

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
March 23, 2015

Milford City Council held a Public Hearing on Monday, March 23, 2015 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan 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 Hans Medlarz, Police Chief Keith Hudson and  
City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

Mayor Shupe called the Public Hearing to order at 7:03 p.m.

*Ordinance 2015-02/Zoning Code/Chapter 230/Area Regulations & Floodplain Reference*

Mayor Shupe announced this is basically a housekeeping ordinance that addresses parking size, lot coverage and the floodplain. This amendment will correct the two areas of the zoning code where parking sizes were in conflict with one another.

City Manager Medlarz explained this also adds a new section that references the previously adopted Floodplain Management Ordinance required by FEMA to be enacted by all subdivisions within the State of Delaware.

He said we are working on the required companion ordinances and crosschecks completed and references incorporated. The ordinances must be adopted by April 1<sup>st</sup> to ensure compliance.

To appeal a floodplain designation, City Solicitor Rutt explained the property owner has the right to request a map amendment from FEMA. However, a great deal of information must be submitted when the request is submitted.

With no further questions from city council, Mayor Shupe called for public comments. Hearing none, the public comment session was closed.

*Adoption of Ordinance 2015-02*

Mr. Pikus moved to adopt Ordinance 2015-02, seconded by Mr. Gleysteen:

*ORDINANCE 2015-02  
Chapter 230-Zoning*

*WHEREAS, the City of Milford deems it necessary to classify, regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location, use of and extent of use of buildings, structures and land for residence, trade, industry and other purposes; and*

*WHEREAS, the City creates districts for said purpose and establishes a Board of Adjustment; and*

*WHEREAS, the City imposes penalties for violations, so as to lessen congestion in the streets; secure safety from fire, panic and other dangers; provide adequate light and air; prevent undue concentration of population and overcrowding of land; facilitate the adequate provision of transportation, water, sewage, school, park and other public requirements; conserve the value of buildings and encourage the most appropriate use of land; and promote the health, safety, morals and general welfare of the City of Milford.*

*NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:*

*Section 1.*

*An Ordinance to Amend the Code of the City of Milford by Amending Chapter 230 entitled Zoning.*

*Section 2.*

*Article III-Use and Area Regulations, 230-11(B)-R-3 Garden Apartment and Townhouse District is hereby amended as follows:*

*In an R-3 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.*

*B. Permitted uses. Permitted uses for the R-3 District shall be as follows:*

*(1) All uses permitted in an R-2 District and subject to its area regulations, unless otherwise indicated in this section as provided below:*

*(a) Single-family and two-family dwellings shall be subject to the following area regulations:*

*[1] Minimum lot area shall be 7,500 square feet.*

*[2] Maximum ~~lot coverage~~ **building coverage** shall be 45%.*

*(2) Garden or low-rise apartments, subject to site plan review and the following requirements:*

*(a) The number of dwelling units per acre shall not exceed 16.*

*(b) ~~Lot coverage~~ **building coverage** shall be a maximum of 20% for any lot developed for garden apartments.*

*(3) Townhouses or row dwellings, subject to site plan review and the following requirements:*

*(a) The number of dwelling units per group shall not exceed eight nor be fewer than three.*

*(b) The number of dwelling units per acre shall not exceed 12.*

*(c) Maximum ~~lot coverage~~ **building coverage** shall be 60%.*

*Section 3.*

*Article III-Use and Area Regulations, 230-19.4(B)-R-8 Garden Apartment and Townhouse District is hereby amended as follows:*

*In an R-8 District, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.*

*A. Purpose. The purpose of the R-8 District is to provide for the orderly development of existing and proposed medium to high-density residential areas where adequate public facilities exist. The district will permit development of garden-type apartments as well as townhouses that will yield high densities in selected areas, multifamily dwellings and a variety of housing types.*

*B. Permitted uses. Permitted uses for the R-8 District shall be as follows:*

*(1) All uses permitted in an R-1, R-2 and R-3 District, subject to its area regulations, unless otherwise indicated in this section as provided below:*

*(a) Single-family and two-family dwellings shall be subject to the following area regulations:*

*[1] Minimum lot area shall be 7,500 square feet.*

*[2] Maximum ~~lot coverage~~ **building coverage** shall be 45%.*

*(2) Garden, low-rise apartments, and condominiums subject to site plan review and the following requirements:*

*(a) The number of dwelling units per acre shall not exceed eight.*

*(b) ~~Lot coverage~~ **building coverage** shall be a maximum of 20% for any lot developed for garden apartments, low-rise apartments and condominiums.*

*(3) Townhouses or row dwellings, subject to site plan review and the following requirements:*

*(a) The number of dwelling units per group shall not exceed eight nor be fewer than three.*

*(b) The number of dwelling units per acre shall not exceed eight.*

*(c) Maximum ~~lot coverage~~ **building coverage** shall be 60%.*

*Section 4.*

*Article IV-Off-Street Parking and Loading, 230-20(B)-General Provisions is hereby amended as follows:*

*B. Parking space size. ~~A parking space shall not be less than 200 square feet, with a minimum of 10 feet wide, for any use permitted in this chapter. Upon appeal, however, the Board of Adjustment may grant variances from this size if a~~*

~~particular hardship will occur or if the design of a parking arrangement may be determined to justify a smaller parking space size than is provided for in this article. **Parking space sizes shall be in accordance with §230-21.**~~

Section 5.

*A new Article XIV is hereby created to be entitled Floodplain Management.*

**Article XIV – Floodplain Management.**

*See Chapter 130 of this Code for Floodplain Management Regulations.*

Section 6. Dates.

*Council Introduction: March 9, 2015*

*Planning Commission Review/Recommendation: March 17, 2015*

*Council Adoption: March 23, 2015*

*Effective: April 2, 2015*

Motion carried.

Mayor Shupe adjourned the Public Hearing at 7:08 p.m.

Respectfully submitted,



Terri K. Hudson, MMC  
City Clerk/Recorder

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PRESIDING: Mayor Bryan 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 Hans Medlarz, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 7:08 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

*Kent County Levy Court Commissioner/Eric Buckson/Presentation*

Mayor Shupe announced that Kent County Levy Court Commissioner Eric Buckson was in attendance. He noted that this year, Levy Court Commissioners approved law enforcement grants, funded from the county's real estate transfer tax fund to agencies in Kent County.

Commissioner Buckson then congratulated the city on its recognition by Delaware Today magazine for being the next great boomtown.

He also congratulated those returning and new council members who ran unopposed and will be sworn in at the May meeting.

Commissioner Buckson stated that he is in attendance on behalf of the Levy Court Commissioners, as well as the residents of Kent County. He explained the county has done its diligence managing its money. He said they also shared in the efforts of Milford Public Library and brought them a check of approximately \$40,000 above the actual reciprocal borrowing agreement that is in place.

They also have a grant-in-aid program that is close to \$1 million that benefits all fire departments including Carlisle Fire Department. They are currently preparing their budget with early plans to develop a paramedic unit in the southeast portion of the county which cost approximately \$1 million and will serve the Bowers to Milford area.

He then presented Chief Hudson with a check in the amount of \$20,173 made payable to the City of Milford Police Department for any need they may deem necessary.

Mayor Shupe announced that Chief Hudson has allocated the Kent County funds for the upgraded bulletproof vests previously requested by the teamsters.

Mayor Shupe then thanked Chief Hudson for working with city council to ensure those vests were purchased.

*Proclamation 2015-07/Mayor's Day of Recognition for National Service*

Mayor Shupe said to highlight the impact of national service and thank those who serve, mayors across the country are participating in the third annual Mayors Day of Recognition for National Service on April 7, 2015. A number of Delaware towns and cities have committed and he feels it is very important that Milford participate as well.

He then read a portion of the following proclamation:

*Mayor's Day of Recognition for National Service*

*WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and*

*WHEREAS, the nation's mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and*

*WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our cities and counties, from educating students for the jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and*

*WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and*

*WHEREAS, AmeriCorps and Senior Corps participants serve in more than 60,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and*

*WHEREAS, national service participants increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers; and*

*WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and*

*WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and*

*WHEREAS, the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, City of Service, and mayors across the country to recognize the impact of service on the Mayors Day of Recognition for National Service on April 7, 2015.*

*NOW, THEREFORE, BE IT RESOLVED that I, Bryan W. Shupe, by virtue of the authority vested in me as Mayor of the City of Milford, Delaware, do hereby proclaim April 7, 2015, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our city; to thank those who serve; and to find ways to give back to their communities.*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford, in the State of Delaware, to be affixed this 23<sup>rd</sup> day of March in the Year of our Lord 2015.*

*s/Mayor Bryan W. Shupe*

*Tribute 2015-08/Recognizing and Honoring the Life of Retired Police Chief Bobby Taulbee*

Mayor Shupe then announced he is presenting a tribute honoring the late Retired Police Chief Bobby Taulbee, a 32-year veteran of the Milford Police Department, who passed on March 15, 2015. His services were held this past weekend and

this tribute was presented to his family at that time.

The mayor then read the proclamation into record:

*Recognizing and Honoring the Life of Retired Police Chief Bobby Taulbee*

*WHEREAS, Bobby R. Taulbee, retired Chief of Police of Milford, Delaware, was a man of integrity who loved to have fun, was a practical joker but also a serious and conscientious man; and*

*WHEREAS, Bob became an officer with the Milford Police Department in 1968 and later resigned, but because of his love for the law enforcement profession, he returned in 1970; and*

*WHEREAS, after graduating from the Police Academy in 1972, Bob quickly rose through the ranks and in July of 1997, was appointed Chief of Police; and*

*WHEREAS, Bob served in the capacity of Chief of Police until his retirement on June 1, 2002; and*

*WHEREAS, Bob was a proud law enforcement professional for thirty-two years; and*

*WHEREAS, a man of few words, Bob's voice and thoughts could always be heard by the officers he commanded; and*

*WHEREAS, Bob was a well-respected member of the community and an ideal role model for future police candidates; and*

*WHEREAS, Bobby R. Taulbee passed on March 15, 2015, leaving behind a loving and supportive family--wife Shirley, son David, his wife Carrie, daughter Tracy Grose, her husband Lawrence and grandchildren Amanda Grose, Larney Grose, Jaxon Taulbee, Savannah Conaway and Hunter Conaway--all of whom we thank for sharing and for allowing him to protect and serve this community.*

*NOW, THEREFORE, BE IT RESOLVED, that I, Bryan W. Shupe, Mayor of the City of Milford, on behalf of Chief E. Keith Hudson and the Men and Women of the Milford Police Department, hereby recognize retired Chief Bobby R. Taulbee's legacy of service in law enforcement in Milford, Delaware, expressing our deepest appreciation for his dedication and commitment to the citizens of this community and extending our heartfelt sympathy to his family.*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford, in the State of Delaware, to be affixed this 20<sup>th</sup> day of March in the Year of our Lord 2015.*

*s/Mayor Bryan W. Shupe*

Mayor Shupe thanked those from the city that attended Chief Taulbee's services. He said it was well attended and though he did not know Chief Taulbee personally, he heard a lot of great stories and wished he had.

## COMMUNICATIONS

### *Mayor's Prayer Breakfast*

Councilman Brooks reported that he, along with a few other council members, attended the prayer breakfast held this past Saturday morning. He commented it was a full house, a great speaker and outstanding entertainment. He commended Mayor Shupe for a job well done.

Mayor Shupe also thanked those council members and city staff that attended the prayer breakfast. He said it meant a great deal to have that kind of support and agrees with Mr. Brooks it was a very successful event. He received many positive comments and hopes the event will continue to bring more people into the city.

*DSWA Grant*

Mr. Medlarz announced that the city received a \$1,000 DSWA Community Clean Up Initiative Grant from Representative Harvey Kenton. That will be applied toward the upcoming Spring Clean Up Week to help defer the additional costs incurred that week.

He reported that flyers were distributed by the trash crews.

*Airport Road Repairs*

The city manager reported that all local legislators have responded to him via e-mail in response to the letter Mayor Shupe and he sent regarding Community Transportation Funds and Municipal Street Aid.

State Representative Peterman contacted him by phone in regard to some community transportation funds. He asked the representative if he would be willing to participate in Airport Road at which time he declined. However, he did recommend another improvement which Mr. Medlarz declined because he had the unanimous decision by city council to use any funds for Airport Road.

*Matlinds Estates Bus Issue*

Mayor Shupe said he wanted to publicly thank Chief Hudson for his efforts this past week. He said there was a concern from Matlinds' parents regarding a problem with the location where school buses were picking up the Matlinds Estates children. He said one of the issues was that students were having to cross over State Route 30/Business Route 1 to get on the bus.

The mayor said that Chief Hudson worked diligently with the school district and parents to share his safety concerns. As a result, the route was changed and the bus will now be picking the students up in the neighborhood and the residents are extremely grateful.

Councilman Grier then added that the situation went from a number of very angry parents sending out multiple e-mails to Chief Hudson becoming involved. Within an hour or so, the entire situation had been resolved when the chief offered another solution which made all parties extremely happy. He said he very much appreciated it as well and thanked Chief Hudson again for his efforts.

## UNFINISHED BUSINESS

*Board of Adjustment Vacancy*

Mayor Shupe reminded council of the position vacated by former BOA member Keith Gramling. He asked for councils' assistance in providing the name of anyone who they feel would qualify. The city manager and he have discussed a possible member but prefers some recommendations from council before a decision is made.

*Milford Aquarium Business Plan/Match Money*

Economic Development Chair Grier advised that prior to the last council meeting on March 9th, his committee met with the Finance Committee. Committee members attending were Mr. Mergner, Mr. Pikus, Mr. Morrow, Mr. Starling and himself. Councilman Brooks also attended.

He reported that the Aquarium Group came before them to request \$46,000 to pay for a comprehensive business plan for the aquarium concept. The cost of the original business plan was only \$9,000 because it was more of a boiler plate plan. The proposed \$46,000 plan will be done by a company whose sole expertise is aquarium business plans. There was a lot of information provided and the minutes are included in the packet for council to review.

The committees came to a compromise where a recommendation was made that if the aquarium is able to raise \$23,000, the city would match that amount. Such match would be paid from the economic development funds. That motion passed with a 5-0 vote.

Mr. Pikus emphasized that the aquarium group must raise that amount in two years.

Mr. Grier noted that their President Bill Pilecki is in attendance.

Mr. Morrow moved that the recommendation of the Economic Development and Finance Committee to provide a match of \$23,000 for a community aquarium comprehensive business plan, to be paid from the economic development fund, and the same amount be raised by the aquarium group no later than March 9, 2017. After that date, no city match money will be provided.

Mr. Gleysteen said before he votes, he asked the rate of return based on the business plan; Mr. Pilecki stated this business plan will allow them to proceed with the next level of fundraising. It would specifically allow them to solicit larger donors and apply for federal grant money. The larger donors request the type of information that will be made available by the more comprehensive business plan.

He explained the rate of return is not part of the picture right now and this will not generate revenues today or tomorrow, but will show that an aquarium and associated businesses would be sustainable in the area.

Mr. Pilecki added that the aquarium will bring over one hundred jobs and tourism to the community.

Mr. Pikus then seconded the motion. Motion carried.

#### *Comcast Agreement*

Solicitor Rutt recalled submitting a number of changes to the Comcast agreement several weeks ago. Last night he received an e-mail from the Comcast representative asking for some clarification on a schedule that was attached. Upon receipt of the information, an updated version would be sent.

The information was provided and the new agreement should be ready for a vote at the next meeting.

Mr. Pikus asked if we are operating without a contract; Mr. Rutt explained the existing contract that expired in November contains automatic extension language that covers all parties. He recalled a letter he received that extended that contract.

Mr. Pikus feels this is the longest negotiation the city has ever been involved in. Mr. Morrow agrees but added that Mr. Rutt should be commended for adding some other fees that were never included in the previous contracts which will bring additional revenues into the city.

Mayor Shupe agreed and pointed out this Comcast agreement continues to be added to the agenda for updates each month. The intent is to keep council informed of any changes.

#### NEW BUSINESS

##### *Planning Commission Vacancy (Chairman Jamie Burk)*

Mayor Shupe reported the planning commission will have a vacancy as a result of Planning Chairman Jamie Sharp being elected to city council. Though not a requirement, council has preferred keeping a balance among the commissioners from the four wards and Mr. Burk lives in the 2nd ward.

The mayor again encouraged council to provide the names of some potential candidates to fill this vacancy.

When asked who will be the chairman of the commission; Chairman Burk was present and advised that will be selected by the planning commission. It was discussed at the last meeting and he hopes it will be decided at the April meeting which he will still preside over.

Chairman Burk also asked the commissioners to provide any recommendations they may have to fill his slot.

#### *Approval of 2015 Community Parade Date & Utility Bill Insert*

The mayor reported that Charles Gray of Community Parade Committee is in attendance to announce the parade date and asked permission to include an insert asking for donations for the parade again this year.

Mr. Gray then introduced his father Jim Gray and noted that the two of them have been involved with the Milford Parade since 1984. He advised that at the October 21, 2015 parade, they will celebrate their 30<sup>th</sup> anniversary. The theme will be Back to the Future.

Mr. Gray thanked the city for their continued support and asked that they again be permitted to include a donation request in the utility bills. He explained that for the first time last year, each contributor was offered a yard sign that promoted their support and advertised the parade date and theme.

He recalled there was a heavy rain event during the parade. A string band was contracted but because of the weather they did not appear. However, they were willing to honor the 2014 contract in 2015 which has resulted in a savings to the parade committee this year.

Mr. Gray noted they also receive financial support from Kent County Levy Court and Commissioner Eric Buckson.

He said that considering the efforts of the police and city staff, as well as the parade committee, they have marched regardless of the weather. Because they did not have a raindate, some negative feedback was posted on social media last year. About twenty minutes into this situation, many of their parade entry supporters came to their defense by explaining it could rain every year and the parade is always advertised as rain or shine. Some helpful tips were offered in case it rained.

Mr. Gray said that even though only half the entries showed up, they could not stop talking about the number of spectators along the route, under canopies, under umbrellas or in their rain gear. They were impressed with how well it was supported even in those conditions.

Mr. Grier moved for approval to allow the Milford Parade Committee to include flyers in the utility bill for fundraising purposes, seconded by Mr. Mergner. Motion carried.

#### *FY2014-2015 Budget Adjustment/Administration/Legal Services*

Because there was no election this year, there is a balance of \$3,298 left in the election salary line item.

Mr. Medlarz advised that we have received the latest bill from our legal counsel. He referenced Mr. Pikus' earlier comments that we have had a long drawn out legal issue that has driven up our bills. As a result, a budget adjustment is required to transfer funds.

Mr. Pikus moved to transfer funds in the amount of \$3,298 from election line item 101-1210.414.10-10 to administrative legal services 101-1010.413.30-20, seconded by Mr. Grier. Motion carried.

#### *SE Storage Tank Logo Selection*

The city manager reported that originally city council approved the tank logo "Milford Buccaneers" on each side of this storage tank. Because Bayhealth is developing relatively quickly, we are working on an integrated public works agreement

with interested parties in the area. He explained that during one of these meetings, the subdivision developer expressed interest in sponsoring the tank logo as can be seen in the packet (Wickersham/City of Milford logo).

Mr. Medlarz informed council the city would save \$20,000 by not having the two logos painted on the tank. After ten years, the city would receive a commercial rate for rental, similar to a billboard. In addition, the developer would have to place \$20,000 in an escrow account in case the corporation/development went bankrupt. The \$20,000 would cover the cost of repainting the tank should that occur.

As a result, he is presenting Wickersham's request for a ten-year lease agreement placing the project name and city's name on the tower. He then reminded council that the Wickersham developer donated the property for the tower.

Mr. Grier noted that the cost per year does not compare to the cost of renting a billboard in this country. He is unsure if this is a service the city wants to get into. If we did, we would need to provide the same offer to every developer when a future tower is put up.

Mr. Medlarz said he is only bringing this before council because Councilman Morrow asked how the city can increase real estate transfer taxes. He said there is one way to do that which is by selling more properties.

Mr. Brooks says he prefers "Milford Buccaneers". Mr. Grier reiterated that he does not feel this is a good idea.

Mayor Shupe wants to take advantage of the city's branding. However, it makes sense to have Milford Buccaneers on the Tenth Street Tower because of its proximity to the high school. However, his recommendation would be to take advantage of the "Art Town, River Town, Home Town" branding and thinks it would entice tourists into Milford by sparking their curiosity.

Mr. Mergner agrees we need to consider another type of branding but it should be directly related to the city.

Mr. Medlarz confirmed that the Milford Buccaneers' logo was previously approved by city council with larger letters because the buccaneer letters on the Tenth Street tower were too small. He referenced the drawing in the packet which was previously approved by council.

Mr. Gleysteen suggested making the letters larger regardless of the logo.

Mr. Medlarz said he spoke with Mayor Shupe about his suggestion and informed him that if council approves the branding logo, there is not enough room to have logos on each side. The extra lettering will cost more money though there will be some savings because of one logo versus two.

The city manager asked that council give some direction on which way they want the logo to face if they choose the branding logo. Mr. Mergner asked for a visual to determine which side would be more appropriate.

Mr. Pikus again asked if this was already approved; Mr. Medlarz said the Milford Buccaneer logo was approved. Mr. Brooks agreed and reiterated his support of the schools and the buccaneer logo.

Mr. Medlarz then informed council they have a couple months to make a decision. He will bring back some drawings to give council some idea of the room needed for the branding logo. At that time he will have it added to the agenda for council to make a decision.

#### *SE Sewer Force Main/Watergate Subdivision*

Mr. Medlarz advised the developer for the Watergate subdivision is required to relocate portions of the existing wastewater force main coming from the Shawnee Acre pump station that currently ends at the entrance of Marshall Commons.

The city manager explained this is a straightforward relocation and the only requirement from the developer is to move it

into the right-of-way. There is no impact other than a very small loss of capacity because the force main will be longer which means a little more resistance.

He discussed with the developer the possibility of working out a joint agreement and the city piggybacking on the improvements by continuing to reroute it to Marshall Commons versus moving it from Watergate into a future right-of-way.

Mr. Medlarz advised that he wanted it slightly raised which would have added another air release valve and there was no objection. This is a benefit to the developer who agreed to upsize the main to ten inches while this work was being done.

The design was finalized and two quotations were received. One was from the developer's contractor which Mr. Medlarz did not like their pricing. As a result, he requested a second proposal from from the city contractor currently involved in the raw water main project. He found their price to be much more reasonable. It came in at \$146,500 and the city is responsible for two-thirds or \$98,500.

He reported that the work will be part of the approved sewer improvement project jointly funded by the city and USDA. Both quotations will be presented at the next council meeting.

Mr. Medlarz then said that he brought both proposals, which can be entered into the record, or council can consider it at the next council meeting. He feels it would be beneficial to start this project. He said the funds are available according to the finance director.

He asked if council wishes to wait for the next council meeting or if they want to tell him to proceed with the contractor working on the force main who could take care of the task under the anticipated project.

The city manager confirmed there will be no impact on the Marshall Commons residents other than construction at the entrance which can be managed with traffic control. Some restoration will be needed in the area between Marshall Commons and Marshall Landing and some work needed on the back side on the Watergate property between Watergate and Marshall Commons.

Mr. Pikus moved to authorize the city manager to proceed with the sewer force at Watergate not to exceed \$98,500, seconded by Mr. Gleysteen. Motion carried.

*FY2014-2015 Budget Adjustment/Donald Reisinger Contract/Change Order 4/PNC Building/Customer Service Center*

Mr. Medlarz said a minor change is needed at the new Customer Service Center to cover the fire marshal comments, some wiring and the urn. He reported the bank had an urn at the front entrance which fell off during the mild earthquake we had a couple years ago. It has since been restored to its original condition.

He said we are getting closer to a move-in date and the waterproofing contractor is beginning to work in the basement. It will take another full day for that work. Because of recent thawing, there was some water intrusion so the work is needed.

The city manager said that Councilman Pikus reported the concrete along the side of the building adjacent to the church is sloping toward the building which has contributed to the water in the crawlspace. He agrees with Mr. Pikus' recommendation to take it out and slope it the other way.

Mr. Pikus noted that the church has an underground tank of some sort in this area; Mr. Medlarz believes it may be a fuel oil tank. He does not want to move this problem over to the church's property and only wants it removed from the basement. Mr. Pikus agrees that changing the slope will correct the problem.

Mr. Medlarz said that though our customer service staff does not want to use that particular walkway, some of the public may utilize it. He will return with some options.

It was confirmed this work will not prevent staff from moving in.

Mr. Pikus moved to approve Reisinger Change Order 4 in the amount of \$1,599.28, seconded by Mr. Brooks. Motion carried.

*PNC Building/Customer Service Center/Window and Roof Repair*

As was previously discussed, the drainage issue will be addressed. Mr. Medlarz has contacted a few companies about who would be interested in doing the work and what the repair costs would be to fix the two leaky windows on the second floor.

The city manager emphasized this is a difficult repair but the work is needed to stop the water from forming ice along the north side of the building the sidewalk.

He will be back with the proposals on the drainage and window repairs in the next couple 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 (Union Contract).

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

Mayor Shupe recessed the Council Meeting at 8:12 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 9:37 p.m.

*Union Contract*

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

ADJOURN

With no further business, Mr. Pikus moved to adjourn the Council Meeting, seconded by Mr. Starling. Meeting was adjourned at 9:39 p.m.

Respectfully submitted,



Terri K. Hudson, MMC  
City Clerk/Recorder