

*MILFORD CITY COUNCIL*  
MINUTES OF MEETING  
*February 11, 2008*

The Regular Monthly Meeting of Milford City Council was held in the Meeting Room of the Delaware Rural Water Association Facility at 210 Vickers Drive, Milford, Delaware on Monday, February 11, 2008.

PRESIDING:           Honorable Mayor Joseph R. Rogers

IN ATTENDANCE:    Councilpersons Irvin Ambrose, John Kramlich, John Workman, Clifford Crouch,  
Owen Brooks, Jr., James Starling, Sr. and Katrina Wilson

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

COUNSEL:           Solicitor Timothy Willard

Mayor Rogers called the meeting to order at 7:31 p.m. Following the Pledge of Allegiance, Councilman Starling gave the invocation.

#### APPROVAL OF MINUTES

Mr. Brooks moved for approval of the January 14 and 28, 2008 minutes as presented, seconded by Mr. Workman. Motion carried.

#### RECOGNITION

##### *Presentation to Carlisle Fire Company*

No one was present from the Carlisle Fire Company. Mayor Rogers postponed the presentation until a later date.

#### POLICE REPORT

Due to the absence of Mr. Morrow, Chief Hudson presented the monthly police report. Chief Hudson also announced that two officers graduated from the Delaware State Police Training Academy and started their training at the department today.

Mayor Rogers thanked Chief Hudson for allowing Sergeant Gary Bailey to conduct a tour of the Milford Police Department for a group of students from Eagles Nest School in Milton.

Ms. Wilson moved for acceptance of the monthly police report, seconded by Mr. Starling. Motion carried.

#### CITY MANAGER REPORT

Mr. Carmean submitted the following report for February:

##### *ADMINISTRATION*

*City Hall renovations are proceeding on schedule. We have had weekly status meetings and our construction manager believes the April completion date is very realistic. As I anticipated, this project will require numerous change orders because of problems that arise when remodeling an older building. I am pleased with our construction manager's willingness to fit the needed changes into his scheduling.*

*It is time to begin thinking of building additional working and public access space at the public works facility. Now that the decision has been made to keep our billing and other business personnel at that location, we need to begin planning*

*for some expansion to accommodate our personnel and the public they serve.*

#### *SEWER AND WATER*

*We have had a very thorough inspection of all water towers and reservoirs in recent weeks. The needs are as follows:*

- The 10<sup>th</sup> Street tower was constructed in 1987 and was painted on the outside in the last ten years. It will need painting on the outside and inside along with some miscellaneous repairs that are needed in the next three years. Estimated costs are \$400,000.00.*
- The Caulk tower was constructed in 1999 and has had no major work. It shows no signs of needed work at this time, but should be reevaluated in five years.*
- The Washington Street tower was constructed in 1938 and will require some major work in the next five years. The estimated cost of painting and repairs is \$500,000.00. I suggest the city consider replacing this 250,000 gallon tower with a new 300,000 gallon tower. The approximate cost of this new tower is \$725,000.00.*

#### *STREETS AND SOLID WASTE*

*Street Superintendent Tim Webb continues to prepare a street repair list for the coming season. He and David Baird are working with DELDOT on the Route 36 project which runs from Route 113 to Rehoboth Blvd. The state will be doing milling and overlays from Route 113 to Walnut Street. That work is scheduled to begin after school breaks for the summer. The city will be more involved in the second stage of the project next year with some work on curbing and sidewalks in the Southeast Front Street area.*

*A report on recycling and once per week residential trash pick-up is being worked on for council. This is the follow-up six-month evaluation requested at the time this program was put into effect.*

*We have been advised by Delaware Solid Waste of their intent to offer recycling pick-up once every two weeks. They will also offer any customer who needs an additional roll-out at no additional charge. Councilman Workman has suggested we request a larger roll-out instead of the additional can. Many people do not have storage for two recycling containers and one city roll-out.*

The city manager then advised that he will begin the process for a new city hall to be built adjacent to the public works facility. It will be very similar in design to the public works facility with a connecting doorway. The new facility will house the billing personnel with a similar setup as the motor vehicle department in Georgetown. A number system will be implemented for customers and a seating area provided while they wait to be called. Council and public input is welcome.

He reported it became necessary to close the front of city hall to allow construction work on the water mediation project to be completed. As a result, the city hall drop box had to be relocated to the public works parking lot though it will be replaced once work is completed and the front area of city hall can be reopened in approximately two months. At that time, drop boxes will be available at public works and the city hall location.

