*"Motorized Scooters and Wheelchairs" shall mean any self-propelled device, regardless of the number of wheels, powered by any style motor, which is designed and intended primarily for use by individuals with mobility disabilities.*

*"Public Streets" for purposes of this Article IV shall mean roads, highways, sidewalks or any other thoroughfare dedicated, constructed or maintained by the City of Milford or the State of Delaware within the municipal limits.*

*§ 84-9 - Safety Equipment.*

- A. Daytime Operation: All Motorized Scooters and Wheelchairs operating on Public Streets during daylight hours shall be equipped with at least one of the following:*
- 1. Slow moving vehicle fluorescent triangle on the rear of the device; or*
  - 2. Red safety flag.*
- B. Nighttime Operation: All Motorized Scooters and Wheelchairs operating on Public Streets at night or any other time when lighted lamps are required under 21 Del. C. § 4331 shall be equipped, at a minimum, with all of the following:*
- 1. A lamp emitting a white light which, while the device is on the Public Street, illuminates the Public Street in front of the operator and is visible from a distance of 300 feet in front and from the sides of the motorized scooter or wheelchair.*
  - 2. A red reflector on the rear of the device of the type approved by the Department of Transportation for bicycles, as defined under 21 Del. C. § 4198F(b).*
  - 3. A white, yellow, or red reflector on each side of the device that is visible from a distance of at least 200 feet.*
- C. Every Motorized Scooter and Wheelchair operating on Public Streets shall be equipped with a braking system which enables its operator to stop the device within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement.*

*§ 84-10 - Enforcement*

*This article shall be enforced by the City of Milford Police Department.*

§ 84-11 - Fines and Penalties.

A. Any person found in violation of this article shall be penalized as follows:

1. First offense: Written Warning.
2. Second offense: \$10 fine.
3. Third offense: \$25 fine.
4. Fourth offense: \$50 fine.
5. Fifth and subsequent offenses: \$100 fine.

Section 4. Dates.

Adoption December 9, 2013

Effective January 1, 2014

Motion carried.

*Approval/Renewal of First State BMX Lease Agreement*

Mr. Pikus asked if BMX provides the city with a copy of their insurance policy; Mr. Rutt explained the city is a loss payee which means they are insured as well. In addition, the city has governmental immunity.

Mr. Pikus asked if someone is hurt and sues BMX, can they come back on the city if they are awarded the maximum amount of their policy; Mr. Rutt said they are unable to come back on the city though they have a million dollars which he feels is substantial.

Mr. Pikus moved to adopt the lease agreement, seconded by Mr. Brooks. Motion carried.

NEW BUSINESS

*Award of Bid/Southeast Front Street Rehabilitation Paving Project*

The following sealed bids were received, publicly opened and read on October 16, 2013 for the Southeast Front Street Improvement Project:

	SE Front Street Base Bid	SE Front Street Alternate Bid	Columbia Street Base Bid	Columbia Street Alternate Bid
George and Lynch	1,746,262.80	201,595.55	277,410.35	20,771.00
Sam's Construction	1,105,740.00	162,155.00	182,380.00	19,920.00
A-Del Construction	2,008,548.91	210,793.00	277,356.81	21,536.00

Davis, Bowen and Friedel is overseeing the project and has thoroughly reviewed the bids and has been in touch with the references. A letter from Randy Duplechain recommends accepting the proposal offered by Sam's Construction in the amount of \$1,470, 195.00.

Mr. Carmean confirmed this project includes the sidewalk work on Southeast Front Street.

Mr. Pikus recalled the conversation that parking be eliminated on a portion of Southeast Front Street as was requested. Mr. Brooks asked if this was the area between McColley and Marshall Street. Mr. Pikus believes it starts by Calvary Church and runs south to Marshall or McColley where approximately five cars continuously park on the sidewalk. He

noted that each of those houses has the capability of using off street parking as was noted by a resident living in the area.

The matter will be addressed by the police committee.

Mr. Carmean reminded council that the new curbing will prevent vehicles from jumping the curb. He is confident those residents park in that manner because it is unsafe to park along the street because of the possibility their vehicles may be hit.

