

MILFORD CITY COUNCIL
MINUTES OF MEETING
October 8, 2012

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 8, 2012.

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier III, 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

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 Councilman Starling.

APPROVAL OF MINUTES

Motion made by Mr. Pikus, seconded by Mr. Grier to approve the minutes of the September 10 and 24, 2012 Council Meetings as presented. Motion carried.

RECOGNITION

No special guests in attendance.

MONTHLY POLICE REPORT

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

When questioned about persons charged with multiple traffic and criminal offenses, Chief Hudson confirmed the numbers reflect the total number of charges and not the number of defendants.

CITY MANAGER REPORT

The following report was then presented by the city manager:

ADMINISTRATION

Dr. Phyllis Kohel, Milford School Superintendent, has asked me to serve on a committee to consider the future of the Milford Middle School. Committee members will be asked to help in the decision making process concerning whether the school should be closed. I do not have any information as to why this possibility is being considered, but according to Dr. Kohel's letter the committee will be given the opportunity to input their opinions.

We are proceeding with our plans to outsource our bills with BillTrust. I am having a kick-off meeting with the company and our involved employees. There will be changes to the look of our present bills and the ability to include public

information inserts. I also think we can consider continuing the late notices because of not having to utilize our employees in the process.

ELECTRIC

The city has closed and settled on the sale of the ten plus acres the city had purchased but did not need for the new substation. JSI Milford Realty Company, the owners of the solar project, purchased the property to have additional space for their solar field. The \$573,000.00 was received and deposited back into our bond account for the funding of the substation. The project is underway and they expect to be energized by December 31, 2012.

JSI Milford Realty Company has also committed to the city a gift of approximately \$300,000.00 dollars in solar panels, which I plan to place on the roofs of our public works buildings. This will save us power costs on those buildings for many years to come and let the city show our support of green power.

I am having the Electric Superintendent look into the possibility of placing street lights down Carpenter Pit Road. The residential growth and hotel being serviced by the road makes our consideration of this lighting necessary. We will get the cost of materials and the operation of the lights prior to installation. We usually require developers to help with lighting costs in developments, but we do light public streets.

SEWER AND WATER

The test well in the southeast city limits will be done during the period between October 22 and the first week of November. The owners of the Wickersham development have entered into a utility agreement with the city to donate three plus acres of land for the proposed tower and treatment plant. I have previously reported to mayor and council the test boring on the property looked very promising.

The new water main construction on Wilkins Road across Route 1 will commence soon after we get permission from USDA to proceed. I anticipate it will be early November.

I have given final approval of the architectural plans for the Water Department Administration office to be built at 5 South Washington Street. I will be bringing the bids for demolition of the buildings on the site to the council in the near future. Both the Chamber of Commerce and Downtown Milford have relocated to new sites.

STREETS AND SOLID WASTE

The newly adopted yard waste ordinance will be put into effect in November. Our Public Works Director will be posting the information on our website as well as in local papers. Additional waste cans of three different sizes will be offered to our customers. We are presently providing cans to those customer who request them, but expect to see the majority distributed after public notice is given. I fully expect complaints from some customers regarding the city not picking up large amounts of yard waste in the future. Customers have got to understand that we do not have the equipment to safely handle anything that will not fit in our provided rollouts.

Plans are being made for some repairs on Airport Road. This road really needs complete attention, but without enough funding we cannot fully restore it to the degree it needs to be restored. We have the funds to make some important repairs, but sooner rather than later we will have to address complete restoration.

Mr. Brooks recalled that when Hampton Inn and Lighthouse Estates subdivision was approved, it was agreed at that time that all traffic would be entering and exiting the area from the north (New Wharf Road). The goal was to keep traffic off Northeast Tenth Street and away from the Woodshaven community and traffic. In addition, the dangers of the Route 1 and Tenth Street intersection were noted as they existed at the time. It was agreed by everyone that any additional traffic created by the new development would only add to the dangers in this area.

During DelDOT's review, it was determined there was a problem with the radius of the road and ultimately, the bridge work over Swan Creek. Therefore, the road was designated one way north of Lighthouse Drive.

He asked when the problem will be corrected and the roadway made two-way; Mr. Carmean said he is unsure.

Mr. Brooks recalled DeIDOT Planner Ralph Reeb reporting that when the Thompsonville overpass was completed, this road would connect. Since that time, the order of completion on the overpasses has been continuously changed and he is unsure of its status at this point.

The city manager advised that once there are a certain number of homes built in Lighthouse Estates, the developer is required to make improvements to Carpenter Pit Road/Calvary Road (roadway north of Lighthouse Drive) in accordance with state standards.

Mr. Carmean confirmed his desire to install streetlights down that roadway due to its narrow width and darkness. Mr. Brooks agreed but again expressed concern that because the roadway remains one-way on one end (Calvary Road), related traffic uses the Tenth Street intersection where accidents continue to occur.

It was confirmed the developer installed the bridge incorrectly though the state approved the plans.

The city manager explained the other option is for the city to assume ownership of the entire road. We only own a small portion in the center. He believes that with the right speed limit and caution signs, the roadway could be made two-way out to New Wharf Road under the ownership of the city.

Mr. Brooks said if the roadway was made two-way, this would alleviate some of that traffic using the Route 1/Tenth Street intersection. Chief Hudson confirmed that accidents occur at that location on a regular basis despite the fact that DeIDOT redesigned the intersection with delineators to prevent vehicles from crossing over from the west side of Route 1.

The city manager said that Pastor Royce Andrus is aware of the concerns. His engineers remain in contact with DeIDOT though they have not come to an agreement on how to resolve the problem. He does not understand how DeIDOT approved the roadway, then changed it to a one-way road after construction began.

Mr. Brooks wants to do everything possible to prevent accidents at that intersection. Eliminating traffic flow from this development would help. He would like something done before the church and academy is built which will add a couple hundred vehicles to this roadway on a regular basis.

Mr. Johnson said that he supports installing streetlights and any decision the city manager makes is within his realm.

Mr. Carmean clarified that the streetlights would run from Tenth Street to Lighthouse Drive. Mr. Pikus asked the estimated cost; the city manager is unsure though he will provide that information at the next meeting.

Mr. Pikus asked for an explanation of the numbers that Delaware Solid Waste Authority reports and in particular, what weight in pounds, single stream total and oil and gallons means.

Mr. Carmean explained the report breaks out the gallons of oil taken by residents to the recycling sites. In addition, it shows the weight of recyclables taken to the Middle School and Milford Commons.

It was confirmed that Clean Up Week is scheduled for the week of October 22nd.

Ms. Wilson asked the status of the fire hydrant program. Mr. Carmean advised that he is following up with Fire Company President Marvin Sharp who had offered some assistance with the program.

Mr. Johnson asked about the security cameras; Chief Hudson advised they are working with the owner of the building to have the cameras moved. They were at the location again today trying to determine the best direction in hopes of providing an estimate. He hopes it will be moved within a couple weeks.

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

COMMITTEE & COUNCIL REPORTS

Mr. Brooks recalled a previous discussion about the status of the public works radio project. Mr. Carmean advised the public works director e-mailed him today and he directed him to forward the e-mail to the city clerk. The bids are due Friday and a recommendation will be made at the next council meeting.

Mr. Brooks said this has been discussed for more than a year and recalled that Mr. Dennehy reported the deadline is December 31st. He feels this leaves a short window to secure the financing, purchase the equipment and ensure everything is in place by January 1st.

The city manager agreed noting that Mr. Dennehy wants to meet with the finance committee next week. He explained the bid was very complicated and required a great deal of technical information which he was unfamiliar with.

Mr. Carmean advised the finance director has already designated the funding source. Because of that, he feels it can be placed on the next council agenda and voted on.

As Public Works Committee Chairman, Mr. Brooks feels it is very important that council understand exactly what we are paying almost \$240,000 for and wants assurance the radios and tower will be in place by January 1st.