Because recycling pickups will be reduced to once every two weeks, Mr. Carmean is working with Rich Von Stetten, Manager of Statewide Recycling for Delaware Solid Waste, to acquire larger roll outs. Councilman Workman had suggested the larger containers because of the loss of once a week pickup. Mr. Carmean advised there will be some additional costs to the city.

Mr. Carmean then apologized for the problems that prevented the council packets from being available on the city website this past weekend. They could not be finalized until 4:30 p.m. on Friday because of the deadline for the special election voter registration. Milford's ordinance requires council certification of the list prior to an election.

Once the packets were ready to be loaded, the IT staff found our provider was down. They attempted to contact the provider throughout the weekend but no contact was ever made. As a result, beginning today, our provider was changed and the packets are now accessible on the website.

Mr. Carmean emphasized that if complaints are received from the public should this ever happen again, the city's only legal obligation is to post the agenda which in this case was still accessible.

He also apologized for the confusion in getting the council packets out earlier than expected, noting that the city clerk was informed to wait until Monday morning, however, she took care of it Sunday night and they were delivered subsequently.

Mr. Ambrose asked if the additional drop box has been ordered saying there should be no lag time because many people prefer having the convenience of the box in town.

Considering the recent tragedy with the murder of city officials during a council meeting at Kirkwood, Missouri, Mayor Rogers recommends that some type of metal detector or security system be added to the front doors of city hall. With the building being renovated seems an appropriate time to address it.

Mr. Carmean said that some police or security personnel may also be considered during council meetings.

The mayor also suggested bullet proof glass be added to the billing and cashiering areas at the city office. The city manager informed council that bullet proof glass is already planned for the new billing area. He agrees our employees often deal with confrontational customers and there is a concern because their current area is very open and easily accessible.

#### COMMITTEE REPORTS

Mr. Crouch emphasized that though it is not a council committee, his economic group met this past Thursday and will continue to meet the first Thursday of every month. Almost twenty people attended and minutes were taken. He was very pleased with the results of the meeting and looks forward to the work being continued. He will have their recording secretary send copies of the minutes to members of the group and city council.

Mr. Workman announced the Bud and Bug Festival is scheduled for April. He asked if council would like to have a booth at the event. Mr. Carmean confirmed the electric department always has a booth at the event to distribute information to customers. Mayor Rogers added the police department also has a booth and their community officers distribute educational and related materials.

Mr. Workman would like to have a presence at the festival and be able to provide some general information.

Ms. Wilson then reported a large pothole on Fourth Street near the curb in front of Bethel AME Church that needs to be repaired.

Mr. Carmean advised that with cold weather upon us, pothole season has begun. Council needs to call either the city manager or Mr. Baird to report those areas so that street crews can be informed.

#### UNFINISHED BUSINESS

##### *Planning Commission Vacancy and Appointments*

Mayor Rogers read the following prepared statement into record:

*I would like to address a matter concerning our Planning and Zoning Commission. At the last meeting I brought two names to the council for appointment to the Planning board, and at that time I stated these appointments were for an interim period until May. In May, I will ask Council to consider numerous appointments to the commission because many of the members' terms have expired. My intention of getting the vacancies filled was to make the planning and zoning*

*a better board and able to function with a full force. But it appears that has not been the outcome.*

*I, and many members of council, have received calls and inquiries as to whether or not Karen McColley, one of the names I proposed, lives within the city limits. Mrs. McColley filled out an application for the seat, and stated her address was within the limits. I had no reason to question her statement then and don't question it now. The fact of the matter is the charter does not address the rule of having to be a resident or taxpayer to be on the commission. I have never in my thirty-plus years of service to this City ever supported appointing anyone to the planning and zoning commission who was not a city resident and that fact should make it clear I do not support non-residents or non-taxpayers serving on the planning and zoning commission. Let me say again that Mrs. McColley has stated she is a resident and has a proof with a license. I want to make it clear that we did what the charter allowed.*

He added that in May, we will do this differently. He is appointing a team to interview the applicants and review the applicants. The team will consist of Council Liaison John Kramlich, City Planner Gary Norris and Planning Commission Chairman Brendon Warfel. Any other council member is welcome to attend. This team will review applications and then interview them. After the interview, it will be brought before council in case there are any questions.

