

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
February 11, 2013

— The Monthly Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, February 11, 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 Monthly Meeting to order at 7:02 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF MINUTES

— Motion made by Mr. Brooks, seconded by Mr. Morrow to approve the minutes of the January 14, January 15, January 24 and January 28, 2013 Committee and Council Meeting as presented. Motion carried.

RECOGNITION

No guests were present to be recognized.

MONTHLY POLICE REPORT

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

CITY MANAGER REPORT

Mr. Carmean presented the following report:

*ADMINISTRATION*

— *At this time I have to report we may need to replace our boiler in city hall. This boiler was only three or four years old when the last city hall renovation was done. The system has to be inspected by DNREC every few years and the most recent inspection failed due to several issues. I have enclosed the letter of inspection. Electronic controls are needed that can be manually operated from outside the room. I have been told that some of the items can be fixed, although at a cost, but the leak may be another story. We put some radiator stop in it which slowed it down to where it is almost non-existent. The manufacturer is willing to argue with DNREC on our behalf. I feel that for a boiler to leak a little is not a danger and not like an oil fume leak or something that could lead to an explosion. They informed us that to fix the leak may be close to the cost of a new boiler. I will keep mayor and council advised and will provide more information at the workshop.*

Mr. Johnson noted that the violation notice indicated the repairs had to be made within thirty days of the letter which is dated January 30<sup>th</sup>. He asked if an extension was possible; Mr. Carmean stated he has already addressed that and informed a supervisor at DNREC it will take more than thirty days for council to make a decision and determine how to fund the repairs.

Mr. Brooks asked if we have a routine maintenance program on the boiler; Mr. Carmean said our HVAC technicians are at city hall on a regular basis though they do not thoroughly examine the boiler. Mr. Morrow advised that a boiler is required to be inspected annually.

Mr. Gleysteen recommended an extension be requested until the heating season is over. He explained it is customary to check the operation pressure and if it is normal at that time, a variance may be able to be granted. If not, it needs to be replaced.

*It is public knowledge the PNC bank will be closing the branch office located on South Walnut Street in April. I am considering not putting our billing office at the proposed South Washington Street site and instead will pursue acquiring this building to house that department. There are many reasons in addition to cutting the project costs in half. I feel that PNC would suit our needs perfectly. We would also like to acquire the parking lot adjacent to the water tower. The drive thru window is in place though some interior work is needed. I feel we could still come in below 50% of what would have been spent on the new billing office on South Washington Street. In addition, there is no room for expansion should additional room be needed for the water plant at that site.*

*I have been in contact with the PNC realty division to express interest. If council has no interest in the idea, I will drop the matter.*

#### *ELECTRIC*

*Planning and design continues for the new substation. The original route has been changed several times due to our reluctance to use some easements that would in all probability reduce the property owners' values. Easements have been in place on a property for a number of years but due to changes in the area, those properties now lend themselves to more lucrative development. I agree that if the easement was used for the large poles and guide wires that are needed, it will ruin the value of both commercial properties. We are now laying out an alternate route that will have a lesser impact but still get us out to Route 113.*

*We still need to get to the point of delivery in order to get power down to our substation. The upper level of DP&L lines is no longer available for our use. The majority of the company was purchased by PEPCO Holdings which created the change. Our consultant is now considering whether to use free standing poles or poles with guide wires. I will update city council on this matter at the workshop.*

*The crews did an excellent job of keeping our electric on during the extremely high winds experienced in recent weeks. We had a few instances of tree limbs causing a fuse to blow in some areas. These were quickly fixed and power restored. On Friday, February 1<sup>st</sup>, there were accidents on Route 36 West and Route 36 East that caused two of our poles to be cut off by vehicles striking them. The customers affected by the loss of electric were restored to power within 1½ hours.*

#### *SEWER AND WATER*

*Bids for the Washington Street sewer pumping station rebuild should be opened and brought to mayor and council for approval. I intend to get work started on that project as quickly as possible. Having three very major construction projects within 100 yards of each other has caused the scheduling to be a little more difficult than usual.*

*Now that our Washington Street Bridge project is complete, I am going to begin the process of demolishing the water treatment facility at the same location. It is my plan to bid this demolition in two phases. Phase one will encompass all structures above grade and phase two would cover those materials below grade. These two phases will not be bid separately and instead will be broken down and priced individually in a single bid. If we change direction on where we*

*place the billing office, we would not have to remove the below grade materials. This would save dollars that could be used elsewhere on water improvements.*

*Once the site is cleared, construction can begin in early summer.*

*I have been informed by DNREC we have to officially abandon the test well drilled on the Hall property. The well was closed today (as was confirmed by DBF Engineer Erik Retzlaff who was present).*

*Our Southeast Water Project on Wilkins Road is about 80% complete. The boring under Route 1 will take place next week. The extension of this main to our new tower site at the Wickersham site is progressing. The owner of the property on which the extension has to be placed has granted permission to use the front of his land. We also have the work being completed on running this same extension under the exit ramp of the Route 1 overpass.*

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

#### COMMITTEE & WARD REPORTS

##### *Finance Committee*

Mr. Pikus advised that he received a letter from Co-Presidents Dawn Kenton and Connie Howell in regard to the acquisition of the Milford Century Club.

The letter was given to City Clerk Hudson to be considered during the Fiscal Year 2013-2014 budget hearings.

Finance Report was given by Mr. Pikus at this time (reflected later in minutes).

#### COMMUNICATIONS & CORRESPONDENCE

All correspondence included in council packet.

#### UNFINISHED BUSINESS

##### *DSWA Discount Disposal Fee Agreement*

The term of the proposed agreement is July 1, 2013 to June 30, 2016 and spelled out accordingly:

Customer shall pay to the Authority:

- (a) a base rate of Eighty-Five Dollars and Fifty Cents (\$85.50) for each ton of solid waste and dry waste (excluding construction and demolition waste) delivered to the Authority-designated facilities, during the period commencing July 1, 2013 and ending June 30, 2014.
- (b) a base rate of Eighty-Seven Dollars (\$87.00) for each ton of solid waste and dry waste (excluding construction and demolition waste) delivered to the Authority designated facilities, during the period commencing July 1, 2014 and ending June 30, 2015.
- (c) a base rate of Eighty-Eight Dollars and Fifty Cents (\$88.50) for each ton of solid waste and dry waste (excluding construction and demolition waste) delivered to the Authority designated facilities, during the period commencing July 1, 2015 to June 30, 2016.

The following rebates shall be paid to Customer:

- (a) a rebate of Eight Dollars (\$8.00) shall be paid by the Authority to Customer for each ton of solid waste and dry waste (excluding construction and demolition waste) delivered to the Authority landfills; namely, the Northern Solid Waste Facility located at Cherry Island in Delaware, the Central Solid Waste Facility located at Sandtown in Delaware, and the Southern Solid Waste Facility located at Jones Crossroads in Delaware.

(b) a rebate of Four Dollars (\$4.00) shall be paid by the Authority to Customer for each ton of solid waste and dry waste (excluding construction and demolition waste) delivered to the Authority transfer stations; namely, the Pine Tree Comer facility, the Milford facility and the Route 5 facility.

(c) the rebates shall be paid for the following periods in which solid waste and/or dry waste (excluding construction and demolition waste) have been delivered:

- (1) July 1, 2013 to June 30, 2014
- (2) July 1, 2014 to June 30, 2015
- (3) July 1, 2015 to June 30, 2016

Mr. Carmean advised that this is a boilerplate agreement adding that the tonnage fee increases each year which is normal.

The city manager reported that the city is the most economic solid waste company in this area. He is aware of private companies who are charging around \$100 per quarter for residential trash where Milford customers are paying \$70. In addition, they receive yard waste pickup and recycling services. He personally, is very satisfied with our solid waste services.

Mr. Brooks recalled discussing on a regular basis the new mandates that required increased percentages of recycling (versus the amount of solid waste) over a period of years and asked the status. Mr. Carmean believes those rules were changed during the two years he was gone and there is no longer a minimum or maximum required. Mr. Brooks remembered the push for specific goals that had to be met by the municipalities.

Mr. Carmean explained that when DSWA got out of the recycling business, those requirements no longer applied. The only correspondence the city receives from them now relates to the numbers of recyclables collected at the various drop areas in Milford.

The city manager stated he is still very pleased that recycling is not mandatory though we have a number of customers that recycle.

Mr. Grier moved to approve the DSWA Discount Disposal Fee Agreement, seconded by Mr. Pikus. Motion carried.

*River Art Center/Endowment Fund Committee/Appointment*

Postponed until a later date.

*Temporary Suspension of Trash Services/Container Pickup/Delivery Fee Update*

Mr. Carmean said that Public Works Director Brad Dennehy and Street Superintendent Tim Webb agree the proposed \$35 fee discussed at the last council meeting is sufficient and will cover the employee and equipment costs of providing this service.

He then explained that in most cases, the city will be picking up three containers that will have to be taken to the city yard to be stored.

Mr. Carmean said that he spent two hours speaking with a landlord whose rental was vacant for two months and wanted his trash fees reimbursed. He stated the city will not be able to accommodate those requests considering Milford is rental heavy and the number of single and multi-family rentals. He added that the home must be vacant for a minimum of three months for the property owner to qualify.

His recommendation is a \$35 fee be implemented to cover the pickup, storage and re-delivery of the containers with the requirement the property owner be absent at least three months.

Mr. Pikus moved to accept the city manager's recommendation, seconded by Mr. Grier. Motion carried with no one opposed.

Mr. Carmean explained the solid waste ordinance must be amended in order to provide this new service to property owners.

— *Circle of Light, Incorporated/Task Force for Homelessness*

Mr. Morrow recalled this being presented at the last workshop. At the time, he had asked it be placed on the next agenda and directed the city manager to follow up with Circle of Light representatives the following day. Mr. Carmean informed their representatives the matter will be put into committee and Mr. Morrow agreed it was appropriate for the Community Affairs Committee to review and return to council with a recommendation.

It was verified that Steve Johnson was chairman of the committee and that Mr. Starling was a member. However, there was some confusion over the third member. Mr. Pikus agreed to serve on the committee after Mr. Starling recused himself due to his wife being a member of the Task Force.

Mayor Rogers asked Mr. Johnson to follow up and schedule the meeting through the city clerk.

*2013 Comprehensive Plan Update Review*

City Planner Norris advised the draft for the 2013 Comprehensive Plan was submitted to the Office of State Planning. Their response and major concern was the John and Dewey Lynch property that lies east of Route 1 and south of New Wharf Road/Route 14.

The Lynch Brothers want their property annexed though the existing comprehensive plan needs to be amended to ensure the future land use is consistent with their plans. Their plans involve approximately 33 acres of highway commercial, 33 acres of high density residential with the remaining 33 plus acres in wetlands or floodplains.

— Mr. Norris reported concerns expressed by Office of State Planning Coordination Principle Planner David Edgell included the land being originally designated as open space and the area not close to the core of the city. This was conveyed particularly because of the size and potential density of the property.

He intends to discuss it further with Mr. Edgell on February 13<sup>th</sup>. The new Comp Plan will be presented preliminarily to the planning commission on February 19<sup>th</sup>. In summary, the Office of State Planning is very much opposed to the proposed future land use.

Mr. Norris confirmed that this land is zoned AR-1 in Kent County.

He also explained the proposed overpass on Route 14 will take at least ten acres. The planner believes that when the McColley property was annexed into the city in December 2008 one of the conditions was that no development could occur until the overpass was completed.

When questioned about the comprehensive plan not complying with the requested use, Mr. Norris explained the procedure is the comp plan must designate this area for future land use. Initially, the city designated this area as open space. However, it is possible it can be annexed as open space.

At the time an annexation is proposed, a zoning must be requested. The recommendation of the zoning is made by the planning commission. That designation must comply with the future land use. If this area was left as open space, it could not be annexed as highway commercial or high density residential.

— Mr. Pikus confirmed the vision of the State Planning Office is that very little development occurs east of Route 1. Mr. Norris agreed noting that is apparent in Mr. Edgell's letter. Mr. Norris and Mr. Carmean have met with representatives from the Department of Agriculture who was opposed to any development east of Route 1 other than the three properties already annexed.

Mr. Brooks expressed concerns about the amount of traffic in this area particularly at these intersections. Mr. Pikus said that the overpass will help though the Route 30/Wilkins Road overpass will be completed first. It was noted that the overpass for New Wharf Road/Northeast Front Street/Route 1 is planned for 2017.

Mr. Norris advised that the Thawley property in the city at Cedar Neck Road and Route 1 is zoned highway commercial and the subdivision behind that land is Knollac Acres. According to the city planner, the property on Route 30 and south is owned by DeIDOT for the ramp.

Mr. Norris said he will report back to council after he meets with DeIDOT.

#### NEW BUSINESS

##### *Bid Award/Washington Street Pump Station Rehabilitation*

Sealed bids were received, publicly opened and read on February 7, 2013 for the Washington Street Pump Station Rehabilitation Project. Four bidders were expected though only the below two bids were received:

| BIDDER  | Bid Amount<br>Items 1-13 | Alternate<br>Bid |
|---|--------------------------|------------------|
| Johnston Construction Company<br>Dover, Pennsylvania          | <b>\$918,201</b>         | <b>\$893,201</b> |
| <b>Bearing Construction Company</b><br>Sudlersville, Maryland | <b>\$762,400</b>         | <b>\$717,400</b> |

Erik Retzlaff of DBF reported that items were broken out of the bid that may not be pursued depending on the funding and the difference is in the alternate bid for the bypass pumping. He explained that in order to do the work inside the station, it is necessary to bypass around it.

The one way bid with the alternate was to rent three pumps. The second way was to rent two pumps and purchase the third, which would be used during the bypassing and then turned over to the city at the end of the project.

It was confirmed the city does not own a bypass and this would be a trailer-mounted bypass pump which could be used at every pump station.

Mr. Retzlaff advised that the 6-inch pump pumps upwards of 1,700 to 1,800 gallons per minute. The flow rate at the pump station is currently 2,000 gallons per minute per pump which is the reason three were needed to do the bypassing. The rental of the pumps is between \$120,000 and \$160,000 according to the bids. At the end of the project, the city will receive a bypass pump valued at approximately \$60,000.

Mr. Pikus asked if the funds are built in to purchase the bypass pump; Mr. Retzlaff answered yes.

Mr. Retzlaff advised the numbers were more favorable for Bearing Construction. Considering the city is getting a \$60,000 pump for the \$45,000 additional contract, he recommends that be included in the award.

Mr. Gleysteen referenced the bid items and asked what a comminutor channel is. Mr. Retzlaff explained there are three levels inside the station. The upper level contains the electrical components, a middle level is where the sewage comes in through a channel where a grinder is located and a lower level is where the actual sewage is. The grinder was formerly known as a comminutor and is used to shred rags and other materials that end up in the sewer.

The bid item includes the installation of a protective lining system on the wetted areas because the sewage is corrosive to the concrete, that helps to get some longevity out of the structure.

When asked what type of life can be expected, Mr. Retzlaff said they are rated for a minimum of fifty years. The pump station was constructed in 1977.

It was confirmed the comminutor channel for the current system is still in place; according to Mr. Retzlaff, they have not been able to shut the station down to evaluate the condition of the concrete in any of the active areas. There is a lump sum bid to place the lining and contingent items to do the repairs that are not visible.

Mr. Brooks moved to award the contract to Bearing Construction, Inc. in the amount of \$762,400.00 as recommended by Davis, Bowen and Friedel, seconded by Mr. Morrow. Motion carried.

Mr. Carmean assured council that the rebuilding of this plant will help eliminate the odor that currently exists. Mr. Retzlaff added there are two components being installed to relieve those odor issues.

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

Mr. Pikus reporting that after speaking with Kent County Public Works Director/Engineer Hans Medlarz about this matter, he feels that matter should be postponed due to the amount of money involved. Mr. Pikus then moved this item be postponed, seconded by Mr. Grier. Motion carried by unanimous roll call vote.

Mr. Carmean said he will return with this matter at the next meeting noting it will cost approximately \$12,000 a month. Until the time a decision is made, he will have our finance director pay the bill from sewer reserves.

*Adoption of Resolution 2013-07/Annexation of Louis and Shirley Renzi Properties*

City Planner Gary Norris advised he will begin to work on the plan of services. Because the parcel is small and surrounded by other commercial uses, it is classified as an enclave. Therefore, letters will not have to be sent to the sewer authority and Carlisle Fire Company.

He will be further discussing the matter with State Planner David Edgell on February 13<sup>th</sup>.

Mr. Grier moved to adopt the following resolution, seconded by Mr. Morrow:

*Annexation/Lands belonging to Louis J. & Shirley L. Renzi  
Tax Parcel No. 3-30-15.00-059.00  
3-30-15.00-059.01  
3.00 +/- Acres  
Current Zone AR-1/Proposed Zone C-3*

*COMMITTEE DIRECTED TO INVESTIGATE ANNEXATION*

*Whereas, a Petition, signed by the legal property owner and duly witnessed, requesting annexation into the City of Milford, situated on the west side of Cedar Creek Road (SR 30) approximately 1,500 feet south of the intersection of Wilkins Road (CR 206) and Cedar Creek Road (SR 30), legally described as follows:*

*Tax Parcel 3-30-15-59.00*

*ALL that piece or parcel of land, hereinafter described, situate, lying and being on the westerly side of Cedar Creek Road and being located in Cedar Creek Hundred, Sussex County, Delaware, as shown on a plat entitled "Property to be conveyed to Louis J. & Shirley L. Renzi," completed by Charles D. Murphy Associates, Inc., dated October 2004; said piece or parcel being more particularly described as follows:*

*COMMENCING at an iron pipe found at a point formed by the intersection of the westerly right-of-way line of Cedar Creek Road, 60 feet wide, with the northerly line of lands of, now or formerly, James H. Vreeland et al, thence running,*

- 1) leaving said right-of-way line of Cedar Creek Road and running by and with said James H. Vreeland lands, South 87 degrees 15 minutes 00 seconds West 288.00 feet to an iron pipe found at the point of BEGINNING; thence running,
- 2) running by and with said James H. Vreeland lands, the following 3 courses and distances, South 87 degrees 15 minutes 00 seconds West 196.00 feet to a capped rebar set at a point, thence running,
- 3) North 02 degrees 45 minutes 00 seconds West 270.00 feet to a capped rebar set at a point, thence running,
- 4) North 87 degrees 15 minutes 00 seconds East 209.00 feet to an iron pipe found at a point on the westerly line of other lands of, Louis J. & Shirley L. Renzi, thence running,
- 5) leaving said James H. Vreeland lands and running by and with said other Renzi lands, South 00 degrees 00 minutes 23 seconds West 270.31 feet to the point and place of beginning;

CONTAINING 1.26 acres of land, more or less.

and

Tax Parcel 3-30-15-59.01

ALL that piece or parcel of land, hereinafter described, situate, lying and being on the westerly side of Cedar Creek Road and being located in Cedar Creek Hundred, Sussex County, Delaware, being all of Lot 1 as shown on a plat entitled "Minor Subdivision, Mary Louise & Francis A. Webb, IV," completed by AKS Associates, Inc., dated January 2001; said piece or parcel being more particularly described as follows:

BEGINNING at an iron pipe set at a point formed by the intersection of the westerly right-of-way line of Cedar Creek Road, 60 feet wide, with the northerly line of lands of, now or formerly, James H. Vreeland et al, thence running,

- 1) leaving said right-of-way line of Cedar Creek Road and running by and with said James H. Vreeland lands, South 87 degrees 15 minutes 00 seconds West 288.00 feet to an iron pipe set on the easterly line of residue lands of James H. Vreeland et al; thence running,
- 2) running by and with said James H. Vreeland residue lands, North 00 degrees 00 minutes 23 seconds East 270.31 feet to an iron pipe set at a point on said Vreeland lands, thence running,
- 3) North 87 degrees 15 minutes 00 seconds East 275.00 feet to an iron pipe set at a point on the aforementioned right-of-way line of Cedar Creek Road, thence running,
- 4) leaving said Vreeland lands and running by and with said right-of-way line of Cedar Creek Road, South 02 degrees 45 minutes 00 seconds East 270.00 feet to the point and place of beginning;

CONTAINING 1.74 acres of land, more or less.

has been submitted to the City Council of the City of Milford.

Now, Therefore, a Committee, composed of three (3) elected members of City Council and one (1) member of the Planning Commission has been appointed by the Mayor to investigate the possibility of annexing said property, said Committee to be comprised of Chair Katrina Wilson, Douglas Morrow, S. Allen Pikus and Planning Commission Chairman James Burk.

Be It Further Resolved, that said Committee shall submit a written report containing its findings and conclusions, including the advantages and disadvantages of the proposed annexation both to the City and to the property proposed to be annexed and said report shall further contain the committees' recommendations whether or not to proceed with the proposed annexation and the reasons therefor.

Motion carried.

MONTHLY FINANCE REPORT

Finance Committee Chairman Pikus reported that through the sixth month of Fiscal Year 2012-2013 with 50% of the fiscal year having passed, 57.11% of revenues have been received and 51.69% of the operating budget expended.

He reminded council the report is two months behind though we are actually into February.

Mr. Pikus noted that our investments are excellent and that \$1,554 has been rebated in property taxes this month through negotiations of property owners who asked to be heard before the city manager.

Electric revenues are up and expenses are up 1.7%. Overall, the town is in excellent shape and ending cash balances are good. He feels that if we continue on path, we should end the year on a positive note.

Mr. Pikus was unable to get the total of property taxes received to date because Mr. Portmann was out of town.

When questioned why only 11% has been collected for business licenses, Mr. Pikus explained that he spoke with Mr. Portmann about this last week. He said that number always depends on the number of businesses that need licenses though a license is not required for regular businesses. The anticipated revenue is based on the previous licenses. Sometimes the painters and contractors get them but not normally until the summer months.

He recalled when years ago, the city considered creating a \$25 business license so that the city would know who was doing business in town; however, that never happened.

Mr. Pikus believes that number will increase during the summer months. Mr. Brooks pointed out that this is a six-month report that included the months of July, August and September.

Mr. Pikus then reported that only 8.9% of the rental license has been collected. He explained that 95% of rental licenses are paid by property owners who live out of town and come in very slow. Mr. Grier asked the due date; Mr. Pikus said there is no final due date and Mr. Carmean agreed adding they are only required to pay them by June 30<sup>th</sup>.

Mr. Carmean explained the rental licenses were only billed a couple months ago. He emphasized that the city keeps an eye on contractors because they are found working in town without a license on a regular basis.

He reported that rental licenses are similar to taxes and if not paid, the city liens the property. Historically, landlords are slow getting them in and some of our larger complexes are almost all owned by out of state businesses.

City Planner Gary Norris verified that people are coming in on a regular basis to pay those fees.

Mr. Pikus reiterated that this report is as of December and that most of these fees are paid after the first of the year.

Mr. Brooks pointed out that when comparing the rental license and business license accounts to the May 2012 Finance Report, he found both to be above 90% and agreed that it will even out toward the end of the fiscal year.

Mr. Pikus moved to accept the monthly finance report, seconded by Mr. Gleysteen. Motion carried.

ADJOURN

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

Meeting adjourned at 7:58 p.m.

Respectfully submitted,



Terri K. Hudson, MMC  
City Clerk/Recorder