Mr. Carmean will direct Mr. Dennehy to review all the equipment that is required to be purchased. He explained that the vendors have indicated that if everything is not in place, there will not be a problem with a 30-day extension from the federal government.

Mr. Brooks recalled that when Mr. Dennehy advised council of the estimated cost of the project, he was adamant there was a drop-dead deadline of January 1st; Mr. Pikus agreed. Mr. Carmean compared it to the USDA who stated if we did not get the water tower project completed by a certain date, they were going to pull the funding. He feels that if it is requested in the right manner, they will provide an extension. This is the same scenario.

Mr. Brooks expressed concerned that when Mr. Dennehy said January 1st was the deadline, he also stated there were many other towns in Delaware in the same situation who had not done any more than Milford. Therefore, he is concerned there may be a shortage in equipment with all the other towns scrambling to make these purchases at the last minute.

Mr. Carmean said there is no one on staff to work on a project like this and it has created a lot of work for Mr. Dennehy to put the bid package together. The vendors have all assured Mr. Dennehy they can provide the equipment as soon as council approves the bid. He has no problem requesting a 30-day extension though the city manager will advise city council if that becomes necessary.

When asked if the finance committee meeting has been scheduled, Mr. Pikus said that he met with Mr. Dennehy who informed him at that time that he would contact him once he has compiled all the information.

Ms. Wilson advised that she is currently serving on the Circle of Light Board. Their group consists of community leaders representing both religious and civic organizations who are exploring the existing homeless needs and resources in the community. The emergency cold weather shelter is no longer open so the group is working in a number of ways to prepare the homeless for the upcoming weather. Through private donations, numerous articles of clothing, hats and gloves and toiletries have been provided.

The Milford School District has created a partnership with Circle of Light to promote awareness and support for local homeless children. The district identified 127 children last year that were living in a transitional stage of residency. As a result, 100 sleeping bags were donated by Walmart for these children during the upcoming school year.

She advised council that the homeless problem is growing in Milford and they can expect a request from Circle of Light for assistance. Ms. Wilson hopes the city will partner with the organization noting that other towns have taken an active part in similar situations.

Though unfortunate, she reported the churches previously involved were unable to participate as originally planned which has created an even more urgent need for the city to become involved.

Mr. Brooks described a recent situation when he was approached by a homeless person who had just been released from prison. He was looking for either a part-time or full-time job, and emphasized to Mr. Brooks that he only wanted to work and was not looking for problems.

Mr. Starling advised that Reverend Starling received a phone call Friday evening about a woman who was sitting downtown eating a sandwich who stated she would be there all night. They received a second call the same night about another person who was homeless and sleeping in a car.

He personally observes homeless people walking down the highway on a regular basis.

Mayor Rogers reported that he was approached by Deacon Dottie Vuono about the need to speak with council. She is hoping to schedule that presentation during a future workshop session.

Mr. Gleysteen recalled the presentation by Milford Food Bank a month ago. Similar to what was done for the parade committee, he suggests a notice be included in the utility bills asking that residents contribute toward the food bank's expansion in lieu of a dollar contribution from the city.

Mr. Gleysteen then suggested that someone contact the Food Bank and design a flyer.

Mr. Carmean then announced that he agreed to waive numerous fees from the overall costs of their building fees. Even though they are only providing a couple new jobs, because of their contribution to the community, he felt it was appropriate to attribute it toward economic incentives. He said he is unable reduce the fees paid into the fire company enhancement fund though he reduced the costs of the city impact fees.

In response to Mr. Gleysteen's recommendation, Mr. Carmean will contact their director to prepare the flyer.

Joe Palermo of 5 Misty Vale Court, Meadows at Shawnee, then reported that Milford Lions Club provided grants of \$5,000 to both the Circle of Light and Milford Food Bank. He recommends the Circle of Light contact the Lions Club again this year for funding.

Mr. Palermo advised that the Eunice S. Reed Fund, in the amount of \$2.3 million, established upon the death of she and her husband, benefits the Greater Milford Community by way of grants through the lions club.

COMMUNICATIONS

All correspondence included in council packet.

UNFINISHED BUSINESS

None to report.

NEW BUSINESS

Appointment of City of Milford Planning Commissioners

Mayor Rogers submitted Deborah O'Neill's name to fill one of the vacancies on the planning commission. She applied several months ago though there was no vacancy at the time.

Mr. Pikus moved to appoint Deborah O'Neill of 612 Lakelawn Drive as Milford's next Planning Commissioner, seconded by Mr. Gleysteen. Motion carried with no one opposed.

He asked that council contact him with any other recommendations noting there is still one vacancy.

MONTHLY FINANCE REPORT

Chairman Pikus reported that through the second month of Fiscal Year 2012-2013 with 17% of the fiscal year having passed, 27.3% of revenues have been received and 17.23% of the operating budget expended.

He noted that electric revenues are up approximately 14% and expenses are on target. The budget is very tight and the finance committee is trying to keep the reserve accounts intact. The general reserve account has been depleted over the years and funds cannot be transferred from the sewer, water and electric reserve accounts.

Mr. Pikus moved to accept the August 2012 Finance Report.

Mr. Gleysteen then referenced the investment line items listed in each reserve and impact fee account. He asked Mr. Pikus to explain what type items this includes.

Mr. Carmean advised that most of the money is in CD or short-term bonds though there is very little money being made from the accounts at this time.

Mr. Pikus pointed out that we have only earned a total of \$35,000 in interest over a two-month period. Currently, the interest rate is very low. The city manager emphasized that the banks have very little interest in the city's money. Mr. Pikus added that \$4 million was recently invested after our finance director negotiated for a higher interest rate; the city manager said we still are only earning 2.3% interest.

It was noted that real estate tax revenues were budgeted at \$3,508,380 and to date is at \$3,612,513. Mr. Brooks asked if we received \$100,000 more than anticipated; Mr. Pikus stated yes.

Mr. Pikus stated that the real estate tax account is at 102% which is the percentage collected as of August.

When asked how much has been collected to date, Mr. Carmean explained they are not due until the end of October though a majority of our property owners pay their taxes through their mortgage companies. Those checks are sent based on the September 30th due date. We have received more than were expected even though there is another month left before the deadline. Mr. Brooks pointed out this finance report is as of August and there is two months left for taxes to be paid.

Mr. Pikus confirmed we have received \$100,000 more than was expected as of August. Mr. Brooks stated that based on this number, he expects that number to be much higher depending on what is still out.

Mr. Pikus emphasized that our expenses are down though we could be hit with some large expenses in September and October. He reiterated that we needed the tax increase to balance our budget. However, we cannot continue to transfer monies out of our reserve accounts. He said we are going to have some unexpected expenses like road paving that we do not have the money to pay. He hopes this will bring in the revenues needed to take care of it.

Mr. Brooks agrees the tax increase was needed to balance the budget and one of the reasons was to prevent transferring money out of our reserve accounts. He also added that we should not overtax our property owners and recalled the number of people who are upset over their tax bills this year.

(Motion was not seconded nor a vote taken.)

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 (DeVisser Estate)

Mr. Pikus moved to go into Executive Session reference discussions involving legal advice in regard to the DeVisser Estate, seconded by Mr. Grier. Motion carried.

Mayor Rogers recessed the Council Meeting at 7:48 p.m. for the purpose of an Executive Session (DeVisser Estate) as is permitted by Delaware's Freedom of Information Act.

Return to Open Session

City Council returned to Open Session at 8:03 p.m.

DeVisser Estate

Mr. Pikus moved to adopt the recommendation of city council and settle the pending DeVisser case, seconded by Mr. Grier. Motion carried by unanimous roll call vote.

ADJOURN

With no further business, Mr. Pikus moved to adjourn the Council Meeting, seconded by Mr. Grier. Motion carried.

The Council Meeting adjourned at 8:05 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Terri K. Hudson". The signature is written in a cursive style with a large, decorative initial "T".

Terri K. Hudson, MMC
City Clerk/Recorder