

# City of Milford



## AGENDA

Monthly Council Meeting

May 10, 2010

Joseph Ronnie Rogers Council Chambers, Milford City Hall, 201 South Walnut Street, Milford, Delaware

PUBLIC COMMENT SESSION - 7:15 p.m.

COUNCIL MEETING - 7:30 p.m.

Call to Order - Mayor Joseph Ronnie Rogers

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

- Proclamation 2010-1/Police Officer Memorial Week
- Proclamation 2010-2/National Missing Children's Day
- Proclamation 2010-6/Elks Youth Month

Monthly Police Report

City Manager's Report

Committee Reports - 2010 Committee Assignments\*\*

Communications

Unfinished Business

- Adoption of Resolution/Adopting City of Milford Charter Amendments

New Business

- Century Engineering Agreement/Carpenter Pit Road Bridge Extension
- Introduction of Ordinance 2010-7/Taxation/Chapter 204/Exemption\*
- Introduction of Ordinance 2010-8/Sewer/Chapter 185/Impact Fee Exemption\*
- Introduction of Ordinance 2010-9/Water/Chapter 222/Impact Fee Exemption\*
- Introduction of Ordinance 2010-10/Electrical Standards/Chapter 192/Impact Fee Exemption\*
- Public Comment Session

Monthly Finance Report

Adjourn

This agenda shall be subject to change to include additional items including executive sessions or the deletion of items including executive sessions which arise at the time of the public body's meeting.

**SUPPORTING DOCUMENTS MUST BE SUBMITTED TO THE CITY CLERK IN ELECTRONIC FORMAT  
NO LATER THAN ONE WEEK PRIOR TO MEETING; NO PAPER DOCUMENTS WILL BE  
ACCEPTED OR DISTRIBUTED AFTER PACKET HAS BEEN POSTED ON THE CITY OF MILFORD WEBSITE.**

# City of Milford



## PROCLAMATION

2010-1

### *POLICE WEEK & PEACE OFFICERS' MEMORIAL DAY*

*WHEREAS, THE CONGRESS AND PRESIDENT OF THE UNITED STATES HAVE DESIGNATED MAY 14, 2010 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 OF 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, JOSEPH RONNIE ROGERS, 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 9, 2010 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 14, 2010 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 TENTH DAY OF MAY IN THE YEAR OF OUR LORD TWO THOUSAND AND TEN.*

---

*MAYOR JOSEPH RONNIE ROGERS*

*ATTEST* \_\_\_\_\_

---

**From:** Hudson Keith (Milford PD) [mailto:keith.hudson@CJ.State.de.us]  
**Sent:** Wednesday, January 27, 2010 2:36 PM  
**To:** Terri Hudson  
**Subject:** RE: 2010 Take 25 Campaign

Can you prepare a proclamation for National Missing Children's Day for May 25?

---

**From:** Cops\_Info [mailto:Cops\_Info@usdoj.gov]  
**Sent:** Wednesday, January 27, 2010 12:07 PM  
**To:** Hudson Keith (Milford PD)  
**Subject:** 2010 Take 25 Campaign

**U.S. Department of Justice**  
*Office of Community Oriented Policing Services (COPS)*

*1100 Vermont Avenue, NW  
Washington, D.C. 20530*

January 27, 2010

Dear Colleague:

On behalf of the U.S. Department of Justice Office of Community Oriented Policing Services (COPS), I would like to introduce the 2010 Take 25 campaign. Take 25 is a preventive child safety campaign that our office is promoting in partnership with the National Center for Missing & Exploited Children (NCMEC). NCMEC is a private, nonprofit 501(c)(3) organization whose mission is to help prevent child abduction and sexual exploitation, aid in the recovery of missing children, and assist children who have been victimized.

In 1983, President Ronald Reagan declared May 25<sup>th</sup> to be National Missing Children's Day, and each Administration since has honored this day as an annual reminder to make child protection a national priority. To further commemorate this day, in May 2007 NCMEC launched Take 25, a nationwide grassroots effort designed to heighten awareness of the issues surrounding missing and exploited children. The Take 25 campaign encourages law enforcement, parents, and educators to take 25 minutes to talk to children about ways to be safer, and encourages an ongoing dialogue with children about safety.

In 2009, with the help of more than 100 local and national partners including the U.S. Secret Service, the National Organization of Black Law Enforcement Executives, the Fraternal Order of Police, the Federal Law Enforcement Officers Association, and several Minor League Baseball teams, more than 1,335 Take 25 events were held in over 475 communities across the United States and abroad. With the help of partner organizations, over 235,000 Child Identification kits were also distributed, giving parents and communities the tools and resources to help keep their children safer.

We invite you to join COPS and NCMEC in our efforts to help keep children safer. To learn more about how you can get involved with the Take 25 campaign and National Missing Children's Day, please contact Aisha Yusuf at NCMEC at (703) 837-6448. Thank you for your support of this worthy initiative.

Sincerely,



Bernard K. Melekian  
Director

# City of Milford



## PROCLAMATION 2010-2

*PROCLAIMING MAY 25, 2010 AS MISSING CHILDREN'S DAY IN MILFORD, DELAWARE*

*WHEREAS, May 25<sup>th</sup> has been declared National Missing Children's Day; and*

*WHEREAS, the Missing Children Act of 1982 was the first federal law to address this issue, and in 1983, President Ronald Reagan proclaimed the first Missing Children's Day; and*

*WHEREAS, Families and friends of missing children join together to plan events in communities across America to raise public awareness about the issue of missing children; and*

*WHEREAS, Children are our most valuable asset, our link to the future and their protection and safety deserve our utmost attention and priority; and*

*WHEREAS, according to the United State Department of Justice, an average of 2,185 children are reported missing to law enforcement daily and locating and returning these children to their homes is a statewide, national and international objective; and*

*WHEREAS, in addition to the already existing crimes against children, we now have a serious additional threat due to the expansion of Internet technology; and*

*WHEREAS, In connection with Missing Children's Day, the National Center for Missing and Exploited Children has created a program, "Take 25," to heighten awareness of children's safety issues; and*

*WHEREAS, The Take 25 campaign encourages law enforcement, parents, and educators to take 25 minutes to talk to children about ways to be safer, and encourages an ongoing dialogue with children about safety.*

*WHEREAS, the City of Milford shows its commitment to the improved safety and recovery of missing children by our participation in the Interstate Advisory Council for Missing and Exploited Children.*

*NOW, THEREFORE, I, Mayor Joseph Ronnie Rogers, on behalf of Milford City Council, do hereby proclaim May 25, 2010 as*

*MISSING CHILDREN'S DAY*

*in the City of Milford.*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 10<sup>th</sup> day of May in the Year of our Lord Two Thousand and Ten.*

\_\_\_\_\_  
*Mayor Joseph Ronnie Rogers*

Attest \_\_\_\_\_  
*City Clerk*

# City of Milford



## PROCLAMATION

2010-6

### BENEVOLENT & PROTECTIVE ORDER OF ELKS YOUTH MONTH

*WHEREAS, the Benevolent and Protective Order of Elks has designated the month of May as Youth Month to honor America's Junior citizens for their accomplishments and to give fitting recognition of their services to Community, State and Nation; and*

*WHEREAS, Milford Lodge #2401 will sponsor an observance during the month in tribute to the Junior Citizens of this community; and*

*WHEREAS, no event could be more deserving of our support and participation than one dedicated to these Young People who represent the Nation's greatest resource, and who in the years ahead will assume the responsibility for the advancement of our free society; and*

*WHEREAS, our Youth need the guidance, inspiration and encouragement which we alone can give in order to develop those qualities of character essential for future leadership, and go forth to serve America; and*

*WHEREAS, to achieve this worthy objective, we should demonstrate our partnership with Youth, our understanding of their hopes and aspirations and a sincere willingness to help prepare them in every way for the responsibilities and opportunities of citizenship.*

*NOW, THEREFORE, I, Joseph Ronnie Rogers, by virtue of the authority vested in me as Mayor of the City of Milford, Delaware, do hereby proclaim the month of May 2010 as*

### **YOUTH MONTH**

*in the City of Milford and urge all Departments of Government, Civic, Fraternal and Patriotic Groups, and our Citizens generally, to participate wholeheartedly in its observance.*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 10<sup>th</sup> Day of May in the Year of our Lord Two Thousand and Ten.*

---

*Mayor Joseph Ronnie Rogers*

*Attest* \_\_\_\_\_

# CITY OF MILFORD

DELAWARE



OFFICE OF THE CHIEF OF POLICE  
E. KEITH HUDSON

“THE GARDEN CITY OF TWIN COUNTIES”

400 N.E. FRONT STREET  
MILFORD, DELAWARE 19963  
(302)422-8081 FAX (302)424-2330

## MEMORANDUM

TO: Mayor and Members of City Council

FROM: E. Keith Hudson, Chief of Police

DATE: May 5, 2010

RE: Activity Report/April 2010

=====

### **Monthly Stats:**

A total of 398 arrests were made by the Milford Police Department during April 2010. Of these arrests, 129 were for criminal offenses and 269 for traffic violations. Criminal offenses consisted of 39 felonies and 90 misdemeanors. Traffic violations consisted of 17 Regular Duty Radar, 4 Drunk-Driving charges, 103 Special Duty Radar and 145 other.

Police officers investigated 42 accidents during the month (9 personal injury, and 33 property damage) and issued 149 written reprimands. In addition, they responded to 1159 various complaints including city requests and other agency assistance.

A total of \$7,965.37 was collected in fines during April.

No False Alarm Violation Invoices were issued during the month of April.

### **Monthly Activities:**

The department recently purchased ANSI certified jackets that are wind and rainproof. These jackets were purchased with grant money obtained from Sussex County. The jackets are reversible to a high visibility green color for the safety of the officers during traffic control or while investigating traffic accidents.

The contract for the roof repair has been signed with Delmarva Roofing and is expected to begin in eight to ten weeks. We anticipate it will only take about a week to complete.

We have started our mandatory firearms training and certification which is expected to be completed within the month.

I am attending the Incident Command System Level 300 this month, a three-day training session held at D.E.M.A in Smyrna.

Our Community Policing Unit spoke to children at the Avenue Church on two consecutive Sunday mornings during their Sunday School classes regarding safety. They also went to the Boys & Girls Club and spoke to the morning class of preschool and kindergartners about “Good Touch, Bad Touch”. They also participated at the Bud & Bug Festival and displayed the new trailer.

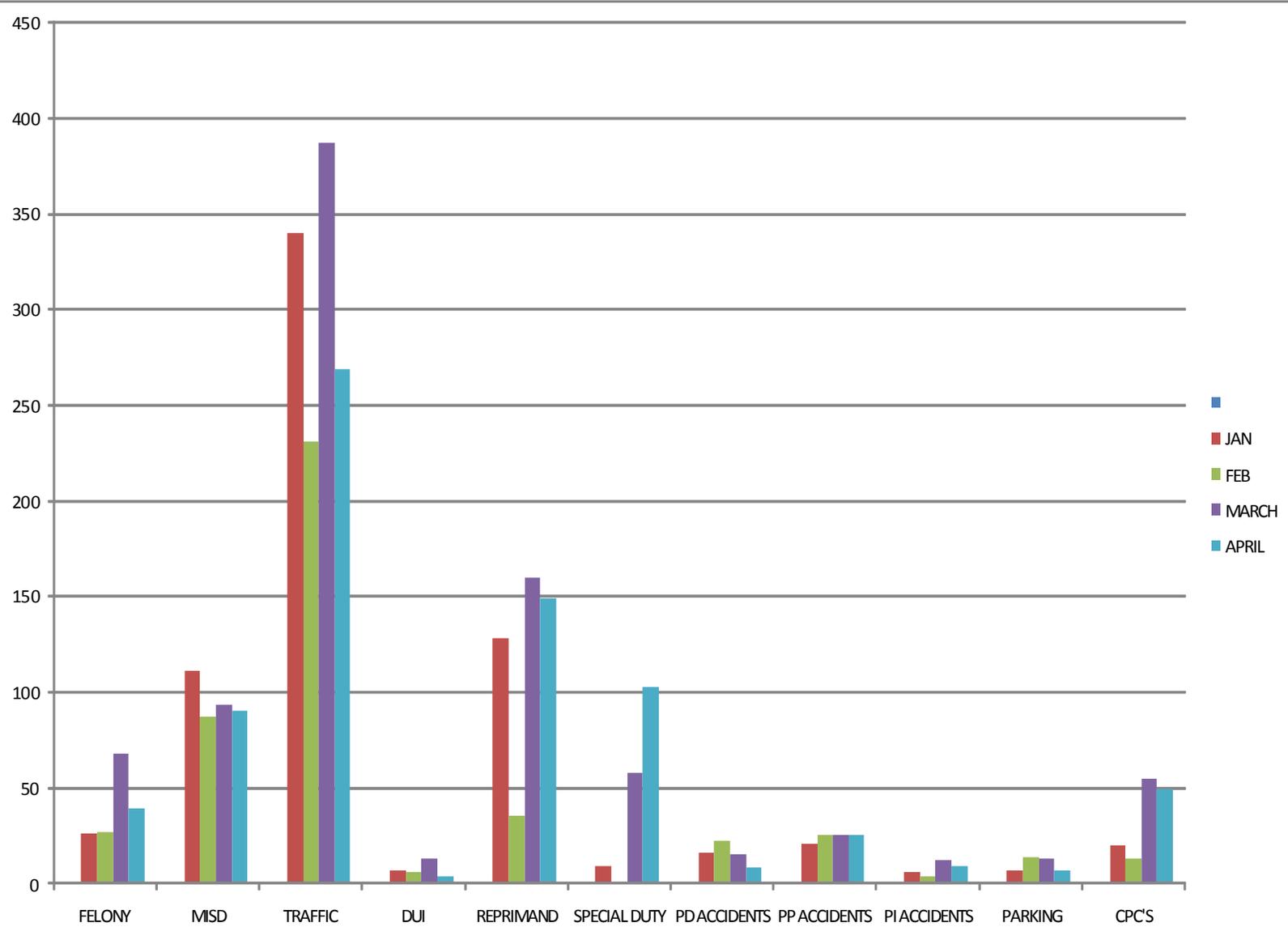
On April 18th, we tested fifty-six applicants at the Carlisle Fire Company. At the completion of the written test, those that successfully passed were given a physical test at Milford Middle School track. There are several other phases remaining in the hiring process for the two open positions of police officer within the police department.

Ten news releases were issued to the press during the month.

EKH/vrk

## APRIL ACTIVITY REPORT

	<u>APR 2009</u>	<u>TOTAL 2009</u>	<u>APR 2010</u>	<u>TOTAL 2010</u>
<u>Complaints</u>	1316	4257	<b>1159</b>	<b>4360</b>
<u>Criminal Arrests</u>	171	814	<b>129</b>	<b>541</b>
Felonies	49	255	<b>39</b>	<b>160</b>
Misdemeanors	122	559	<b>90</b>	<b>381</b>
<u>Traffic Arrests</u>	411	1567	<b>269</b>	<b>1227</b>
Regular Duty Radar	68	227	<b>17</b>	<b>88</b>
D.W.I.	13	55	<b>4</b>	<b>30</b>
Special Duty Radar	51	169	<b>103</b>	<b>170</b>
Other	279	1116	<b>145</b>	<b>939</b>
<u>Reprimands</u>	220	1016	<b>149</b>	<b>472</b>
<u>Accidents</u>	51	176	<b>42</b>	<b>188</b>
Personal Injury	4	15	<b>9</b>	<b>31</b>
Property Damage	47	161	<b>33</b>	<b>157</b>
Fatal (included in PI)	1	1	<b>0</b>	<b>0</b>
<u>Parking Summons</u>	8	58	<b>7</b>	<b>41</b>
<u>Crime Prevention Checks</u>	45	159	<b>49</b>	<b>137</b>
<u>Fines Received</u>	\$11,550.14	\$37,913.81	<b>\$7,965.37</b>	<b>\$32,215.39</b>



**City Manager's Report**  
**May 10, 2010**

- **Personnel Announcement**

Mr. Doug Burns began employment with the City as a Code Enforcement Officer on May 3, 2010. Mr. Burns brings experience in the building and property maintenance fields and has previous experience as a code official with the Kent County Levy Court.

- **Spring Clean-Up Week**

Spring Clean-Up will be the Week of May 10-14. In the event of inclement weather, it will be extended through the following week and conclude on May 21. Residents may place bulky items at their point of collection by 7:00 a.m. each morning. During this week no bulk scheduling is necessary. City Crews will collect furniture, appliances, large items, tires, excessive trash, yard waste, bagged leaves, and bundled limbs at no extra charge during this week. Additional information is available on the City's website at [www.cityofmilford.com](http://www.cityofmilford.com)

- **2009-10 Budget (Finance Goal)**

Budget preparations for the upcoming Fiscal Year are underway and each of you has been sent a copy of the proposed capital budget for next year and the ensuing five years. Preliminary meetings with each of the department meetings have been held and a review of their initial budget requests is underway. City Council Budget Meetings are tentatively scheduled for the evenings of June 1 and June 2.

- **Stormwater Projects (Streets Goal)**

Christiana Excavating has completed the stormwater repairs on Marshall Street that were approved by City Council at your April 12, 2010 meeting. Additionally, City crews completed repairs to the stormwater pipe on NW Front Street that were a result of damage from approximately 15 years ago during the Streetscaping project when the pipe was unknowingly damaged during the installation of electric and cable lines. While making the stormdrain repairs, City personnel were able to relocate the electric and cable lines and make repairs to abandoned old water service lines that were leaking underground. Completing the work in-house saved the City between \$50,000 and \$60,000.

- **High School Tennis Courts (Parks & Recreation Goal)**

I am in conversation with the Milford School District regarding the development of an agreement that will cover community use of the tennis courts in the evening hours and the operation of the lights during these times. During the construction at the High School Campus, the District installed six new tennis courts and a new lighting system.

- **Washington Street Bridge (Engineering Goal)**

DelDOT has informed the City that it has moved up the priority list enough to qualify for Federal Grants at an 80% Federal 20% Local allocation. The City's portion of the funding has been included in the Proposed Capital Budget for FY10-11. DelDOT is scheduled to conduct another inspection on May 7, 2010. Staff will continue to work with DelDOT and the State Historic Preservation Office on this project and a more detailed presentation will be made to City Council as further information becomes available.

DELAWARE STATE SENATE

145th GENERAL ASSEMBLY

Senate Bill #

AN ACT TO RE-INCORPORATE THE CHARTER OF THE CITY OF MILFORD BY AMENDING AND SUBSTITUTING CHAPTER 726, VOLUME 57 LAWS OF DELAWARE ENTITLED “AN ACT CHANGING THE NAME OF THE TOWN OF MILFORD TO “THE CITY OF MILFORD” AND ESTABLISHING A CHARTER THEREFORE” AS AMENDED RELATING TO GOVERNMENT, ADMINISTRATION, VOTING, AND ELECTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Chapter 726, Volume 57 Laws of Delaware entitled “An Act Changing the Name of ‘The Town of Milford’ to ‘The City of Milford’ and establishing a Charter Therefore’ as amended in its entirety and by establishing a new Charter for the City of Milford to read as follows:

**“MILFORD CHARTER**

<u>Table of Contents</u>	<u>Page</u>
Article I. Incorporation, Territory and Annexation	
Article II. Nominations and Elections	
Article III. Powers of the City – Council and Mayor	
Article IV. Council Government	
Article V. Administration and Appointees	
Article VI. Financial Procedures	
Article VII. Taxation, Assessors ad Assessment of Taxes	
Article VIII. Borrowing Of Money and Issuance of Bonds	
Article IX. Tax Increment Financing and Special Development Districts	
Article X. Severance	
Article XI. Transitional Provisions	

Article XII. Repealer

**Article I. Incorporation, Territory and Annexation**

**1.01 - Incorporation**

The inhabitants of the City of Milford (“the City”) within the corporate limits hereinafter defined in this Charter or as hereafter extended as hereinafter provided, shall be and constitute a body politic and corporate, and shall be known and identified as the City of Milford.

**1.02 - Territorial Limits**

The boundaries of the City of Milford are hereby established and declared as recorded on the official map of record in the Recorder of Deeds Office for Kent County (Book Page ) and for Sussex County (Book Page ) in the State of Delaware (official recorded copies to be kept by the City Clerk) as presently exists and as hereinafter amended:

In addition to the aforesaid, the Territorial Limits of the City of Milford shall also include all lands annexed by the City of Milford pursuant to Section 1.04 of this Charter. The Council may, at any time hereafter, cause a survey and plot to be made of the City, and the survey and plot, when made and approved by the Council, shall be recorded in the offices of the Recorders of Deeds in and for both Kent and Sussex Counties, State of Delaware, and the same, or the record thereof, or a duly certified copy of said record shall be evidence in all courts of law and equity in this State.

**1.03 - Wards**

The City of Milford shall be divided into four wards and a map entitled “Official Ward Map, Milford, Delaware” will delineate the ward boundaries with legal descriptions of each ward attached and kept on file in the Office of the City Clerk. The official ward map shall be identified by the signature of the Mayor, be attested by the City Clerk and bear the seal of the City. The map, legal descriptions and any future changes shall be recorded in both Kent and Sussex County within a reasonable time after the effective date of the amendment approved by City Council. City Council shall adopt the official map and any future amendments by ordinance.

- (a) The First Ward shall consist of all the territory within the City limits as follows: Beginning at a point in the center of the intersection of Deep Branch and Business Route 1; thence along the centerline of Business Route I in a northerly direction to the point of intersection of Southeast Second Street; thence westerly by the centerline of Southwest Second Street to the point of its intersection with McColley Street; thence by the centerline of McColley Street in a northerly direction to the point of its intersection with Southeast Front Street; thence by the centerline of Southeast Front Street, in a westerly direction to its point of intersection with South Walnut Street; thence by the centerline of South Walnut Street in a southerly direction to the corporate limits of the City; thence along the corporate limits in a northeasterly direction to the intersection of the corporate limit with Deep Branch; thence along the center of the meanderings of Deep Branch in a northeasterly direction through the run of Marshall Mill Pond to its intersection with Business Route 1.
- (b) The Second Ward shall consist of all territory within the City limits as follows: Beginning at a point in the intersection of North Walnut Street and Northwest Front Street; thence along the centerline of Northwest Front Street in a westerly direction to the point of its intersection with U.S. Route 113; thence along the centerline of U.S. Route 113 in a southerly direction to the point of its intersection with North Shore Drive; thence westerly by the centerline of North Shore Drive to its point of intersection with the western limits of the City (a distance of Five Hundred Feet west of the western boundary of U.S. Route 113); thence southerly (in a line parallel to and Five Hundred Feet from the westerly boundary of U.S. Route 113) along the westerly boundary of the City to the shore of Haven Lake; thence westerly following along the shoreline of said Lake to the north side of Evergreen Lane; (thence along the north side of Evergreen Lane to the intersection of Evergreen Lane and a line parallel with and Five Hundred Feet west of the western boundary of U. S. Route 113); thence continuing in a southerly direction along the western boundary line of the City to the southern or southeasterly line of what is known as the William T. Simpson property; thence in a

northeasterly direction along the corporate limits of the City in a direct line to the intersection of the corporate limit and the centerline of South Walnut Street; thence north by the centerline of South Walnut Street to the intersection of Northwest Front Street.

(c) The Third Ward shall consist of all territory within the City limits as follows: Beginning at a point in the center of the intersection of Deep Branch and Business Route 1; thence along the centerline of Business Route 1 in a northerly direction to the point of intersection of Southeast Second Street; thence westerly by the centerline of Southeast Second Street to the point of its intersection with McColley Street; thence by the centerline of McColley Street in a northerly direction to the point of its intersection with Southeast Front Street; thence by centerline of Southeast Front Street in a westerly direction to its point of intersection with South Walnut Street; thence by the centerline of Walnut Street in a northerly direction to the point where it intersects the centerline of U.S. Route 113; thence along the eastern boundary of the corporate limits of the City to Bowen Landing on the Bowen (Dorsey) Farm; thence along the course of the Mispillion River to the point where Deep Branch empties into said River, thence southerly by the course of waters in Deep Branch to the center of the intersection of Deep Branch and Business Route 1.

(d) The Fourth Ward shall consist of all territory within the City limits as follows: Beginning at a point in the intersection of North Walnut Street and Northwest Front Street; thence along the centerline of Northwest Front Street in a westerly direction to the point of its intersection with U.S. Route 113; thence along the centerline of U.S. Route 113 in a southerly direction to the point of its intersection with North Shore Drive; thence westerly by the centerline of North Shore Drive to its point of intersection with the western limits of the City (a distance of Five Hundred Feet west of the western boundary of U.S. Route 113); thence in a northeastern direction along the western boundary limit of the City to a point where said line would intersect the

northerly boundary of the Third Ward, if extended, and as described herein; thence southeasterly along the aforesaid line of the Third Ward, if extended, to the point of intersection of the centerlines of North Walnut Street and U.S. Route 113; thence by the centerline of Walnut Street to its intersection with Northwest Front Street.

- (e) The City Council may provide for a fifth Ward and re-arrange the boundaries of the four Wards provided for herein, in the event of annexation or re-apportionment as hereinafter set forth.

#### **1.04 - Annexation**

The City may from time to time extend its boundaries through the process of annexation in accordance with Delaware Code and the following procedures shall apply:

(a) All the property owners of the territory contiguous to the then existing corporate limits and territory of the City of Milford, by written Petition with the signature of each such Petitioner duly witnessed, may request the City Council to annex that certain territory in which they own property.

(1) The petition presented to the City Council shall include the tax parcel number(s), a description of the territory requested to be annexed in electronic format, a sealed survey (dated within one year of the application), present and requested zoning, a statement of compliance with the Comprehensive Plan and the reasons for the requested annexation.

(2) If the Planning Director deems the application complete, the Mayor of the City of Milford shall appoint a Committee composed of not less than three (3) of the elected members of the City Council and one member of the City Planning Commission to investigate the possibility of annexation. Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the Committee shall submit a written report containing its findings and conclusions to the Mayor and City Council of Milford. The report so submitted shall include the advantages and disadvantages of the proposed annexation, both to the City of Milford and to the territory

proposed to be annexed, and shall contain the recommendation of the Committee whether or not to proceed with the proposed annexation and the reasons therefore.

(3) A Plan of Services for the property must be completed in accordance with Delaware Code. This Plan of Services must be completed for review and acceptance prior to final legislative action on the annexation.

(4) The annexation/rezoning application shall also be referred to the Planning Commission for a Public Hearing and review and recommendation to City Council. Within sixty (60) days of the final recommendation by the Planning Commission, City Council shall hold a public hearing to consider the annexation and zoning application.

(5) Following the public hearing and subject to the acceptance of the Plan of Services, City Council may then pass a resolution annexing such territory to the City of Milford. Such resolution shall be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council. If the resolution fails to receive the affirmative vote of two-thirds (2/3) of the elected members of the City Council, the territory proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date that the resolution failed to receive the required affirmative vote.

(6) Prior to the resolution being considered, an ordinance that is conditioned on the approval of the annexation application must be adopted to establish a zoning district for the property to be annexed.

(7) If the resolution receives a favorable vote for annexation, the City Council shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds in and for Kent or Sussex County, but in no event shall said recordation be completed more than ninety (90) days following the date of the favorable vote for annexation by the City Council. The territory considered for annexation shall be considered to be a part of the City of Milford from the time of recordation. The failure to record the description of the plot within a specified time shall not make the annexation invalid, but such annexation shall be deemed to be

effective at the expiration of the ninety (90) day period from the date of the favorable vote of the City Council.

(b) If five (5) or more property owners, but less than all of the property owners of a territory contiguous to the then limits and territory of the City of Milford, by written Petition with the signature of each such Petitioner duly witnessed, shall request the City Council to annex that certain territory in which they own property.

(1) The petition presented to the City Council shall include the tax parcel number(s), a description of the territory requested to be annexed in electronic format, a sealed survey (dated within one year of the application), present and requested zoning, a statement of compliance with the Comprehensive Plan and the reasons for the requested annexation.

(2) If the Planning Director deems the application complete, the Mayor of the City of Milford shall appoint a Committee composed of not less than three (3) of the elected members of the City Council and one member of the City Planning Commission to investigate the possibility of annexation. Not later than ninety (90) days following its appointment by the Mayor, the Committee shall submit a written report containing its findings and conclusions to the Mayor and the City Council of Milford. The report so submitted shall include the advantages and disadvantages of the proposed annexation, both to the City of Milford and to the territory proposed to be annexed, and shall contain the recommendation of the committee whether or not to proceed with the proposed annexation and the reasons therefore.

(3) A Plan of Services for the property must be completed in accordance with Delaware Code. This Plan of Services must be completed for review and acceptance prior to final legislative action on the annexation.

(4) The annexation/rezoning application shall also be referred to the Planning Commission for a Public Hearing and review and recommendation to City Council.

(5) Within sixty (60) days of the recommendation by the Planning Commission, a resolution shall then be considered by City Council proposing to the property owners and

residents of both the City of Milford and the territory proposed to be annexed that the City proposes to annex certain territory to its then limits and territory. Said resolution shall be passed by the affirmative vote of two-thirds (2/3) of the elected members of the City Council.

The resolution shall contain a description of the territory proposed to be annexed, requested zoning and shall fix a time and place for a public hearing on the subject of the proposed annexation and zoning. The resolution shall be printed in a newspaper having a general circulation in the City of Milford at least one (1) week prior to the date set for the public hearing, or, at the discretion of the City Council, the said resolution shall be posted in four (4) public places both in the City of Milford and in the territory proposed to be annexed.

(6) The resolution proposing to the property owners and residents of both the City and the territory proposed to be annexed shall be passed by the affirmative vote of two-thirds (2/3) of the elected members of the City Council. If the resolution shall fail to receive the affirmative vote of two-thirds (2/3) of the elected members of the City Council, the territory proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date that the resolution failed to receive the required affirmative vote.

(7) Within sixty (60) days following the public hearing, and upon the acceptance of the Plan of Services by the State of Delaware, the City Council may pass a resolution annexing such territory to the City of Milford, subject to the approval of the property owners in the territory to be annexed. Said approval or disapproval shall be signified at a Special Election as set forth hereinafter. The resolution of the City Council to annex the territory must be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council.

(8) In the event that the resolution does not receive an affirmative vote by two-thirds (2/3) of all the elected members of the City Council, no Special Election shall be held and the territory previously proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date the resolution failed to receive the required affirmative vote.

(9) Following the affirmative vote but in no event later than thirty (30) days after said resolution has been approved, the City Council shall order a Special Election to be held not less than thirty (30) nor more than sixty (60) days after said affirmative resolution has been passed on the proposed resolution.

(10) The notice of the time and place of the said Special Election shall be printed within thirty (30) days immediately preceding the date of this Special Election in at least two (2) issues of a newspaper having a general circulation in the City of Milford, or, at the discretion of the City Council, the said notice may be posted in four (4) public places, both in the City of Milford and in the territory proposed to be annexed at least fifteen (15) days prior to the date set forth for the said Special Election.

(11) At the Special Election, every property owner, whether an individual, partnership or a corporation in the territory proposed to be annexed shall have one (1) vote. Property held by a partnership or by a corporation shall vote only by a power of attorney duly executed. In the event that an individual holds a Power of Attorney, duly executed and acknowledged, specifically authorizing the said individual to vote for the owner of a property held by a partnership or by a corporation at the said Special Election, a duly authenticated Power of Attorney shall be filed in the Office of the City Manager of the City of Milford. Said Power of Attorney so filed shall constitute conclusive evidence of the right of said person to vote in the Special Election for such partnership or for such corporation. Property owners in the area proposed to be annexed shall have only one vote regardless of the number of parcels owned.

(12) The City Council of the City of Milford may cause either voting machines or paper ballots to be used in the Special Election, the form of the ballot to be printed as follows:

For the proposed annexation

Against the proposed annexation

(13) The Mayor of the City of Milford shall appoint three (3) persons to act as a Board of Special Election. One (1) of the said persons so appointed shall be designated as the Presiding

Officer. Voting shall be conducted in a public place as designated by the resolution calling the Special Election. The polling place shall be open from twelve noon, prevailing time, until eight o'clock in the evening, prevailing time, on the date set for the Special Election. All persons in the polling place at the time of the closing of the polls shall be permitted to vote, even though such votes are not cast until after the time for the closing of the polls.

(14) Immediately upon the closing of the polling place, the Board of Special Election shall count the ballots for and against the proposed annexation and shall announce the result thereof. The Board of Special Election shall make a Certificate under their hands of the votes cast for and against the proposed annexation and the number of void votes and shall deliver the same to the City Council. Said Certificate shall be filed with the papers of the City Council. In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast from the territory proposed to be annexed must have been cast in favor of the proposed annexation.

(15) In the event that the Special Election results in an unfavorable vote for annexation, no part of the territory considered at the Special Election for annexation shall again be considered for annexation for a period of at least one hundred eighty (180) days from the date of the said Special Election.

(16) If a favorable vote for annexation shall have been cast, the City Council of the City of Milford shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds, in and for Kent or Sussex County, but in no event shall said recordation be completed more than ninety (90) days following the date of the said Special Election. The territory considered for annexation shall be considered to be part of the City of Milford from the time of recordation. The failure to record the description or the plat within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the favorable Special Election.

(c) Annexation Agreement.

Notwithstanding any provision herein to the contrary, where, pursuant to §1.04(a) or (b) of this Charter, annexation proceedings are initiated by a property owner(s) holding record title to real property in territory contiguous to the then existing corporate limits of the City, such petition may be made contingent upon an annexation agreement with the City which agreement may address any matters which would be relevant to the subject lands, if annexed. By way of example and not in limitation, such agreement may address zoning, subdivision approval, tax relief, public utilities and public improvements. In the event the City Council approves such an agreement and votes to accept a petition under this §1.04 of this Charter, such Annexation Agreement shall be deemed a material part of the annexation and shall be included in all subsequent steps of the annexation procedure.

The resolutions and notices adopted by the City Council shall recite that the proposed annexation includes and is subject to an annexation agreement. The resolution and ballots, if an election is required, annexing the territory shall recite that the annexation is subject to an annexation agreement and shall incorporate the terms of such agreement by specific reference. An annexation agreement may be modified or amended by mutual agreement of the petitioner and the City Council at any time prior to the resolution adopted by City Council annexing the land into the City of Milford, or prior to the resolution ordering the special election pursuant to §1.04 of this Charter. In any event, the Annexation Agreement shall run with the land and be recorded with the annexation resolution.

(d) Property shall be designated to a contiguous ward(s) when annexed into the City pursuant to Article I.

**Article II. Nominations and Elections.**

**2.01- City Elections**

(a) The annual municipal election shall be held on the fourth Saturday in the month of April between the hours of 12 noon and 8:00 p.m. at such places as shall be determined by the Council and in accordance with State law.

(b) The election shall be held under the supervision of an Election Board, consisting of no less than three nor more than five electors of the City to be appointed by the Council. The Election Board shall be Judges of the election and shall decide upon the legality of the votes offered.

(c) A clerk from each respective Ward will be assigned to verify the identity and residence of each prospective voter within their election district that intends to vote on the day of the municipal election. The clerk shall obtain this information from the alphabetical list of registered voters provided for this purpose. Those persons not properly registered shall not be permitted to vote at that particular election and become eligible only after being qualified before the next registration deadline. City Council shall appoint an election clerk(s) for each Ward in which there is a contest.

(d) Every person who resides within the City of Milford boundaries for at least thirty (30) days prior to the registration deadline or natural persons owning property within the City of Milford at least thirty (30) days prior to the registration deadline, and who are over the age of eighteen (18) years, shall be entitled to one vote at said annual municipal election or special election; provided, however, that the Council may, by ordinance, establish a reasonable procedure for the registration of voters and, in such event, compliance therewith may be a prerequisite to voting at the annual election. A Corporation, Partnership, Limited Partnership or other legally created entity is prohibited from registering and voting as a non-resident property owner unless property within the City is titled in an individual name.

(e) It is the responsibility of those registered voters who own property in more than one Ward to declare at least sixty (60) days prior to the election which Ward they will vote in on the day of the election. In the event that a person owns property(s) in the City in addition to their place of residency, he or she may vote once only where he or she resides.

(f) Upon the close of an annual municipal election or special election, the votes shall be counted and read publicly. The person having the highest number of votes, for each office, shall be declared duly elected in accordance with State law, and shall continue in office during the terms for which they are chosen, or until their successors are duly elected and qualified.

(g) The Election Board shall enter in a book to be provided for that purpose, a minute of the election containing the names of the persons chosen, shall subscribe the same, and shall give to the persons elected certificates of Election, which book, containing such minutes, shall be preserved by the Council and shall be evidence in any Court of law or equity. All ballots cast, in the event paper ballots are used, and all tabulations of votes from voting machines, if used at said election, and all other records of election shall be preserved in the Custody of the City Clerk for a period of time as required by State law.

(h) Any vacancy in the Election Board shall be filled by the electors present at the time of the annual election, by naming from the electors present, such person or persons as shall be necessary to fill such vacancy.

(i) In the event of a tie vote for any office, a Special Election for said office(s) only shall be held within thirty (30) days and the registration books shall remain closed until the outcome of the Special Election is determined.

(j) Not less than sixty (60) days prior to the Annual Election, all candidates for the office of City Councilperson shall file with the City Manager a nominating petition, stating the name of the candidate, the office for which he or she is nominated, and shall be signed by not less than ten (10) registered voters in the Ward in the City of Milford in which the candidate resides. Nominations for the Office of Mayor shall be filed with the City Manager not less than sixty (60) days prior to the Annual Election and shall contain the name of the candidate, the office for which he or she is nominated and shall be signed by not less than ten (10) registered voters in the City of Milford.

## **2.02 - Emergency election postponement; declaration.**

After consultation with the City of Milford Board of Elections, the City Clerk of the City of Milford may issue a declaration postponing the date of an election as the result of civil disorder, a natural disaster, a state of emergency or any other catastrophic event. Once the declaration is issued, the affected election is postponed. The City Clerk shall promptly set a date on which the postponed election will be held. The date of the postponed election shall not be later than fourteen calendar days after the original date of the election.

**2.03- Absentee Ballot Procedures**

Absentee voting in the City of Milford is in accordance with State law.

**2.04 - Voting Machines for Local Office and Mayor and Council Ballots**

(a) Voting machines for Mayor and City Council Elections. The City of Milford shall conduct all elections for local office using voting machines that the Department of Election of the State of Delaware provides.

(b) Names on Ballots. The Department of Elections shall prepare the voting machines for the election of members of a Municipal Government by listing the names of all certified candidates submitted by the municipality in alphabetical order by last name without political party or other designation.

**2.05 - Ballots for Ordinances and Charter Amendments**

An ordinance or Charter amendment to be voted on by the City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" Immediately below such questions shall appear, in the following order, the words "yes" and "no" and to the left of each a square in which by making a cross (X) the voter may cast his vote.

**2.06 - Voting Machines for Referenda and Annexation Elections**

The Council may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with law.

**2.07- Council Districts; Adjustment of Districts**

(a) Number of Districts. There shall initially be four City Council districts to be known as Wards.

(b) Districting Commission. The City Council shall comprise the districting commission.

(c) Report; Specifications. By the first day of January of the second year following the decennial census, the districting commission shall file with the City Clerk a report containing a recommended plan for adjustment of the Council district boundaries to comply with these specifications:

(1) Each district shall be formed of compact, contiguous territory, as nearly rectangular as possible, and its boundary lines shall follow the center lines of streets or other natural boundaries or survey lines as required.

(2) Each district shall contain as nearly as possible the same number of qualified voters and Districts shall not differ in population by more than ten (10) percent of the population in the smallest district created. The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the Clerk, the report shall be treated as an ordinance introduced by a Council member.

(d) Procedure. The procedure for the Council's consideration of the report shall be the same as for other ordinances, provided that the summary, including both the map and descriptions of the recommended districts, must be published in two newspapers of general circulation in the City of Milford, no less than one month prior to its adoption.

(e) The Commission may, but is not required to, establish five Wards instead of four, with two Councilpersons to be elected from each Ward.

(f) Enact Ordinance. The Council shall adopt the ordinance at least six months before the next regular City election.

(g) Effect of Enactment. The new Council districts and boundaries, as of the date of enactment, shall supersede previous Council districts and boundaries for all the purposes of the next regular City election, including nominations. The new districts and boundaries shall supersede previous districts and boundaries for all other purposes as of the date on which all Councilpersons elected at the regular City election take office.

### **ARTICLE III. Powers of the City – Council and Mayor**

#### **3.01- Enumerated Powers**

The City of Milford shall have all powers possible for a city to have under the constitution and laws of this State as fully and completely as though they are specifically enumerated in this Charter. Without limiting the scope of the foregoing provision, the City is specifically empowered as follows:

(a) The City shall have the power to acquire lands, tenements, real property or interests therein by condemnation for the purpose of providing sites for public buildings, parks, sewers, sewage disposal or electric plants or the erection or construction of lines or conduits for the transmission of electricity, water, gas or sewerage, or for any other municipal purpose, whether within or without the limits of the City, and the procedure therefore shall be as contained in the Revised Code of Delaware 1953, as amended. The City of Milford may transmit electric, gas and/or water from the plant or plants owned and operated by said City to places or properties beyond the limits of said City and upon such terms, charges and conditions that the Council may determine and approve.

(b) The Council is vested with authority on behalf of the City to enter into contracts for the rendering of personal service to the City and/or the purchase of supplies and doing of work for any municipal purpose for the City provided. Notwithstanding anything herein to the contrary, public competitive bidding shall not be required under any of the following circumstances:

(1) A contract for any service to be rendered by the State of Delaware or any political subdivision thereof

(2) A contract for professional services

(3) A contract which is less than Thirty Thousand Dollars (\$30,000). Such a contract shall not be for a portion of a project or proposal that would otherwise require bidding. The aggregate amount shall not exceed Thirty Thousand Dollars (\$30,000).

(c) The contract shall be awarded to the lowest responsible bidder, but Council may reject any and/or all bids for any cause by it deemed advantageous to the City.

(d) All formal contracts shall be signed by the Mayor with the Seal of the City attached and attested by the City Clerk.

(e) The Council shall have the power and authority to anticipate revenue by borrowing upon the faith and credit of the City of Milford in accordance with the provision of Article VIII of this Charter.

(f) The Council shall have the authority to establish and maintain a pension system for employees of the City of Milford, to be paid to such employees, or dependents, in such amounts, at such times, and

in accordance with such rules and regulations as the City Council shall from time to time resolve or decree.

(g) Notwithstanding any of the provisions of Section 3.01 and without complying with the competitive bidding procedures described herein, the City of Milford may enter into any contract necessary or desired in connection with a TIF District or a special development district created or designated by the City of Milford pursuant to Article IX of this Charter except a contract in which the City of Milford is directly contracting for the procurement of the labor or material for public improvements for the benefit of such district, provided that the foregoing exception shall not apply to development or similar type contracts between the City of Milford and an owner of real property in such district when the contract is generally for the transfer by the owner to the City of Milford of the work performed and the cost of labor or material provided by such owner for the benefit of such district.

### **3.02- Construction**

The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers of the Charter shall not be construed as limiting in any way the general power stated in this article.

### **3.03- Intergovernmental Relations**

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with anyone or more states or civil divisions or agencies thereof or the United States of America or any agency thereof.

### **3.04- Notice of Action**

No action, suit or proceeding shall be brought or maintained against the City of Milford, the Mayor or the City Council of the City of Milford for damages on account of physical injuries, death or injury to property by reason of the negligence of the City of Milford or any of its departments, offices, agents or employees thereof, unless the person by or on behalf of whom such claim or demand is asserted shall, within one (1) year of the occurrence of such injury, notify the City Manager in writing of the time, place, cause and character of the injuries sustained.

### **3.05- Investigations**

The Council may make investigations into the affairs of the City and the conduct of any City Department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Council shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00, or by imprisonment for not more than ten (10) days, or both.

### **3.06 - Independent Audit**

The Council shall provide for an independent annual audit of all City accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The Council shall, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three years, provided that the designation for any particular fiscal year shall be made no later than 30 days after the beginning of such fiscal year. If the State makes such an audit, the Council may accept it as satisfying the requirements of this Section. Council must review and accept each annual audit.

### **3.07 – Mayor - General Powers**

The Mayor shall be the executive of the City and shall preside at meetings of the Council, but shall have no vote except in case of a tie. The Mayor shall execute on behalf of the City all agreements, contracts, bonds, deeds, leases and other documents authorized by Council necessary to be executed. The Mayor or his/her designee shall countersign all orders, checks and warrants authorized by Council; and shall have all and every power conferred and perform the duties imposed upon him by this Charter and the ordinances of the City. The Mayor may appoint such committees as he deems necessary for the proper administration of City Council.

### **3.08 - Vice Mayor**

At the annual organizational meeting, the Council shall also elect by a majority vote of the entire Council a Vice-Mayor who shall act as Mayor during temporary absence or inability of the Mayor, and while so acting, shall be vested all the powers and authority of the Mayor.

### **3.09 - General Powers and Duties**

All powers of the City shall be vested in the Council, except as otherwise provided by law or this Charter and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

## **Article IV. Council Government – Composition, Qualifications, Vacancies and Procedure**

### **4.01- Composition of Government**

The government of the city and the exercise of all powers conferred by this charter except as otherwise provided herein, shall be vested in an elective body called the Council, consisting of a Mayor and eight (8) Councilpersons. Whenever the word “Mayor” is used, it shall refer solely to the Mayor. Whenever the word “Council” is used it shall refer to the eight (8) Councilpersons. The government of the City of Milford and the exercise of all powers conferred by this Charter, except as otherwise provided herein shall be vested in a Mayor and a City Council. The City Council shall consist of not more than ten (10) members. Two of the members of the City Council shall reside in that portion of the City known and described as the First Ward, two in that portion known as the Second Ward, two in that portion known as the Third Ward and two in that portion known as the Fourth Ward. In the event a Fifth Ward is created, two members of Council shall reside in that portion of the City known and described as the Fifth Ward. The Mayor and Councilpersons shall each serve for a term of two years.

### **4.02 Annual Organizational Meeting.**

At seven o'clock (7:00) p.m. on the second Monday following the annual election, the Mayor and Council shall meet at the Council Chamber and shall assume the duties of their offices after being first duly sworn or affirmed to perform their duties with fidelity and in accordance with the Charter of the City.

### **4.03 - Compensation and Expenses**

The Council may determine the annual salary of Councilpersons and the Mayor by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of Councilpersons elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six months. Councilpersons and the Mayor shall receive their actual and necessary expenses incurred in the performance of their duties of office.

#### **4.04- Prohibitions**

(a) Except where authorized by law, no Mayor or Councilperson shall hold any other City office or employment during the term for which he or she was elected to the Office of Mayor or Council, and no former Mayor or Councilperson shall hold any compensated appointive City office or employment until two (2) years or more after the expiration of the term of office for which he or she was elected.

(b) Appointments and removals. Neither the Mayor, Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the Manager or any of his subordinates are empowered to appoint, but the Mayor or Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.

(c) Interference with Administration. Except for the purposes of inquiries and investigations under Section 4.08, the Mayor or Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Mayor or Council nor its members shall give orders to any such officer or employee, either publicly or privately.

#### **4.05 - Vacancies, Forfeiture of Office; Filling of Vacancies**

(a) Vacancies.

(1) The Office of the Mayor shall become vacant upon death, resignation or removal from office in any manner authorized by law, or ceases to be a lawfully registered voter of the City and a resident of the City.

(2) The Office of a Councilperson shall become vacant upon death resignation or removal from office in any manner authorized by law, or ceases to be a lawfully registered voter of the City and a resident of the Ward in which he/she resided at the time of the election.

(b) Forfeiture of Office. A Councilperson shall forfeit his or her office if he or she (1) lacks at any time during his or her term of office any qualification for the office prescribed by this Charter or by law, (2) violates any express prohibition of this Charter, or (3) is convicted of a crime involving moral turpitude.

(c) Filling of Vacancies. If a vacancy occurs in the Council and the remainder of the unexpired term is less than three (3) months, the vacancy shall be filled in the next general election. If a vacancy occurs in the Council and the remainder of the unexpired term is less than six (6) months but more than three (3) months, the Council may within 45 days of the vacancy occurring, by a majority vote of all of its remaining members, appoint a qualified person to fill the vacancy until the person elected at the next regular election takes office. If at the time a vacancy occurs the remainder of the unexpired term is six (6) months or greater than six (6) months, the election authorities shall call a special election to fill the vacancy for the remainder of the unexpired term. The special election shall be held not sooner than twenty (20) days nor later than thirty (30) days following the occurrence of the vacancy and shall be otherwise governed by the provisions of Article VII. Notwithstanding the requirement that a quorum of the Council consists of five members, if at any time the membership of the Council is reduced to less than five, the remaining members may, by majority action, appoint additional members to raise the membership to five.

#### **4.06 - Qualification for Mayor and City Council**

(a) No person shall be eligible for election as Mayor unless he or she is a citizen of the United States of America, a bona fide resident of the City of Milford and has continuously resided therein for a period of one year preceding the day of the election, is over the age of eighteen (18) years prior to the day of the election, has not been convicted of a felony and is nominated therefore, as hereinafter provided.

(b) No person shall be eligible for election as a City Council member unless he or she is a citizen of the United States of America, a bona fide resident of the Ward in the City of Milford where they are

seeking election and has continuously resided therein for a period of one year preceding the day of the election, is over the age of eighteen (18) years prior to the day of the election, has not been convicted of a felony and is nominated therefore, as hereinafter provided.

(c) The Mayor shall be eligible to serve in such elected office unless he or she does not continue to be a resident of the City during his or her respective term(s) of office nor shall any member of Council be eligible to serve in such elected office unless they continue to be a resident of their Ward during their respective terms of office.

(d) If a Council member files and runs for Mayor, and is elected before his or her Council term has expired, the elected Mayor's Council seat shall be considered vacant when the elected Mayor is sworn in on the second Monday following the date of the election.

#### **4.07- Judge of Qualifications**

The Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing. Decisions made by the Council under this Section shall be subject to review by the Superior Court.

#### **4.08 - Procedure**

(a) Meetings. The Council shall meet regularly at least once in every month at such times and places as the Council may prescribe by rule. Special meetings may be held in compliance with State law and may be on the call of the Mayor or of four or more members. All meetings shall be public; however, the Council may recess for the purpose of discussing in a closed or executive session limited to its own membership any matters permitted by State Law.

(b) Rules and Journal. The Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record. Unless or until other rules are adopted, the Council shall follow Roberts Rules of Order and parliamentary procedure.

(c) Voting. Voting, except on procedural motions, shall be by roll call, and the ayes and nays shall be recorded in the journal. Five members of the Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. No action of the Council, except as otherwise provided in the preceding sentence and in Section 4.05(c), shall be valid or binding unless adopted by the affirmative vote of four or more members of the Council.

#### **4.09 - Action Requiring an Ordinance**

The Council is hereby vested with the authority to enact ordinances or resolutions (resolution includes actions taken upon motion whether by roll call or voice vote and whether or not the Resolution has been prepared as a writing) relating to any subject within the powers and functions of the City, or relating to the government of the City, its peace and order, its sanitation, beauty, health, safety, convenience and property, and to fix, impose and enforce the payment of fines and penalties for the violation of such ordinances or resolutions, and no provision of this Charter as to ordinances on any particular subject shall be held to be restrictive of the power to enact ordinances or resolutions on any subject not specifically enumerated.

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

- (a) Adopt or amend an administrative code;
- (b) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (c) Levy taxes, except as otherwise provided in Article ~~V~~ X with respect to the property tax levied by adoption of the budget;
- (d) Grant, renew or extend a franchise;

(e) Regulate the rate charged for its services by a public utility;

(f) Authorize the borrowing of money;

(g) Sell or lease or authorize the sale or lease of any asset of the City if its value is equal to or greater than 1/5 of 1% of the assessed value of all real property within the corporate limits.

(h) Amend or repeal any ordinance previously adopted; and

(i) Change of zone or conditional use of land.

Acts other than those referred to in the preceding may be done either by ordinance or by resolution.

#### **4.10 - Ordinances in General**

(a) Form. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be “The City of Milford hereby ordains...” Any ordinance which repeals or amends an existing ordinance or part of the City Code shall set out in full the ordinance sections or subsections to be repealed or amended and shall indicate the matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

(b) Procedure. An ordinance may be introduced by the Mayor, any member of City Council or the City Manager at any regular or special meeting of the Council. Upon introduction of any ordinance, the City Clerk shall distribute a copy to the Mayor, each Council Member and to the City Manager. An ordinance shall be placed on the agenda for introduction and for adoption by title; the introduction and the adoption may not be on the same meeting date. As soon as practicable after adoption of any ordinance, the Clerk shall have it published together with a notice of its adoption.

(c) Effective Date. Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of ten (10) days after adoption or at any later date specified therein.

(d) “Publish” Defined. As used in this section, the term “publish” means to print in one or more newspapers of general circulation in the City:

(1) A brief summary of the Ordinance, and

(2) The places where complete copies of it have been filed and the times when they are available for public inspection.

#### **4.11 - Emergency Ordinances**

To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in subsection 6.09(b). An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five members shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance, except one made pursuant to Subsection 6.09(b), shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

#### **4.12 - Codes of Technical Regulation**

(a) The Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

(b) The requirements of Section 4.10 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and

(c) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the City Clerk pursuant to Subsection 4.13(a).

(d) Copies of any adopted code of technical regulations shall be made available by the City Clerk for distribution or for purchase at a reasonable price.

#### **4.13 - Authentication and Recording, Codification Printing**

(a) Authentication and Recording. The City Clerk shall authenticate by his or her signature and record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the Council.

(b) Codification. The Council shall provide for the continual preparation of a general codification of all City ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the Council by ordinance and shall be published promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Delaware, and such codes of technical regulations and other rules and regulations as the Council may specify. The compilation shall be known and cited officially as the Code of the City of Milford. Copies of the Code may be furnished to City officers, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the Council.

(c) Printing of Ordinances and Resolutions. The Council shall cause each ordinance and resolution having the force and effect of law and each amendment to this Charter to be printed promptly following its adoption, and the printed ordinances, resolutions and Charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the Council. Following publication of the first Code of the City of Milford and at all times thereafter, the ordinances, resolutions and Charter amendments shall be printed in substantially the same style as the Code currently in effect and shall be suitable in form for integration therein. The Council shall make such further arrangements as it deems desirable with respect to reproductions and distribution of any current changes in or additions to the provisions of the Constitution and other laws of the State of Delaware, or the codes of technical regulations and other rules and regulations included in the Code.

## **ARTICLE V. Administration and Appointees**

### **5.01 - Form of Government**

The form of government established by this charter shall be known as the “Council-Manager” form.

### **5.02 - City Manger - Appointment; Qualifications and Compensation**

The Council shall appoint a City Manager for an indefinite term. He need not be a resident of the City or state at the time of his appointment but may reside outside the City while in office only with the approval of the Council. The City Council may enter into an employment contract with the City Manager. An employment contract with a City Manager shall be in writing and shall specify the conditions of employment.

### **5.03 - City Manager - Removal**

The Council shall remove the Manager from office in accordance with the following procedures and those conditions contained in the City Manager’s employment contract:

(a) The Council shall adopt by affirmative vote of a majority of all of its members a preliminary resolution which must state the reasons for removal and may suspend the Manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the Manager.

(b) Within five days after a copy of the resolution is delivered to the Manager, he may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The Manager may file with the Council a written reply not later than five (5) days before the hearing.

(c) The Council may adopt a final resolution of removal, which may be effective immediately, by affirmative vote of a majority of all its members at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the Manager, if he has not requested a public hearing, or at any time after the public hearing if he has requested one. The Manager shall continue to receive his salary until the effective date of a final resolution of removal.

### **5.04 - Acting City Manager**

By letter filed with the City Clerk, the Manager shall designate, subject to the approval of the Council, a qualified City administrative officer to exercise the powers and perform the duties of Manager during his temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the City to serve until the Manager shall return or his disability shall cease.

#### **5.05 - Powers and Duties of the City Manager**

The City Manager shall be the chief administrative officer of the City. He or she shall be responsible to the Council for the administration of all City affairs placed in his charge or under this Charter. He or she shall have the following powers and duties:

(a) He or she shall appoint, and when he deems it necessary for the good of the service, suspend or remove City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. He or she may authorize any administrative officer, who is subject to his direction and supervision, to exercise these powers with respect to subordinates in that officer's department, office or agency.

(b) He or she shall direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law.

(c) He or she shall attend all Council meetings and shall have the right to take part in discussion but may not vote.

(d) He or she shall see that all laws, provisions of this Charter and acts of the Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.

(e) He or she shall prepare and submit the annual budget and capital program to the Council.

(f) He or she shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.

(g) He or she shall make such other reports as the Council may require concerning the operations of City departments, offices and agencies subject to his direction and supervision.

(h) He or she shall keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City as he deems desirable.

(i) He or she shall perform such other duties as are specified in this Charter or may be required by the Council.

#### **5.06 - City Clerk - Appointment and Duties**

The Council shall appoint an officer of the City who shall have the title of City Clerk. The City Clerk shall give notice of Council meetings to its members and the public, maintain a permanent record of all Council proceedings and documents, manage the City's elections, act as the custodian of the City Seal, affixing it to all documents, records, contracts and agreements requiring a seal and attesting to same by signature and perform other duties as are assigned to him or her by this Charter or by the Council.

#### **5.07 - City Solicitor**

At the Annual organization meeting, the City Council shall appoint a City Solicitor who shall be removable at the pleasure of the City Council either with or without due cause as stated. It shall be his, her or its duty to give legal advice to the Council and other officers of the City and to perform other legal services as may be required by the City of Milford. The City Solicitor may be an individual licensed to practice law in the State of Delaware or may be a Delaware law firm any member of which can perform the duties of the City Solicitor.

#### **5.08 - Police Department**

The Council shall appoint a Chief of Police for an indefinite term and fix his compensation. The terms of his employment shall be contained in an employment contract

(a) It shall be the duty of the Council to appoint a Chief of the City Police and such number of subordinates as the Council may deem wise. The Council shall, from time to time, make rules and regulations (which may be proposed by the Chief of Police) as may be necessary for the organization, government and control of the Police Force. The police shall preserve peace and order, and shall compel obedience within the City limits to the ordinances of the City and the laws of the State; and they shall

have such other duties as the Council shall from time to time prescribe. After the initial Chief of City Police and the initial subordinates are appointed in accordance with the terms of this Charter, thereafter, any subsequent Chiefs of Police shall be appointed by the City Council, but any subsequent subordinates shall be hired or fired by the then Chief of Police.

(b) Each member of the Police Force shall be vested, within the City limits and within one mile outside of said limits, with all the powers and authority of a state peace officer, and in the case of the pursuit of an offender, their power and authority shall extend to any part of the State of Delaware.

(c) The Chief of Police shall be responsible to Council and shall be removed from office in accordance with the provisions of State law and the following procedures:

(1) The Council shall adopt by affirmative vote of a majority of all of its members a preliminary resolution which must state the reasons for removal and may suspend the Chief of Police from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the Chief of Police.

(2) Within five (5) days after a copy of the resolution is delivered to the Chief of Police, he may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The Chief of Police may file with the Council a written reply not later than five (5) days before the hearing.

(3) The Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the Chief of Police, if he has not requested a public hearing, or at any time after the public hearing if he has requested one.

(4) The Chief of Police shall continue to receive his salary until the effective date of a final resolution of removal.

(5) By letter filed with the City Clerk, the Chief of Police shall designate, subject to approval of the Council, a qualified police officer to exercise the powers and perform the duties

of the Chief of Police during his temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the City to serve until the Chief of Police shall return or his disability shall cease.

(d) The Chief of Police shall:

(1) Administer, direct and supervise the operation of the police department.

(2) Prepare and submit an annual budget and capital program to the City Manager. This shall then be placed by the City Manager into the Annual Budget and Capital Program for Council approval.

(3) Attend all Council Meetings and shall have the right to participate in any discussion of police concern, but shall have no vote.

#### **5.09 - City Holding Cells**

The Council may maintain a holding cell for the City, which shall be used as a place for the temporary detention of persons accused of violations of law or ordinances for a reasonable time, in cases of necessity, prior to transport to a detention facility, hearing and trial or arraignment.

#### **5.10 - City Alderman**

(a) At the next regular meeting following the Annual Organization Meeting, the Council may appoint an Alderman and an Acting Alderman.

(b) The Alderman may or may not be a resident of the City of Milford and shall have his office at some convenient place within the limits of the City of Milford, as designated by City Council. He or she shall be sworn or affirmed to perform the duties of his office with fidelity by the Mayor. In the event of his absence from the City or, if for any cause he or she may be unable to perform the duties of his office, the Council is authorized to appoint an Acting Alderman with the same powers, jurisdiction and authority.

(c) He or she shall have jurisdiction over and cognizance of all breaches of the peace and other violations of the ordinances of the City of Milford, to hold trial, to imprison offenders, and to impose and enforce fines, forfeitures and penalties as may be prescribed by the ordinances of the City.

(d) He or she shall be under the direct supervision of the City Manager. The prison in either Kent or Sussex County may be used for the imprisonment of offenders under the provisions of this Charter.

(e) Upon the expiration of his term of office, or upon resignation or removal from office, the Alderman shall forthwith deliver to his successor all books, papers, documents and other things belonging or appertaining to his office, and shall pay over to the Treasurer all moneys in his hands belonging to the City. Upon neglect or failure to make such delivery or payment for the space of five (5) days, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than Five Hundred Dollars (\$500.00), or imprisoned for not more than one (1) year, or shall suffer both fine and imprisonment at the discretion of the Superior Court.

(f) At every regular monthly meeting of the Council, the Alderman shall report in writing all fines imposed by him, and all fines and penalties and other money received by him during the preceding month belonging to the City. He shall pay all such moneys to the City within ten (10) days after making report to the Council, or for failure to make payment to the City for the space of ten (10) days, he shall be deemed guilty of a misdemeanor, and shall be punished, upon conviction, as herein above provided.

(g) The Alderman shall keep a docket in which all his official acts shall be entered.

(h) The Acting Alderman may or may not be a resident of the City of Milford; shall keep a separate docket, and in the absence or inability of the Alderman shall have all the powers of the Alderman as herein provided.

### **5.11 - Finance Department**

There shall be a City Finance Department which shall be directed and supervised by an officer of the city who shall have the title of Finance Director. The Finance Director shall be appointed and supervised by the City Manager. The Finance Director shall have the duties of chief financial officer of the City of Milford, but may delegate such duties to subordinates under his direction. He or she shall pay out any monies upon check signed by two members of either Mayor or City Council or their designee. He or she shall keep a true accurate and detailed account of all monies received and all monies paid out by the city in all its activities and for all its departments, offices and agencies; shall preserve all vouchers and

financial records, but under a records disposal program and schedule approved by the Council, may periodically destroy such records and vouchers. He or she shall make such reports at such times as the City Manager and Council shall direct and which will keep the Council, City Manager and the public informed of the financial condition of the city.

#### **5.12 - Planning Department**

There shall be a planning department, which shall be directed and supervised by a City Planner. The City Planner shall be appointed, supervised and removed by the City Manager. The City Planner shall have the following responsibilities:

- (a) To advise the City Manager on any matter affecting the physical development of the city;
- (b) To formulate and recommend to the City Manager a comprehensive land use plan and modification thereof;
- (c) To review and make recommendations regarding proposed actions of the Council in implementing the comprehensive development plan;
- (d) To advise and seek advice from the planning commission in the exercise of his or her responsibilities and in connection therewith, to provide it necessary staff assistance;
- (e) To review and make recommendations regarding proposed actions of the Council in annexations;
- (f) To strive to give citizens the opportunity to have a meaningful impact on the development of plans;
- (g) To protect the integrity of the natural environment and endeavor to conserve the heritage of the built environment.

#### **5.13 - City Planning Commission**

Pursuant to State law, there is hereby established a Planning Commission for the City of Milford. The City Planning Commission shall consist of nine (9) members recommended by the Mayor and appointed by City Council.

#### **5.14 – Board of Adjustment**

There shall be a Board of Adjustment pursuant to the provisions of the Delaware Code. The Council shall, by ordinance, establish a Board of Adjustment and shall provide standards and procedures for such Board to hear and determine appeals from administrative decisions and petitions for variances in the case of peculiar and unusual circumstances which may be required by the Council or by law.

## **Article VI. Financial Procedures**

### **6.01- Fiscal Year**

The Fiscal year of the City shall be set by the City Council.

### **6.02- Submission of Budget Date**

On or before the last day of the twelfth month of each fiscal year, the Manager shall submit to the Council a budget for the ensuing fiscal year and an accompanying message.

### **6.03- Budget Message**

The Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the City's debt position and include such other material as the manager deems desirable.

### **6.04- Operating Budget**

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Manager deems desirable or the Council may require. In organizing the budget, the Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year; and shall be so arranged as to show comparative figures for actual and estimated

income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;

(b) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure;

(c) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income.

#### **6.05- Capital Program**

(a) Submission to Council. The Manager shall prepare and submit to the Council a five-year capital program at the time the annual budget is submitted to City Council as defined in Section 6.02.

(b) Contents. The capital program shall include:

(1) A clear, general summary of its contents;

(2) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

(3) Cost estimates, method of financing and recommended time schedules for each such improvement; and

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

#### **6.06- Council Action on Operating Budget**

The Council shall adopt the operating budget on or before the last day of the twelfth month of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the Council adopts an operating budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

#### **6.07- Council Action on Capital Program**

Adoption. The Council, by resolution, shall adopt the capital program with or without amendment on or before the last day of the twelfth month of the current fiscal year.

#### **6.08- Public Records**

Copies of the budget and the capital program as adopted for the fiscal year are public records and shall be made available to the public through the Freedom of Information Act and the City of Milford website.

#### **6.09- Amendments after Adoption**

(a) Supplemental Appropriations. If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by ordinance may make by supplemental appropriations for the year up to the amount of such excess.

(b) Emergency Appropriations. To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available un-appropriated revenues to meet such appropriations, the Council may exercise short term borrowing authority as provided in Section 8.07 of this Charter.

(c) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by

him and his recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(d) Transfer of Appropriations. At any time during the fiscal year, the Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the Manager, the Council may by majority vote transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

(e) Limitations: Effective Date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

#### **6.10- Lapse Of Appropriations**

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

#### **6.11- Administration of Budget**

(a) Work Programs and Allotments. At such time as the Manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The Manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He or she may revise such allotments during the year if they deem it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations.

b) Payments And Obligations Prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the Manager or his\her designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds there from are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he or she shall also be liable to the City for any amount so paid. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

#### **Article VII. Taxation, Assessors and Assessment of Taxes**

**7.01** - Not less frequently than every ten years, there shall be made a general assessment which shall be a true, just and impartial valuation and assessment of all the real property within the limits of the City.

**7.02** - It shall be the duty of the City Manager to include supplemental assessments prepared by the assessor(s) for the purposes of adding property not included in the last assessment or increasing or decreasing the assessment value of property which was included in the last general assessment. In the year that a supplement assessment is made, the General Assessment then in force as modified by the supplemental assessment, shall constitute the assessment for the year.

**7.03** - The City Manager shall make and deliver to the Council, as soon as the assessments are made, such number of copies as the Council shall direct.

**7.04** - The real property of the City Assessor(s) shall be assessed by the Council.

**7.05** - The City Tax Assessor shall notify the property owner in writing of any change in assessment.

**7.06** - The Council shall, prior to a given date set by resolution in each year, cause a copy of the General Assessment as adjusted by the supplemental assessment as made in said year, to be hung in two public

places in the City, and there to remain for the space of ten (10) days for public information. Attached to said copies shall be a notice of the day, hour and place that the Council will sit as a Board of Revision and Appeal; and the notice of the hanging up of the copies of the assessment and the places where the same are hung up and of the day, hour and place when the Council will sit as a Board of Revision and Appeal shall be published in at least one issue of a newspaper circulated in the City.

**7.07** - At the time and place designated in the notice aforesaid, the Council shall sit as a Board of Revision and Appeal to correct and revise the assessment, and to hear appeals concerning the same. They shall have full power and authority to alter, revise, add to and take from the said assessment. The decision of a majority of the Council shall be final and conclusive; and no member of Council shall sit on his own appeal.

**7.08** - The assessment, as revised and adjusted by the Council, shall be the basis for the levy and collection of the taxes for the City. If any taxable fails or neglects to perfect his or her appeal to the Board of Revision and Appeal, he or she shall be liable for the tax for such year as shown by the assessment lists.

**7.09** - The Council shall also have the right to levy and collect taxes on all underground cables and utility installations, and upon all telephone, telegraph or power poles or other erections of like character erected or installed within the limits of the City, together with the wires and appliances thereto or thereon attached, that are now assessable and taxable, and to this end, may at any time direct the same be included in or added to the City Assessment. In case the owner or lessee of such poles, erections, installations or appliances shall neglect or refuse to pay the taxes that may be levied thereon, the said taxes may be collected by the City in the same manner as other taxes, and upon continued non-payment, the Council shall have the authority to cause the same to be removed.

**7.10** - The Council shall determine and fix a rate of taxation which with other anticipated revenue will produce approximately the amount of money necessary to defray the expenses of the City for the current year, including interest on bonded indebtedness and for redemption of maturing bonds and for maintenance of a sinking fund.

**7.11** - The limit of taxation for current expenses shall be that rate which, by estimation, will produce a sum not exceeding two (2) percent the assessed value of real property with improvements located in the City.

**7.12** - (a) Not later than the second month of a new fiscal year, the City Manager shall make available to the Council a list containing the names of the taxables of the City and, opposite the name of each, the amount of his real property assessment, as well as the tax upon the whole of his assessment, and the rate per hundred dollars of assessed valuation. Attached to a tax list shall be a warrant, under the seal of the City of Milford, signed by the Mayor and attested by the City Clerk commanding the City Manager to make collection, when due, of the taxes as stated and set forth in the tax list.

(b) All taxes, when and as collected by the City Manager, shall be paid to or deposited to the credit of the City in banking institutions approved by Council.

(c) All taxes shall be due and payable on the date set by Council. To every tax not paid after the said date each year there shall be added and collected a penalty, for each month that the said tax remains unpaid. The penalty rate charged is to be set by Council through ordinance. Before exercising any of the powers herein given for the collection of taxes, written notices of the amount due shall be given to the taxable.

(d) All taxes assessed upon any real estate and remaining unpaid prior to a new tax year billing shall constitute a first lien against all real estates of the delinquent taxpayer situated within the limits of the City of Milford. In the case of a life estate, the interest of the life tenant shall first be liable for the payment of any taxes so assessed. The City Manager, in the name of the City of Milford, may institute suit before any Justice of the Peace within Kent County or Sussex County, or before the Alderman of the said City, or in the Court of Common Pleas in and for Kent or Sussex County, or in the Superior Court of the State of Delaware, for the recovery of the unpaid tax in an action of debt, and upon judgment obtained, may sue out writs of execution as in case of other judgments recovered before a Justice of the Peace or in the Court of Common Pleas or in the Superior Court as the case may be.

(e) In addition, the City Manager, acting on behalf of the City, may pursue the sale of the lands and tenements of the delinquent taxpayer, or the lands of tenements of a delinquent taxpayer alienated subsequent to the levy of the tax and with the following conditions:

(1) No sale shall be approved by the Superior Court if the owner be ready at Court to pay the taxes, penalty and costs, and no deed shall be made until the expiration of one (1) year from the date of the sale, within which time the owner, his heirs, executors or assigns, shall have the power to redeem the lands on payment to the purchase, his personal representatives, or assigns, of the costs, the amount of the purchase money and twenty percent (20%) interest thereon and the expense of having the deed prepared.

(2) After satisfying the tax due and the costs of expenses of sale from the proceeds of sale, the amount remaining shall be paid to the owner of the land, or upon the refusal of said owner to accept said residue, or if the owner is unknown or cannot be found, the amount remaining shall be deposited in some bank in the City of Milford, either to the credit of the owner, or in a manner by which the funds may be identified.

(3) In the sale of lands for the payment of delinquent taxes, the following costs shall be allowed, to be deducted from the proceeds of sale, or chargeable against the owner as the case may be in the amount then customarily charged:

To the Prothonotary for filing and recording Petition . . . . .

For filing and recording return of sale . . . . .

To the City Manager for preparing certificate . . . . .

For making sale of land . . . . .

For preparing and filing return . . . . .

For posting sale bills . . . . .

In addition, the costs of printing handbills and publications of the advertisement of sale in a newspaper shall be chargeable as costs. The cost of the deed shall not be chargeable as costs, but shall be paid by the purchaser of the property of the delinquent taxpayer.

(4) If the owner of any lands and tenements against which a tax shall be levied and assessed shall be unknown, this fact shall be stated in the advertisement of sale.

(f) In the event of the death, resignation or removal from office of the City Manager of the City of Milford, before the proceedings of the sale of land shall have been completed, his successor in office shall succeed to have all of his powers, rights and duties in respect to said sale. In the event of the death of the purchaser at such sale prior to his receiving a deed for the property purchased thereat, the person having right under him by consent, devise, assignment or otherwise may refer to the Superior Court of the State of Delaware in and for Kent or Sussex County, a petition representing the facts and praying for an order authorizing and requiring the City Manager to have executed and acknowledged a deed conveying to the Petitioner the premises sold, or a just proportion thereof; and thereupon the Court may make such order touching the conveyance of the premises as shall be according to justice and equity.

(g) However, should the City Council so elect, the City Manager is empowered to sell the lands and tenements of the delinquent taxpayer or the lands and tenements of a delinquent taxpayer alienated subsequent to the levy of the tax, by the direction of the City Council, using any of those procedures specified for the sale of land for the collection of taxes on the part of the taxes for Sussex County or Kent County, and all such procedures and methods available for the sale of land, as aforesaid, as they are presently enacted and hereafter amended, are included herein and made a part hereof by reference in the statutes made and provided, substituting the City of Milford for Sussex County or Kent County therein.

(h) The provisions of this Section 7.12, other than the provisions of subsection (b) of this Section 7.12, shall apply to all special ad valorem taxes and special taxes levied by the City of Milford pursuant to Article IX of this Charter, provided that all references in this Section 7.12 to a tax list shall, for all purposes relating to such special ad valorem taxes and special taxes, be deemed to refer to the tax list showing the amounts of special ad valorem taxes or special taxes levied against the real property within a special development district.

#### **7.13 – Real Estate Transfer Tax**

The City of Milford reserves the right to enact a Real Estate Transfer Tax by ordinance through the City Council. Any change to the Real Estate Transfer Tax must be in accordance to Delaware laws.

**7.14- Assessment, Payment, and Collection of Taxes For New Construction**

In the event that the Mayor and Council of the City of Milford desire to collect and levy taxes on newly constructed property not taxed by virtue of the city's annual assessment, the city may enact an ordinance to do so.

**Article VIII. Borrowing of Money and Issuance of Bonds**

**8.01** - The City of Milford may borrow money and to secure the payment of the same, is hereby authorized and empowered to issue bonds or other kinds or forms of certificate or certificates of indebtedness pledging the full faith and credit of the City of Milford; or such other security or securities as the City Council shall elect, for the payment of the principal thereof and the interest due thereon.

All bonds or other kinds or forms of certificate or certificates of indebtedness issued by the City of Milford in pursuance hereof shall be exempt from all State, County or municipal taxes.

**8.02** - This power or authority to borrow money may be exercised by the City of Milford to provide funds for, or to provide for the payment of, any of the following projects or purposes:

(a) Refunding any or all outstanding bonds or other indebtedness of the City at the maturity thereof or in accordance with any callable feature or provision contained therein;

(b) Meeting or defraying current annual operating expenses of the City in an amount equal to but not in excess of currently outstanding, due and unpaid taxes, water rents, license fees or other charges due the City and available, when paid, for meeting or defraying current annual operating expenses of the City;

(c) Erecting, extending, enlarging, maintaining and repairing any plant, building, machinery or equipment for the manufacture, supplying or distribution of gas, water, electricity, sewerage or drainage system, or any of them, and the condemning or purchasing of any lands, easements and rights-of-way which may be required therefore;

(d) Constructing, paving, laying out, widening, extending, repairing and maintaining streets, lanes, alleys and ways, and the paving, constructing, laying out, widening, extending, repairing and

maintaining of curbing and gutters along the same and the condemning or purchasing or any lands, easements or rights-of-way which may be required therefore;

(e) Any other purpose consistent with the promotion of health, education or the general welfare of the City of Milford.

**8.03** - The power to borrow money and to secure the payment thereof by the issuance of bonds or other kinds or forms of certificate or certificates of indebtedness for any purpose above specified shall only exercise in the following manner:

The City Council shall adopt a resolution proposing unto the electors of the City that money be borrowed by the City for any of the above-named purposes. The resolution proposing the borrowing shall plainly set forth the following matters:

(a) The amount of money, or the amount of money not exceeding which, it is proposed shall be borrowed;

(b) The rate of interest, or the rate of interest not exceeding which, it is proposed shall be paid;

(c) The manner in which it is proposed to be secured;

(d) The manner in which it is proposed that it shall be paid or funded, or both;

(e) A short and clear description of the purpose or purposes for which the money or monies shall be used, and which description shall include the estimated cost of carrying out the purpose or purposes aforesaid; and

(f) A statement of the time and place for a public hearing upon the resolution, whereat the City Council shall vote upon the final authorization for the loan.

**8.04** - It shall then be the duty of the City Council to give notice of the time and place of such public hearing upon the resolution by publishing a copy of the resolution aforesaid in at least one issue of a newspaper published in the City of Milford at least one week before the time fixed for said hearing and by posting copies thereof in five public places throughout the said City at least one week before the time fixed for said hearing.

At the time and place mentioned in such notice, the City Council shall sit in public session and at such public session, or an adjourned session thereof, shall vote upon a resolution giving its final authorization for the loan. If such resolution shall be adopted by the City Council, then the City Council shall pass a second resolution ordering and directing that a Special Election be held in the City of Milford not less than thirty (30) days nor more than sixty (60) days (as may be determined by the Council) after the date of the hearing and passage of the resolution authorizing the loan by the Council.

The purpose of such Special Election shall be to vote for or against the proposed loan.

The City Council shall give notice of the time and place for holding the said Special Election to all the electorate of the City of Milford by posting notices thereof in five public places in said City at least two weeks prior to the day fixed for the holding of such Special Election, and by publishing a copy of such notice once each week during those two weeks immediately preceding that week during which the day fixed for the holding of such Special Election shall fall in a newspaper generally circulated in the City of Milford. Such notice of the Special Election shall likewise contain the same information with respect to the borrowing as required to be contained in the original resolution proposing the borrowing, excepting a statement of the time and place for a public hearing upon the resolution, whereat the City Council shall vote upon the final authorization for the loan.

The Special Election shall be conducted by an Election Board whose members shall be appointed or selected in the same manner and they shall have the same qualifications as hereinbefore provided in the case of annual elections of the City. At least five days prior to the date of the Special Election, the City Council shall cause to be prepared, printed and have available for distribution, a sufficient number of ballots: upon one-half of which ballot shall be printed the words "For the Proposed Borrowing" and upon the other half of said ballot shall be printed the words, "Against the Proposed Borrowing", and a box shall be provided after each and the voter instructed to place an "X" in the box provided after the choice he wishes to cast his vote. If voting machines are used, in which case, the voting machines shall be arranged in a manner consistent with the requirements for paper ballots.

At such Special Election every person who would be entitled to vote at an annual election if held on that day shall be entitled to one vote.

The Inspector of the Election shall deposit all ballots in the ballot box provided for that purpose in the presence of the person casting such ballot; he or she, the said Inspector, first writing upon the outside of said ballot the number of votes being cast thereby by the person casting such ballot, unless voting machines are used. Immediately upon the closing of the polls, the Special Election Board shall count the votes for and against the proposed borrowing and shall announce the result thereof, and shall make a certificate under their hands of the number of votes cast for and the number of votes cast against the proposed borrowing and shall deliver such Certificate, in duplicate, to the City Council. One copy of the Certificate the Council shall enter in the minutes of the next meeting of the City Council and the other copy thereof shall be filed with the papers of the City Council.

**8.05** - The form of the bonds or certificates of indebtedness and the thereunto attached coupons, if any, the time or times of payment, the time or times of payment of interest, the classes, the series, the maturity, the registration, any callable or redeemable feature, the denomination and the name thereof and any other relative or pertinent matters pertaining thereto shall all be determined by the City Council after the special election.

The bond or bonds or certificates of indebtedness shall be offered at public or private sale as determined by the City Council. All bonds or certificates of indebtedness forming a single issue need not be offered for sale at a single sale but any given issue of bonds or certificates of indebtedness authorized as hereinbefore provided may be sold in whole or in part, from time to time and until the entire authorized issue be disposed of, as the City Council may deem most advisable.

The City Council shall provide in its budget and in fixing of the rate of tax, or otherwise, for the payment of principal or such bond or bonds or certificate or certificates of indebtedness at the maturity thereof together with the interest due or which may hereafter become due thereupon and, in a proper case or as recommended by bound counsel, it shall also provide a sinking fund therefore.

Unless any such bond or bonds or certificate or certificates of indebtedness shall otherwise provide therein, the faith and credit of the City of Milford shall be deemed to be pledged for the due payment of any such bond or bonds or certificate or certificate of indebtedness and interest thereon according to its terms when and after the same have been duly and properly executed, delivered and due value received therefore.

#### **8.06- Refinancing Of Municipal Bonds**

Notwithstanding the foregoing provisions of this Section, the City Council of the City of Milford may authorize by Resolution the refinancing of existing bonds or other obligations of the City, without the necessity of a Special Election; provided that the issue of the refinancing obligations results in a present value savings to the City. Present value savings shall be determined by using the effective interest rate on the refinancing obligations as the discount rate calculated based on the internal rate of return. The principle amount of the refinancing obligations may exceed the outstanding principle amount of the obligations to be refinanced.

#### **8.07- Short Term Borrowing**

Notwithstanding the foregoing provisions of this Section, City Council may authorize, by resolution, short term borrowing by the City without the necessity of a Special Election. The City of Milford may borrow money up to the amount of the annual tax billings. The borrowed money shall be for one of the following: operating deficits, emergencies declared by Council, and short term capital project funding. The money shall be paid back in no longer than five (5) years.

### **Article IX. Tax Increment Financing and Special Development Districts**

#### **9.01 - Tax Increment Financing and Special Development Districts**

In addition to all other powers the City of Milford may have, and notwithstanding any limitation of law, the City of Milford shall have all powers and may undertake all actions for the purposes set forth in, and in accordance with Delaware Code relating to the Municipal Tax Increment Financing Act and Delaware Code relating to Special Development Districts.

#### **9.02 – Non-Recourse**

Bonds are non-recourse to the City of Milford and shall only be paid from Tax Increment Financing and Special Development District [hereinafter 'TIF' and 'SDD' respectively] assessments permitted by Delaware Code. Bonds are non-recourse to property owners who purchase subject to a TIF or SDD. Property owners who purchase subject to a TIF or SDD shall only be responsible for TIF or SDD obligations determined by the individual assessment of their property.

#### **Article X. Severance**

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provision to other persons or circumstances shall not be affected thereby.

#### **Article XI. Transitional Provisions**

##### **11.01- Officers and Employees**

(a) Rights And Privileges Preserved. Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are City officers or employees at the time of its adoption.

(b) Continuance of Officers and Employees. Except as specifically provided by this Charter, if at the time this Charter takes full effect, a City administrative officer or employee holds any office or position which is or can be abolished by or under this Charter, he or she shall continue in such office or position until the taking effect of some specific provision under this Charter directing that he vacate the office or position.

##### **11.02- Departments, Offices and Agencies**

(a) Transfer of Powers. If a City department, office or agency is abolished by this Charter, the powers and duties given it by law shall be transferred to the City department, office or agency designated in this Charter or, if the Charter makes no provision, as designated by the City Council.

(b) Property and Records. All property, records and equipment of any department, office or agency existing when this Charter is adopted shall be transferred to the department, office or agency

assuming its powers and duties, but, in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records, or equipment shall be transferred to one or more departments, offices or agencies designated by the Council in accordance with this Charter.

### **11.03- Pending Matters**

All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the City department, office or agency appropriate under this Charter.

### **11.04- State and Municipal Laws**

In General, all City ordinances, resolutions, orders and regulations which are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and laws of the State of Delaware permit, all laws relating to or affecting this City or its agencies, officers or employees which are in force when this Charter becomes fully effective, are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

### **11.05- Survival of Powers and Validations Sections**

(a) All powers conferred upon or vested in the City of Milford by any Act or Law of the State of Delaware, not in conflict with the provisions of this Charter, are hereby expressly conferred upon and vested in the City of Milford as though herein fully set out.

(b) All ordinances adopted by the City Council of the City of Milford, or which are in force for the government of the City of Milford at the time of the approval of this Charter, are continued in force and effect as ordinances of the City of Milford until repealed, altered or amended under the provisions of this Charter, and the acts of the Council of the City of Milford and of the officials thereof as lawfully done or performed under the provisions of the Charter of the City of Milford or ordinance thereof, or of any law of this State, prior to the approval of this Act, are hereby ratified and confirmed.

(c) All taxes, fines, penalties, forfeitures, assessments or debts due the City of Milford and all debts due from the City of Milford, at the effective date of this Charter shall, respectively, be deemed due to or from the City of Milford and said obligations shall severally remain unimpaired until paid, and the power, right, and authority to collect taxes imposed under the provisions of this Charter, and the processes which may be employed for that purpose, shall be deemed to apply and extend to all unpaid taxes, assessments or charges imposed under the provisions of this Charter, and the processes which may be employed for that purpose, shall be deemed to apply and extend to all unpaid taxes, assessments or charges imposed under the Charter of the City of Milford immediately preceding the adoption of this Charter.

(d) The bonds heretofore given by or on account of any official of the City of Milford shall not be affected or impaired by the provision of this Act but shall continue in full force for the benefit of the City of Milford.

## **Article XII. Repealer**

This Act shall operate to amend, revise and consolidate Chapter 726, Volume 57 Laws of Delaware entitled “An Act Changing the Name of ‘The Town of Milford’ to ‘The City of Milford’ and establishing a Charter therefore’ as amended in its entirety and by establishing a new Charter for the City of Milford to read as follows: The Act shall be deemed to be a public Act and the parts hereof shall be severable and, in the event any part or section hereof shall be held unconstitutional, such holding shall not in any way invalidate the remaining provisions of this Act.”

Section 2. The Charter shall become effective upon signature of the Governor.

### *Synopsis*

*The Charter replaces the City of Milford Charter in its entirety. A Charter Committee, the Mayor and City Council with participation from the public worked for over a year to reorganize and revise their charter. This bill is a result of that effort and the following summarizes those changes from the previous charter.*

*A table of Contents delineating the Articles has been included at the outset.*

*The Charter has been reorganized by changing the order of the Articles and moving various sections to more appropriate Articles. The organization is attempted to be more logical. As the articles*

*appear the territory and annexation procedures appear, then the election process, then the powers of the city, then the form of government, then the administration, followed by financial articles involving taxing and borrowing. The existing Charter had two articles for the power of the city and had the structure article between them. The existing charter had a separate article for the City Manager and other administrative appointments. Those appointed offices have been combined in one article. The election article has been moved from Article IX to Article II.*

*The most significant substantive changes are as follows:*

# City of Milford



## Resolution 2010-7 Amending the Charter of the City of Milford

A Resolution amending the City of Milford Charter, subject to approval of the Council of the City of Milford in accordance with Title 22, Chapter 8, Section 811 of the Delaware Code.

THE CITY OF MILFORD HEREBY ORDAINS:

WHEREAS, the Town of Milford was first incorporated on February 5, 1807; and  
WHEREAS, on January 18, 1932, the Charter of the City of Milford, contained in Chapter 726, Volume 57, Laws of Delaware, entitled "An Act Changing the Name of the Town of Milford to 'The City of Milford' and Establishing a Charter Therefore" was consolidated into one complete act; and  
WHEREAS, since this time, the Charter has been amended seven times, with the last comprehensive review occurring in 1999; and  
WHEREAS, periodically, the Charter is reviewed to help ensure that it is current and that it properly reflects the overall direction of this community; and  
WHEREAS, on August 25, 2008, the City Council appointed persons to a Charter Review Committee and charged the committee with reviewing and proposing amendments to the City of Milford Charter; and  
WHEREAS, following a series of meetings, the Charter Review Committee presented a draft of the proposed Charter to City Council on January 25, 2010 at a public meeting;  
WHEREAS, the City Council has thoroughly and completely reviewed the proposal and after considering the amendments, the Council called for a Public Hearing to be held on April 26, 2010 at which time all citizens so desiring were afforded the opportunity to be heard; and  
WHEREAS, the City Council has henceforth considered the approval or rejection of various amendments to the Charter; and  
WHEREAS, City Council finds it to be in the public interest to declare the adoption of the amendments to the City's Charter, and to adopt the amended Charter, including the rearrangement and renumbering of various articles and paragraphs in the Charter authorized by the Charter.

NOW, THEREFORE, BE IT RESOLVED the City Solicitor of the City of Milford is authorized and directed to forward a copy of this Resolution and revised City of Milford Charter to members of the Delaware General Assembly and to seek the assistance and support of those members of the General Assembly for this City of Milford Charter Amendment.

BE IT FURTHER RESOLVED that the General Assembly of the State of Delaware is hereby requested, during its 2010 Session, to approve by no less than a two-thirds vote of all members elected to each branch, the amendment of the City Charter of the City of Milford, Delaware in the form and manner, attached hereto as Exhibit A.

---

Mayor Joseph Ronnie Rogers

---

City Clerk Teresa K. Hudson

Adopted: May 10, 2010

April 8, 2010

City of Milford  
David W. Baird, City Manager  
180 Vickers Drive  
P.O. Box 159  
Milford, DE 19963

RE: Carpenters Pit Road  
Bridge Extension & Road Widening

Dear Mr. Baird:

In accordance with your request, Century Engineering, Inc. (Century) is pleased to submit the enclosed information to provide professional engineering, right of way acquisition and permit application services for the Design of the Carpenters Pit Road Bridge Extension and Road Widening. Enclosed please find:

1. Letter Agreement between the City of Milford and Century. This original is being submitted in duplicate for signature. Once signed, we request that you keep one original for your records and return one original to Century.
2. Scope of Services
3. Cost Proposal

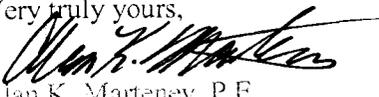
The Scope of Services for this proposal is based on the services previously completed for the Semi-Final design of only the bridge extension, related permit applications and comments received from DelDOT and the Resource Agencies. As described in the enclosed, the design and impacts from the bridge widening have been basically accepted by DelDOT and the resource agencies though they are requiring additional measures and mitigation. In sum, these services will result in a set of Contract Documents that can be advertised for bids in accordance with DelDOT Policies and Procedures.

The status of the funding of the project is as follows:

Total Funding Available:	\$120,000.00
Less Funds Spent to Date:	<u>\$ 55,481.15</u>
Remaining Funds Available:	\$ 64,518.85
Less This Proposal:	<u>\$ 64,241.95</u>
Funds Remaining:	\$ 276.90

We look forward to working with you on this project. Please feel free to call with your questions or comments.

Very truly yours,

  
Alan K. Marteney, P.E.  
Vice-President

cc: Mark Mallamo, Milford City Engineer (w/encl)  
Royce Andrus, Lighthouse Christian Center (w/encl)  
Jackie Griffith, DelDOT Legislative Projects Manager (w/encl)  
Temple Carter, DelDOT Real Estate (w/encl)  
Scott Rathfon, Century

April 8, 2010

City of Milford  
David W. Baird, City Manager  
180 Vickers Drive  
P.O. Box 159  
Milford, DE 19963

RE: Carpenters Pit Road  
Bridge Extension & Road Widening  
LETTER AGREEMENT

Dear Mr. Baird:

In accordance with your request, Century Engineering, Inc. (Century) is pleased to submit this proposal to provide professional engineering services for the Design of the Carpenters Pit Road Bridge Extension and Road Widening. This proposal also includes Right of Way Acquisition and Permit Application Services and will result in one set of Contract Documents that can be advertised for bids in accordance with DelDOT Policies and Procedures.

This original proposal is being submitted in duplicate for signature. Once signed, we request that you keep one original for your records and return one original to Century.

**I. SCOPE OF SERVICES:**

Based on our discussions with you, DelDOT and regulatory agencies, Century proposes to provide the professional services as outlined in the attached Scope of Services.

**II. FEES AND PAYMENTS:**

Century shall provide these services on a "Fixed-Rate" basis. The rate includes the cost for Century's time expended on this project, which includes: direct salary costs; overhead; and profit. Reimbursable expenses will be billed separately and are the actual out-of-pocket direct expenses incurred by Century in connection with the project, such as mileage, printing, and reproduction, and will be based on Century's company policy in effect at the time the reimbursable costs are incurred.

The proposed "Fees and Payment" conditions are listed below:

1. Century will perform the work outlined in the attached Scope of Services for an estimated Not to Exceed Fee as shown on the enclosed Cost Estimate Form.

2. The performance of any work or the rendering of any services not included within the Scope of Services of this proposal is extra work, which will not be initiated without written authorization from a representative of the City of Milford, referred to hereafter as "Client". Fees for extra work will be negotiated and agreed upon by the Client prior to initiation.
3. Century will provide the services based on the following Rate Schedule (Rates include Overhead and Profit):

Principal	= \$150.00/hour
Project Manager	= \$111.00/hour
Project Engineer	= \$ 93.00/hour
Engineer	= \$ 73.00/hour
Sr. Designer/Planner/RW Agent	= \$ 90.00/hour
Designer	= \$ 68.00/hour
CADD/Technician/RW Agent	= \$ 54.00/hour
Survey Manager/PLS	= \$ 96.00/hour
Survey Party Chief	= \$ 54.00/hour
Survey Instrument Person	= \$ 34.00/hour
Construction Inspector	= \$ 63.00/hour
Construction Inspector	= \$ 60.00/hour
Jr. Construct. Inspect./Office Manager	= \$ 50.00/hour

The above fees are based on current salaries and operational costs and shall be subject to escalation if work is performed after December 31, 2010.

4. Mileage: Mileage will be charged for travel from Century's office to the work site, or from the employee's home to the worksite, whichever is less. Mileage for travel necessary at the work site will also be charged. Rate will be per current company policy in effect at the time the mileage expense is incurred. The current company policy is \$0.50/mile.
5. The performance of any work or the rendering of any services not included within this agreement is extra work, which will not be initiated without written authorization of the City of Milford, referred to hereafter as "Client". Fees for extra work will be negotiated and agreed upon by the client prior to initiation.
6. Century will render invoices monthly or as phases of the work progress. Said invoices will be due in full within 30 days from the date of billing. If fees are not paid within 30 days, we reserve the right to pursue all appropriate remedies, including stopping work and retaining drawings without recourse. If at any time an invoice remains unpaid for a period in excess of 60 days, a

City of Milford  
Carpenters Pit Road  
Bridge Extension & Road Widening  
April 8, 2010

service charge of 1 percent, a maximum rate of 12 percent per annum, will be charged on the unpaid amount as of the end of the month and each month thereafter until the unpaid amount including service charges is paid in full.

### **III. GENERAL PROVISIONS:**

The following is a list of General Provisions that will be in effect if this proposal is accepted:

1. All submittals will be provided to the Client or their authorized representative. Should the Client and/or their authorized representative request additional information after the Client has approved the above mentioned submissions, Century shall be compensated for the amount of time necessary to provide such information as an extra work item.
2. It is understood and agreed that once work is started on this project by Century, only the undersigned Client or its duty authorized agent, has the authority to order the work stopped on its behalf and only upon giving Century 10 days notice, in writing, as to when the work shall stop. The Client further agrees to be liable and to pay Century for all labor done, work performed, material furnished, and expenses incurred up to and including the day work stopped in accordance with the notice.
3. It is further understood and agreed that, after a work stoppage has been instituted by the Client or its duly authorized agents, within a reasonable time, they may order work to resume on this project, provided that Century is given 10 days notice in writing as to when work shall resume, and further provided that all money due and owing by the Client to Century shall have been paid in full.
4. Century agrees that this proposal shall remain open for 20 days, the first day of that 20-day period to be the date of this proposal. Acceptance of the proposal after the end of the 20-day period is valid if Century elects, in writing, to reaffirm the proposal and waive its right to re-evaluate and resubmit the proposal.
5. Century reserves the right to renegotiate the contract which this proposal, if accepted, will comprise, on or after twelve (12) months from the date of this proposal, provided the Client is given 30 days notice in writing, if salaries or operational costs increase in a significant amount.
6. All documents prepared or furnished by Century, and Century's independent professional associates and consultants, pursuant to this Agreement are the property of the Client. Any reuse without written verification or adaptation by

Century for the specific purpose intended will be at the Client's sole risk and without liability or legal exposure to Century, or Century's independent professional associates and consultants, and the Client shall indemnify and hold harmless Century and Century's independent professional associates and consultants from all claims, damages, losses and expenses including attorney's fees arising out of or resulting therefrom. Any such verification or adaptation will entitle Century to further compensation at rates to be agreed upon by the Client and Century.

7. Neither the Client nor Century shall assign, sublet or transfer any rights under or interest in (including, but without limitation, moneys that may become due or moneys that are due) this Agreement without the written consent of the other, except to the extent that any assignment, subletting or transfer is mandated by law or the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement. Nothing contained in this paragraph shall prevent Century from employing such independent professional associates and consultants, as Century may deem appropriate to assist in the performance of services hereunder.
8. Client hereby agrees, to the fullest extent permitted by law, the total liability, in the aggregate, of Century and Century's officers, directors, employees, agents, and independent professional associates and consultants, and any of them, to client and anyone claiming by, through or under client, for any and all injuries, claims, losses, expenses or damages whatsoever arising out of or in any way related to Century's services, the project or this agreement from any cause or causes whatsoever, including but not limited to the negligence, errors, omissions, strict liability or breach of contract of Century or Century's officers, directors, employees, agents, or independent professional associates or consultants, or any of them, shall not exceed the total compensation received by Century under this agreement.

If this proposal is satisfactory and acceptable, and fully sets forth all terms of our understanding, please signify your acceptance by signing in the space provided below and return a copy to our office. This document will then constitute our complete contract.

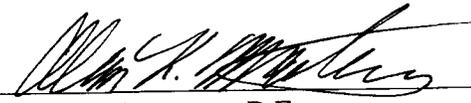
City of Milford  
Carpenters Pit Road  
Bridge Extension & Road Widening  
April 8, 2010

We look forward to working with you on this project. The Point of Contact for this Proposal or for information on this Project shall be Alan Marteney. Please feel free to call with your questions or comments.

Very truly yours,

**CENTURY ENGINEERING, INC.**

  
\_\_\_\_\_  
**Scott L. Rathfon, P.E.**  
**Sr. Vice-President**

  
\_\_\_\_\_  
**Alan K. Marteney, P.E.**  
**Vice-President**

**ACCEPTANCE**

WE, \_\_\_\_\_, in consideration of the terms, and conditions of the proposal, which are fully set forth herein, do hereby accept this proposal as our complete agreement, and further agree to comply with all covenants herein.

**Witness:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Printed:** \_\_\_\_\_

**Signed:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

cc: **Kristin Conway, Century**  
File (G: MARKETING PRIVATE Lighthouse Christian Center Bridge Extension & Road Widen Combined Bridge Extension & Road Widen Letter Agmt. 04.08.10.doc)



**SCOPE OF SERVICES  
CARPENTERS PIT ROAD  
BRIDGE EXTENSION & ROAD WIDENING CONTRACT DOCUMENTS**  
April 8, 2010

Century Engineering, Inc. (Century) is pleased to submit this Scope of Services for developing the Contract Documents for the Carpenters Pit Road Bridge Extension & Road Widening, Milford, Delaware. The Scope of Services was developed based on our understanding of discussions with DelDOT and the City of Milford. The goal of these services is to provide a set of Construction Documents and obtain permits for the proposed improvements.

**PROJECT UNDERSTANDING**

The Project will be for the extension of the existing Carpenters Pit Road Bridge over Swan Creek to provide sufficient width to accommodate a two-lane roadway consisting of two-11' travel lanes and two-5' shoulders along a roadway alignment that is approved by DelDOT for a Local Road classification. The Project will also include the widening of the existing one-lane road to a two-lane, two-way roadway from south of the bridge northward to New Wharf Road.

A Semi-Final Plan Submission was made to the City of Milford and DelDOT showing the extension of the bridge being accomplished by connecting additional pre-cast concrete arch segments to the downstream side of the existing bridge. The existing bridge was designed by ConTECH Bridge, Inc. ConTECH Bridge was previously retained to provide structural design of the bridge extension. The plans include removing the existing East wing walls and reinstalling them on the expanded bridge structure. Comments were received and formal responses will be submitted.

The extension of the bridge will result in impacts to protected environmental resources. Permit applications were previously submitted for a US Army Corps of Engineers Nationwide Permit #18 and a DNREC Subaqueous Permit for the impacts associated only with the bridge extension. During the review of these permit applications and the Semi-Final plan submission, the following were determined:

1. To maintain structural integrity, the bridge widening needs to be accomplished by adding additional sections parallel to the original bridge. Since the roadway alignment is curved across the bridge, there are areas of the bridge that will be outside of the roadway travel lanes and shoulders. The regulatory agencies have accepted the need for the bridge widening as-designed and are considering the areas outside of the road footprint as additional unavoidable impacts.
2. The DelDOT Bridge section is requiring scour protection measures to be installed on the existing bridge to meet their current standards. It was noted that the existing bridge has not been accepted by DelDOT into their maintenance inventory. Century performed preliminary scour calculations and coordinated with DelDOT to determine

an accepted approach and will compile this information into a formal submission. The scour protection will involve installation of a riprap apron upstream and downstream of the bridge. Also, the current bridge only has riprap gabions along edges of the bridge footers. Additional riprap needs to be installed in the stream bed through the structure. The adequacy of the existing gabions needs to be evaluated and reviewed with DelDOT since the bridge footers and gabions do not meet current standards for depth of scour protection. The scour protection will have to be designed and installed in accordance with the accepted practices of DelDOT's Environmental Section and DNREC.

3. The impacts from only the bridge widening were determined by the resource agencies to require mitigation. Adding the impacts from the road widening will require re-submission of the DNREC Subaqueous Permit and submission of a new US Army Corps of Engineers Permit. Mitigation of the total impacts will be required.
4. Additional concerns were identified during a site visit with DNREC for the Subaqueous Permit. Measures will be included in the design and permits to address these concerns which include:
  - a. On the upstream side of the bridge small trees are growing and due to the alignment of the bridge, the flow and tree roots are beginning to undermine the structure.
  - b. On the downstream side of the bridge, the improvements end near a bend of the stream and there will be increased stream bank erosion after the improvements.

JCM Environmental, Inc. will be retained to continue to provide specialized services associated with the preparation of the permit applications. A copy of their Scope of Services is attached. Please note that JCM recently merged with Landmark Engineering to form LEI/JCM.

The final width of the bridge was determined by the roadway alignment and previous Concept Plans for the roadway were submitted to DelDOT and received their concurrence. The limits of the roadway plans will begin at the end of the two-lane section that has been constructed to the south side of the bridge and extend north along Big Stone Beach Road to New Wharf Road.

A final deliverable product under this Scope of Services will be a set of Contract Documents for the extension of the existing bridge and the widening of the one-lane roadway to a two-lane roadway. These Contract Documents will be formatted to include all DelDOT requirements, including the use of Prevailing Wage Rates. The Contract Documents will be for the City of Milford to act as the contracting agent utilizing funds supplied through DelDOT or others.

### **ASSUMPTIONS & GENERAL CONDITIONS**

This Scope of Services is based on the following assumptions:

1. All plans and documentation will be prepared in accordance with and include all elements required by DelDOT's latest standards and guidelines for plan development for Offsite Public Road Improvements.
2. Plans will be prepared in Microstation format. The plans will be developed using English Standard units to DelDOT CADD Standards. Plan sheets will be at a scale of 1"=30'.
3. It is assumed that landscape plans will not be needed. If found to be required, Century can provide the services of a Landscape Architect.
4. It is assumed that there are no hazardous materials within the project limits that will be disturbed by the proposed construction. If hazardous materials are found to be within the project limits, Century can arrange for the appropriate services to be provided.
5. It is assumed that historic or archeological investigations are not needed. If required, these services can be provided.
6. For the bridge extension, a subsurface geotechnical investigation was previously performed and submitted to the DelDOT Bridge Section along with design calculations for the bridge. Century received concurrence from DelDOT on this submission and it is assumed that no additional subsurface or bridge design calculations are required.
7. Geotechnical services for the roadway and SWM facilities are not included in this proposal. If these services are determined to be required, Century will submit a separate proposal for these services.
8. Utility Relocation designs will be done by the respective utility company, though Century can provide these services if requested.
9. There are no existing or proposed Traffic Signals within the project limits. Design of traffic signals can be added if required.
10. Traffic analysis of the roadway, entrances or intersections is not included and it is assumed no additional traffic lanes will be required on New Wharf Road. