

MILFORD CITY COUNCIL
MINUTES OF MEETING
April 14, 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, April 14, 2014.

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Bryan Shupe, Garrett Grier, 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. Brooks, seconded by Mr. Pikus to approve the minutes of the February 24, 2014 Public Hearing, March 10, 2014 and March 24 Council Meetings as presented. Motion carried.

RECOGNITION

Councilwoman Wilson reported that prior to the start of the April 10, 2014 Mayoral Debate at Milford High School sponsored by our local NAACP, Reverend Mack Holt, the former pastor from Mount Enon Baptist Church recognized Mayor Rogers. Unfortunately, the mayor had a prior commitment and was not in attendance.

On behalf of the NAACP, Councilwoman Wilson presented Mayor Rogers with a plaque that read as follows:

Awarded to the Most Honorable Joseph Ronnie Rogers in grateful recognition for your outstanding years of service to our Greater Milford Community.

The NAACP Milford-Slaughter Neck Chapter 2030
April 10, 2014

MONTHLY POLICE REPORT

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

CITY MANAGER REPORT

Mr. Carmean presented the following report:

ADMINISTRATION

Davis, Bowen and Friedel (DBF) advertised the bid for the PNC building renovations on March 25th. The pre-bid meeting was held April 8th and bids were due to be opened on April 22nd. A couple of the interested bidders asked for some additional time because they were not familiar with the pneumatic system for the drive-up window. Though it was scheduled to be approved by city council on April 28th, it will take some additional time for them to obtain prices for the specialized items. As a result, it will most likely be presented at the May meeting before the bid is presented to council.

Even though the second floor and basement will not be renovated, the fire marshal required those areas be added to the drawings. DBF then had to redesign the drawings.

We hope to be operating out the building in three to four months.

SEWER AND WATER

Approximately 380 feet of the 8-inch water main replacing the existing 4-inch water main on Columbia Street has been installed. The new main has successfully passed the pressure and bacteriological testing. The existing services can now be transferred to the new main.

Thirty-two existing water services along Southeast Front Street have been replaced. This includes new tapping saddles and corporation stops on the existing 8-inch water main, new service lines, new meter pits and new meters. Some of these were connections that were transferred from the existing 6-inch and 4-inch mains which will be abandoned. The others were to replace existing water services that were tapped into the 8-inch main, but the service pipes were galvanized and the meter pits outdated at best. A considerable amount of this work was not included in our contract. We uncovered additional problems while doing the planned work and made repairs on infrastructure we did not know we would have to make. Some funds will have to be transferred to pay for the additional costs of the project later in the meeting.

We have completely abandoned Well 9 at Seabury Avenue. This well has been failing for sometime so we will not see any change in our production at the location. We will be replacing this well with shared funding from Redner's Market.

The Washington Street Sewer Pumping Station is totally operational and complete. The building looks very attractive and is odor free. We are going to have to talk with the contractor about some issues though I am confident they will be addressed.

The Southeast Milford Tower and Water Treatment Project is in the second week of advertising for bids. We will be giving interested bidders four weeks to return bids unless they request a little more time for bid preparation. This is a large project and could take an extra week or so to complete. I will then present bid options to the Mayor and Council for acceptance; the project should be underway by June.

ELECTRIC

We will have a bid opening in the near future on the new digger truck. This vehicle will replace a 1980's truck which is a much smaller vehicle. This is a budgeted purchase.

Our new substation was completed this past weekend. This finishes our 138kV transmission line from the DP&L connection on Route 113 (adjacent to the DSWA facility) to our Route 14 substation. We will go hot with it Thursday and hopefully there should be no major glitches. Once we go hot, it will be shut down for a short period of time to get some other things done there. Right now, we have the capability with the three bays at the present substation to utilize 66 megawatts. The transformer purchased in 2010 will be moved to this substation which will give us 44kV there and 44kV at the new substation. We will then have the capability of adding another to the old substation which means the city could have five transformers in the future.

These additions have doubled our electrical capacity.

Mr. Carmean confirmed we will provide illumination at the substation southwest of Milford.

Mr. Gleysteen asked about the new transformer that was transported to the new substation last week. Mr. Carmean explained they changed out some of the equipment but it did not include one of the big bay transformers. However, some upgrades were done on the sanding transformers and other equipment though that did not include the large ones he referenced. They hope to be able to move the transformer for less than \$30,000 and avoid the public bidding process.

The extension of our new or upgraded transmission lines on Route 14 & 15 will be done in approximately four weeks. I want to commend Electric Superintendent Rick Carmean who oversaw this project on the city side. From the 2008 referendum to the recent completion, he stayed on top of all aspects of the build. We will have close to \$9 million in the much needed and important electric infrastructure upgrades, \$5 million from our referendum approved bond sale and \$4 million from electric reserves. This assures future growth will not be hindered by our lack of ability to provide electric power.

We have heard a lot about the water tower and treatment facility that was not completed and approved during that referendum as well. I feel we can now handle a large industry that wants to develop here on the water side though electric was questionable.

STREETS AND SOLID WASTE

Serious street repairs will be started to winter damaged areas. The following projects will also be completed this summer:

- *North Washington Street (4th Street to Rehoboth Boulevard)
- *N.E. 7th Street
- *N.E. 4th Street
- *Bridgeham Avenue (S.E. 2nd to S.E. 4th Street)
- *Park Avenue
- *Lemuel Street
- *Claude Street

No federal money was obtained for these repairs though we received CTF funds from legislators in addition to Municipal Street Aid.

Solid waste crews did an excellent job during the Annual Spring Clean-Up Week.

We have had a customer request regarding a second yard waste receptacle. The policy is customers have to pay for the second receptacle though there is no increase in their monthly fee. A written complaint from a customer was received about the requirement to purchase an additional can. To open the door and supply customers with a second yard debris container can be costly and an expense to the remaining customers.

Mr. Morrow asked if they are reimbursed the \$60 when the container is turned in; Mr. Carmean said yes as long as the can is in good condition.

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

SHOPPING CENTER PARKING LOTS

Ms. Wilson said she is aware the shopping center parking lots are considered private property and their maintenance the responsibility of the shopping center owner/managers. She recalled several years ago, when the city manager contacted them to ask they make the proper repairs to ensure the safety of pedestrians and vehicles.

The city manager confirmed the city did contact the manager of Milford Plaza Shopping Center which has the biggest problems. They informed the city they plan to blacktop those areas once the weather warms up. This particular shopping center has had some major renovations to the facility so he believes this will be done soon.

Mr. Pikus believes the plan is to repave the parking lot once construction of the Chick-Fil-A Restaurant is completed.

The city will also do some striping especially in the area of the auto part's store on the corner of the center and adjacent to the bank/donut shop. The city manager suggested that Chief Hudson and he look at the area and consider adding a stop sign or a better crosswalk.

Mr. Brooks noted the area behind Hardees off the Route 113 entrance whose travel lanes are difficult to distinguish particularly with the two-way traffic.

Ms. Wilson noted that there are also paving issues at the Milford Square Shopping Center; Mr. Carmean does not believe they have been contacted though he will follow-up.

Mr. Pikus recalled when the entrance into Milford Square Shopping Center was deeded over the city. Mr. Carmean said he has been trying for a couple years to get the striping completed there though he noted that he has gotten the striping corrected on Route 113 at North Street Extended.

Mr. Carmean and Mr. Brooks both agreed the striping that was done a number of years ago was very confusing to drivers traveling in both directions.

COMMITTEE & WARD REPORTS

First Ward

Councilman Grier announced that Chris Mergner, who lives in Orchard Hill, has expressed an interest in City Council. During a recent conversation, Mr. Grier suggested Mr. Mergner consider running if it is determined a special election will be needed in June.

Mr. Mergner acted very interested and plans to file before the deadline.

Councilman Shupe then reported that he received information from DeIDOT that construction work on the overpass will resume on April 28th. They had numerous setbacks as a result of the tough winter we experienced. Unfortunately, a completion date was not provided.

Second Ward

Councilman Pikus advised that the 2014 Milford School District referendum failed. He hopes the school will consider another referendum with some alternative plans though that must be determined by the school board.

There is a lot of concern about the school being vacant should it not be able to be used in the future.

Public Works Committee

Mr. Brooks announced that Mr. Carmean scheduled a Public Works Committee Meeting on Wednesday, April 16th at 9:00 a.m. He asked Mr. Carmean to invite Erik Retzlaff from Davis, Bowen and Friedel.

The city manager confirmed that he spoke with Mr. Retzlaff and asked that he provide a status report of some of our projects as well as a recent request that needs to be addressed.

Police Committee

Mr. Morrow said he spoke to the city manager regarding the status of the contract on the Growmark land and whether or not the \$50,000 check has been sent.

City Solicitor Rutt responded by stating the contract is done. When Mr. Morrow asked if it had been signed by all parties, the solicitor explained that Growmark has not yet signed the document. He indicated their attorney is very difficult to communicate with and according to Mr. Rutt, has been called periodically over the past couple months and he has not yet received a call back.

Mr. Pikus pointed out the check was cut when the contract was initially approved many months ago. Because of the length of time, it had to be voided while we waited for the signed contract. He noted that we are prepared to send another as soon as the contract is received.

Mr. Carmean said he also spoke with Mr. Morrow and agrees this has taken a long time and would like to see this matter brought to a close. He thought the check had been sent some time ago.

Mr. Grier said the agreement was voted on what seems like a year or so ago and also thought everything was done.

Mr. Rutt will follow up with a certified letter as he did with another attorney who was unresponsive.

COMMUNICATIONS & CORRESPONDENCE

Mr. Starling advised that on Friday morning, his church has a large funeral beginning at 9 a.m. The service will begin at 12:00 noon and they are expecting a number of attendees.

He asked that Chief Hudson contact him with any questions or concerns.

UNFINISHED BUSINESS

The city manager advised the Plan of Services, which provides the Office of State Planning with information on how the city will provide services to Legates/Currey parcel, was reviewed and accepted by the state. Therefore, it is being presented for final action by city council.

Ms. Wilson moved to adopt Resolution 2014-02, seconded by Mr. Pikus:

Adoption of Resolution/2014-02/Annexation of Anna M. Legates & JoAnn L. Currey Lands

Annexation/Lands belonging to Anna M. Legates & JoAnn L. Currey

Tax Parcel No. MD-00-174.00-02-27.00-00001

6.481 +/- Acres

Current Zone AR-1/Proposed Zone C-3

Whereas, the Milford City Council having considered the advantages and disadvantages of annexing into the City the following described lands, to wit:

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.

and having considered the recommendation of the Annexation Committee appointed to investigate said annexation on whether or not to proceed with said annexation, having considered the zoning recommendation of the Planning Commission subject to compliance with Chapter 230 of the City of Milford Code, having held a Public Hearing on February 18, 2014, having received acknowledgment of the accepted Plan of Services by the State of Delaware as required of Title 22, Section 101, Delaware Code, the City of Milford, hereby determines as follows:

Now, Therefore, Be It Resolved,

That this land is hereby annexed into the municipal boundaries of the City of Milford and the description and plot of said lands are to be recorded in the Office of the Recorder of Deeds in Kent County, Delaware where said lands are situate.

The Petitioner and the City of Milford enter into an annexation agreement for purposes including, but not limited to, the dedication of easements and/or right-of-ways to the City of Milford or State of Delaware for future utility, roads or other public improvements as determined by the City of Milford and/or State of Delaware.

That from and after the adoption date of this resolution, the territory annexed will be assessed and taxed at the same rate and basis as other taxable properties within the City of Milford.

The annexation area is contiguous to Ward 3 and City Council intends that these parcels become part of and be included within the Ward 3 area upon annexation.

That the Official Zoning Map and Boundary/Ward Map(s) of the City of Milford, Delaware be amended to include the herein described property.

Now I, Joseph Ronnie Rogers, Mayor of the City of Milford, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council of the City of Milford at a meeting held on APRIL 14, 2014 at which a quorum was present and voting throughout and that the same is still in full force and effect.

s/Mayor Joseph Ronnie Rogers

Motion carried.

Adoption of Ordinance 2014-01/Anna M. Legates & JoAnn L. Currey/Change of Zone

Based on the adoption of the previous resolution relating to the Legates/Currey annexation, the following ordinance will rezone the land from Kent County's designation of AR-1 to C-3 in the City of Milford.

Mr. Morrow moved to adopt Ordinance 2014-01, seconded by Ms. Wilson:

*Annexation/Lands belonging to Anna M. Legates & JoAnn L. Currey
Tax Parcel MD-174.00-02-27.00-00001
6.481 +/- Acres
Current Zone AR-1/Proposed Zone C-3*

An Ordinance to Amend the Zoning Designation of the parcel of land, under the ownership of Anna M. Legates & JoAnn L. Currey, Tax Parcel MD-174.00-02-27.00-00001, situated east of Delaware Route 1, between County Road 408A (east) and Carpenter Pit Road (north), upon its annexation into the City of Milford through the adoption of a resolution by the majority members of Milford City Council.

WHEREAS, the land hereinafter described is contiguous and adjacent to the City of Milford and the owner, thereof, has petitioned City Council to annex the same into the City of Milford, and

WHEREAS, it appears to the Mayor and City Council of the City of Milford, Delaware, that the hereinafter described property will be annexed and become part of the City of Milford and that a zoning classification is required, and

WHEREAS, the land owned by the City of Milford is presently zoned by Sussex County as "AR-1" (Agricultural Residential District), and

WHEREAS, City Council referred the zoning of the affected territory to the Planning and Zoning Commission for a report and recommendation and after a due hearing on February 18, 2014 as provided by law, the Planning and Zoning Commission made its recommendation to City Council, and

WHEREAS, following a Public Hearing held on February 24, 2014 and consideration of the recommendation of the City Annexation Committee, City Council has determined the proper classification under the zoning ordinance of the City of Milford for the property to be annexed.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

That the following described land situated in Sussex County, Delaware, to wit:

Tax Parcel No. MD-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.

Upon final approval of its annexation into the City of Milford, as classified under the Zoning Ordinance of the City of Milford, shall be zoned henceforth as C-3 (Highway Commercial District).

Dates:

Adoption Date April 14, 2014

Effective Date April 24, 2014

Motion carried.

2013 Comprehensive Plan Amendment/US Route 113 Properties

City Manager Carmean advised that the owners of the residential properties along the south/eastern area of Route 113 had asked the comprehensive plan be amended to reflect a commercial district instead of the current residential district. He pointed out that most properties with highway frontage are already zoned commercial.

This will involve all properties along the east side of Route 113 from south city limits, currently zoned low density residential, including and up to the McWilliams property.

Mr. Pikus moved for approval of the comprehensive plan amendment, as recommended by the city manager, seconded by Mr. Grier. Motion carried.

Adoption of Ordinance 2014-06/Chapter 75/False Alarm Code

City Solicitor Rutt advised that this ordinance has been discussed on numerous occasions. Amendments are noted in italics. The objective was to make the violations civil penalties versus a criminal offense. The civil penalties will be assessed based on the number of alarms though there will be no penalty for the first three alarms.

He explained that the fourth penalty for false alarms begins at \$50 and increases to \$250 for sixteen and more.

It also provides a means of appeal through the Justice of the Peace Court and also requires the alarm systems be registered. That will allow provide additional information to the police department.

When asked if Chief Hudson has any problems with the ordinance, he indicated that he has reviewed it and it appears to be appropriate.

Mr. Grier stated that he feels it is more than fair.

Mr. Morrow moved to adopt the following ordinance, seconded by Mr. Grier:

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 2. That Section 75-1, Definitions, of the above-entitled ordinance be amended to read as follows:

§ 75-1. Definitions.

