

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
*August 8, 2011*

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, August 8, 2011

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier III, S. Allen Pikus, Dirk Gleysteen,  
Owen Brooks, Jr. and Douglas Morrow

City Manager David Baird, 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 7:03 p.m.

#### MOMENT OF SILENCE AND PLEDGE

Mayor Rogers asked everyone present to stand with a moment of silence, which was followed by the Pledge of Allegiance.

#### APPROVAL OF MINUTES

Motion made by Mr. Pikus, seconded by Mr. Brooks to approve the minutes of the June 28, July 11, July 20 and July 28, 2011 meetings as presented. Motion carried.

#### RECOGNITION

Mayor Rogers advised that earlier today, he recognized Milford resident Mildred Steen on her 102<sup>nd</sup> birthday.

#### POLICE REPORT

Police Committee Chairman Morrow presented the monthly report on behalf of Chief Hudson. Mr. Pikus moved to accept the Monthly Police Report, seconded by Mr. Brooks. Motion carried.

#### CITY MANAGER REPORT

Mr. Baird then read portions of the following report into record:

##### *Solid Waste & Recycling*

In 2010, SB234 was signed into law and part of the legislation establishes diversion rates of 50% by January 1, 2015 for Municipal Solid Waste being disposed of at the landfill. The tables below compare the City's diversion rate by month with the same period of the previous year as well as year to date and annual totals.

	Solid Waste	Curbside Recycling	Igloo Recycling	Yard Waste	Total	Diversion Rate
June 2010	446.48	40.82	40.06	0	527.36	15.3%
June 2011	379.05	36.34	41.47	30.55	487.41	22.0%

	Solid Waste	Curbside Recycling	Igloo Recycling	Yard Waste	Total	Diversion Rate
2009	4,684.38	442.44	545.68	-	5,672.50	17.4%
2010	4,630.47	450.12	505.82	37.49	5,632.39	17.6%
2011(YTD)	2,028.09	235.52	243.18	169.35	2,676.14	24.2%

#### *Impact Fee Waivers*

Since the waiver of impact fees was implemented in June 2010, the City has waived \$212,084 in fees. This waiver has allowed property owners in Milford to retain this money and has helped to support a total investment of \$11,527,279 (based on building permit values) during the months of June 2010 through July 2011.

#### *Washington Street Water Plant Reservoir Tank*

The Water Department is addressing a leak in the reservoir tank at the Washington Street Water Plant. The leak is causing water to leak out of the tank when it is full and the pumps are running. Crews are anticipating having this leak repaired by the date of this meeting, however, the plant may need to be taken off line for a short duration during the repair and curing time. This further supports the need for the proposed improvements.

#### *School Zone Signage*

The City has partnered with the Milford School District for the implementation of a DeIDOT report on improving pedestrian and vehicle safety in the vicinity of the schools through new signage and street markings. The School District has purchased the Streets and Grounds personnel will be installing the signage over the next few weeks before school begins on August 31.

#### *Wilmington-Chaney Riverwalk Project*

This phase of the Riverwalk project is currently being bid and is scheduled to be opened later this month. Following a review of bids, a recommendation will be forwarded to City Council for your award in late August or early September.

#### *Riverwalk Freedom Festival*

The Riverwalk Freedom Festival is scheduled for September 8-10.

Mr. Pikus asked if major industrial users in town are informed when a water tank is down. Mr. Baird noted that this tank will not impact any services. In the case of an incident that created fear about the proper service, those users would be contacted. He noted we are in good shape operationally.

The Comcast letter included in the packet was then referenced; Mr. Pikus asked if the problems expressed by several Milford residents at a previous meeting were ever corrected. Mr. Baird said Tom Worley followed up with several customers though a group meeting was never held. In the meantime, he has not been informed of any further complaints.

It was agreed that intermittent blocking/freezing of the picture has continued; Mr. Baird will follow up with Comcast.

Mr. Gleysteen noted there is no penalty for not obtaining the 50% diversion requirement for solid waste in 2015. He asked that the city manager obtain additional information on how to achieve that target. Mr. Baird explained the legislation made it easier for residents to participate by making recycling available to every household and commercial establishments by specific dates. However, he is unaware of any guidelines.

The city manager advised that other municipalities are questioning how this will be met noting they are experiencing the same percentages as Milford. He added that the inclusion of yard waste over the previous year has impacted those calculations.

Mr. Gleysteen believes that all businesses recycling on a regular basis could make a large impact. Mr. Baird explained the city is required to make recycling available to its customers; however, the commercial and industrial users are permitted to utilize private haulers so they will not impact the city numbers.

Mr. Gleysteen also went on record stating that he objects the manner in which the city manager presents the numbers for the waiving of the impact fees in relation to the building permit fees. He feels strongly that a fair correlation cannot be made in that manner. It appears to be more of a psychological incentive than a quantitative incentive.

When asked what he suggests, Mr. Gleysteen said to provide the fees waived and the building permits separately. He does not believe one has a relationship to the other.

Mr. Brooks then stated he is pleased that all four schools are getting the proper signage and markings. He has discussed this with the police chief the past year and in particular, about what was needed at Banneker School.

Mr. Baird emphasized the majority of the work will be done at Milford High School and the Central Academy and Lulu Ross and the new Mispillion Elementary Schools because of the state-maintained roads surrounding them. However, he believes there are some scheduled improvements at Banneker as well.

#### COMMITTEE REPORTS

##### *Public Works Committee*

Mr. Brooks reported, and the city manager concurred, the city is proceeding with the Washington Street Water Plant project.

#### COMMUNICATIONS

Communications included in packet.

#### UNFINISHED BUSINESS

##### *Planning Commission Vacancy*

Mayor Rogers asked the item be placed on the August 22<sup>nd</sup> agenda because he has still not received a final commitment.

#### NEW BUSINESS

##### *St. John's Oktoberfest Request*

Mr. Pikus moved to approve the request of St. John the Apostle Church to close a portion of School Place and allow the sale of beer at their Annual Oktoberfest on October 7, 2011 and October 8, 2011, seconded by Mr. Brooks. Motion carried with no one opposed.

##### *Adoption of Fiscal Year 2011-2012 Tax Warrant*

Mr. Pikus moved for adoption of the following tax warrant, seconded by Mr. Brooks:

#### GREETINGS:

The Charter of the City of Milford provides the following:

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

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

Assessed Per Billing Register	\$777,777,503.00
Exemptions	[129,483,600.00]
TOTAL ASSESSED VALUE	\$648,293,903.00
ESTIMATED TAX PER PROPERTY VALUES	\$2,982,151.00
Senior Citizen Discount	[11,132.00]
TOTAL TAXABLE (Fiscal Year 2011-2012)	\$2,971,019.00

Motion carried by unanimous roll call vote.

*Transfer of Funds/DMI Tree & Grate Project*

Mr. Baird read the following letter into record:

*Subject: "Milford Streetscape Improvements" per Landscape Architectural Services*

*Letter dated August 3, 2011*

*On August 4, 2011 the Downtown Milford, Incorporated Board of Directors unanimously approved and confirmed:*

- The above project is of the highest priority and should take precedence over the "Northeast Front Street" project*
- Their support for the City of Milford's allocation of an additional \$50,000 for the above project.*
- Their continuing full support for the completion of the "Northeast Front Street" project when funding is available.*

*s/Lee Nelson  
DMI Executive Director*

Mr. Baird explained that DMI is requesting additional funding to the previously approved \$125,000 for the Tree and Grate Project. He noted the funds were previously allocated matching funds for this project.

He then reviewed the following budget:

Original Budget (Matching)	\$375,000
Previously Expended (on Engineering Projects)	-\$23,160
Reallocated to Tree & Grate (Awarded in May 2011)	-\$125,000
Reallocated to DMI Annual Contract	-\$7,500
for two years	-\$7,500
Reallocation to Tree & Grate (Aug 2011)	-\$50,000

Remaining Balance

\$161,840

Mr. Baird emphasized the \$375,000 is still a required matching fund for the \$250,000 state grant. He said this funding was an allocation toward the Downtown Milford Project. Because the Northeast Front Street did not move forward, they are requesting they be utilized.

The city manager reported the estimated Downtown Tree and Grate Project budget is \$188,500. The construction totals \$159,082, design and contract administration is \$20,906 and the \$8,512 contingency brings the total to \$188,500.

He advised their request is to allocate an additional \$50,000 to cover Downtown Milford's portion. There is some additional work on the sidewalks, which is the city's responsibility and is outside the scope of the proposed project that totals \$13,500. If that work is done, based on the bid projects, he proposes that Municipal Street Aid or Legislative Funds (Community Transportation Funds) be used. However, that decision can be made at the time the bids are received.

Because the Northwest Front Street Project is well into the future, Mr. Baird said he will support the request. He feels that Southeast Front Street now has a much greater chance of being completed.

Mr. Pikus confirmed that the priority has changed from the Northeast Front and Southeast Front Street projects to the Downtown Milford projects; Mr. Baird stated yes.

Mr. Pikus moved to approve the transfer of \$50,000 from the Northeast Front Street Project to the Downtown Tree and Grate Project, seconded by Mr. Morrow. Motion carried by unanimous roll call vote.

Mr. Pikus then recalled the allocation of \$7,500 to DMI at the time of the budget; he asked if an additional \$7,500 was approved at that time. Mr. Baird confirmed it was approved for two consecutive years with the understanding it would be paid from those same funds.

#### *Revised Proposal/DMI Tree & Grate Project/Landscape Architectural Services LLC*

The city manager advised this is the second part of this proposal. Noting the five added alternates added as a result of the additional scope of work, Landscape Architectural Services is presenting a proposal in the amount of \$13,905.60. With the increase, \$3,000 will be added making the revised cost to the original contract \$16,905.60.

Mr. Pikus moved for approval of the amended agreement of Landscape Architectural Services for the design, construction documentation, etc. required as a result of the additional work proposed, seconded by Mr. Gleysteen.

It was confirmed this work will occur on Northeast and Northwest Front Streets and North and South Walnut Streets in the downtown area.

Motion carried by unanimous roll call vote.

#### MONTHLY FINANCE REPORT

Mr. Pikus reported that through the twelfth month of Fiscal Year 2010-2011 with 100% of the fiscal year having passed, 102.652% of revenues have been received and 98.03% of the operating budget expended.

He advised that 98% of our departments are under budget. When reviewing the tight budget over the past year, he stated he is very pleased with the departments that we were able to remain below budget.

He noted that electric reserves show a disbursement of almost \$1.9 million and explained that money was used for the land purchase for the new substation and the purchase of transformers.

Mr. Pikus moved to accept the June 2011 Finance Report, seconded by Mr. Morrow. Motion carried.

Mr. Baird noted that the numbers presented tonight are unaudited though our annual audit is underway and should be completed within the next couple weeks.

ADJOURN

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

Meeting adjourned at 7:35 p.m.

Respectfully submitted,

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

Terri K. Hudson, CMC  
City Clerk/Recorder