

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
October 13, 2014

The Monthly Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, October 13, 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 7:01 p.m.

INVOCATION & PLEDGE

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

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 (Negotiations)

Mr. Pikus moved to go into Executive Session reference a strategy session, seconded by Mr. Morrow. Motion carried.

Mayor Shupe recessed the Council Meeting at 7:04 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 8:30 p.m.

*Employment Contract*

Mayor Shupe reported that no action is needed as a result of the discussion in the Executive Session.

APPROVAL OF MINUTES

Mr. Pikus moved to approve the minutes from the September 8, 2014 and September 22, 2014 Council Meetings as submitted. Motion seconded by Mr. Gleysteen and carried.

RECOGNITION

Mayor Shupe read the following proclamation into record:

*Proclamation 2014-12/Extra Mile Day*

*WHEREAS, Milford, Delaware is a community which acknowledges that a special vibrancy exists within the*

*entire community when its individual citizens collectively "go the extra mile" in personal effort, volunteerism, and service; and*

*WHEREAS, Milford, Delaware is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and*

*WHEREAS, Milford, Delaware is a community which chooses to shine a light on and celebrate individuals and organizations within its community who "go the extra mile" in order to make a difference and lift up fellow members of their community; and*

*WHEREAS, Milford, Delaware acknowledges the mission of Extra Mile America to create 500 Extra Mile cities in America and is proud to support "Extra Mile Day" on November 1, 2014.*

*NOW THEREFORE, I, Mayor of Milford, Delaware do hereby proclaim November 1, 2014 to be Extra Mile Day in the City of Milford.*

*I further urge each individual in the community to take time on this day to not only "go the extra mile" in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country or world a better place.*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed hereto this 13th day of October 2014.*

*s/Mayor Bryan Shupe*

No action required.

*Proclamation 2014-13/Pancreatic Cancer Awareness Month*

Mayor Shupe read the following proclamation into record:

*WHEREAS:*

*In 2014, an estimated 46,420 people will be diagnosed with pancreatic cancer in the United States and 39,590 will die from the disease;*

*Pancreatic cancer one of the deadliest cancers, is currently the fourth leading cause of cancer death in the United States and is projected to become the second by 2020;*

*Pancreatic cancer is the only major cancer with a five-year relative survival rate in the single digits at just 6%;*

*When symptoms of pancreatic cancer present themselves, it is generally late stage, and 73% of pancreatic cancer patients die within the first year of their diagnosis while 94% of pancreatic cancer patients die within the first five years;*

*Approximately 130 deaths will occur in Delaware in 2014;*

*The Recalcitrant Cancer Research Act was signed into law in 2012, which calls on the National Cancer Institute to develop a scientific framework, or strategic plan for pancreatic cancer and other deadly cancers, which will help provide the strategic direction and guidance needed to make true progress against these diseases; and*

*The Pancreatic Cancer Action Network is the national organization serving the pancreatic cancer community in the City of Milford and nationwide through a comprehensive approach that includes public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic*

cancer;

*The Pancreatic Cancer Action Network and its affiliates in the City of Milford support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure; and*

*The good health and well-being of the residents of Milford are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments.*

*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 "Pancreatic Cancer Month" in the City of Milford.*

*s/Mayor Bryan Shupe*

No action required.

#### MONTHLY POLICE REPORT

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

#### CITY MANAGER REPORT

The city manager read the following report into record:

##### *ADMINISTRATION*

*Billing office renovations are moving forward as planned. Discussion at the last progress meeting pointed to a functional and operational office by Thanksgiving. Even though another budget adjustment is needed, we will have a fantastic building for half the estimated price of the new building across from the library. In addition, there was not enough room for a drive-thru window at the new building.*

*The application acceptance period for the Planner/Economic Development position has been extended because one publication did not clearly state the deadline which has now passed. Mayor Shupe, Economic Development Committee Chairman Grier and incoming City Manager Hans Medlarz will be reviewing the applications with me and selecting the candidates to interview.*

*I have received the keys to the Armory and have walked through the property with a structural engineer. He determined that structurally the buildings are in good condition considering their age. However, further investigation is needed to determine what use would be most feasible. I have given Parks and Recreation permission to have some of their winter basketball programs at the site. The structure is safe for that use.*

*The solid waste department will be using it to store their trash containers. Currently they are stacked in an uncovered area at public works. They become filled with rain water which causes additional weight and potential damage to the wheels and the container itself.*

##### *STREETS AND SOLID WASTE*

*The fall clean up offered by our solid waste department went smoothly according to our crews. I believe most customers were happy with the extra service, though some people have expressed how we could have done it better. The fact is our employees had to get through the week with an appreciable equipment shortage. Two of our trucks had mechanical and hydraulic problems which made it logistically difficult to collect the regular and additional waste. One of our trucks was*

*on the eastern short of Maryland being repaired because it could not be done in house.*

*Shea Concrete is starting the required concrete work the week of October 13th which will allow the overlay of North Washington Street. It was reported to me at the SE Front Street project progress meeting that further sewer main problems have been discovered at the end of S.E. Front Street and Rehoboth Boulevard. We have a plan to correct that situation. The engineer ensures me the project will still be completed before cold weather.*

#### *PARKS AND RECREATION*

*The dog park at the end of Fisher Avenue on the Riverwalk is completed. Gary Emory and I decided to have the park sodded to make it available more quickly and the surface more durable. Please take time to ride by and see the finished product because it is a great addition to our park system.*

#### *ELECTRIC*

*Crews have completed the fiber extension connecting our pumping stations at Seabury Avenue and North Street.*

*The change out to LED lights in the area of the Washington Street basketball courts has been finished. The poles were also powder coated and fogged lenses replaced.*

*During the month we experienced several blips in our service and one outage. The blips were due to breakers resetting after a circuit problem. The outage was because of a pole that was struck by a vehicle on Route 14. The pole held two circuits and had to be changed out due to the damage.*

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

#### COMMITTEE & WARD REPORTS

##### *Fourth Ward*

Mr. Starling asked if it is a possibility to add double yellow lines on North Street Extended from Banneker School to Route 113 to prevent vehicles from passing on that road. He explained the street is very wide and prone to speeding. He reports he has witnessed several motorcycles who use the street on a regular basis, traveling at a high rate of speed. He believes double lines would help though he is unsure this will completely solve the problem.

The city manager said he would take care of it.

##### *McDonalds' Intersection*

Mr. Brooks reminded the city manager that the entrance off Route 113 to Masten Circle still needs restriping due to its confusing layout. Mr. Carmean said he will contact Street Superintendent Tim Webb and have him redesign the intersection.

The city manager confirmed he will recheck on the status of the arrow that was needed at the end of NE Tenth Street as requested by one of our residents.

##### *Economic Development Committee*

Economic Development Committee Chairman Grier reported that his committee met prior to the council meeting. The committee voted to proceed with the Rural Economic Development Loan and Grant Program (REDLG) through the USDA. He recalled council discussing a similar program where the city would lend money to small businesses. This program is a \$300,000 grant though the city must contribute \$60,000. The city will then have \$360,000 available for small businesses to borrow through a loan whose interest rate must be beneath the prime rate. Guidelines and perimeters

will be established at a later date.

Mr. Grier advised the committee will turn this project over to the economic development director/planner as soon as they are hired.

Mayor Shupe confirmed that the \$300,000 will be available as long as the city continues to offer the loan program.

The matter will be presented to council for their approval to submit the application and allocate \$60,000 out of the economic development fund.

#### *Parks and Recreation and Community Affairs Committees*

Mr. Brooks reported that the no-smoking ban, recommended by Councilman Pikus, was considered by the parks and recreation and community affairs committees during a joint meeting. Initially, the committee considered putting it in the hands of the police committee but then realized that the entire council would have reviewed it at that point. As a result, the city manager and police chief will discuss it and come up with some suggestions for consideration.

City Manager Carmean advised that he asked City Clerk Hudson to research similar ordinances. She has prepared one that will be discussed at the October workshop.

#### COMMUNICATIONS & CORRESPONDENCE

All items included in packet.

#### UNFINISHED BUSINESS

##### *Ratification/Comcast Agreement*

City Solicitor Rutt advised that since the last meeting, he learned that the Comcast representative we received the agreement from is no longer in this area. Mr. Rutt continued to call him after which he finally turned that matter over to another representative. They have discussed some potential dates for an upcoming meeting.

When Mr. Rutt informed him the contract expired in November, the Comcast representative indicated they do not typically ratify them prior to the deadline. They will continue to provide three-month extensions until the contract is ratified. The solicitor has also asked for copies of the contracts in Smyrna and Felton.