Because Southeast Front Street is a state-maintained road, Mr. Carmean will have to confer with DeIDOT to make sure we can eliminate any on-street parking.

Erik Retzlaff of Davis, Bowen and Friedel was present and confirmed the numbers. He reported the total project cost is \$1,705,495.00 which includes their engineering fees. DeIDOT's contribution is estimated at \$798,316.00. In order to award the \$1,470,195.00 bid to Sam's Construction, Finance Director Jeff Portmann is recommending that \$230,000 be transferred from Municipal Street Aid, \$320,000 from Water Reserves and \$120,000 from Sewer Reserves.

Mr. Pikus confirmed the total project is almost \$2 million; Mr. Carmean said that is because of the additional sidewalk and Columbia Street work that was added.

Mr. Retzlaff verified the sidewalk work would begin east of the Milford Public Library and extend almost to Bridgeham Avenue.

Mr. Brooks moved that the funds be transferred as requested and the bid awarded to Sam's Construction in the amount of \$1,470,195.00, seconded by Mr. Starling. Motion carried.

*FY 2013-2014 Budget Amendment/Demolition Projects/Code Enforcement & Inspections*

Code Enforcement Officer Lendon Dennis submitted the following request:

*On or about April 11, 2013, both properties mentioned above were condemned. I took all necessary steps outlined in the 2006 International Property Maintenance Code to insure buildings were secured, deficiencies identified, owners properly served, and ample time given to correct such discrepancies. Due to noncompliance, Code Enforcement would like to move forward in the razing of the two structures.*

*I am requesting that funds be transferred from the monies received from grass cutting and transferred to the Demolition line 101-1045-429.68-10.*

*106 Franklin St  
\$11,858 - Demolition  
\$550 - Asbestos Removal \$12,408*

*109 West St  
\$10,500 - Demolition  
\$550 - Asbestos Removal \$11,050*

*Grand Total \$23,458*

The official quotes were included in the packet.

Mr. Pikus asked if the city is able to file a lien against the two properties for these amounts; Mr. Rutt stated yes it is a lien that can be collected in the same manner as property taxes that are in arrears. Mr. Pikus asked whether our attorney or staff handles these matters.

Mr. Pikus reported that a lot of liens that should have been filed but never were. He stated they need to be addressed in order for the city to get their money back.

Mr. Pikus moved to transfer \$23,458 from the Grasscutting Revenue Account 101-0000-328.10-30 to Demolition Account 101-1045-429.68-10, seconded by Mr. Gleysteen. Motion carried.

Mr. Carmean then asked about liens being placed against properties for outstanding grasscutting bills. Even though someone has outstanding grasscutting fees, he believes as long as they pay their property taxes we do not place a lien against the property. Mr. Rutt explained the lien is only good on a property for a certain period of time. He said the city could ask to go to a sheriff sale but a grasscutting lien is typically only \$100 or so. Mr. Carmean pointed out that some of our grasscutting bills are in the range of \$4,000 and more. Mr. Rutt said priorities would be considered and judgments, mortgages, and other liens weighed.

Under the Building Code adopted by the City of Milford, demolition costs are treated in the same manner as property taxes. He will determine if that applies to grasscutting fees and provide council with the information at the next meeting.

Mr. Pikus moved to approve the demolition quote at 106 Franklin Street and 109 West Street as presented, seconded by Mr. Starling. Motion carried.

*FY 2013-2014 Budget Amendment/Funding Source/Fisher Avenue Sewage Pump Station Budget/Sewer Grinder*

Mr. Retzlaff recalled council approving a \$75,000 grinder for the Fisher Avenue Pumping Station in the FY 2013-2014 budget. To save the administrative costs associated with bidding the project, Bearing Construction, who is the contractor at the Washington Street pump station, is willing to undertake the work even though it is at a separate site. He has discussed this with the city manager and public works director who all agree the scope of the work is similar because Bearing is installing a new grinder at the Washington Street Pump Station under their current contract. The only difference is this involves the Fisher Avenue Pump Station.

