

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 8, 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, September 8, 2014.

PRESIDING: Mayor Bryan W. Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Garrett Grier III, S. Allen Pikus, Dirk Gleysteen, Owen Brooks, Jr., Douglas Morrow, Sr., James Starling, Sr. and Katrina Wilson

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

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Shupe called the Monthly Meeting to order at 7:03 p.m.

INVOCATION & PLEDGE

The Pledge of Allegiance followed the invocation given by Councilman Starling.

APPROVAL OF MINUTES

Motion made by Mr. Brooks, seconded by Mr. Morrow to approve the minutes of the August 11 and August 25, 2014 Council Meetings as submitted. Motion carried.

RECOGNITION

Proclamation 2014-11/Prostate Cancer Month/Delaware Prostate Cancer Coalition

Mayor Shupe read the following proclamation into record:

WHEREAS, among men, prostate cancer is the most commonly diagnosed non-skin cancer and the second leading cause of cancer-related deaths; and

WHEREAS, each day, countless physicians and researchers devote themselves to treating patients and finding a cure; and

WHEREAS, educating the public about the risks and treatment of prostate cancer is one of the strongest tools they have to increase early detection and save lives; and

WHEREAS, with early detection and treatment, prostate cancer can be cured and many deaths can be avoided; and

WHEREAS, the 2014 observance of National Prostate Cancer Awareness Month provides a unique opportunity for citizens throughout the City of Milford and the nation to join together to raise public awareness of the symptoms, prevention, and treatment of prostate cancer.

NOW, THEREFORE, I, Bryan Shupe, by virtue of the authority vested in me as Mayor of the City of Milford, Delaware, do hereby proclaim the month of September as

PROSTATE CANCER AWARENESS MONTH

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 8th day of September in the Year of our Lord Two Thousand and Fourteen.

s/Mayor Bryan Shupe

Mayor Shupe presented the proclamation to resident David Sauls, an advocate for prostate cancer awareness. Mr. Sauls, Councilman Owen Brooks and Councilman Jim Starling shared their survival stories.

Councilman Brooks hopes that sharing his story will encourage others to be screened for the disease.

MONTHLY POLICE REPORT

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

CITY MANAGER REPORT*Administration*

The new city office building is progressing on schedule with a completion time of late October. It is my intention to furnish the building with new office furniture that is conducive to the space available, while keeping in mind the needs of the employees and public. Our current furniture will not fit in the new space.

The technology hardware has been ordered and the majority will be installed by our IT Manager Wes Banasan. Money will need to be spent on a new phone system, furniture and other expenses. However, we will end up with a better deal in comparison to the cost of the new building. I will bring back the costs for council to approve at a later date.

We are presently advertising for the position of a planner/economic development person. Deadline for the applications is September 26, 2014. We were able to get up with the American Planning Association so that they could place an ad in their magazine. In addition to local papers, it will also be posted on monster.com and other similar websites.

I believe that at the present level of growth, and planning and zoning needs, this person can be involved with economic development issues as well. It would be hard to justify a full-time position for either a planner or economic development director, but both positions are needed to fulfill the mission of the city.

Things are starting to pick up, but I feel the right person can handle both duties at this point. I have had some planners who stated they were unable to handle both jobs but I feel they simply did not want to do both jobs. I would always have our previous full-time planner in the room when I talked to an interested developer.

Sewer and Water

Well #15 (new tower site) is to be completed in the very near future. The contractor for the tower is completing the shop drawings and will start the project in the next two months. They are drilling the well and working twenty-four hours a day to get the work completed as quickly as possible.

Our application for sewer funding from USDA has been submitted and an informal approval received for year one. USDA will obligate the funding on September 15th and the projects to be completed with that funding will be discussed at our September 22nd workshop.

Streets and Solid Waste

We have completed the mill and overlays on Northeast 7th Street, Bridgham Avenue and New Street. Lemuel Street was being prepared to be milled when it was discovered that the street had been constructed without any base. Once the funding is approved for the additional work, Lemuel will be completed.

Milling has begun on the side streets of North Washington Street and the needed concrete work will be done soon. North Washington Street will be started mid-October and completed before the asphalt plants close due to cold weather.

Though Lemuel Street was to be completed before school began, traffic is functioning as it should. Jerry's Paving started work today on the entire paving project.

Fall clean up will the week of September 29th through October 3rd.

Mr. Pikus stated that presently, we are very fortunate to have Christine Crouch filling in and providing people with planning information. Mr. Carmean agreed adding that she is looking forward to getting some of the land use issues off her plate so she can attend to her other job duties.

Mr. Pikus also asked if the media can announce the clean-up week in their newspapers. He also asked the city manager to add the notices to the utility bills to ensure all residents have been informed. The city manager explained that we have missed one cycle due to those bills already being mailed. However, he will have the notice added to cycles two through four and then have the billing department send out individual notices to the cycle one customers.

Mr. Brooks reported that the information has been in the local newspapers as well as the utility bills.

Mr. Starling feels there are problems with the Monday pickup on clean-up week because most people do not want to do yard work on Sunday. This occurred last year, but the crews were called and came back for a later pickup. The city manager agreed it will not be a problem.

Mayor Shupe said that even though we have done everything that is required to get the information out, he is considering some additional means to ensure everyone has been informed.

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

COMMITTEE & WARD REPORTS

No reports.

COMMUNICATIONS & CORRESPONDENCE

Mayor Shupe congratulated Councilman Grier and his wife Becca on the birth of their first child Teagan who was born last week.

The mayor then acknowledged the dedication of Goat Island and thanked those that attended.

He also reported that the city made arrangements for a ceremony on September 23rd at 1:00 p.m. at which time Governor Jack Markell will turn the keys over to the Armory.

UNFINISHED BUSINESS

Ratification/Comcast Cable Television Franchise Agreement

City Solicitor Rutt advised that each time he reads the agreement he finds another item that needs to be addressed. He plans to schedule a meeting within the next week with the Comcast representative handling the matter due to the contract expiring November 15th.

Mr. Pikus moved to postpone action, seconded by Mr. Grier. Motion carried.

NEW BUSINESS

Adoption/Resolution 2014-13/Halloween Trick-or-Treat

Mr. Grier moved to adopt the following resolution, seconded by Mr. Mergner:

WHEREAS, the children of Milford are entitled to the fun and festivity associated with the observance of Halloween Trick-or-Treat custom of traveling with friends and family going door to door in their neighborhoods displaying their costumes and gathering treats; and

WHEREAS, parents are urged to join in the festivities by accompanying their children throughout their journeys in celebrating Halloween Trick-or-Treat; and

WHEREAS, residents are requested to indicate their willingness to welcome children by keeping their porch or exterior lights on and that youngsters call only on homes so lighted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council, that the Halloween Trick-or-Treat observance be held in an orderly manner on Friday, October 31, 2014 between the hours of 6:00 P.M. and 8:00 P.M. in the City of Milford.

AND, BE IT FURTHER RESOLVED THAT:

**Only celebrants of 12 years and under will be permitted to engage in Trick-or-Treat.*

**All celebrants are to refrain from committing acts of vandalism or destruction.*

**Motorists are asked to be ever watchful of our youngsters making these annual rounds.*

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 8th day of September 2014.

s/Mayor Bryan Shupe

Motion carried.

Adoption/Resolution 2014-14/Fall Clean Up Week

Mr. Brooks moved to adopt the following resolution, seconded by Mr. Starling:

WHEREAS, it is desirous to promote the general cleaning of the City of Milford and improve its overall beauty to the maximum enjoyment and benefit of all citizens and visitors; and

WHEREAS, we are fortunate to live in a community so abundantly blessed with natural assets that we have a continuing responsibility to preserve our environment by keeping it clean, healthy and in order by organizing and carrying out clean-up and fix-up projects which will enhance, restore and maintain the beauty of all properties; and

WHEREAS, all maintenance and clean-up debris, including large and bulk items, shall be placed for curbside pickup in order to exemplify cleanliness and beauty.

NOW, THEREFORE, NOW, THEREFORE IT RESOLVED, by the Mayor and Council of the City of Milford, that the week of September 29, 2014 to October 3, 2014 be declared "Fall Clean-Up Week" in the City of Milford.*

s/Mayor Bryan Shupe

**Raindate: October 6, 2014 to October 10, 2014*

Motion carried.

Mr. Brooks asked for clarification that personal trash containers could be used in addition to the city-issued container. Mr. Carmean stated yes, other containers can be used during the clean-up week and referenced the news release noting that the public works department would be sending it to all customers.

FY 2014-2015 Budget Adjustment/Paving Contract/Lemuel Street/Municipal Street Aid

The city manager referenced the memo he put in the package. He explained that when the contractor came to start the work on Lemuel Street, he discovered the street was previously paved on top of dirt. The milling was postponed to obtain the cost to add a base; an additional \$29,269 is required to complete the project.

Mr. Brooks moved to approve \$29,269 to cover the cost of the additional milling and paving of Lemuel Street, to be paid from Municipal Street Aid, seconded by Mr. Gleysteen. Motion carried.

Bid Award/Silicato Park Playground Restroom/Parks & Recreation

Bids were properly advertised, received and publicly opened on August 28, 2014. Two bids were received:

Tidemark Construction	\$97,589
Thompson & Son Contracting	\$87,472

Landscape Architectural Services handled the bid process for Parks and Recreation.

This item was included in this year's Parks and Recreation budget as a capital item.

The city manager reported that because the bid came in higher than expected, he had planned to have the matter postponed. However, the solicitor has since offered some additional solutions so the bid is now able to be awarded.

Mr. Pikus asked Solicitor Rutt how much Rotary money was left for the restrooms. Mr. Rutt explained that Can-Do Playground is contributing \$50,000. Originally the estimate was \$60,000 and Can-Do Playground committed \$30,000 because P&R Director Emory asked for 50%. Mr. Rutt reported the Rotary has approximately \$50,000 in the account and agreed to contribute another \$20,000. The \$30,000 will be used for future maintenance.

The city clerk confirmed that \$40,000 was budgeted for the project.

Mr. Grier asked if the additional money for maintenance will be used for cleaning and daily cleanings; Mr. Rutt stated no only for replacement items/equipment as needed.

Mr. Pikus asked if the restrooms automatically lock at night; Mr. Carmean stated yes and confirmed they will be closed at five o'clock or around dusk.

Mr. Mergner asked who will pay for the day-to-day maintenance. The city manager said this is a Parks and Recreation project and they will be financially responsible. A few dollars were placed in the current budget for maintenance this year but only to get us through this fiscal year. Additional funds will be added for maintenance beginning with next year's budget.

Mr. Pikus asked if the bathrooms will be open seven days, twelve months a year; Mr. Carmean stated yes. Mr. Brooks asked if someone will be paid to maintain them each day including weekends. The city manager was not informed that Mr. Emory's plans were to have them cleaned on a daily basis. However, he will post a number for someone to call should they need to be attended to. He explained these restrooms are state of the art and easily cleaned with a garden hose. He reiterated that Mr. Emory did not mention the need for someone to come in on weekends.

Mayor Shupe reported that several residents have asked for a public bathroom downtown and this may be a good test on whether to consider that. Mr. Carmean said he is concerned about public bathrooms and recalled the problems with the ones that were next to the police department downtown years ago.

It was confirmed that Landscape Architects designed the site plan and established the location of the bathrooms.

Mr. Mergner expressed concern about the vandalism which he noted is very common in public bathrooms. The mayor noted the Boys and Girls Club is in the same area. They utilize the Can-Do Playground on a regular basis so they will be watching it at least five days a week.

Mr. Pikus moved to award the bid to Thompson & Son Contracting in the amount of \$87,472, seconded by Mr. Grier. Motion carried.

CTF Funding /Swap-Out/Milford Church of God

Proposed Ordinance/Street Abandonment Procedure

The city manager referenced the invoice from Jerry's Paving in the amount of \$75,897 for paving the parking lot at the Church of God. He said we will take that amount and use it to do a pre-determined amount on one of our streets.

The Church of God signed a release so the parking lot could be used for the public parking. He noted that it is used frequently for people using the Banneker Basketball Court and playground. The legislators will then reimburse the city.

The city manager explained that the city will pay this invoice and Representative Kenton will reimburse the city for the Truitt Avenue paving.

The Jerry's Paving bill for Church of God will be paid from General Fund Reserves.

The city manager then reported that Representative Kenton is also providing funding for other streets in the city as well; he will determine which streets will be funded at that time.

Mr. Pikus pointed out that in this situation, the city always comes out ahead because the legislators provide more funding than is needed; Mr. Carmean agreed.

Mr. Starling moved to approve payment of the Jerry's Incorporated invoice in the amount of \$75, 897 from general fund reserves, seconded by Mr. Pikus. Motion carried.

Abandonment of City Streets/Portions of Evans Street & West Clarke Avenue

City Solicitor Rutt announced that Superior Court signed the order(s) to abandon the portion of West Clarke Avenue and Evans Street as has been discussed. Mr. Rutt prepared quit claim deeds from the city to adjoining property owners who petitioned the city to acquire that property.

Mr. Rutt referenced the resolution that was approved and filed with the court requiring the property owners to reimburse the city for legal fees and associated costs.

The West Clarke property would become part of the Harold and Mary Roberts' property and a small portion to Jean Chodkowski. The portion of Evans Street between the Seawatch properties would be deeded to Seawatch.

Mr. Pikus asked if a portion of the West Clarke property went to the Saunders' estate; Mr. Rutt advised that Mr. Saunders signed a release from any interest prior to his death and while he was still competent.

Mr. Pikus asked if this is a new policy and referenced previous coal alleys that were given to adjoining property owners without going through the process that was needed in these situations.

According to Mr. Rutt, coal alleys are different; he was actually involved in the litigation involving the coal alley on Northwest Front Street. They were considered private property and not public streets. These requests involve public property. Because there is no ordinance in Milford, the default is the state statute which is very cumbersome and took a great deal of time and legal work.

Mr. Rutt noted there are numerous municipalities in Delaware with property abandonment ordinances that allow the town to handle it through a resolution. It is then filed with Superior Court which is a much simpler process.

Mr. Rutt asked for a motion that the mayor be permitted to sign the quitclaim deeds and that their filing is subject to payment of the expenses as noted in the resolution by the recipients of the property.

Mr. Pikus moved to authorize Mayor Shupe to sign the quitclaim deeds associated with the abandonment of portions of Evans Street and West Clarke Avenue to be deeded to Seawatch International and Harold and Mary Roberts and Jean Chodkowski as described in the deed and associated expenses paid, seconded by Mr. Brooks. Motion carried.

Mr. Carmean confirmed that the city solicitor will be preparing an ordinance to be presented to city council. Mr. Rutt said he has copies of ordinances from other municipalities and will use the one he feels is most appropriate.

MONTHLY FINANCE REPORT

Finance Committee Chairman Pikus reported that through the first month of Fiscal Year 2014-2015 with 8.3% of the fiscal year having passed, 7.9% of revenues have been received and 7.4% of the operating budget expended.

Mr. Pikus referenced the decrease in electric reserves due to numerous bills that have been paid.

He also explained that from the general fund capital reserves, a line item was created for economic development. Removing the Wawa and business park sales revenues, leaves \$1,203,186 in the general fund capital reserve account and transfers those funds into the new economic development revenue account whose balance is \$1,032,164.

The only item currently being paid from this account is the \$40,000 provided annually to Downtown Milford, Incorporated. The balance of the \$144,120 budgeted this year will cover the cost of the city planner/economic development director.

He advised that the city manager is currently working on the reevaluation of our bond rating which Mr. Pikus expects to be double A.

Mr. Pikus moved to accept the monthly finance report, seconded by Mr. Gleysteen. Motion carried.

EXECUTIVE SESSION

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 pension matter (administrative position), seconded by Mr. Grier. Motion carried.

Mayor Shupe recessed the Council Meeting at 7:52 p.m. for the purpose of an Executive Session as permitted by Delaware's Freedom of Information Act.

Return to Open Session

City Council returned to Open Session at 8:12 p.m.

Administrative Position

Mr. Pikus moved to approve the matters discussed in executive session and have the contracts signed by the appropriate persons, seconded by Mr. Brooks. Motion carried.

ADJOURN

Mayor Shupe adjourned the Council Meeting at 8:14 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Terri K. Hudson". The signature is fluid and cursive, with a large initial "T" and "H".

Terri K. Hudson, MMC
City Clerk/Recorder