When asked how long he has been working on this, Mr. Rutt said it keeps coming back on the agenda. Mayor Shupe noted that the point is to keep the unfinished business on the agenda so the public is aware of its status.

#### NEW BUSINESS

##### *DEMEC/2013-2014 Municipal Electric Utilities Renewable Portfolio Standards*

Mayor Shupe advised the Delaware Municipal Electric Corporation has completed the administration of the Municipal Electric Utilities Renewable Portfolio Standard for the 2013-2014 program year on behalf of their nine members. State law requires they submit a copy of the Municipal Electric Utilities Renewable Portfolio Compliance Report to each council person. The city must then confirm with an affirmative response that council received the report.

Mr. Pikus moved to confirm the report was received in a council meeting on this date, seconded by Ms. Wilson. Motion carried.

##### *Introduction of Ordinance 2014-07/Matthew & Jennifer Feindt/Conditional Use*

Mayor Shupe recalled that action on this application has been postponed for several months. A number of adjustments have been made based on the city code. Tonight, he is introducing the ordinance on behalf of Matthew and Jennifer Feindt.

Mayor Shupe then introduced Ordinance 2014-07.

Council noted that this has been on the agenda for the past five months.

City Solicitor Rutt explained the problem is the property is very irregular. They were initially changing the zone and after the zone was changed, the requirements changed. He said it went from a single family home to a duplex which required certain setbacks and distances they were unable to meet. The survey and application kept coming in and each time they were told certain aspects would not work. As a result, they had to revise and then resubmit the plans.

Mr. Rutt received a notice from Ms. Crouch and believes the dates do not coincide with the hearings and need to be changed before council adopts it.

*National League of Cities/Voting Delegate and Alternate*

Mayor Shupe advised that as a direct member of the National League of Cities, Milford is considered a voting member. The number of votes is based on the previous census and Milford has one vote as a result. National League of Cities requires each member to designate a voting member and alternate (elected officials).

Mr. Pikus moved to appoint Mayor Shupe as the voting delegate for the National League of Cities and Vice Mayor Morrow as the alternate, seconded by Mr. Starling. Motion carried.

*Bid Award/Indoor Switchboard/Electric Department*

Bids on a replacement Indoor Switchboard at the old substation were properly advertised and the following three (sealed) bids received:

Bidder	Bid
Keystone EMC	\$66,516.00
Electrical Power Products	\$71,409.00
Schweitzer Engineering	\$72,54000

P.E. Michael Dawson of Progressive Engineering Consultants submitted the following recommendation:

*Re: Award Recommendation – Indoor Switchboard - Delivery #1 Substation*

*Sealed bids were received, publicly opened, and read on October 2, 2014 for furnishing an Indoor Switchboard for the Delivery #1 Substation. As shown by the enclosed tabulation of three (3) bids received, Keystone EMC submitted the lowest cost proposal in the amount of \$59,192.00 for the switchboard, \$3,734.00 for the spare transformer differential relay, and \$3,590.00 for the spare bus breaker over-current relay. We have reviewed this proposal and believe it to be in compliance with the specifications. Therefore, we recommend that the City purchase the switchboard from Keystone EMC at the total price quoted of \$66,516.00.*

Mr. Pikus moved to award the Indoor Switchboard Delivery #1 Substation bid to Keystone EMC in the amount of \$66,516, seconded by Mr. Gleysteen. Motion carried.

*Proposal/FY 2014-2015 Budget Adjustment/Billing Office/PNC Building/Delaware Electric Signal Company*

Delaware Electric Signal was asked to submit quotes for the alarm system at the new billing office. The proposal is as follows:

Building alarm, equipment and installation:	\$11,365
Annual monitoring fees:	\$1,157
New door (not in original contract) and additional cost of associated security equipment required:	\$2,177

TOTAL transfer needed from Electric Reserve Account: \$14,699.

Mr. Carmean is pleased a local business was the low bidder. He confirmed that cameras are included in the bid. The wiring for the computers, telephone system, etc. will be presented for approval at an upcoming meeting. A safety glass is also being added so that our employees can view the counter at all times.

Mr. Mergner asked the city manager if he has ever considered leasing this type of equipment particularly because technology changes so quickly today. He believes there is a good chance a whole new system may be needed in five years. Monetarily, leasing the equipment with a service contract built in may be more feasible.

He asked the city manager to consider that when purchasing any future equipment.

Mr. Carmean recalled leasing a phone system years ago. Phones would go down and were replaced immediately.

The city manager noted that Mr. Portmann has some hesitation on leases because of the depreciation though he does not think this would be one of those concerns. If council wishes, he will ask Delaware Electric Signal if there is a possibility we can lease the equipment.

Mr. Pikus requested the city manager consider installing a security system at city hall. He recalled discussing this on several occasions though it has not been done. Mr. Carmean agreed that council talked about it; Mr. Pikus pointed out that city hall is very vulnerable and often there may only be one employee in the building. In addition, there are problems in the parking lot so a security camera is needed there as well.

Mr. Carmean agrees it is nice to have videos even though if someone came in and injured our employees, they would not be much help. However, he is unsure if it is possible to secure the building.

The city manager agreed to follow up with Delaware Electric Signal.

Mr. Rutt advised that Delaware Electric Signal installed the security at both of his offices. The first was sixteen years ago. Anytime an alarm has gone off, they were notified immediately. They have had no problems with either system and he recommends Delaware Electric Signal highly.

Mr. Brooks recalled an incident in the parking lot a few years ago and at the following council meeting, asked that lights be installed in the parking lot. Mr. Dennehy agreed to put some lights up, but in his opinion, it is still very dark.

The city manager recalls when our electric crews installed the light, but agrees it is still inadequate. Mr. Brooks pointed out that because there is not enough light, it is dangerous for employees, citizens and council to leave here after dark.

The city manager confirmed that he had two lights put on the pole in the back, but if council wants more lights, he will make sure our electric department takes care of this. Mr. Brooks noted that it occurred approximately four years ago and that Mr. Carmean was not here at the time.

Mayor Shupe asked for a motion. Mr. Morrow said he was under the impression the city manager was going to check

with Delaware Electric Signal on the possibility of leasing the equipment. Mr. Carmean stated he will, though he prefers council approve the proposal being presented.

Mr. Pikus moved to approve the Delaware Electric Signal proposal in the amount of is \$14,699 to cover the cost of the Delaware Electric Signal proposal, seconded by Mr. Morrow. Motion carried.

Mr. Pikus then moved to approve the payment of the Delaware Electric Signal proposal from electric reserves, seconded by Mr. Gleysteen. Motion carried.

Mr. Brooks noted that the owners of Delaware Electric Signal waited for over an hour earlier this evening and asked that someone inform them their proposal was approved. Mr. Carmean stated he would call them.

*Proposal/FY 2014-2015 Budget Adjustment/Billing Office/PNC Building/Delaware Correctional Industries*

Mr. Carmean presented a list of furnishings for the lower level of the new billing office. He was asked whether any of the furniture they are currently using can be salvaged. The city manager stated that they will be bringing their file cabinets and the bigger furniture and this is only a proposal for the desks and work areas.

Mr. Carmean feels it is up to council whether to approve the purchase of new furniture or if they prefer to use the mismatched furniture they have now. It is his recommendation we furnish this new building with new furniture as we as done at city hall several years ago, though this furniture is not as expensive. The total cost will be \$16,604.

The city manager said they met with several furniture vendors and after visiting Delaware Correctional Industries' showroom, they agreed to purchase it from them.

Mr. Pikus moved to accept the proposal from Delaware Correctional Industries in the amount of \$16,604, to be paid from electric reserves, seconded by Mr. Gleysteen. Motion carried.

#### MONTHLY FINANCE REPORT

Finance Committee Chairman Pikus reported that through the second month of Fiscal Year 2014-2015 with 17% of the fiscal year having passed, 25% of revenues have been received and 16% of the operating budget expended.

He noted that the general improvement fund shows a negative \$318,876. That will change after the SE Front Street and Goat Island projects are reimbursed by the state after we send them the bills.

Mr. Pikus referenced the trash fund account which has an extremely low balance.

Mr. Pikus moved to accept the August 2014 Finance Report, seconded by Mr. Brooks. Motion carried.

#### ADJOURN

Mr. Pikus moved to adjourn the council meeting, seconded by Mr. Grier. Motion carried.

Meeting adjourned at 9:03 p.m.

Respectfully submitted,



Terri K. Hudson, MMC  
City Clerk/Recorder