For the purpose of this article, the following definitions shall be applicable unless the context clearly indicates to the contrary:

CALENDAR YEAR — *The period beginning January 1 and terminating on December 31, both dates inclusive.*

FALSE ALARM — The activation of an alarm system “without cause” that forces the police, fire company or other emergency personnel to respond. *"Without cause"* does not include, for example, alarms caused by hurricanes, tornadoes, earthquakes, mechanical failures, malfunctions, or improper installations. However, during the course of the calendar year, an alarm user that has had mechanical failures, malfunctions, or improper installations causing three false alarms, *will not be assessed a civil penalty.* Beginning with the fourth false alarm, any false alarm, including those caused by mechanical failure, malfunction or improper installation, *shall be assessed a civil penalty according to the schedule identified in §75-4(A).*

Section 3. That Section 75-4, Violations and Civil Penalties, of the above-entitled ordinance be amended to read as follows:

§75-4. Violations and Civil Penalties.

A. Any *alarm user* violating any provision of this article shall be subject to a *civil penalty* as set forth below for false alarms responded to by the Milford Police Department and/or the Carlisle Volunteer Fire Company within a calendar year.

Number of False Alarms	<i>Civil Penalty</i> Per False Alarm
4 to 5	\$50.00
6 to 9	\$100.00
10 to 15	\$200.00
16 and over	\$250.00

Section 4. That Chapter 75 of the City of Milford Code be amended by adding thereto a new Section 75-5 to read as follows:

§75-5. *Notice of Violation.*

A notice of violation shall be sent by Milford Police Department to the alarm user for each false alarm. The notice shall contain the number of false alarm violations by that alarm user for the calendar year and the corresponding civil penalty being assessed, if any. The notice of violation may be issued by mailing such notice to the alarm user at the address where the alarm system is located or registered.

Section 5. That Chapter 75 of the City of Milford Code be amended by adding thereto a new Section 75-6 to read as follows:

§75-6. Payment.

All payments for civil penalties received under this article shall be delivered to the Milford Police Department (payable to the City of Milford) within thirty (30) days after receipt.

Section 6. That Chapter 75 of the City of Milford Code be amended by adding thereto a new Section 75-7 to read as follows:

§75-7. Procedure to Contest a Violation.

An alarm user who wishes to contest the validity of the false alarm violation under this article may contest the violation by appealing the decision to the Justice of the Peace Court, which shall have exclusive jurisdiction to hear the appeal.

Section 7. That Chapter 75 of the City of Milford Code be amended by adding thereto a new Section 75-8 to read as follows:

§75-8. Failure to Pay Civil Penalty or Successfully Contest the Violation.

If the alarm user fails to pay the civil penalty within thirty (30) days from the time the notice of violation was mailed, Milford Police Department may enforce the civil penalty by any means available in law or equity, including but not limited to civil action in the Justice of the Peace Court, including seeking judgment and execution on a judgment against the alarm user.

Section 8. That Chapter 75 of the City of Milford Code be amended by adding thereto a new Section 75-9 to read as follows:

§75-9. Alarm System Registration.

A. An alarm user shall not operate, or cause to be operated, an alarm system without first registering the alarm system. A separate alarm system registration is required for each alarm system site.

B. The alarm system registration application form must be submitted to the Milford Police Department within thirty (30) days after the alarm system at a particular site has been activated or within thirty (30) days after a transfer in possession of the alarm system. Failure to submit a timely application will result in a non-registered alarm system. Use of a non-registered alarm system shall consider the first false alarm in a calendar year to be the fourth violation, with the civil penalty being assessed accordingly.

C. Each alarm system application must include the following information:

(1) The name, complete address (including apartment/suite number) and telephone numbers of the person who will be the registration holder and responsible for the proper maintenance and operation of the alarm system;

(2) The name and complete address of the alarm system site, the classification of the alarm system site as either residential (includes apartment, condominium, mobile home, etc.) or commercial, and the name, address and telephone number of the person responsible for that alarm system site;

- (3) For each alarm system located at the alarm system site, the classification of the alarm system (i.e. burglary, holdup, duress, panic alarms, etc.) and for each classification whether such alarm is audible or silent;**
- (4) The mailing address, if different from the address of the alarm system site;**
- (5) Any dangerous or special conditions present at the alarm system site;**
- (6) The names and addresses of at least two (2) individuals who are able to, and have agreed to:**
- a. Receive notification of an alarm system activation at any time and who can respond to the alarm system site and, upon request, gain access to the alarm system site and deactivate the alarm system if necessary; or,**
 - b. Receive notification of an alarm system activation at any time and who has access to the alarm system user for purposes of deactivating the alarm system, if necessary.**
- (7) Type of business conducted at a commercial alarm system site;**
- (8) Signed certification from the alarm system user stating the following:**
- a. The date of installation, conversion or transfer of the alarm system, whichever is applicable;**
 - b. The name, address and telephone number of the alarm system inspection company or companies performing the alarm system installation; conversion or takeover of the alarm system installation company responsible for providing repair service to the alarm system;**
 - c. The name, address and telephone number of the monitoring company if different from the alarm system installation company;**
 - d. That a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms, has been left with the applicant by the alarm system installation company; and,**
 - e. That the alarm installation company has trained the applicant in proper use of the alarm system, including instructions on how to avoid false alarms.**
- (9) Acknowledgment that any delay in law-enforcement authority response time may be influenced by factors including, but not limited to priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.**
- (10) Any false statement made by an applicant for the purpose of obtaining an alarm system registration shall be sufficient cause for refusal to issue a registration.**
- (11) An alarm system registration shall not be transferable to another person or alarm system site. An alarm system user shall inform the alarm system administrator of any change that alters any of the information listed on the alarm system registration application within thirty (30) days of such change.**

Section 9. Dates.

Adoption Date April 14, 2014

Effective Date April 24, 2014

Mr. Brooks confirmed that the police committee review was a prior option though it was not part of the ordinance that was adopted. Mr. Rutt clarified that any appeal would now go straight to the court.

Motion carried with no opposition.

NEW BUSINESS

FY2013-2014 Budget Adjustment/Sewer Reserves Transfer/Washington Sewer Pump Station Project

The city manager asked that this item be postponed until the next meeting on April 28th.

Bid Award/Trash Truck/Solid Waste Department

Sealed bids were received, publicly opened and read aloud on April 8, 2014 for a 2014 or later model Kenworth Cab and Chassis with a 25-yard Rear Load Packer.

Bids were received as follows:

TRASH TRUCK		BID AMOUNT	
BIDDER	LOCATION	Proposal #1	Alternate Bid-Proposal #2
Western Star Trucks of Delmarva	24360 Ocean Gateway Mardela Springs, MD 21837	\$164,852	
GranTurk Equipment Co., Inc.	One Schuylkill Parkway – Bldg B Bridgeport, PA 19405	\$157,895	
GranTurk Equipment Co., Inc.	One Schuylkill Parkway – Bldg B Bridgeport, PA 19405		\$157,203

Mr. Carmean noted the \$700 difference pointing out that one bidder is from Maryland the other is from Dover. He informed council they do not have to take the lower bidder.

He explained that Public Works Director Brad Dennehy and the city mechanic feel the \$700 is minor because we will need to get the trash truck to the dealer for repairs, either by towing or driving it to Maryland if the low bid is accepted.

Mr. Carmean reported that Mr. Dennehy's recommendation is to accept the higher bid which is \$700 more.

When Mr. Dennehy explained the situation to the lower bidder, Mr. Carmean said they did offer free towing for a year. Mr. Carmean pointed out the best year will be the first year because typically there are very few problems at that point. As a result, he feels there will be very little savings overtime.

Mr. Carmean also pointed out the truck will be under warranty during that period of time. If there is an issue with the hydraulics or the tipper, that will require one employee driving the vehicle and a second vehicle and employee pick them up.

His recommendation is to go with the bid that is \$700 higher.

Mr. Pikus then moved to award the bid to the dealer in Dover with the higher price.

Joe Pierschek was present and asked to speak. He stated that he works for JG Parks and Sons and sells Western Star Trucks. They were one of the two bidders. He advised they also have a store in Dover that distributes parts. He advised the one-year towing warranty was not anything given and instead, is basic coverage when you buy a Western Star Truck.

Mr. Pierschek explained that they offered to work out a deal with Mr. Dennehy to have the truck worked on locally. Any repairs, including the warranty work, would be done by Rick Wilson of Wilson Fleet and Equipment who is located in the industrial park behind McDonalds. In that manner, the city will not have to tow, move or send someone for a vehicle. Instead, the work can be done right here in Milford.

Mr. Carmean asked when Mr. Pierschek spoke with Mr. Dennehy about that option; Mr. Pierschek stated last Thursday adding that the information was in writing in an e-mail. Mr. Carmean asked Mr. Pikus if Mr. Dennehy had informed him

of that when he spoke to him about the Dover dealer. Mr. Pikus confirmed that Mr. Dennehy spoke with him this morning about the situation and never mentioned this option.

The city manager stated that Mr. Dennehy did not discuss that option. Mr. Carmean is willing to follow-up with Mr. Dennehy and informed Mr. Pieroschek that his offer makes him much more comfortable. He noted that Wilson Fleet handles most of the city's heavy truck work.

Council recommended that Mr. Carmean follow-up with Mr. Dennehy and bring the matter back before council on April 28th.

Bid Award/SE Water Main Extension-Phase II/DBF, Inc.

Erik Retzlaff of Davis, Bowen and Friedel advised the completion of the project for the water tower includes the extension of the water main out to the tower site.

Sealed bids were received, publicly opened and read on April 10, 2014. Bids were received from Teal Construction in the amount of \$362,681, Dixie Construction in the amount of \$448,543 and Zack Excavating in the amount of \$677,213.50.

The following letter of recommendation was submitted by DBF Project Engineer Brandon Kohler:

The bids for the above referenced project were received on April 10, 2014. We have evaluated the bids and the associated documentation submitted by each of the Contractors and all documentation is in order. Please find enclosed a tabulation of all of the bids received.

Based on our review of the bids, we recommend that the Contract be awarded to Teal Construction, Inc. Teal Construction's total bid is \$362,681.00.

If Council is in agreement with our recommendation, the formal award of the Contract should be made contingent on USDA's approval of the bid process. We have attached two (2) copies of each set of bid documentation, the bid tabulation, and proof of advertisement to bid. One copy is for the City's files. Please forward the second copy to the City attorney.

Please request the City attorney review the documentation and provide the City with a letter as to the adequacy of the bid process. A copy of the attorney's letter and a letter of concurrence in our recommendation from the City will be forwarded to USDA, along with copies of the bid documentation.

Mr. Grier asked the budgeted amount for this work. Mr. Carmean said some of the money will be paid from the USDA funding used for the Route 1 water main. The balance will be paid from water reserves.

Mr. Pikus asked the percentage of both though Mr. Carmean nor Mr. Retzlaff had those numbers.

Mr. Brooks moved to award the bid to Teal Construction, Incorporated in the amount of \$362,681.00, seconded by Mr. Pikus.

Mr. Gleysteen asked for clarification of the differences in the bid prices of Teal Construction and Zack Excavating which is almost twice as much. Mr. Retzlaff believes that Teal Construction is better suited and has the manpower and equipment to do the work at a lower price than Zack which is a smaller company.

Motion carried.

Bid Award/Wickersham Production Well/DBF, Inc.

Sealed bids were received, publicly opened and read on March 27, 2014. Bids were received from A.C. Schultes of Delaware \$114,188 and Uni-Tech Drilling Company Teal Construction in the amount of \$148,512.

Mr. Carmean explained that this is part of the tower portion of the USDA project approved by voters in the 2008 referendum.

Mr. Retzlaff reported that is for the production well needed at the tower facility. Without this well, the tower would have to be filled from a well within the town.

The following letter of recommendation was submitted by Project Engineer Brandon Kohler of DBF:

The bids for the above referenced project were received on March 27, 2014. We have evaluated the bids and the associated documentation submitted by each of the contractors and all documentation is in order. Please find enclosed a tabulation of all of the bids received.

Based on our review of the bids, we recommend that the Contract be awarded to A.C. Schultes of Delaware, Inc. A.C. Schultes of Delaware, Inc.'s total bid is \$114,188.00. If Council is in agreement with our recommendation, the formal award of the Contract should be made contingent on USDA's approval of the bid process.

We have attached two (2) copies of each set of bid documentation, the bid tabulation, and proof of advertisement to bid. One copy is for the City's files. Please forward the second copy to the City attorney. Please request the City attorney review the documentation and provide the City with a letter as to the adequacy of the bid process. A copy of the attorney's letter and a letter of concurrence in our recommendation from the City will be forwarded to USDA, along with copies of the bid documentation.

Mr. Retzlaff advised that A.C. Schultes is from Bridgeville and Uni-Tech is out of New Jersey. The difference may be attributed to travel expenses.

Mr. Pikus moved to award the bid to A.C. Schultes, seconded by Mr. Gleysteen. Motion carried.

Bid Award/City of Milford Street Improvements/DBF, Inc.

Mr. Carmean advised these improvements apply to the streets listed in his monthly report earlier in the meeting.

Sealed bids were received, publicly opened and read on April 10, 2014. There was an option to bid the street improvements and not the concrete work, the concrete work without the street improvements or both the pavement and the concrete work.

No bids were received on the concrete work. Four bids were received on the pavement project.

The city manager explained that the public works department prefers a local contractor (Shea Concrete) the city uses on a regular basis. Most of the concrete work on the individual streets will come in under \$30,000 except North Washington Street.

Mr. Carmean said the other option is to re-bid the project in hopes of getting additional bids. This is a much smaller project in scope than the Southeast Front Street project and some streets do not require concrete work. Washington Street will be the more expensive street due to the addition of handicapped ramps at each intersection.

Mr. Brooks advised that the city manager called him today to discuss the situation. He asked Mr. Retzlaff how he feels about the local vendor being discussed. Mr. Retzlaff agreed he is more than capable.

Mr. Retzlaff explained the biggest problem the bidders had with the concrete work was there was no guarantee because it was bid street by street and the concrete work had to be completed before it is paved. The contractors were hesitant without knowing the exact scope of the work.

Mr. Carmean confirmed the low bidder on the pavement/road work was Jerry's Paving. Mr. Retzlaff emphasized there has been no recommendation on the bid award because new regulations require the handicapped ramps be done whenever paving is done.

The city manager asked if council would allow the city proceed with Shea Concrete and that final approval would be granted at the April 28th meeting; council concurred.

Bid Award/Trash Truck/Solid Waste Department (continued)

Ms. Wilson pointed out that the e-mail Mr. Piersoschek referenced was included in the council packet.

The city manager explained that he texted Mr. Dennehy after the earlier discussion and asked his opinion on the offer Mr. Piersoschek had made. However, Mr. Dennehy did not respond in regard to his feeling. His impression is Mr. Dennehy still does not agree.

Mr. Carmean said that Mr. Dennehy indicated that Mr. Piersoschek stated that Wilson can do the repairs after the warranty runs out though he is unsure Wilson even works on Western Stars or not. The city manager said he thinks Mr. Dennehy will check that.

It was confirmed that Mr. Dennehy was going to confirm this information with Wilson Fleet.

Appointment/City of Milford Election Officers/2014 General Election

Mr. Brooks moved that the following residents be appointed to work the April 26, 2014 election, seconded by Mr. Morrow:

Patricia Bailey	999 S. DuPont Boulevard
George Mason	153 Barksdale Court, Hearthstone Manor
Carlene Wilson	10 Nelson Street
Kayla Boone	402 N.E. Fourth Street
1st Ward Clerk	
Antoinette Sauls	2 E. Thrush Drive, Meadows at Shawnee
Carol Mason	153 Barksdale Court, Hearthstone Manor
2nd Ward Clerk	
Donna Merchant	108 Franklin Street
3rd Ward Clerk	
Joyce Todd	3 Governor Watson Court, Saw Mill Village
4th Ward Clerk	
Teresa Franklin	5 Lucia Circle

Motion carried.

Certification/2014 City of Milford Voter Registration List

Mr. Pikus moved to certify the 2014 City of Milford Voter Registration List as presented, seconded by Mr. Grier. Motion carried.

Downtown Milford, Inc./Farmers Market/Mispillion River Brewery/Beer Sales/Tastings/Alcohol Code Waiver Requested

Mr. Carmean explained this is similar to the approval needed by St. John's Oktoberfest every year. In this situation, full beers will not be provided and instead, only small sampling provided.

The city manager advised that before a business can be issued a day permit from the State of Delaware Alcohol Beverage Commissioner, city council approval was required. The state will not grant permission without the approval of the city.

No written request was received at this time.

Mr. Pikus moved to approve and allow beer tastings at the Farmers Market sponsored by Downtown Milford, Incorporated, and provided by Mispillion River Brewery, seconded by Mr. Gleysteen. Motion carried with Mr. Starling casting the dissenting vote.

Chamber of Commerce for Greater Milford /Mispillion River Brewery/Alcohol Code Waiver Requested

Executive Director Jo Schmeiser submitted the following request:

The Chamber of Commerce for Greater Milford is preparing for their annual Smile for Freedom 5K Run/3K Walk. The date has been changed to Saturday, June 28, 2014 at 9:00 a.m. and location moved to the Greater Milford Business Park and Independence Commons.

The start and ending location will be at the Mispillion River Brewery at 255 Mullet Run in the city's business park. We are planning a post party event that will involve the sale of beer by the brewery and consumption by our participants. Because of the number of participants expected, this will most likely occur outside the brewery. Because Chapter 77 of the Milford City Code prohibits the possession of open containers of alcoholic beverages, we are respectfully requesting your permission that beer be permitted in the outside areas surrounding Mispillion River Brewery for this special event. Those consuming alcohol would be restricted to the brewery property.

An application for a Gathering License has been submitted to the State of Delaware Division of Alcohol and Tobacco Enforcement. We understand the city's approval is contingent upon the state's approval.

Mr. Carmean explained this is a benefit and a few beers will be served though the number of beers is limited to the participants.

Mr. Pikus moved to approve the request, seconded by Mr. Morrow. Motion carried with Mr. Starling casting the dissenting vote.

MHS Class of 1984/Alcohol Code Waiver Requested (Grottos)/Open Container Law

The following request was received from Michelle Chisenhall, MHS Class of 1984 Reunion Committee:

I am writing on behalf of Milford's Class of 1984 Class Reunion.

The Class of 1984 is planning its 30-year class reunion to be held at Grotto Pizza in Milford. It is to take place on Saturday, August 2, 2014, starting at 6:00pm, with a cash bar, food being served and a band playing from 7:00 p.m. until 11:00 p.m., with goodbyes until midnight.

The reunion is going to be held outside of Grottos, under an enclosed tent. The tent will connect to the building by the bar/patio area extending out into the parking lot.

We are asking the Council to grant us permission or a variance to have alcohol outside of the restaurant, but underneath the tent. There will be NO children at this event.*

There was some question regarding the last sentence that children would be at the event. (However, the city clerk confirmed there was a typo* and the request was amended to reflect the original intent.)

Mr. Pikus moved to approve the request submitted by MHS Class of 1984 Reunion Committee, seconded by Mr. Grier. Motion carried by a 6-2 roll call vote with Mr. Brooks and Mr. Starling casting dissenting votes.

Mr. Brooks explained that he is concerned about traffic on Tenth Street and Route 1 which he feels could be a problem.

Recommendation/Zoning Code Amendment/Chapter 230/Chapter 230/Garage Height Restriction

The following request was received from Councilman Pikus:

RE: Accessory Structures Height

The Code of City of Milford, in the R1 and R2 zoning districts, restricts the height of accessory buildings to 15'. I have been approached by a resident in my ward asking the Planning Commission and City Council review the possibility of increasing the height of accessory buildings in the R1 and R2 zoning districts from 15' to 22'. I offer the following information for discussion:

The minimum suggested building lengths for different types of cars are as follows:

- Average car: 14'*
- Small pickup truck: 18'*
- Full pickup truck, SUV, or van: 20' or 22'*

The most common sizes for garages are 12 x 24, 14 x 28, 20 x 20 and 24 x 24. For the sake of comparison, all models will be based on a two car, 24 x 24 garage, with typical overhead door sizes of 9' wide x 7' high.

Based on the above information, a 24x24 garage with the below specifications would provide garages with overall heights as follows:

For typical 8' high walls:

A 4/12 pitch roof = 12' tall garage

A 5/12 pitch roof = 13' tall garage

A 6/12 pitch roof = 14' tall garage

For typical 9' high walls:

A 8/12 pitch roof = 17' tall garage

A 10/12 pitch roof = 19' tall garage

Mr. Pikus advised this request is the result of a variance recently granted to a property owner by the Board of Adjustment. The city code official reviewed the majority of garages in the area and found most are higher because of the pitch in the roof which coincides with the construction of the house.

Mr. Pikus moved to refer this matter to the planning commission for their review and recommendation to city council, seconded by Mr. Starling. Motion carried.

Smart Metering Program

Mr. Carmean decided to present this matter to the Public Works Committee for their review before bringing it to councils' attention. If the committee agrees, Mr. Carmean will have the Siemen Group, whom has been working with the public works department, present their offer to city council.

Bid Award/Trash Truck/Solid Waste Department (continued)

Mr. Carmean returned to the trash truck bid again for a final discussion. He asked the city solicitor if it was appropriate to allow them to speak with Wilson Fleet.

The city manager then asked Mr. Pierschek if he spoke to any other fleet repair businesses that may be willing to work on the vehicle. Mr. Pierschek stated that his employee spoke with Wilson Fleet and confirmed that Mr. Wilson is willing to work on the truck.

Mr. Carmean said he and Mr. Dennehy will speak with Mr. Wilson tomorrow. If he agrees to work on the truck, Mr. Carmean will recommend council accept the low bid.

Mr. Rutt said the matter has already been tabled until the next meeting and pointed out if they are going to talk to them tomorrow, there is no need to bring it off the table. The city manager pointed out that council votes on other matters contingent on something happening. They vote in favor of it and if it does not happen, then nothing occurs. He explained the contingency would be that Wilson agrees to work on the Western Star.

Mr. Carmean said if Wilson agrees, then he and Mr. Dennehy will agree to talk with Mr. Pierschek to make sure everything is in place. He feels we need to add some language to the agreement stating they will agree to pay some of the bills at Wilson if the truck were to have some problems.

Mr. Rutt said either they, or someone else, should cover the warranty work. He said the e-mail sent to Mr. Dennehy stated 'that any minor repairs that surface and do not require towing can be performed by Wilson Fleet and Equipment Services located in Milford, Delaware.'

Mr. Rutt suggested it be asked if that includes warranty work or major work—noting the e-mail only states minor repairs. He feels the work Wilsons will be performing should be clarified.

Mr. Pierschek responded and stated that is fine with him. He also pointed out the council would not award a contract through either his company or the company in Dover. The bid is being awarded to a company outside Philadelphia that is simply buying the truck chassis from either the place in Dover or the place in Maryland. Therefore, any of the hydraulic issues that may go wrong with the trash packer are not covered by Dover or Maryland. Instead, they would be covered by the company in Pennsylvania regardless of if they came down here to do the work or whether the city would have to take it to them. They found someone like Rick Wilson to do the repairs which is what Mr. Pierschek would suggest.

Mr. Carmean believes that the minor repairs could be the hangup.

Mr. Pierschek said they are referring to any repairs because they are all covered under warranty. The towing is covered for one year and the transmission for five years. He pointed out it is all under warranty and not something the City of Milford will have to pay for.

Mr. Grier prefers having everything in line before the bid is awarded.

Mr. Carmean said that is ok and will keep the matter tabled until the next meeting.

Mr. Pikus questioned the location adding that we are actually dealing with a company out of Pennsylvania and not Dover.

Mr. Carmean explained that involves the chassis and will be the same situation as the Digger truck. Mr. Morrow agreed he does not believe there is a company in Delaware that makes them.

Mr. Gleysteen said if the hydraulics are the same, then it will need to be taken to Philadelphia. Mr. Pieroschek stated yes, unless the company in Philadelphia agrees to hire someone like Rick Wilson to do the repairs. They may also have road service that comes down here.

The city manager pointed out that once the warranty runs out on the hydraulics, the city mechanic can handle it.

Mr. Carmean will get more information and bring that matter back to the April 28th meeting.

Mr. Pieroschek confirmed the matter will be determined when the city manager discusses the matter with Rick Wilson at Wilson Fleet. The warranty decision will then be based on that decision.

The city manager stressed this is not a desperate situation and preferred to postpone the matter for another two weeks.

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 (Easement Issue)

Mr. Grier moved to go into Executive Session reference a pending legal issue, seconded by Mr. Pikus. Motion carried.

Mayor Rogers recessed the Council Meeting at 8:10 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 8:20 p.m.

Easement Issue

Mr. Gleysteen moved that no further action be taken on the legal issue discussed in Executive Session, seconded by Ms. Wilson. Motion carried.

MONTHLY FINANCE REPORT

Finance Committee Chairman Pikus reported that through the eighth month of Fiscal Year 2013-2014 with 67.00% of the fiscal year having passed, 70.39% of revenues have been received and 63.55% of the operating budget expended.

Mr. Pikus noted every account the city has is shown on this report in addition to their balances.

He said there will be \$4 million subtracted from electric reserves to pay for the substation project. We have billed 100% of our projected taxes and our overall financial status is great.

When questioned, Mr. Pikus advised that our building permit revenue is only at 39% which is somewhat behind. We budgeted \$80,000 and only have \$31,000 coming in. However, we are not into the prime building season as of the date of this report.

It was confirmed that the Chick-Fil-A building permit fees are not yet shown in the account totals due to the report being two months behind.

Motion made to accept the February 2014 Finance Report by Mr. Pikus, seconded by Mr. Grier. Motion carried.

ADJOURN

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

The Council Meeting adjourned at 8:22 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Terri K. Hudson".

Terri K. Hudson, MMC
City Clerk/Recorder