

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
November 10, 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, November 10, 2014.

PRESIDING: Mayor Bryan W. Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Garrett Grier III, S. Allen Pikus, Dirk Gleysteen, Owen Brooks, Jr., 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 7:02 p.m.

INVOCATION & PLEDGE

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

APPROVAL OF MINUTES

Motion made by Mr. Pikus, seconded by Mr. Starling to approve the minutes of the October 13 and October 27, 2014 Council Meetings as submitted. Motion carried.

RECOGNITION

*Proclamation 2104-18/Proclaiming National Family Caregivers Month*

Mayor Shupe read the following proclamation into record:

*WHEREAS, most adults would prefer to age in place; 90% of adults over the age of 65 would prefer to stay in their current home as they age. Family, friends, and neighbors provide 80% of the care for the elderly; and*

*WHEREAS, family caregivers are the only people who are present with patients in all care settings; patients may have more than one doctor; nurses change shifts; prescriptions may be filled at different pharmacies. But family caregivers are there as full partners with their loved ones through it all; and*

*WHEREAS, complex care happens in the home. Almost half of family caregivers perform sophisticated medical/nursing tasks for their loved ones - such as providing wound care and operating specialized medical equipment - and up to 70% manage medications for their loved ones; and*

*WHEREAS, caregiving affects the whole family. Men are now almost as likely to say they are family caregivers as women are (37% of men; 40% of women). And 36% of younger Americans between ages 18 and 29 are family caregivers as well, including 1 million young people who care for loved ones with Alzheimer's; and*

*WHEREAS, family caregivers have the best interests of their loved ones at heart. But caregiving at home can take its toll and takes a lot of planning. The Nation's 90 million family caregivers are front and center in providing care every day - enabling their loved ones to stay at home longer where they are happier and healthier.*

*NOW, THEREFORE, BE IT RESOLVED, that I, Bryan W. Shupe, Mayor of the City of Milford, by virtue of the authority vested in me as Mayor of the City of Milford, do hereby proclaim the month of November 2014 as National Family Caregivers Month with the Theme "Care Comes Home" in the City of Milford.*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Milford this 10th day of November 2014.*

*s/Mayor Bryan Shupe*

The proclamation will be presented to the requesting parties.

*Proclamation 2104-19/Proclaiming World Diabetes Day*

Mayor Shupe read the following proclamation into record:

Proclaiming November 14, 2014 as World Diabetes Day in Milford, Delaware

*WHEREAS, diabetes is a group of diseases marked by high levels of blood glucose resulting from problems in how insulin is produced, how insulin works, or both; and*

*WHEREAS, every ten seconds, someone dies of diabetes and two people develop diabetes worldwide; and*

*WHEREAS, according to the Centers for Disease Control and Prevention 29.1 million people or 9.3% of the United States population have diabetes; and*

*WHEREAS, an estimated 8.1 million people have undiagnosed diabetes and 37% of American adults aged twenty years or older had prediabetes; and*

*WHEREAS, diabetes is the seventh leading cause of death in the United States; and*

*WHEREAS, diabetes is the number one reason for adult blindness, kidney failure and limb amputation; and*

*WHEREAS, the estimated diabetes costs in the United States are more than \$245 billion; and*

*WHEREAS, the City of Milford joins the American Diabetes Association, the International Diabetes Federation and the World Health Organization in encouraging citizens to learn the signs and symptoms of diabetes, consult with their health provider and get screened for diabetes, if recommended, and support health promotion efforts to eliminate Type 2 diabetes.*

*NOW THEREFORE, I, Bryan W. Shupe, by virtue of the authority vested in me as Mayor of the City of Milford, Delaware, do hereby proclaim November 14, 2014 as WORLD DIABETES DAY in Milford, Delaware and commend its observance to all citizens.*

*s/Mayor Bryan Shupe*

The proclamation will be forwarded to the requesting parties.

#### MONTHLY POLICE REPORT

Police Committee Member Wilson presented the police report on behalf of Chief Hudson.

Mr. Pikus asked the status of the cameras on top of the Silicato building; Chief Hudson confirmed it is up and operating.

Mr. Pikus said he was informed by the Parks and Recreation Director another camera needs to be installed and asked if the camera on the water facility is being replaced. Chief Hudson stated that presently, all cameras have been installed. He noted that the city manager assisted with the relocation of the camera that was previously on the water plant. In the meantime, he and Mr. Carmean are discussing two additional cameras in the downtown area.

Ms. Wilson moved to accept the monthly police report, seconded by Mr. Grier. Motion carried.

#### CITY MANAGER REPORT

Mr. Carmean presented the following report:

#### ADMINISTRATION

The position of Planner/Economic Development Director has been closed to further applications. I have asked Mayor Shupe and Councilman Grier to look at the applications and recommend at least three applicants to be interviewed. Due to my limited time left as your city manager, Hans Medlarz was asked to participate in the selection process.

Brad Dennehy has been working closely with Gary Emory on a daily basis to familiarize himself with the operations of Parks and Recreation. Due to the need for continued supervision at Public Works, Mr. Dennehy will assist as needed in overseeing those departments.

#### ELECTRIC

Our electric crews have been getting Christmas decorations in place for the holiday season. This work is being done in conjunction with their normal work assignments. Several other departments have helped with the project this year.

Additional lighting for the rear parking lot of city hall has been designed and the equipment has been ordered. An additional light will be added to the center of the light to increase its brightness. I feel this will sufficiently meet our needs and make the parking lot a much safer area.

#### SEWER AND WATER

The shop drawings are complete for our new water tower and the foundation and structure work will begin shortly. Teal Construction is close to completing the water main extension to the new tower site.

We have a firm commitment from USDA for the loan and grant for Phase I of our proposed sewer improvements. Once we have approval on the Phase II monies and grant, the next step will be a public referendum. As Mayor and Council are aware, the city will receive a grant of \$2 million for the projects.

#### STREETS AND SOLID WASTE

Southeast Front Street is continuing to be a challenge but will be completed by Thanksgiving. We intended to begin paving last week but a problem on Columbia Street postponed the work. When the milling was done at the depth of 1½ inches, construction workers realized there was no base beneath the blacktop. It became a dirt road that would not support new paving. I went ahead and approved the removal of five or six inches of soil and a new milling overlay. The job will be completed by November 26<sup>th</sup>.

Handicapped accessibility to sidewalks on North Washington Street should be accomplished by next Wednesday. Jerry's Paving will begin milling immediately after that and work will be finished in the next few weeks.

My street superintendent feels the overlay should be done before cold weather prevents it.

Mr. Brooks asked if Mispillion Street, which was on the paving project list this year, could have a base similar to Columbia

Street. Mr. Carmean does not expect that because Mispillion is a better constructed street than Columbia.

The city manager stated that because we had the materials for Southeast Front Street, the additional costs will be very minimal.

Mr. Pikus asked if only one well will be drilled in the location of the new water tower and recalled a discussion about two wells being drilled.

Mr. Carmean said he has been talking with DBF Engineer Randy Duplechain about a second well in that area. A second well will be needed in the future. He agreed a test well is expensive though a couple sources of water may be later needed.

Mr. Brooks moved to accept the city manager report, seconded by Ms. Wilson. Motion carried.

#### COMMITTEE & WARD REPORTS

##### *Public Works*

Chairman Brooks noted that the Southeast Front Street and North Washington Street projects are proceeding as scheduled. The contractor is working diligently to get the project completed.

##### *Homeless Issue*

Ms. Wilson advised she is liaison for the Circle of Light homeless organization. She said that winter is approaching and there are concerns regarding the homeless in the area.

She said there is no facility in Milford to accommodate our less fortunate residents. She asked that the mayor and council keep this situation in mind particularly because of the bad weather predicated this winter. The goal is to provide temporary shelter to keep these individuals out of the cold.

Though some of the churches work closely with the Circle of Light, more help is needed. Ms. Wilson emphasized that none of the churches are able to take this on themselves so community support is encouraged.

She was pleased that Circle of Light partnered with Abbotts Grill to raise some funds to help with the homeless situation. Other events are scheduled and any assistance would be greatly appreciated.