He also noted the original intent of the sewer bond issued in 2008 was to do sewer improvements at both the Washington Street and Fisher Avenue Pumping Stations.

He emphasized that not bidding the project will save the city some administrative fees. Therefore, they recommend council award the bid through a change order to the Washington Street Pumping Station contract. The contractor will simply move from the existing site to the Fisher Avenue Pump Station to complete the work. Handling this under the Washington Street contract allows it to fall under their maintenance bond and other existing bonds as a means of saving money.

Mr. Carmean reiterated the \$75,000 was approved in this year's budget. According to the city manager, the Fisher Avenue Pump Station was mentioned in the original contract for the Washington Street Pump Station contract. Davis, Bowen and Friedel feel this can be handled through a change order.

When asked the price, Mr. Retzlaff advised the new grinder for Fisher Avenue is \$59,107 which is \$15,000 less than the \$75,000 budgeted. He stated there is already a lump sum figure added to remove and replace a grinder in the existing Washington Street contract which amounts to \$64,500.

Mr. Retzlaff confirmed that council approval is needed to issue the change order. Mr. Carmean said this will prevent having to bid the project independently. Adding in the associated administrative costs will put the total at approximately \$75,000.

Mr. Pikus said that was the original cost of only doing one; Mr. Carmean agreed.

Mr. Carmean asked the solicitor if this can be handled in this manner; Mr. Rutt said he thinks it can be done.

Mr. Pikus moved to approve the Change Order No. 2 to the Washington Street Sewage Pumping Station contract in the amount of \$59,107. Mr. Pikus noted the money is already budgeted. Ms. Wilson seconded motion which carried.

*FY 2013-2014 Budget Adjustment/Funding Source/Seabury Avenue Pump Station Rehabilitation Project*

Mr. Carmean recalled the council-approved agreement the city entered into with Redner's Market to update the pump station on Seabury Avenue. In that agreement, Redner's pays \$200,000 of the \$400,000. There has been an ongoing problem with Well 9 over the past few years where it has slowly failed. During that time, we were also approached by Redner's to install gas pumps within our wellhead protected areas which is what prompted the agreement.

He requests council approve a \$200,000 transfer from water reserves to pay the city's cost of the project. The city manager noted this project will need to be bid because the cost is over the \$30,000 threshold.

Mr. Shupe moved to transfer \$200,000 from the Water Reserve Account to pay its portion of the Seabury Avenue Pump Station Improvements Project, seconded by Mr. Pikus. Motion carried.

Mr. Rutt advised that Redner's has already provided their portion of the funding.

*Approval to Proceed with Bid/Former PNC Bank Renovations*

Mr. Carmean said he is requesting council earmark funding for the remodeling and refitting project. Davis, Bowen and Friedel has provided a cost estimate of \$300,000. This will also be bid as is required by the city charter once the money is earmarked and approved.

Mr. Pikus moved to transfer up to \$300,000 from electric reserves to renovate the previous PNC Bank building for use by the city billing office, seconded by Mr. Brooks. Motion carried.

MONTHLY FINANCE REPORT

Chairman Pikus reported that through the fourth month of Fiscal Year 2013-2014 with 33% of the fiscal year having passed, 40.94% of revenues have been received and 30.59% of the operating budget expended.

Cash reserves in the trash fund continue to decrease according to Mr. Pikus. Steps were taken by city council in November to eliminate commercial trash collection to prevent the funds from being depleted.

According to Mr. Pikus, to date, the city has collected \$3.456 million in real estate taxes. We billed out \$3.627 million and he noted that a lot of businesses wait to pay their bill at the end of the year.

Mr. Pikus moved to accept the October 2013 Finance Report, seconded by Mr. Morrow. Motion carried.

ADJOURN

With no further business, Mr. Shupe moved to adjourn the meeting, seconded by Mr. Starling. Motion carried.

Mayor Rogers adjourned the meeting at 7:47 p.m.

Respectfully submitted,



Terri K. Hudson, MMC  
City Clerk/Recorder