

MILFORD CITY COUNCIL
MINUTES OF MEETING
April 27, 2015

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, April 27, 2015.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Chris 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 7:00 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

Proclamation 2015-10/Police Week & Peace Officers' Memorial Day

Mayor Shupe read the following proclamation into record:

POLICE WEEK & PEACE OFFICERS' MEMORIAL DAY

WHEREAS, the Congress and President of the United States have designated May 15, 2015 as Peace Officers' Memorial Day and the week in which it falls as National Police week; and

WHEREAS, the members of the law enforcement agency of Milford, Delaware play an essential role in safeguarding the rights and freedoms in Milford, Delaware; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the Milford Police Department unceasingly provide a vital public service.

NOW, THEREFORE, I, Bryan W. Shupe, by virtue of the authority vested in me as Mayor of the City of Milford, Delaware, call upon all citizens of Milford, Delaware, and upon all patriotic, civic and educational organizations to observe the week beginning May 10, 2015 as Police Week, during which time all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens in the City of Milford.

I further call upon all citizens of Milford, Delaware, to observe May 15, 2015 as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in

service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this Twenty-Seventh day of April in the Year of our Lord Two Thousand and Fifteen.

s/Mayor Bryan W. Shupe

Mayor Shupe then presented the proclamation to Chief Hudson.

Ms. Wilson then pointed out that police agencies around the world are at risk with their communities in today's world. She said it is important that this city and council support our police department in every way possible. She thanked Chief Hudson for always keeping mayor and council abreast of what is occurring in the city and added that an open line of communication really helps. She also asked that Chief Hudson continue to relay messages to his officers of the need for good race relations and sensitivity to this diverse community which are things that can make a big difference.

She asked that the police and the community continue to stay ahead of situations like those that are occurring in Baltimore and what had occurred in Ferguson. Ms. Wilson reattributed that by the chief informing council of any potential activities in addition to our officers continuing to stay positive and open minded in the way they treat people is something her constituents really appreciate.

Chief Hudson thanked Councilwoman Wilson for her comments.

DeIDOT Presentation/US 113 Northbound Overpass/Closure/Detour Plan

Mayor Shupe said that DeIDOT was invited to attend this meeting to speak on the North Milford Overpass closure that will begin May 3rd so that everyone is properly informed.

DeIDOT Bridge Assistant Director Barry Benton informed council he is the state bridge engineer and in charge of all inspections, design and construction of bridges. He emphasized the need for critical maintenance of this bridge. When the bridge was originally constructed, it was done in two pours which resulted in a joint down the center of the bridge.

He reported there is a lot of deterioration of the deck adding that its potholes have gotten much worse over the winter. They feel it is in critical need of repairs and could possibly be in danger of punching through by causing a hole in the deck. It would not be large enough for a vehicle to fall through but debris could fall through which would result in an emergency closure.

Their plan is to correct this before Memorial Day. The closure will be from 6:00 p.m. on May 3rd through May 21st. Construction will occur 24 hours a day/7 days a week until it is reopened. They are confident it will be done before May 21st though they can run into a lot of unknowns when renovating bridges.

The top two inches of concrete will be removed down to the top layer of rebar on the bridge and any unsound concrete chipped out. A new overlay will then be put down over the entire overpass. Once the pour is complete, it will take another four to five days to cure.

The ramp will also be worked on at this time according to Mr. Benton.

He explained the ramp on the north side of the bridge was completed approximately ten years ago and is in good shape; the south side of the ramp is concrete and is in bad shape. They will do some patching and a hot mix overlay to get through the summer. That ramp is slated for full reconstruction in the fall so there will be another closure after the summer to reconstruct it possibly in October or November.

Mr. Benton reported that their initial plan was to do both projects at the same time, but at this point the bridge is too critical and they cannot wait. At this time, only temporary improvements will be made to the ramp.

DelDOT's Chief Safety Officer Gerry Nagyiski then spoke stating he appreciates the city allowing him to discuss the detours noting which will have a substantial impact on Milford's roadways.

He explained his primary responsibility is statewide compliance with the Delaware and Federal Manual on Uniform Traffic Control Devices as it relates to work zones and has extensive knowledge of detours.

He then referenced the overall detour regional plan for the bridge.

Mr. Nagyiski stated the intent is to stop people as far south as Lincoln; send them across Johnson Road to Wilkins Road to the newly constructed Route 1/Route 30 interchange. They feel this is the safest route based on the amount of trucks and cars that normally use this roadway.

Message boards have been placed as far as south as Haflinger Road; traffic will be sent to the interchange at Route 1. Traffic that goes beyond the start of the detour will have to turn onto Route 14. At that point, there will be a left lane closure northbound on Route 113 in an attempt to force eastbound traffic to turn onto Northwest Front Street. Traffic will be sent to Route 1. The Route 1/Northeast Front Street crossover will be closed and all traffic directed south on SR 1 to the SR 1/SR 36 interchange. Vehicles will have to exit on the interchange and turn left on SR 36 to get back to SR 1 south.

Mr. Nagyiski said if it becomes congested southbound on Route 1 or eastbound Route 14 (Front Street), they will close the right lane on SR 1 at Route 14 (Front Street) and only allow a hot right coming out of the city to prevent congestion within the city.

Mr. Pikus verified that traffic will be diverted southbound on Route 1 and up and over the SR 36 overpass. He expressed concern regarding the congestion that already exists in that area as a result of beach traffic.