Mr. Starling added that his wife is involved and one church has offered twenty-five beds. They are encouraging other churches to do the same. Ms. Wilson will contact Dr. Starling for additional information.

Mr. Carmean asked if food is needed; Ms. Wilson advised that several churches are providing food, including the Presbyterian Church, Upper Room, Multi-Cultural Church and the Church of God.

She emphasized that donations are welcome and volunteers always needed.

#### COMMUNICATIONS & CORRESPONDENCE

Mayor Shupe advised that this evening, the city issued a Press Release announcing the official hire of Hans Medlarz. He noted that because of the holiday closings, his first day in office will be Monday, January 5, 2015.

He also referenced the new website that went live last week. The mayor acknowledged Christine Crouch who did the majority of the work. He said that Ms. Crouch and he spent many hours combing through previous information and developing new language. He is pleased with the outcome.

New community videos will also be added. He referenced a new software program that will allow people to register and pay for Parks and Recreation programs.

In addition, Ms. Crouch has launched the new Facebook page.

#### UNFINISHED BUSINESS

##### *Ratification/Comcast Agreement*

Mr. Rutt advised that he has spent considerable time negotiating the new Comcast Agreement. Overall, the time frame has been shortened and they have agreed to pay the city for some additional features.

He will send the revised version to Comcast Representative Chris Comer who will disperse it to the appropriate staff. The solicitor also reviewed some of the changes discussed with their Regional Vice President of Government Affairs John Conwell who seemed agreeable to most of the changes though he will need to do a final review.

Mr. Rutt then referenced the letter which extends the current franchise to February 18, 2015.

It was confirmed this is a non-exclusive contract that will allow additional cable providers.

Mr. Pikus noted that the pole attachment fees were increased this year by \$4,000. He said the fee paid by Comcast has not increased in the past six years and asked if we are able to increase that fee. Mr. Rutt said that is a separate agreement.

According to Mr. Pikus, Comcast has applied for another increase to the Public Service Commission.

Mr. Grier stated that his preference would be to change from Sussex County Comcast programming to Kent County.

Mr. Carmean recalled that Comcast designed a hybrid package for Milford that was a combination of both counties.

##### *Designation of Parks & Riverwalk*

Mayor Shupe advised that due to the number of laws recently enacted involving city parks, there is a need to designate the areas so it is clear what properties are actual parks. They are also posted on the city website though the areas have never been officially designated.

He recommends the following parks/sites be officially designated:

- Banneker Park
- Bicentennial Park
- Marshall Pond Park
- Marvel Square Park
- Memorial Park South
- Tony Silicato Memorial Park
- Library Square
- Goat Island
- Mispiration Riverwalk
- Milford Dog Park

Features within several of the parks were also mentioned, but the list is inclusive of the actual parks that currently exist in the city.

Mr. Grier moved to officially designate the parks be named as presented, seconded by Ms. Wilson. Motion carried.

*Ordinance 2014-13/New Chapter 190/Smoking Prohibited in City Parks, Buildings and Facilities*

Mayor Shupe recalled council discussing this at the last meeting. He will be moving the matter to the police committee to discuss before council approves it.

Councilman Morrow is out of state tonight though he will follow-up with him.

Ms. Wilson advised that the meeting has been scheduled at 6:00 p.m. on November 18<sup>th</sup>.

Mr. Brooks recalled the discussion about alcohol, sleeping in the park and public urination. Mayor Shupe said this will add no smoking to that list of prohibited activities which were already banned.

Mr. Mergner emphasized the need to designate the parks which should be identified by signs that will include the park rules so it can be more easily enforced. Right now, there are little or no signs and most people are unfamiliar with what parks are owned by the city.

**NEW BUSINESS***FY 2014-2015 Budget Adjustment/City Manager Discretionary Account/Reimbursement/Holiday Decorations/P&R**FY 2014-2015 Budget Adjustment/City Manager Discretionary Account Reimbursement/Milford Dog Park/P&R*

Mr. Carmean is requesting an adjustment to his discretionary account. He said our parks and recreation department received a number of complaints about the dated downtown holiday decorations. Mr. Emory then purchased approximately \$5,000 worth of new decorations. Because there was not enough money in the parks and recreation budget, Mr. Carmean agreed to pay half (\$2,466) from his discretionary fund.

In addition, Mr. Emory realized he needed to sod the dog park just before it opened. The quickest way to pay for the sod was if Mr. Carmean agreed to pay for it out of the discretionary fund. However, the city manager had not planned for that expense.

He explained that his discretionary account is used to pay for employee flu shots and the employee Christmas party. As a result, he is asking his account be replenished for those unanticipated expenses.

Mr. Pikus moved to transfer \$2,466 out of the general fund reserves and into the city manager's discretionary account, noting there is sufficient funds in that account, seconded by Mr. Gleysteen. Motion carried.

Mr. Pikus moved to transfer \$13,000 out of general fund reserves and into the city manager's discretionary account, to cover the cost of the sod installed at the new Milford Dog Park, seconded by Mr. Gleysteen. Motion carried.

*Advantech Security System/City Hall**Delaware Electric Signal/Panic Alarm System/City Hall*

Mr. Carmean reported we obtained a proposal for a camera system from Advantech as was directed by city council at a previous meeting. Two choices were submitted. One is a lease agreement and the other proposal covers the cost of purchasing the equipment.

The cost of purchasing the system is as follows:

IP Camera System: \$14,995.00

Software Support and Upgrade Plan: \$100.00/mo. (optional)

Service Plan: \$183.00/mo. (optional)

Chief Hudson confirmed that these cameras would be viewed in the dispatch room at the police department. He reported there had been previous problems with maintenance of their security cameras by a company initially used by parks and recreation at the time the cameras were purchased. Unfortunately, Advantech will not provide a maintenance agreement on the cameras because they were purchased through another company out of Pennsylvania. That company was charging substantial fees for travel in addition to the maintenance costs.

He confirmed that Advantech is much more reliable with service and repairs.

The chief recalled previous problems experienced with the cameras. To ensure uninterrupted operations, the police department agreed to take over the maintenance and oversee all cameras in the city.

Mr. Pikus asked who was repairing the camera at the corner of Walnut and Front Street; Chief Hudson verified it was Advantech. He noted that they also installed the security systems for the school districts and the state buildings.

Mr. Pikus confirmed the panic buttons can be installed immediately and asked how quickly we can negotiate the price; Mr. Carmean said he will call the company on Wednesday.

Mr. Mergner asked if it would be feasible to bring in another company to bid. He understands the requirements for the city are somewhat high before a project must be bid; the city manager clarified the threshold is \$30,000.

The city manager said he chose Advantech because the police switched to them because of their reliability. He then had Ms. Crouch contact them to provide a proposal.

Mr. Grier suggested we contact Delaware Electric Signal adding that they provide service to both his Milford and Seaford car washes. It was confirmed that Delaware Electric Signal also installs cameras.

Mr. Pikus moved to postpone action on this matter as well as the panic alarm issue, seconded by Mr. Brooks. Motion carried.

Mr. Carmean reported that we received a proposal of \$970 for a panic button system but will hold off on proceeding as directed by council.

*Introduction/Ordinance 2014-15/Chapter 193 Amendment/Solid Waste Management*

Mayor Shupe introduced the amendment and explained this increases the yard waste collection time from a restricted number of months a year to a twelve-month time frame.

Mr. Carmean noted that residents have some sort of yard debris all year long. As a result, he felt it was best to bite the bullet and offer it to our customers throughout the year.

The city manager then informed council there was a mix up in the schedule last week due to the holidays. He said we got out on Friday and what they should have done, is pickup Tuesday's household trash on Wednesday. The recycling on Wednesday should have been picked up on Thursday and the yard waste normally picked up on Thursday, should have been collected Friday. Somehow it got reversed though Mr. Dennehy was unfamiliar with how this occurred because he was moved to city hall and not involved as a result.

Mr. Brooks asked what will happen this week which is another holiday week. Mr. Carmean said they learned a lesson last week though he put the street crew on a truck on Friday so the majority of trash was picked up.

Mayor Shupe thanked the city manager for making that possible. He received several calls that day and had Mr. Carmean take care of it which he appreciated.

*Introduction/Ordinance 2014-16/Chapter 130 Amendment/Floodplain Management*

Mayor Shupe introduced Ordinance 2014-16. He advised that changes in recent laws have required the county and municipalities to amend their flood damage prevention rules and regulations. The entire Chapter 130 will be repealed and replaced with a new Chapter 130 which can be found in the packet.

City Manager Carmean introduced the ordinance stating that he will have Don Williams and Gary Norris attend one of the upcoming meetings to discuss how they have been working with DNREC to assure the correct changes were implemented.

Mr. Brooks asked the difference between the old ordinance and the new ordinance. Mr. Carmean said the big difference is the height of construction. The city is going to raise the height of construction which previously was twelve inches.

The city manager said it will increase construction costs for anyone building in a floodplain but will reduce their insurance premium.

Ordinance is scheduled for adoption at the November 24<sup>th</sup> meeting.

*Introduction/Ordinance 2014-17/Chapter 88 Amendment/Building Construction*

After introducing Ordinance 2014-17, Mayor Shupe reported that the only change to this code related to the floodplain maps. Previously, each time a floodplain map changed, the ordinance needed revising. This will reference Chapter 130 (Floodplain Code) whenever the maps are mentioned, making it a much simpler process.

Ordinance is scheduled for adoption at the November 24<sup>th</sup> meeting.

*Milford Armory/Open House*

Mr. Pikus said a lot of people have asked him to see the Milford Armory. He requested Mayor Shupe and the city manager arrange for an open house so the public can see its present condition and express their ideas for its potential use.

Mayor Shupe likes the idea noting it is a historical building and many people are curious how it looks today.

**MONTHLY FINANCE REPORT**

Finance Committee Chairman Pikus reported that through the first month of Fiscal Year 2014-2015 with 25% of the fiscal year having passed, 33% of revenues have been received and 24% of the operating budget expended.

He emphasized the balance of the trash cash balance is getting extremely low. There has also been a lot of money spent out of electric reserves which has brought that balance down considerably.

Mr. Pikus pointed out that we have also increased trash services which has come at a cost. As a result, those fees will need to be considered in the very near future.

Mr. Pikus moved to accept the September 2014 finance report, seconded by Mr. Grier. Motion carried.

Mr. Carmean then reported that we are no longer adding to the reserve accounts. He recalled that some of our residents were questioning the city about how much money we had in several reserve accounts. Because of the electric rate reductions that occurred in 2012, nothing has been added to electric reserves since. He said this is also a concern and will need to be watched very closely.

The city manager does not recall the last fee increase for trash because it has been a very long time. He said the \$23.50

still beats any other trash company in the area. He also pointed out that private haulers will not pick up any yard debris so that is a bonus for our customers.

He agrees we are now dipping into our reserves and in the past, he preferred building the solid waste reserves which were used to purchase new trash trucks.

Mr. Carmean recalled when Governor Markell mandated municipalities sign a Memorandum of Understanding to cap electric reserve transfers to the general fund. Because of this, we have not increased that transfer since 1997 or 1998. He said Milford is the only electric community that has that record because we have been locked in that long.

Mr. Pikus feels that should be emphasized. Earmarking funds for improvements helped our credit rating and our bond rating which is the highest of any town this size in this region.

Mr. Brooks recalled the ice storm in 1994 that required we use reserve funds to pay for related expenses up front. FEMA later reimbursed us but that took some time. He feels we were fortunate to have those reserves available at that time. Mr. Carmean believed the city took approximately \$4 million out of reserves during that time, though he agrees with Mr. Brooks that we received the majority back.

He then recalled the 2008 referendum for a new substation. At the time, the voters were informed the borrowing amount would only cover a portion of the project. We knew at that time the other half would have to be paid out of reserves and electric rates would never have to be increased.

ADJOURN

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

The meeting adjourned at 8:02 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Terri K. Hudson".

Terri K. Hudson, MMC  
City Clerk/Recorder