Mayor Rogers then advised that on the positive side, he received a phone call from former Commissioner Jason James. Mr. James served many years representing the fourth ward. Since his resignation a couple of months ago, the fourth ward vacancy has not been filled. He expressed an interest in returning to the planning commission; his resignation was submitted because of a job conflict which has since been worked out.

He asked for the opinion of Fourth Ward Council Representatives Katrina Wilson and Jim Starling.

Ms. Wilson stated she also spoke with Mr. James who indicated he did not want to resign at that time and asked if he would reconsider returning noting his years of experience were very valuable. She is very pleased the scheduling conflict has been worked out and is very much in favor of Mr. James returning to the planning commission.

Mr. Starling stated he also spoke to Mr. James and at that time there were some possible relocation issues related to his employment. He is also very much in favor of Mr. James being reappointed.

Planning Chairman Brendon Warfel was present and stated he is definitely in favor of Mr. James returning to the planning commission.

Ms. Wilson moved for Jason James to be reappointed to the planning commission, seconded by Mr. Starling.

It was questioned whether this appointment would be for three years; Mayor Rogers explained that all commissioners will be reevaluated in May.

Motion carried by a unanimous roll call vote.

Mayor Rogers noted that all commissioner seats are now filled adding he, too, is extremely pleased that Commissioner James is returning and feels his experience is very valuable to the commission.

## NEW BUSINESS

### *Certification of Voter Registration Lists for Special Election*

Ms. Wilson moved for certification of the February 8, 2008 Voter Registration List of eligible voters for the Special Election on February 23, 2008, seconded by Mr. Workman. Motion carried by unanimous roll call vote.

Mayor Rogers announced those persons not presently registered still have time to register for the upcoming general election to be held April 26, 2008. The registration deadline for that election is March 27, 2008 at 4:30 p.m. Special registration times have also been scheduled on Thursday, February 28, 2008 from 4:30 p.m. to 8:00 p.m.; Saturday, March 8, 2008 from 10:00 a.m. to 2:00 p.m.; and Tuesday, March 25, 2008 from 4:30 p.m. to 8:00 p.m.

*Approval of Mosquito Control Spray Policy/DNREC*

Mr. Brooks moved for approval of the Mosquito Control Spray Policy, seconded by Ms. Wilson. Motion carried with no one opposed.

*FY 2007-2008 Budget Amendment/Proceeds of Sale of City Equipment*

The following budget amendment was presented:

Transfer of \$44,600 from Revenue Account #101-0000-359-10-90 (Watson Auction Sale Proceeds) to the following line items:

Legal Expense Account #101-1010-413-30-20	\$33,000
Council Expense Account #101-1110-411-68-14	\$1,600
Museum Expense Account #101-1110-411-68-17	\$10,000

Mr. Carmean informed council of some old equipment and vehicles that were sold; this request is to reallocate those proceeds by distributing the total money into the accounts as noted.

Mr. Crouch moved for approval to transfer \$44,600 into the three accounts as presented, seconded by Mr. Ambrose. Motion carried by unanimous roll call vote.

*Approval of City Hall Renovations**\* FY 2007-2008 Budget Amendment*

A budget amendment allocating \$1.5 million from the General Fund-Fund Balance Account 101-0000-399-10-00 to cover all costs associated with the City Hall Improvement Project was then presented for approval.

The city manager recalled discussing this at last month's meeting and explained that any related invoices would be paid from this account as the project proceeds. This is somewhat above the estimated costs of the renovation originally estimated between \$1.1 and \$1.2 million. Some change orders were already needed as was anticipated because of the age of the building. One involved an asbestos problem that cost approximately \$8,000.

Mr. Carmean said that Finance Director Portmann had informed him that the access to the upper storage area in the finance building was by way of pull-down stairs. Due to some safety concerns with employees only being able to access their records in that manner, it was decided our construction manager should determine another means probably by building a stairway.

This transfer will cover the costs of these additional items with the goal not to make continual transfers as these projects are needed.

Mr. Ambrose moved for the transfer of \$1.5 million to pay for associated city hall improvements, seconded by Mr. Kramlich.

Mr. Ambrose explained that this is the general fund bank balance which contains \$4,766,313. Approximately \$1.7 million of that account is property tax money which is general operating money. Though our finance director indicated he was comfortable with \$3.5 million in that account, this leaves over \$3 million.

Mr. Crouch noted that \$1.066 million was budgeted for the city hall project according to the Daystar Sills contract. He confirmed that if less money is used, that money will be moved back into the general fund account. His concern is that once the money is moved out, even if it is not used, it may be spent for some other reason.

Mr. Carmean reminded council that topnotch materials were requested and ensured council that these improvements will

be long lasting. However, he believes the project will come in less than \$1.5 million.

Motion carried by unanimous roll call vote.

*\* Change Order/Daystar Sills Contract*

The city manager referred to the highlighted areas of the contract that have been changed. A kitchenette has been added to the conference room off the council chambers. Though the conference room will be used for executive sessions, it could also be used for committee meetings if the chair persons desires.

Chamber chairs and desks, foundation dewatering, asbestos removal and a sprinkling system for the downstairs were all items not covered in the original contract.

Mr. Crouch moved for approval of this change order, seconded by Mr. Kramlich. Motion carried.

*\* Delaware Rural Water Association Invoice*

An invoice was presented for renovations to the Delaware Rural Water building in the amount of \$4,042. The improvements were needed in preparation of the building be used by the City of Milford during the time city hall was under construction. Mr. Carmean explained this was not budgeted because the location of meetings had not yet been determined. These improvements were required to meet our needs, including some additional security for our equipment.

Mr. Crouch moved for approval of the Rural Water invoice in the amount of \$4,042, seconded by Mr. Starling. Motion carried.

*Downtown Milford, Incorporated/Agreement*

The city manager recalled discussing the agreement during the FY 2007-2008 budget hearings. At that time, he confirmed with Mr. Ambrose this would be earmarked out of his contingency fund. Mr. Carmean has drawn up a contract stating this is not a donation and instead the money would go toward the salary and benefits of the downtown coordinator.

Mr. Carmean plans to utilize her as they proceed with the downtown streetscapes projects. He stated she is very well trained in grant areas and familiar with the process and associated contacts. Mr. Carmean noted this has been covered in depth with President Mitch Crane.

He said Downtown Milford is very involved in the Main Street Program and the city should embrace that program. There is no use in Milford trying to reinvent the wheel or attempting to hire another person to handle it.

Mr. Carmean said the \$10,000 is for contractual services and is not a donation. In the next budget and future budgets, council will consider some additional funding for Downtown Milford. Both Rehoboth and Seaford totally fund the director of their downtown projects which he will also discuss at that time.

Mr. Crouch asked why the nine months was specified instead of a full year. Mr. Carmean explained that the downtown director had not done any of the work so he chose to start the contract in March though it can be changed. Mr. Crouch said he prefers the contract to run on an annual basis. Mr. Carmean said it will most likely be done on a fiscal year though it is planned on an annual basis. Mr. Crouch feels it should cover the balance of this fiscal year and next year.

Mr. Ambrose explained the request from DMI will be more than \$10,000 the next fiscal year. The amount will be changed at that time.

Mr. Carmean said the time period is at the pleasure of council.

Ms. Wilson prefers to see an actual breakdown of the services being provided. She recalled when this was done before and wants to make sure we are actually getting the services we are paying for.

Mr. Carmean clarified that Ms. Wilson was referring to the previous time when Milford had their own downtown coordinator. Mr. Crouch said if he understands correctly, her job description would be part of what we are paying her to do.

Mr. Carmean then explained that the downtown area is a very viable area and affects the entire community. He feels we will have a better set of tasks and perimeters next year as we work more with this coordinator. He has some tasks and if completed, he feels it is well worth \$10,000.

Mr. Crouch then asked if because this is only a four-month contract, should it not be \$4,000 or \$1,000 a month and not \$10,000.

Mr. Carmean pointed out that was the problem with June 30<sup>th</sup>. That will shorten the time limit for those tasks to be completed and they cannot be completed during that time. The time period of the next contract has not yet been established.

Mr. Carmean feels that what she needs to accomplish will take until December 31<sup>st</sup>.

Mr. Crouch agreed to leaving it through December 31<sup>st</sup>.

Mr. Ambrose was at the Downtown Milford meeting and his impression was that this contract would cover this fiscal year and another contract would be later discussed. He added that one of the Main Street requirements is local support which ensures the state and national organizations see the city as a viable partner with Downtown Milford.

Mr. Crouch moved to approve the Downtown Milford, Incorporated contract for \$10,000 from March 2008 through December 31, 2008, seconded by Mr. Workman. Motion carried by unanimous roll call vote.

#### *Commission of Landmarks and Museums/FY 2008-2009 Budget Request*

The following letter was submitted to Mayor Rogers and Council Members dated February 1, 2008:

*The Milford Museum Commission is on the "home-stretch" of its fundraising campaign started last April, 2007 to raise \$120,000 to expand Museum daily operations and to erect a bronze statue of General Alfred Torbert. Bill Kenton, public relations director, led this campaign during his brief tenure that ended in September, 2007 with his unexpected death. Bill helped us raise \$65,000 from private donations. The bronze statue of General Torbert has been completed and shipped from China and due to arrive in April, 2008. We are currently \$40,000 short of our effort to pay the cost of the statue and granite base that will be erected on the lawn in front of the Museum on Sunday, June 29, 2008 at 2:00 p.m.*

*We understand the limitations of funding from City Council and respectfully request to be included in your upcoming budget plans for a \$20,000 donation for this one-time community project. We expect to be able to raise the balance of the cost of this project from local donations and some state funding. We would be happy to make a short presentation to city council at any time convenient to your public.*

David Kenton, Chairman of Milford Museum and Marvin Schelhouse, Committee Chairman for the General Torbert Statue were present. Mr. Kenton reported their goal is \$150,000 of which \$75,000 was for the statue and \$75,000 was the expansion of the museum operations and the hiring of a full-time public relations manager.

The statue had to be ordered early and will arrive on March 15, 2008. They requested \$20,000 but need \$10,000 this fiscal year. They have raised \$75,000 in personal and private donations. The statue will be dedicated on June 29<sup>th</sup> which is the 175<sup>th</sup> anniversary of General Torbert's birthday.

Mr. Schelhouse then reported that approximately \$30,000 is still needed to complete the project. By Friday, \$6,000 is required to get the granite base started though the total cost is \$22,800.

He advised that a lot of work has been put into this project, not only to raise the money, but to ensure it is done properly. The plan was to restrict the fund drive to Milford, but had to expand and contacts have now been made in the states of

Washington, New York and New Jersey.

Mr. Ambrose has discussed this with the finance director noting this was part of the earlier vote that divided the \$44,600 sale proceeds into three accounts.

Mr. Ambrose moved to activate the Museum Expense Account #101-1110-411-68-17 in the amount of \$10,000 for this statute project, seconded by Ms. Wilson.

Mr. Crouch asked what happens because only \$10,000 is being approved and they asked for \$20,000. Mr. Schelhouse explained they have a number of people who have made pledges, though the concern was the current economic downturn. However, they are confident the balance will be raised.

Motion carried by unanimous roll call vote.

Mr. Kramlich said he feels it is a good use of unbudgeted money and nothing had to be taken out of city coffers.

The city manager emphasized that the museum is a commission established by the City of Milford and is financially supported by the city. Therefore, it is not considered an outside organization.

#### *Finance Report*

Mr. Ambrose advised that through the sixth month of Fiscal Year 2007-2008 with 50% of the year having passed, 57.69% of revenues have been received and 47.32% of the operating budget expended.

He referred to a new account 'Budgeted Fund Balance' which will track the costs of the city hall renovations.

Following a review of the reserve accounts and disbursements, Mr. Ambrose moved to accept the finance report for December 2007, seconded by Mr. Crouch. Motion carried.

#### *Executive Session*

Motion made by Mr. Kramlich to go into Executive Session reference a personnel matter, seconded by Mr. Crouch. Motion carried.

Mayor Rogers recessed the council meeting at 8:35 p.m. to go into Executive Session to conduct a discussion regarding a personnel issue.

#### *Return to Open Session*

City Council returned to open session at 8:48 p.m.

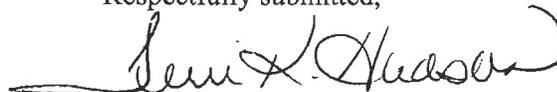
Mayor Rogers advised that a personnel evaluation was discussed in Executive Session.

Mr. Ambrose confirmed the motion voted on in executive session, seconded by Mr. Crouch. Mayor Rogers then advised no vote was necessary because it was already voted on in executive session.

#### *Adjourn*

With no further business, Mayor Rogers adjourned the Monthly Meeting of City Council at 8:49 p.m.

Respectfully submitted,



Terri K. Hudson, CMC  
City Clerk/Recorder