Mr. Nagyiski said they understand and are deploying portable cameras to be able to monitor that 24/7. He emphasized they do not want to send people across the NE Front Street crossover. They feel that would be an unsafe movement considering the amount of traffic that could be impacted. He reemphasized that the SR36 interchange is the safest route to use in that area.

He then explained that as traffic moves northward towards Airport Road on Route 113, they will reach another left lane closure.

Mr. Nagyiski explained they are doing everything possible to stop drivers from continuing northbound. They do not want to send people through town which is the reason the majority of traffic is being sent to CR 207/Fitzgeralds Road.

He continued by explaining that traffic on Business Route 1/Rehoboth Boulevard will have another left lane closure through the intersection; the left lane will remain closed all the way up to the Frontage Road crossover. At that point, there will be an u-turn and traffic will be sent south on US Route 113. The detour will send them back to CR 207. He said they are doing everything possible to keep traffic from going through town.

He added that traffic coming from southbound Route 1 and entering Route 113 will be kept to the far right to facilitate a wide u-turn movement at Frontage Road. Traffic traveling eastbound on SR 14 will be sent south to Johnson Road.

Local traffic (in town, Marshall Street, BR 1) will be sent out to SR 14/Front Street and NE Tenth Street, then directed south to SR 36 to make the u-turn on the overpass.

Chief Hudson expressed concern about the plan for southbound traffic turning onto NE Tenth Street noting that it is already heavily traveled; Mr. Nagyiski explained that the traffic pattern allowing traffic to turn right onto Tenth Street will not be changed. He added that northbound traffic will go south to SR 36, make the u-turn to come back north.

The chief asked if southbound vehicles will still have the ability to turn off Route 1 onto Tenth Street and continue over to US Route 113; Mr. Nagyiski explained which crossovers on Route 1 will be closed though emergency responders will have the ability to move the barricades should those crossovers be needed. They will have someone on site the entire time to make sure if that occurs, the barricades will be reset.

Mr. Nagyiski advised that DeIDOT has a meeting scheduled tomorrow morning with all Kent and Sussex County first responders because Milford includes both counties. They want everyone on the same page should an incident occur.

Mr. Pikus confirmed that southbound traffic will not be sent on Airport Road; Mr. Nagyiski said the intent is to send drivers to Route 1 and not westbound.

Mr. Nagyiski then reported that DeIDOT has installed message boards northbound on Route 113 in Selbyville, Route 113 south of Truck Route 9 in Georgetown and Route 113 south of Route 16. The intent is to inform drivers that Route 113 northbound in Milford is closed and they are being diverted eastward to go north on Route 1. They are also trying to get a message board at the Route 113/Route 13 split in Pocomoke to encourage people to use Route 13.

Starting Sunday and Monday, he said they will have their MAP programers (Motor Assistance Patrol) available from 11:00 a.m. to 7:00 p.m. on Sunday and during the morning and afternoon rush hours on Monday. They will help anyone on the detour route that breaks down. They will also respond to incidents with Milford Police, State Police or Carlisle Fire Company to help facilitate traffic around the incident.

Mr. Nagyiski said the biggest concern is drivers ignoring the crossover closure at NE Tenth Street. DeIDOT, as part of the contract, will pay the cost of the extra duty officers to ensure all traffic laws are enforced.

He referenced the 'rights only' sign, which is a black on white regulatory sign. He has a resolution signed by DeIDOT's Chief Traffic Engineer making that an enforceable violation.

Mr. Nagyiski then noted the other signs referenced in the resolution; the intent is to have Milford Police and the Delaware State Police enforce those violations if they occur.

He referenced the duckies (delineators) that were placed at the end of NE Tenth Street to force traffic south on Route 1. He realizes that unless someone is watching that crossover 24 hours a day, probably five or six drivers will go around them. That is the reason they want law enforcement present to stop that from occurring.

Mr. Nagyiski confirmed that they will work with Milford Police and the state police to determine whose jurisdiction that area is but the intent is to have the project pay for that enforcement. Mr. Pikus pointed out it is Milford's jurisdiction adding that we only have so many officers and some additional help may be needed from the state police. Mr. Nagyiski said he will work that out with Milford Police though both Troop 7 and Troop 3 will attend tomorrow's meeting.

Chief Hudson reported that he and Lieutenant Bailey are both attending that meeting and will discuss their concerns.

Mr. Nagyiski said that DeIDOT's intent is to be as proactive as they can and if there are no issues, they can scale back to save costs; if something does not work and a different approach is needed, that will be done as well.

He emphasized that DeIDOT will work very closely with the local law enforcement. They can inform DeIDOT what is needed to accomplish this. He stated that DeIDOT has been doing this on all projects statewide.

He then referenced a drawing showing the lane closures.

Another drawing showed the NE Front Street crossover closure. Mr. Nagyiski said that was needed because of Hitchens Tire and Atlantic Concrete trucks making that northbound left into town. They do not want those trucks going north because of the truck restriction on NE Tenth Street. The intent is to catch the traffic south of SR 36. They can then take SR 36 through town to Rehoboth Boulevard/Business Route 1 back to Route 14/Front Street. This will allow Hitchens Tire and Atlantic Concrete to get their trucks to their facilities using Rehoboth Boulevard.

Mr. Nagyiski confirmed that their public relations department has reached out to all large businesses and industries as well as the school district. The school district will be included in tomorrow morning's meeting to ensure they have accurate information.

Mr. Brooks agreed they have done a good job informing people, noting he has seen this on television as well as in several newspapers.

Mayor Shupe said he is aware the detours are a lot to work through. But when he and the city manager spoke with DelDOT, their concern was getting this done before Memorial Day. The only thing they can do is get the information out. He is aware that a lot of people will become very irrate and asked that everyone encourage them to be patient.

Mr. Nagyiski then stated that those heading westbound on New Wharf Road will be forced to make a right to go north on Route 1; they can then make a u-turn at NE Tenth Street, head over to US 113 and head south to SR 36. Those traveling eastbound on NE Front Street/Route 14 will be forced right to go south of Route 36, make the u-turn and come back north.

He reiterated that DelDOT will be monitoring this situation with five portable cameras to observe any issues and will respond accordingly.

The controller at the Johnson Road light in Lincoln will also be changed to get better timing.

Mr. Nagyiski announced that if the city has any problems with the project, #77 goes directly to the transportation management center which is a 24/7 operation. They will immediately get in touch with the contractor and inspection staff, in addition to himself.

Mayor Shupe thanked Mr. Nagyiski for all the work and planning on this project.

COMMUNICATIONS

All items included in packet.

UNFINISHED BUSINESS

Planning Commission Appointment/Andrew Fulton/15 East Clarke Avenue

Mayor Shupe recognized our former Planning Commissioner Chairman James Burk who will be sworn in as the Second Ward Council Representative on May 4th. He noted that Mr. Burk recommended Mr. Fulton's appointment.

Mr. Burk reported that he and Mayor Shupe recently met with Mr. Fulton. Serving on the planning commission since 2008, he feels he knows what is needed for this position. Mr. Burk has served with Mr. Fulton on other boards and he is confident he will do a good job on the commission.

Mr. Grier moved to appoint Andrew Fulton to the City of Milford Planning Commission, seconded by Mr. Pikus. Motion carried.

Board of Adjustment Appointment/Ronald Baker/515 Lakeview Avenue

Mr. Medlarz reported that when Mayor Shupe asked him for a recommendation, he immediately thought of Ron Baker. Mr. Baker worked for the USDA for many years in a function as a hearing officer. When the mayor and Mr. Medlarz interviewed him, he indicated he has written more than 1,000 hearing determinations. Therefore, they feel he is very qualified to serve on the board though it took a little convincing for him to agree.

Mr. Medlarz believes he will accept the appointment if approved by council.

Mr. Pikus moved to appoint Ronald Baker to the City of Milford Board of Adjustment, seconded by Mr. Grier. Motion carried.

Update/First State Manufacturing/City Land Sale/Exchange

Mr. Medlarz said he has made some progress on the potential land sale and exchange with First State Manufacturing. He asked First State Manufacturing (FSM) Representative David Hitchens to provide several related documents. Included was a full appraisal report of both parcels in question. One being the lot in the city's Independence Commons Business Park at the corner of Canterbury and Airport Road; the other is a portion of the FSM parcel on SE Fourth Street. Also requested was a potential lot consolidation survey that would show the full extent of the parcel to be gained by the city and the boundary and revised description.

The city manager has also reviewed the underlying lease agreement between Milford Little League and First State Manufacturing which is in effect until FSM sells their property. If that occurred, the lease agreement would become null and void.

He also went out to the site to ensure it is an appropriate decision; after observing the improvements on the site, it appears to be a win-win for an exchange.

Mr. Medlarz reported that Mr. Hitchens insisted there would be no money exchanging hands as was previously agreed. Mr. Medlarz informed him that state code prohibits municipalities to dispose of real property unless the municipality receives at minimum, the appraised value. With the land exchange, the cost difference is \$40,000.

Mr. Medlarz recommends that council approve the land exchange and the \$40,000 cost difference.

He said that Mr. Hitchens responded by stating that he would have to take the offer to FSM's Corporate Board. If approved, they would ask their attorney or our solicitor to draw up an extended sales agreement. That would allow them to roll over their finances for the construction in Independence Commons to prevent having to buy the land.

Mr. Medlarz said Mr. Hitchens requested an indefinite time frame but was told that would not be in the city's best interest and a cap would be more appropriate. Mr. Hitchens then agreed the expansion would occur within 24 months. The city manager recommends between 24 months plus 6 or 24 months plus 12 as an appropriate time line.

Earlier this evening, Mr. Medlarz received an e-mail from Mr. Hitchens stating he had preliminary buy-in but would have to meet with the bank to ensure they would work with them and release the appropriate notes.

Mr. Medlarz informed him he would not place the matter on the agenda for a vote unless all documents, including a concurrence from the bank, was received. He is only bringing this to council should they feel the proper legal channels are not being pursued.

Mr. Morrow confirmed that First State Manufacturing must comply with the deed requirements to build within two years after settlement. Mr. Medlarz stated that is correct.

Approval/SE Water Tower Logo

City Manager Medlarz referenced the drawings of the two logos suggested by council at a previous meeting. He said the 'Milford-River Town, Art Town, Home Town' is the official branding; the banded logo is more centered on the tank. The additional cost for the extra letters is \$3,070 per side.

Council needs to decide whether to add the official logo, have it on one or two sides or stay with the 'Milford Buccaneers' plan which has no additional costs.

Mr. Mergner does not feel the additional wording is worth the additional \$3,070. Mr. Pikus feels that 'Milford' on the storage tank is adequate.

DBF Engineer Randy Duplechain was present. He reiterated the 'Milford Buccaneers' design, similar to the Tenth Street tank design is already in the plan on one side. He explained the opposite side of the tank faces the forest and would not be visible. He clarified the additional \$3,070 is the cost of the design change on one side only.

City Manager Medlarz further explained that the current project includes 'Milford Buccaneers' on one side for \$10,000 (\$20,000 for both sides). If council switches to the branding logo 'River Town, Art Town, Home Town' there would be an additional cost of \$3,070 per side.

Ms. Wilson thought council had decided on River Town, Art Town, Home Town; Mr. Pikus noted that council had originally voted on 'Milford Buccaneers'. Mr. Medlarz agreed but recalled council directing him to get a price on the branding.

Mayor Shupe feels that the water tower on Route 1 should have the branding logo which is a form of advertising. He supports the 'Milford Buccaneers' lettering but believes it is more appropriate on the Tenth Street tower. He added that people riding by on Route 1 do not know what a Milford Buccaneer is but believes the 'River Town, Art Town, Home Town' logo will entice them to come into town.

Ms. Wilson agrees that we have worked hard to promote the river and art; the language 'home town' speaks for itself.

Council then discussed which side of the tank would be most visible. Mr. Medlarz said he and the mayor have discussed a couple options. To be visible northbound and southbound, it should be directly facing the highway. Facing it directly east also provides the ability to place one on the backside though it will only be seen from Route 30.

Right now, the city manager pointed out that the current project price includes the design on the one side facing east.

Ms. Wilson moved to approve the 'Milford-River Town, Art Town, Home Town' logo, stacked version, on one side facing east and approve the additional \$3,070, seconded by Mr. Starling.

Mr. Brooks asked if we should consider the hospital adding it would be a great way to direct people to their site. Mayor Shupe pointed out that DelDOT will install directional signs to the hospital and because of its size should be very visible in that area.

The motion carried by the following roll call vote of 5-3:

Mr. Mergner feels the branding idea is a great idea but does not think the art work pops for him. Because of the number of lines, River Town, Art Town, Home Town will be difficult to see when people are driving at high rates of speed on Route 1. He prefers it only say 'Milford' at this point and does not want to spend the additional money and votes no.

Mr. Grier agrees it should be left the way it was planned and not spend the additional \$3,070. He votes no.

Mr. Pikus votes to leave it as was originally planned and votes no.

Mr. Gleysteen votes yes adding that the city spent a lot of money developing their branding and feels it is a good way to advertise.

Mr. Brooks votes yes and recommends we proceed.

Mr. Morrow votes yes adding that it will be to our advantage to display the branding.

Mr. Starling and Ms. Wilson both voted yes.

When asked how big the writing will be, the city manager stated that someone paying attention should be able to read it.

Mr. Brooks feels that because of the tower location, people traveling south will already be past Milford. Mr. Medlarz said that Mr. Brooks has a good point. If he had to vote, he would have faced it south because northbound traffic has the next two exits to enter the town. Anyone driving south has already passed us.

Ms. Wilson said that most people on that road will travel in one direction and return in the opposite direction at some point. Someone seeing the tower after passing Milford will have the opportunity to stop when they return from the beach, for example.

Authorization/Funding Source Clarification/Electric Reserves/Customer Service Center/Window & Drainage Improvements

Mr. Medlarz said he was reminded by the city's finance director, that when council approved the package for the window and drainage improvements, we exceeded the \$100,000 set aside for improvements. Though council approved the use of electric reserves, the motion neglected to raise the limit on this authorization.

He has discussed the matter with the finance director and in addition to the bills related to the window and drainage improvements, Customer Service Manager Debbie Johnson and the city manager have agreed some other minor improvements are needed. For example, something is needed in the basement so that the storage boxes can be lifted off the concrete floor and the second floor needs to be painted. As a result, they are requesting a \$10,000 increase in the construction allowance which would increase from \$100,000 to \$110,000 along with the \$4,000 and other changes already approved by council.

Approving the additional \$10,000 will permit the completion of the fit out of the basement and second floor painting and upgrade.

Mr. Pikus confirmed the additional funds will come out of electric reserves; Mr. Medlarz stated that council already approved the funding though a motion is needed to increase the allocation so that some minor issues can be addressed. He prefers it handled in this manner to prevent coming back with three small increases. As a result, he and Ms. Johnson are asking for the increase.

Mr. Pikus moved to increase the customer service project allocation limit from \$100,000 to \$110,000 to be paid from electric reserves, seconded by Mr. Brooks. Motion carried.

Update/Milford Gateway Signs/State Route 1

City Manager Medlarz advised that state legislation was passed that allows municipalities to erect gateway signs though restricted by size limitations. He noted that council was previously presented a sign that greatly exceeded the size limitation. Because council was not made aware of that, it was approved which is the reason Mr. Medlarz is bringing the matter back.

He explained that DeIDOT is willing to consider something slightly larger than the gateway sign, though it must include a directional component. The branding 'River Town, Art Town, Home Town' has no directional component. As a result, Mr. Medlarz suggests 'Historic Downtown and Riverwalk Next Exit' or something similar.

Mr. Grier asked if it could read 'River Town, Art Town, Home Town Next Exit'. Mr. Medlarz explained the intent is to direct travelers to an attraction.

The city manager clarified it can be larger only if it includes a directional component. Without a supporting motion from council approving what is being recommended, there is very little chance DeIDOT will accept it. Though he feels this is somewhat of a stretch, there are two components other than the approval of the sign.

Mr. Medlarz reported there is a sign on the north end of the city that states 'Welcome to Milford' that holds additional signs for the nonprofit organizations in Milford. That sign would have to be removed because the city is not permitted two gateway signs.

The nonprofit organization signs could then be mounted beneath the new gateway sign. Initially DelDOT indicated they would have to be eliminated because there have no directional components and nothing permits a nonprofit organization to place a sign on a state highway.

Mr. Pikus asked if a larger sign will increase the cost of the Milford sign; he recalled the initial proposal was \$30,000 which is the threshold before public bidding is required. Mr. Medlarz said it will be fine and explained that at this point, we are trying to get a permit. Any other issue will need to be discussed later. He reiterated there is no guarantee that DelDOT will issue the permit regardless.

Mayor Shupe reported that DelDOT only allows 60 square feet which he compared to a piece of plywood. He said they tried to come up with something unique in a larger sign to attract visitors into Milford.

Mr. Pikus likes the idea of historic downtown and the river and feels it will attract people to Milford.

Mr. Pikus moved for approval to erect a gateway sign in accordance with Senate Bill 159 signed into law last year, which allows gateway signage on state highways, seconded by Mr. Starling. Motion carried.

Approval/Tyler Technologies/CLT 2015 Base Contract Amendment

Mr. Medlarz recalled this contract was discussed at the last meeting and council asked for additional information. He explained there are two components of the contract. Under this arrangement Tyler Technologies, provides commercial use field work, building permit assistance and interim year valuation updates associated with new construction or existing building improvements. In addition, they perform other related tasks such as appeal hearings.

He advised that we have not yet been billed for the FY15 software maintenance though he believes we will be within budget. He recommends approval of the amendment's per diem rate of \$685 per day for all hourly services provided by Tyler's staff, not to exceed \$10,000 for the on-call contract and \$6,500 for software maintenance.

The city manager explained that previously he was seeking a \$20,000 approval but has reduced that to \$10,000 and \$6,500.

Mr. Pikus asked if this is two contracts; Mr. Medlarz explained the 2009 contract had endorsements and the software maintenance was one of the endorsements in Article 26. The agreement also has a clause for additional time and services under Article 23.

He reiterated the open contract dates back to 2009.

Mr. Pikus moved for approval of the Tyler amendment at the per diem rate of \$685 per day and hourly services, not to exceed \$10,000, and approval of software maintenance costs not to exceed \$6,500, seconded by Mr. Gleysteen. Motion carried.

Adoption/Resolution 2015-03/Downtown Milford Master Plan Funding/Andrew Muldrow & Associates Proposal

Mayor Shupe recalled the Downtown Master Plan that council approved at the April 13, 2015 council meeting. The Delaware Economic Development Office requested an official resolution for presentation to the USDA.

Mr. Gleysteen moved to adopt Resolution 2015-03, seconded by Mr. Starling:

Funding of a Downtown Milford Master Plan Charrette and Acceptance of Andrew Muldrow & Associates Proposal

WHEREAS, the City Council of the City of Milford have found that it is in the best interests of the City of Milford, its residents, visitors and business and commercial interests to promote the development of the downtown area; and

WHEREAS, the Economic Development Committee pursues resources to assist the City in preparing a plan for promoting and encouraging commercial development of the downtown area; and

WHEREAS, the Economic Development Committee has recommended to Council that the City participate in charrettes and public meetings with Delaware Economic Development Office (“DEDO”); and

WHEREAS, DEDO is committed and prepared to provide the City of Milford and its community representatives a Conceptual Vision Plan by or before October 2015; and

WHEREAS, funding is made possible jointly by DEDO and USDA Rural Development funds, in partnership with the City of Milford.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILFORD:

The City of Milford and DEDO will enter into an agreement with Arnett Muldrow & Associates a Downtown Master Plan Charrette for a total fee of \$27,250 to include all professional fees and project-related expenses.

The City of Milford intends to fully participate in the comprehensive charrette/planning process as conducted by Arnett Muldrow & Associates as set forth in the proposal approved by Milford City Council at its meeting on April 13, 2015.

City Council acknowledges that this process will be a broadly inclusive process and ensures it will be accessible to the Milford Community which includes input and participation of residents within the “Greater” Milford area. Announcements for public participation and input shall be made through media outlets, as well as social media, and made in a timely fashion to ensure strong and broad community participation.

To the best of its ability, the City of Milford agrees to implement as many aspects of the strategic plan that are possible, subject to edits that may be necessary during its development to ensure the implementation of the many elements of the plan over the next several years;

City Council will strive to work together in unity toward common goals that will result in the creation and adoption of the final strategic plan.

As a match to the City contribution of \$3,250, DEDO will pay \$24,000 of the total costs of the Downtown Milford Plan Charrette project as approved by City Council at its meeting on April 13, 2015.

At that meeting, City Council committed \$20,000 as a minimum, toward the implementation of the final, adopted plan by December 2015, with this expenditure to be made no later than June 2016. The intent is for additional funds to be committed by the City of Milford on an annual basis to spur success over the life of the plan.

The Mayor of the City of Milford is hereby authorized and directed to execute and deliver such memoranda of understanding and other agreements necessary to give full force and effect to this resolution adopted by the majority of City Council on April 27, 2015.

IN WITNESS WHEREOF, I hereunto set my hand and caused the Official Seal of the City of Milford to be affixed on April 27, 2015.

s/Mayor Bryan W. Shupe

Motion carried.

NEW BUSINESS

Alcohol Waiver/Milford Code Chapter 77/Downtown Milford, Inc./Riverwalk Farmers Market

Sharon Hepford of Downtown Milford, Incorporated, Farmer's Market Promotion submitted the following request:

As part of our goal to encourage community participation for our city and the region, the Farmers Market has invited local businesses and various arts' organizations to be a part of our Saturday events. Mispillion Brewing Company has requested to offer beer tasting, free to the public, on May 20th and July 25th from about 10:00 a.m. to noon. We would like your approval to include them in our festivities.

Mr. Morrow pointed out that May 20th is a Wednesday and the farmer's market is on Saturday as is stated in the letter. It was recommended that approval be granted for June 20th and July 25th. If June 20th is an incorrect date, it will need to be revisited at the next meeting.

Mr. Grier moved to grant an alcohol waiver for the farmer's market on June 20th and July 25th, seconded by Mr. Morrow. Motion carried by a 7-1 vote with Mr. Starling casting the dissenting vote.

Approval/FY 2014-2015 Budget Adjustment/Additional Funding/Maple Avenue Culvert Repair

Mr. Medlarz reported that this project is complete; the original approval by council was for \$17,658. The initial plan did not succeed because of sand entering the bottom of the culvert. However, a new plan to insert a smaller PVC pipe in the culvert, build a bulkhead at each end and grout the annular void was successful.

This repair was slightly more expensive and totaled \$3,750 though it resulted in a much longer repair life in the city manager's opinion.

Mr. Mergner asked why the longer life option was not considered initially; Mr. Medlarz explained it was the result of a more in-depth investigation. Without pumping it down and removing the debris from the inside, we were unaware of the new option.

He feels this saved a great deal of money considering the first proposal was from an outside contractor. This work was done in-house at a substantial savings with some help from a masonry contractor.

Mr. Gleysteen moved for approval of \$3,750 from the Municipal Street Aid Fund to cover the addition costs needed to complete the Maple Avenue Culvert Repair Project, seconded by Mr. Grier. Motion carried.

Approval/C&C Drywall/DBF Invoice/General Fund Reserves

Mr. Medlarz referenced an invoice from Davis, Bowen and Friedel in the amount of \$447.50 for professional services to amend the city's business park subdivision plan. He explained that the city manager periodically requests engineering services and in this case, the previous city manager asked for this service.

The work was requested to allow C&C Drywall to expand their site which required the purchase of some city land. All applicable documents have been forwarded to City Solicitor David Rutt.

Mr. Medlarz noted that city administration does not have an engineering budget though he learned he has a discretionary account. He does not feel it is appropriate to bury legitimate expenses in a discretionary budget.

Mr. Medlarz will request a portion of the discretionary account be allocated to engineering services as requested by the city manager. Currently, engineering services are only allocated in the water, sewer, street and electric budgets. This case involves surveying that was needed for C&C Drywall to purchase additional land.

He reiterated the best way to handle similar transactions in the future is to create a management engineering budget versus the use of discretionary funds. Though he understands council does not need to approve this, Mr. Portmann and he both discussed and agreed this is a much cleaner approach to handling such bills.

Mr. Pikus pointed out that can be done through the next fiscal year budget. Mr. Medlarz agrees but wanted to present this to council and show why it makes sense. He recalled that council had previously approved the C&C Drywall expansion. This work is needed so that they can proceed.

Mr. Pikus moved to approve payment of the DBF invoice in the amount of \$447.50 from General Fund Reserves, seconded by Mr. Starling. Motion carried.

Approval/SE Milford Utility Plan/DBF Invoice

Mr. Medlarz reported the SE Milford Plan is a similar example. He said that he initiated this because the PLUS project was needed for Bayhealth to proceed. The PLUS project is a city function because the city is amending its SE Master Plan. The total invoice is \$657.50.

The city manager advised that the documents were received today. This will be going to the planning commission who will be making a recommendation to council in the near future.

This amendment has the full cooperation of the state planning office, though some additional utility information was requested. Because it was not in the appropriate form, Mr. Medlarz requested the engineers move forward and include the digital maps.

This is another case where city council wanted something done though funding was needed to accomplish it. Though it is not necessary for council to vote on financing each project, the city manager will continue to add them to his report.

Mr. Pikus moved for approval of the \$657.50 expenditure to be paid from the city manager's discretionary account, seconded by Ms. Wilson.

Ms. Wilson asked if council has seen these in the past; Mr. Medlarz said that the former city manager would have used his discretionary fund which is what Mr. Portmann advised him to do. But because these are legitimate expenses, he feels they should be allocated and categorized. It would then be in the transparency of auditing.

He recalled when city council asked to move the Bayhealth project through the city process. The PLUS process is part of that process. Mr. Medlarz would be very willing to authorize payment out of a city administration engineering services line item but uncomfortable paying out of discretionary account.

Mr. Pikus agreed adding that will be taken care of during the budget review and funds allocated for engineering in the city hall budget. That will prevent him from paying out of the discretionary account in the future.

Mr. Medlarz said he will not ask for an increase in the dollar amount and will only ask for a re-allocation of those funds to be placed in an appropriate account.

Motion carried.

Introduction/Ordinance 2015-04/Zoning Code Amendment

Mr. Medlarz introduced the following ordinance:

Ordinance 2015-04

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford Zoning Code on Tuesday, May 12, 2015 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, May 26, 2015 at 7:00 p.m. before Milford City Council. Following the hearing, Ordinance 2015-04 may be adopted, with or without amendments.

WHEREAS, the City has received inquiries from persons interested in opening and operating establishments serving alcoholic beverages in addition to serving food; and

WHEREAS, the Code of the City of Milford, particularly the zoning code, does not directly address these types of businesses; and

WHEREAS, the City Planning Commission and City Council believe these types of businesses may be beneficial to the City of Milford if located in appropriate areas within the City where they would be compatible with the surrounding area and if they are regulated appropriately to minimize negative impact and to protect the public health, safety and welfare of the public.

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 I-General Provisions, 230-4 Definitions and word usage is hereby amended by adding the following:

Alcoholic Beverage - Any fermented liquor or malt beverage, such as wine, beer, or distilled spirit that contains ethyl alcohol, or ethanol, as an intoxicating agent.

Section 3.

Article VIII-Miscellaneous Provisions, 230-44 Prohibited Uses is hereby amended as follows:

*D. All establishments involving the sale of alcoholic beverages either on or off premises which are located within 1,000 feet of any public or private school, day-care or child care center or church, **unless either food is prepared and served or alcoholic beverages are produced in said location.** Approval to sell alcoholic beverages at special events or gatherings for a period of time, not to exceed three days, may be granted if approved by City Council.*

Section 4. Dates.

Planning Commission Review and Public Hearing: May 12, 2015

City Council Introduction: April 27, 2015

City Council Public Hearing: May 26, 2015

Adoption (Projected): May 26, 2015

Effective: This ordinance shall take effect and be in force ten days after its adoption.

Mr. Medlarz reported that the current ordinance restricts the sale of on-site and off-site alcoholic beverages within 1,000 feet of various functions such as churches, daycares, schools, after-school programs, etc.

If this ordinance was properly enforced today, the city would be unable to issue a permit for any new downtown business serving alcohol today. As a result, some exceptions were needed to assist in Mayor Shupe's attempt to bring a nice venue to the downtown area. Any entity wanting to serve alcoholic beverages on site or brew or distill alcohol would be denied by code.

He does not believe this was intent at the time the ordinance was written. Therefore, an exemption is being added to allow establishments with food services or who engage in the production of alcoholic beverages on site. This then permits brewing/distilling alcohol and brewpubs or similar businesses. A new liquor store would not be permitted because it would not have the food service exception and/or the alcoholic beverage production component.

Mr. Gleysteen asked if this would allow a brewpub with a bar, where alcohol was manufactured but no food was served; Mr. Medlarz explained that food would not have to be served because a brewpub like Mispillion Brewery would be permitted downtown where the beer is made.

He said the mayor and he crafted this as narrowly as possible to allow those type establishments that have become very popular today. The current ordinance prohibits them.

Mr. Pikus confirmed it can still be changed and he will review it further.

Ms. Wilson asked if it is public knowledge of the interested parties; Mayor Shupe said this does not reflect a particular business or a specific location. The intent is to provide a manner in which to pursue restaurants or brewpubs. Right now, it is not permitted.

Mr. Rutt then informed council there is no discussion, the ordinance is only being presented and has been scheduled for a public hearing at a later date.

Police Committee Recommendation/Parking Restrictions/Downtown Milford

Police Committee Chairman Morrow reported that Chief Hudson received a complaint regarding the mix of parking regulations on Walnut Street from Causey Avenue to Front Street in the downtown area.

Chief Hudson, along with Councilman Pikus, met with one of the downtown merchants who polled the other businesses on their preference in regard to parking restrictions. The majority selected two-hour parking Monday through Saturday from 8:00 a.m. to 5:00 p.m.

As a result, the committee recommends to council that parking on Walnut Street from Causey Avenue to NW Front Street be restricted from Monday through Saturday 8:00 a.m. to 5:00 p.m. In addition, Chief Hudson would review that area with the Street Superintendent to ensure all signs will be consistent.

Chief Hudson also noted that he will contact DelDOT to ensure they are in agreement once council approves the recommendation.

The chief advised the main issue is that some vehicles are parking in these spaces for three or four hours. Making the restriction uniform will not only make it easier for the police to enforce but for downtown visitors to fully understand the intent.

Mr. Pikus agreed there was no continuity and each sign stated something different. Some said no parking from 9:00 a.m. to 5:00 p.m. Monday through Friday, others stated two-hour parking from 8:00 a.m. to 4:00 p.m., etc.

Mr. Grier moved, seconded by Mr. Pikus that all parking signs in the downtown area on Walnut Street from Causey Avenue to NW Front Street have a two-hour time limit, Monday through Saturday from 8:00 a.m. until 5:00 p.m. and any other signs reflecting otherwise be removed. Motion carried.

FY 2014-15 Budget Adjustment/AC Schultes Proposal/Well 2/Water Fund Reserves

The city manager said there were some water issues last week when well 12 went out of service early Tuesday morning. He said without the largest producer, the city is unable to meet peak demand on the water demand side. Once they assessed the situation and determined a major repair was needed, the pump was pulled and steps were taken to have the producer back in service late Friday afternoon. In order to handle this, the city, Perdue and Seawatch came up with a planned schedule to allow processing changes at both facilities. This provided the city with continued fire protection and drinking water.

Mr. Medlarz said the repairs were made under his authorization without council approval because the powers of the charter give the city manager emergency authorization.

He then referenced a bill from AC Schultes for a new submersible pump for well 2 in the amount of \$17,683. He said this is a continuing effort to improve our water supply in the interim until the new Washington Street facility and new SE Milford facility are complete.

The plan is to temporarily install a pump in the well facility beneath the water tower that will allow a connection to our system. That would later be modified once the water treatment plant is on line. It would handle any potential issue in this interim window.

In addition, he is seeking council authorization to buy one spare pump which will fit into one of two largest producers should another problem occur.

He emphasized we do not have a problem right now but need to be better prepared for the interim period of time should anything occur. He said we were never in danger of jeopardizing the health and safety of our residents.

When asked to clarify, the city manager further explained the city could not meet the peak daily demand with our current supplies.

Mr. Pikus confirmed that the city manager wants to buy a pump for one of the two largest wells. Mr. Pikus asked the cost; Mr. Medlarz said he has not gotten the quotation and wanted council approval first. However, it will be less than the authorized spending limit of \$30,000. He will bring it back for council approval and update council on the process.

Mr. Pikus feels that from a safety factor it would be prudent to have a backup pump; he recalls when we lost pressure in one of our towers which caused the loss of water a few years ago.

Ms. Wilson asked the city manager to start from the beginning because she is unfamiliar with what occurred. Mr. Medlarz explained that on Tuesday morning a week ago, he received a call notifying him that well 12 was no longer producing. Upon further investigation later that day, it was determined it could not be put back into production.

Because we could not meet the demand that day, he began to contact our largest industries on Wednesday.

The city could have run into a non-desirable situation by dropping to unacceptable levels sometime between mid Wednesday and early Thursday morning. As a result, supply lines were adjusted though the logistics were not interrupted. However, there was an economic impact to the industries. They had to reroute some product and reduce some operations. He is not saying this did not impact them though it was much less than if it had been an emergency shutdown. Once we reach the levels in our storage tank reservoirs from a life/safety perspective, he would have notified the industries to discontinue operations.

Mr. Medlarz feels they would have asked why the city had not been prepared through better planning.

Mr. Brooks said he has talked about routine maintenance for years and asked if that would have prevented this; Mr. Medlarz stated yes. Mr. Brooks asked if the city manager is planning that effort now; Mr. Medlarz assured Mr. Brooks he has taken some measures to prevent this from occurring again.

He suggests a pump be installed into the well under the water tower that is part of the Washington Street water plant. This will temporarily allow a connection into the distribution system should this situation arise. He emphasized this will not fix the problem 100% because it is a much smaller producer.

Mr. Medlarz said this would be a stand-alone motion noting that he has a quotation should council concur with his assessment.

Mr. Gleysteen moved to approve a pump be installed in the well beneath the water tower that is part of the Washington Street water plant, to temporarily allow a connection into the distribution system, seconded by Mr. Morrow. Motion carried.

Mr. Medlarz then reiterated this does not take care of the largest producer that is now out of service. He noted there are spare motors for the pumps but no spare pumps. It is unlikely these pumps will go down with proper maintenance, though it can occur as Mr. Pikus referenced earlier. Having a spare pump unit of the larger size is a good insurance policy because it was difficult to find a unit to fit in this well.

He asked for another motion requesting the city manager to pursue this for final council action once he receives the quotation.

Mr. Grier moved that the city manager proceed with obtaining a proposal to purchase a spare pump for one of two largest producers as has been discussed by Mr. Medlarz, seconded by Mr. Brooks. Motion carried.

Update/Fisher Avenue Replacement Pump Purchase

Mr. Medlarz reported that he is taking some steps to prevent similar issues from happening on the sewer side. There are two things occurring with the pump station. One of the three pump units is down; the other pump unit has non-functioning valves. As a result, we are depending on one pump which is an undesirable situation. The replacement pumps are still made and will properly fit.

This is part of the package in the next action item.

He received a quotation for the pump and one spare motor today. It is above the \$30,000 threshold so he will not ask for approval today but will present the matter in two weeks. At that time, a parts purchase will be put on the agenda in addition to installation costs. He said city staff is being taught to complete these more complex tasks and believes they can handle this.

Council agreed that is a good approach.

Authorization/Letter of Intent to Meet Conditions/Sewer Project Phase II

USDA Representative Lisa Fitzgerald met with the city manager today. The funds for phase II will be made available. Council already authorized Mayor Shupe and the city manager to execute the letter of conditions for phase I. He reminded council that phase I was a \$2 million project of which the city provided \$600,000 and USDA provided \$1 million in grants and \$400,000 in loans.

The referendum was not discussed at that time because they were waiting for phase II to be allocated. He reported that he and the mayor can now execute the documents. He has already executed part of the documents in anticipation that Ms. Fitzgerald would shred the papers if council did not authorize this letter.

He explained the conditions are the same; the only change is the dollar amount. The city will receive a second \$1 million grant, \$1 million loan for a total package of \$4 million in sewer expenditures.

Mr. Medlarz noted the previous agenda item is an urgent matter than could not be postponed until the voters approve the referendum and the project was underway.

In the meantime, Mayor Shupe and Mr. Medlarz have run a number of funding scenarios. They will approach voters with the intent to repay the loan at no cost to our customers. He feels this can be funded from impact fees without increasing the rates.

He explained that most of these projects either preserve or increase our capacity.

Mr. Grier moved to authorize the letter of intent to meet conditions be signed, seconded by Ms. Wilson. Motion carried.

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)

Pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements (Right-of-Way Acquisition)

Mr. Grier moved to go into Executive Session reference a strategy session and site acquisition discussion seconded by Mr. Starling. Motion carried.

Mayor Shupe recessed the Council Meeting at 8:44 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 9:45 p.m.

Union Contract

Mr. Morrow moved to authorize Mr. Medlarz to negotiate in accordance with the recommendations as were discussed in Executive Session, seconded by Ms. Wilson. Motion carried with Mr. Brooks abstaining.

ADJOURN

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

The Council Meeting was adjourned at 9:47 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder