

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
January 13, 2014

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, January 13, 2014.

PRESIDING: Mayor Joseph Ronnie Rogers

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

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. Morrow to approve the minutes of the November 25, December 9 and December 23, 2013 Council Meetings as presented. Motion carried.

#### RECOGNITION

City Manager Carmean introduced Katrina White, City Hall's new Office Assistant who in December, replaced our former Receptionist Carlene Wilson.

Mr. Carmean advised that Ms. White lives in Milford and comes with a lot of experience in municipal government. She has worked for the Town of Dewey Beach the past several years. When he was Chief of Police, he hired Ms. White as a police dispatcher and she later transferred into the records department. After moving to Atlanta, Georgia she returned home to Delaware and was hired by Dewey Beach as a dispatcher. Dewey's town manager then asked her to take the town clerk position which was her last position before being hired by Milford.

Mayor Rogers and council welcomed Ms. White and wished her the best in her new career here at the city.

#### MONTHLY POLICE REPORT

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

#### CITY MANAGER REPORT

City Manager Carmean advised there is no written report this month.

When asked if there were any incidents during the recent snowstorm, Mr. Carmean advised that our employees are well experienced and have been through many storms. We had no problems as a result.

Mr. Brooks asked the status of PNC Bank; Mr. Carmean said that he and Billing Supervisor Debbie Johnson met with the architect on Friday. The plans were finalized and bids are currently being prepared.

The contractors will be given a window for the time to be completed in order to speed the process up. He plans for the billing staff to be working out of the building in May.

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

#### COMMITTEE & WARD REPORTS

##### Police Committee Report/Chairman Doug Morrow/Restricted Parking Area/SE Front Street

Chairman Morrow reported that a Police Committee Meeting was scheduled but canceled as a result of inclement weather. A parking situation was under review and whether an area should be made no parking. Chief Hudson measured and reviewed the area and agreed the street was too narrow for parking. Mr. Morrow pointed out the street is so narrow that several cars are parking two to three feet into the curb. As a result, he and Chief Hudson recommend that the area be designated no parking. However, it would not be effective after the Southeast Front Street Roadway project is completed and new curb installed.

Chief Hudson confirmed this from Columbia to Charles Street on Southeast Front Street.

City Manager Carmean confirmed that the Southeast Front Street project will be completed no later than early fall. In the meantime, the city manager will inform DeIDOT of our decision because this is a state-maintained roadway. The proper signs will also need to be ordered.

Public Works Chairman Owen Brooks noted that both Irv Ambrose and Sudler Lofland, who live in this area, had asked for this to be done for several years.

Mr. Brooks noted that Sudler Lofland inventoried the homes along this stretch and found that only two homes were without off-street parking even though several vehicles park in the front.

##### Finance Committee Report/Chairman Pikus/Abbotts Grill & Mills Brothers Market Alarm Fines

Chairman Pikus reported that Mills Brothers Market and Abbotts Grill contacted several council members to ask if they would review the false alarm fines outlined in Chapter 75. They have asked the city to look at the ordinance and determine if a fine reduction is needed. As a result, Mr. Pikus is asking Mayor Rogers place the matter into the hands of the police and finance committees jointly.

Mr. Brooks asked the city manager if we still have certain businesses with continuous alarm problems. He recalled two or three businesses years ago whose alarm would go off every time it rained or the wind blew.

Mr. Carmean stated yes adding that Chief Hudson addressed that at an earlier meeting this morning. He said that of the two businesses that have contacted councilmen, the one restaurant has had a terrible time with false alarms. Considering we have a lot more businesses today compared to when it was a problem in the mid 1980's, the percentage may be lower. However, our streets are more crowded when the police officers have to respond to the alarms. They respond on an emergency basis which means they are going over the speed limit because they are unaware of what they are responding to at the time.

The city manager reaffirmed we definitely still have a problem. The question these businesses have asked is whether our fines are too punitive. He does not believe we need to do away with the ordinance. When the ordinance was originally enacted, there were businesses that simply did not care. If they set the alarm off, there were no consequences and this was put in place to get the attention of these businesses with the hope they would get some control of their alarm systems.

He feels the technology is better today than in 1985 which results in better alarm systems. He feels it can be handled and perhaps some of these businesses should make their alarm companies tow the line as far as false alarms due to equipment violations.

Mr. Carmean said that Mr. Pikus asked to review the fines noting that after sixteen false alarms within a year, it does

increase to \$250. At the beginning of the year, it starts all over again and the business gets three free false alarms. The problem is the business feels \$250 is a substantial fine.

Once the committee makes a decision, they would make a recommendation to city council.

Mr. Pikus stated that he hopes every council member attend the committee meeting because he wants input from everyone. Mr. Brooks suggested that because Mr. Pikus prefers that all of council attend, perhaps it could be discussed in a workshop session. Mr. Pikus agreed to have it placed on a workshop agenda.

#### COMMUNICATIONS & CORRESPONDENCE

##### Holiday Meals

Mr. Starling reported that St. Paul's United Methodist Church gave away more than 225 meals during the recent holidays. He thanked those that contributed to the cause.

##### Wheelchair Safety Equipment

Mr. Starling then asked who should be contacted to receive the safety equipment for wheelchairs that was recently mandated an ordinance adopted by city council. Ms. Hudson reported that all equipment is in and she has only been in touch with one person who has received his equipment. She asked that anyone inquiring about the equipment be directed to city hall. Our staff will then sign out and distribute the items.

#### UNFINISHED BUSINESS

##### Adoption of Resolution 2014-1/Legates & Currey Annexation/Committee Investigation

Mr. Pikus reported that Anna Legates and JoAnn Currey met with him to discuss the annexation of their property and the change of zone to highway commercial.

Mr. Pikus moved to adopt the following resolution, seconded by Mr. Gleysteen:

Annexation/Lands belonging to Anna M. Legates & JoAnn L. Currey  
Tax Parcel No. MD-174.00-02-27.00-00001  
6.481 +/- Acres  
Current Zone AR-1/Proposed Zone C-3

#### COMMITTEE DIRECTED TO INVESTIGATE ANNEXATION

Whereas, a Petition, signed by the legal property owner and duly witnessed, requesting annexation into the City of Milford, situated east of Delaware Route 1, between County Road 408A (east) and Carpenter Pit Road (north), legally described as follows:

Reference: Tax Map MD-00-174.00-02-27.00-00001

All that certain tract, piece and parcel of land, lying and being situate in Milford Hundred, Kent County, and the State of Delaware, as depicted on a survey prepared by Bob Nash Associates, Inc., dated 30 July 2013, fronting on the northeasterly right-of-way line of State Highway Route 408A, at sixty (60) feet wide, and a twelve (12) foot wide access, adjoining lands now or formerly of David A. & Jean W. Morgan, lands now or formerly of Carl J. & Cindy L. Popelas, lands now or formerly of Robert E. & Edgar W. Cannon, and lands now or formerly of J. & R. Scarborough, Inc., being more particularly described as follows, to wit:

Beginning at a found iron pipe at a corner for lands now or formerly of David A. & Jean W. Morgan, and at a point on the northeasterly right-of-way line of State Highway Route 408A, at sixty (60) feet wide, said point being distant 2,600 feet, more or less, from the right-of-way intersection of N.E. Tenth Street; thence running with said right-of-way line of 408A and deflecting right along a 2,173.85 foot radius curve, the chord of which bears North 31 degrees 55 minutes

29 seconds West 230.82 feet, an arc distance of 230.93 feet to a found concrete monument at a corner for lands now or formerly of Carl J. & Cindy L. Popelas; thence proceeding with said Popelas lands the following two (2) courses and distances:

- 1) South 76 degrees 35 minutes 48 seconds East 340.28 feet to a set capped rebar, and
- 2) North 13 degrees 21 minutes 42 seconds East 208.72 feet to a set capped rebar on line of a twelve (12) foot wide access,

thence running with said access road South 76 degrees 39 minutes 47 seconds East 600.00 feet to a set capped rebar on line of lands now or formerly of Robert E. & Edgar W. Cannon; thence proceeding with said Cannon lands South 03 degrees 41 minutes 11 seconds West 337.35 feet to a found iron pipe on line of lands now or formerly of J. & R. Scarborough, Inc.; thence continuing with said Scarborough lands North 86 degrees 05 minutes 27 seconds West 487.62 feet to a found iron pipe at a corner for aforementioned Morgan lands, thence running with said Morgan lands, the following two (2) courses and distances:

- 1) North 02 degrees 23 minutes 45 seconds East 130.08 feet, and finally,
- 2) North 89 degrees 11 minutes 34 seconds West 396.68 feet to the place of beginning, CONTAINING 6.481 acres of land, more or less.

has been submitted to the City Council of the City of Milford.

Now, Therefore, a Committee, composed of three (3) elected members of City Council and one (1) member of the Planning Commission has been appointed by the Mayor to investigate the possibility of annexing said property, said Committee to be comprised of Chair Katrina Wilson, Douglas Morrow, S. Allen Pikus and Planning Commission Chairman James Burk.

Be It Further Resolved, that said Committee shall submit a written report containing its findings and conclusions, including the advantages and disadvantages of the proposed annexation both to the City and to the property proposed to be annexed and said report shall further contain the committees' recommendations whether or not to proceed with the proposed annexation and the reasons therefor.

NOW, THEREFORE, I, Teresa K. Hudson, City Clerk of the City of Milford, do hereby certify that the foregoing resolution was duly and regularly adopted by the City Council of the City of Milford at a Council Meeting held the 13th day of January 2014 by a majority vote.

s/Teresa K. Hudson, City Clerk

Motion carried.

#### FY 2013-2014 Budget Adjustment/Planning & Zoning/Engineering & Planning Fees

City Manager Carmean reported there have been some cost overruns in engineering and planning fees, many of which were related to a number of changes requested by property owners in our comprehensive plan. As a result, the following request was submitted on behalf of the planning department:

We respectfully request a budget adjustment from the Property Tax Revenue account (101-000-311-10-10) be transferred to the Planning and Zoning Engineering line item (101-1035-419.30-50) in the amount of \$10,000.00 due to unexpected fees associated with the review of land use applications and the Comprehensive Plan mapping project.

Mr. Carmean pointed out that this brings the funds up to \$12,500 but due to several outstanding bills, will only leave about \$3,000 for the remainder of the fiscal year.

Mr. Pikus confirmed the \$10,000 should cover the balance of the year; Mr. Carmean stated yes.

Mr. Pikus moved to approve the Fiscal Year 2013-2014 budget adjustment for an additional \$10,000 to be placed in the

engineering line item and transferred from the overage in the Property Tax Revenue Account, seconded by Mr. Grier. Motion carried.

#### MONTHLY FINANCE REPORT

Chairman Pikus reported that through the fifth month of Fiscal Year 2013-2014 with 42% of the fiscal year having passed, 47.43% of revenues have been received and 37.43% of the total operating budget expended.

Mr. Pikus asked council to note the solid waste fund continues to decrease.

Motion made to accept the November 2013 Finance Report by Mr. Pikus, seconded by Mr. Brooks. Motion carried.

Mr. Carmean announced that the PPCA (purchase power cost adjustment) that is passed onto our customers has been running approximately .5 cents per kilowatt. Due to increasing revenues, no PPCA will be charged which will be a substantial savings to our industrial customers. He advised that US Cold Storage called him and thanked him for the Christmas present from the city.

Mr. Pikus asked that be duly noted to the public.

#### 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

Pursuant to 29 Del. C. §10004(b)(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed.

Mr. Pikus moved to go into Executive Session reference a personnel matter, seconded by Mr. Grier. Motion carried.

Mayor Rogers recessed the Council Meeting at 7:34 p.m. for the purpose of an Executive Session 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.

#### ADJOURN

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

The Council Meeting adjourned at 8:04 p.m.

Respectfully submitted,



Terri K. Hudson, MMC  
City Clerk/Recorder