

MILFORD CITY COUNCIL
MINUTES OF MEETING
February 25, 2013

— A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, February 25, 2013.

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, 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

CALL TO ORDER

Mayor Rogers called the Council Meeting to order at 7:01 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

— No special guests in attendance.

COMMUNICATIONS & CORRESPONDENCE

All items included in packet.

UNFINISHED BUSINESS

Introduction of Ordinance 2013-1/Chapter 185 Sewers/Rate Increase

Mr. Carmean recalled that when the sewer bypass was approved, a sewer rate increase was proposed to cover its cost. This resulted in an increase of seven cents per thousand gallons. He has looked at the average users and determined that most customers will be charged less than one dollar.

This rate increase is necessary to pay Kent County who financed the project. According to the city manager, the city has transferred \$12,000 each of the past two months from sewer reserves to cover what will be the average payment over the life of the loan.

It was noted that it was originally scheduled for introduction last month and adoption this meeting, but Mr. Pikus asked it be tabled to allow two more weeks to review the numbers received from Kent County Public Works Director/Engineer Hans Medlarz.

— Mr. Carmean said he did confirm with Mr. Medlarz the seven cents was an accurate number because he was not the city manager at the time this project was approved.

Mr. Pikus reported that he was comfortable with the increase after Finance Director Jeff Portmann assessed the figures.

The city manager then introduced the following ordinance:

ORDINANCE 2013-1

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 185 of the Code of the City of Milford, entitled Sewers, Article II Rates and Regulations §185-10, Schedule of Rates and Charges, shall be amended by increasing the sewer rate by 7 cents per thousand gallons as was approved by City Council at its April 13, 2009 meeting due to an amendment in the Kent County Sewer User Agreement.

The City of Milford hereby ordains:

Section 2. §185-10 Schedule of rates and charges is hereby amended by removing “which shall be effective July 22, 2010 and” and inserting “Said Fees” and “the” as indicated below:

The Council has the authority to establish sewer rates and charges set forth in the following schedule. ~~which shall be effective July 22, 2010 and~~ Said fees shall be collected from the customers of the sewer system under the operation of the City of Milford. The rates and regulations shall be reviewed on an annual basis and adjusted as necessary. Each user of the wastewater facilities will be notified annually of effective user charge rates either by mail or advertisement in a paper of general circulation within the City of Milford.

Section 3. §185-10(A)(1)(b) Rate Scheduled based on Metered Water Consumption is hereby amended by removing \$2.71 and inserting \$2.78.

A. Rate schedule based on metered water consumption.

(1) City service rate:

(a) Zero to 1,000 gallons: \$10 minimum per month.

(b) Over 1,000 gallons: ~~\$2.71~~ \$2.78 per 1,000 gallons.

(2) County service rate. This fee is an adjustable sewer charge for sewage treatment performed by the Kent County Disposal District No. 1. It will be adjusted annually to the actual billing and flow documented by Kent County. This rate will be charged to each customer based on total water meter consumption recorded.

Section 4. §185-10(B)(1)(b) Rate Scheduled based on Metered Water Consumption is hereby amended by removing \$2.71 and inserting \$2.78.

B. Rate schedule based on metered sewage flows.

(1) City service rate:

(a) Zero to 1,000 gallons: \$10 minimum per month.

(b) Over 1,000 gallons: ~~\$2.71~~ \$2.78 per 1,000 gallons.

(2) County service rate. This fee is an adjustable sewer charge for sewer treatment performed by the Kent County Disposal District No. 1. It will be adjusted annually to the actual billing and flow documented by Kent County. This rate will be charged to each customer based on total metered sewage flow recorded up to the average of the four quarters immediately preceding the effective date of this chapter. The rate is set by Kent County.

Section 5. Dates

Introduction: February 25, 2013

Adoption (Projected): March 11, 2013

Effective (Projected): March 21, 2013

The ordinance has been tentatively scheduled for adoption in March.

*Request for Abandonment of Portion of W. Clarke Avenue/Harold Roberts
Request for Abandonment of Western End of Evans Street/Seawatch*

City Solicitor Rutt recalled these requests were discussed at the January meeting in which Mr. Rutt was absent. At that time, there was a discussion about the abandonment process and having to go to Superior Court. However, Mr. Rutt has discovered a short cut manner in which this can be done. He stated that if the street has not been used or maintained by the city for twenty or more years (both street sections qualify under that criteria), the requirement of going to Superior Court is eliminated.

Mr. Rutt reported that a resolution will need to be prepared and advertised at least two times, twenty days before a public hearing is held. A copy of the resolution must be sent to the surrounding property owners, DeIDOT and the Sussex County Administrator.

He further explained that if someone has an objection, they voice their opinion at the time of the hearing. After the public hearing, council would then determine whether or not to declare the street abandoned and if so, the resolution would be adopted.

The resolution is then recorded by the property owner(s) at the Sussex County Recorder of Deeds. Mr. Rutt added it is also the property owners' responsibility to have the deeds prepared and to handle any other legalities necessary to transfer the land. The city only signs the deeds after they have been prepared.

Mr. Rutt noted that the city has received the metes and bounds for Clarke Avenue but have not received the legal description from Seawatch.

Mr. Pikus confirmed it is the responsibility of the land owner to handle the deed and recording. Mr. Rutt stated yes adding this is essentially a quick claim deed through the abandonment process. The property owner then takes care of recording it.

Mr. Rutt stated that at this point, the next step is the preparation of the resolution and advertisement of the hearing. It could then be scheduled in accordance with the required time frame and can be completed in potentially six weeks.

He will follow-up with the city clerk. In the meantime, Seawatch will need to submit the legal description in order to begin the process.

NEW BUSINESS

Introduction of Ordinance 2013-2/Add's Article III-Extended Absence Provision/Chapter 193 Solid Waste Chapter

City Manager Carmean introduced the following ordinance:

ORDINANCE NO. 2013-2

*AN ORDINANCE ADDING A NEW ARTICLE III, ENTITLED
"EXTENDED ABSENCE PROVISION" TO CHAPTER 193 ENTITLED "SOLID WASTE"
OF THE CODE OF THE CITY OF MILFORD*

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. That Chapter 193 of Part II (General Legislation) of the Code of the City of Milford, is hereby amended by adding thereto a new Article III to read as follows:

ARTICLE III - Extended Absence Provision

A. Suspension of Temporary Service

- (1) *The Public Works Director may suspend trash and recycling (and yard waste when applicable) collection services on an owner-occupied residence only if the home is unoccupied for a minimum of three months.*
- (2) *A "Suspend Service Temporarily" form must be completed in order to place your service on hold.*
- (3) *"Suspend Service Temporarily" form must be received by the Public Works Department at least five business days prior to the start of the suspension period.*
- (4) *The Solid Waste Department will collect the trash, recycling and yard waste (if applicable) containers at the start of the suspension and redeliver them on the expected date of return.*
- (5) *The residence for which the suspension has been approved shall remain vacant during the suspension period.*
- (6) *Service will automatically be reactivated at the end of the approved suspension period, unless a request for an additional period of temporary suspension has been requested and approved by the Public Works Director prior to the automatic reactivation. Failure to request an extension prior to the reactivation date will result in the resumption of the monthly solid waste fee. An additional \$35 fee will be charged to continue the suspended service.*
- (7) *When a suspension is active, the customer may not use any other city trash/recycling/yard waste services, including someone else's container or bulk service.*
- (8) *No credit will be issued should customer fail to submit and complete the "Suspend Service Temporarily" form.*
- (9) *Partial or retroactive payments of monthly fees are prohibited.*

B. Suspension Fee

- (1) *At the time of the suspension request, a service fee of \$35 will be charged for the removal, storage and re-delivery of the containers.*
- (2) *Service fee shall be paid at the time the "Suspend Service Temporarily" form is submitted to the Public Works Department.*

C. Noncompliance, Violations and Penalties.

- (1) *Noncompliance of this Article will result in the immediate re-activation of the solid waste services.*
- (2) *The account will be billed the full service fees for the entire suspension period and a \$100 account reconciliation fee assessed for noncompliance.*
- (2) *Violations and Penalties set forth in Section 193-7 shall also apply to Article III.*

Section 2. Dates.

Introduction: February 25, 2013

Adopted: March 11, 2013

Effective: March 21, 2013

Mr. Carmean recalled this being discussed at several other meetings. He emphasized that in order to be eligible, the property owner will need to vacate the home for a minimum of three months and is required to pay a \$35 up-front fee.

The city manager said the trash containers will need to be kept separate due to the numbering system assigned to each can in order to ensure the proper container is redelivered. He feels the \$35 fee will adequately cover the cost and time of picking up potentially three cans, their storage and the re-delivery.

He said over the years, he has explained to many upset residents who were going to Florida for three or four months that even though their trash was not being picked up during that time, they still had to pay the monthly fee. He believes this should appease them.

Mr. Johnson questioned if a customer is charged \$35, is there an additional \$35 fee to have the container redelivered; Mr. Carmean said the customer will only be charged one \$35 fee for the service. Mr. Johnson said the ordinance does not read that way.

Mr. Rutt pointed out that the entire subsection states that the service will be reactivated at the end of the approved suspension period, unless the customer requests an additional period of time. Failure to request the additional time will result in an additional \$35 fee. What Mr. Johnson is referring to is actually for a second suspension period.

Finance Director Jeff Portmann submitted the following budget request:

Request for a \$16,000 transfer from General Fund Reserves to 101-1310-415-70-20 (FINANCE BUILDING CAPITAL) to pay for the attic steps and attic fan to preserve finance department records upstairs. Estimate for \$11,700 from Brendon Warfel does not include electric, wiring or permits. It also does not include the attic fan which will be added to the contract which is reason for the \$16,000 request. Expense line would be 101-1310-415-70-20.

Mr. Carmean advised that Mr. Portmann is requesting \$16,000 to cover the cost of these improvements. Currently, the finance staff is using pull-down stairs to access the attic which is used for storage of the finance records. The employees use the steps on a regular basis and the current steps are very flimsy particularly for Mr. Portmann.

Mr. Carmean advised the first estimate was \$13,000. However, it has been decided to close the payroll office and use that space for the stairway and a landing. Additional fan systems will be needed and the duct work relocated which is why Mr. Portmann is requesting \$16,000. He explained that adding a simple staircase would not have been this expensive.

He advised that our payroll clerk will be moving to another vacant office in the finance building.

The city manager confirmed that Mr. Portmann has been talking about this project for the past five to six years.

Mr. Brooks asked if these records should be stored in a fireproof room; Mr. Carmean said that would be ideal though most of the records can be retrieved on her computer. In some cases, a hard copy is required for a certain number of years per State of Delaware Archives Laws.

The city manager hopes that the consultant we hired to work with billing will find ways to eliminate a lot of our paper documents in lieu of electronic records, not only in the billing department, but in the finance department as well.

It was asked if a dehumidifier is needed; Mr. Carmean answered no, just an additional fan. He explained a lot of the additional costs are a result of the duct work being moved to accommodate the improvements.

He then confirmed that no wall will need to be moved though the one wall may need to be cut through.

Mr. Pikus moved to approve the request to transfer \$16,000 from General Fund Reserves to 101-1310-415-70-20 (Finance Building Capital) to pay for the costs of adding attic steps and an attic fan, seconded by Mr. Grier. Motion carried.

FY 2012-2013 Budget Adjustment/Police Department/Grounding Expenses/Police Department

Chief Hudson requested a \$13,000 transfer from the General Fund Reserve Account into the Capital Equipment Account (101-1610-421-70-40). He explained this is needed to cover the costs of addressing the grounding issues found as a result of a recent evaluation of the building after several lightning strikes this past summer.

The chief emphasized that the Division of Communications will not install the equipment until the grounding problems are corrected due to their warranty.

Mr. Grier moved to approve the \$13,000 transfer from the General Fund Reserve Account into the Police Capital Equipment Account (101-1610-421-70-40), seconded by Ms. Wilson. Motion carried.

EXECUTIVE SESSION - Land Acquisition - Pursuant to 29 Del. C. §10004(b)(2) Preliminary Discussions on Site Acquisitions for Any Publicly Funded Capital Improvements.

Mr. Pikus moved to go into Executive Session reference a discussion on site acquisitions, seconded by Mr. Grier. Motion carried.

Mayor Rogers recessed the Council Meeting at 7:18 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 7:49 p.m.

Executive Session Matter - Land Acquisition

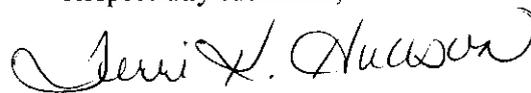
City Solicitor Rutt advised that no action is needed as a result of the discussion in Executive Session.

ADJOURN

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

The Council Meeting adjourned at 7:50 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Terri K. Hudson". The signature is written in a cursive, flowing style.

Terri K. Hudson, MMC
City Clerk

MILFORD CITY COUNCIL
MINUTES OF MEETING
February 25, 2013

The City Council of the City of Milford met in Workshop Session on Monday, February 25, 2013 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, 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

The Workshop Session convened at 7:50 p.m.

Update on City Hall Boiler Violations

Mr. Carmean reported on the boiler leak at the last council meeting discovered during its inspection in January. The boiler is more than seven years old so it is not under warranty. Our HVAC people are trying to convince us to purchase a new unit.

He reported that Rumpstich Machine Works on Rehoboth Boulevard has done extensive boiler work for many years. Mr. Carmean spoke with one of their employees who specializes in boilers. He was asked to check the boiler and decide what needs to be done and hopes the piping can be pulled out and welded.

Mr. Carmean will provide council with additional information once a determination is made. In the meantime, he believes DNREC will allow some leniency on the 30-day requirement.

Fortunately, the boiler continues to work normally.

Update on City of Milford Substation/Point of Delivery

The city manager advised that a few years ago, Delmarva Power was willing to allow the city to jump across the Milford-Harrington Road, onto their poles and down the railroad right-of-way. When he came back as city manager, he learned that Delmarva Power merged with another company which created some obstacles in the plan to get to the substation.

The new plans are to come down State Route 14, hit the corner of Hammond Cadillac, go toward Kentucky Fried Chicken, down the outside perimeter of the Hammond Cadillac land and jump Route 113 and head south with our new poles.

He directed Electric Superintendent Rick Carmean to use the more aesthetic galvanized pole because of this being a main corridor of our town.

Presently, the only hold up is for Norfolk Southern to give the go-ahead to cross the tracks at Walgreen's Pharmacy. They previously approved the right-of-way on the west side so we do not anticipate any problems.

Most of the equipment has been received for the substation and the poles will be ordered in the near future.

They expect the substation to be up and running by the warm weather.

With no further business, the Workshop Session concluded at 7:57 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Terri K. Hudson". The signature is written in a cursive style with a large, sweeping initial "T".

Terri K. Hudson, MMC
City Clerk/Recorder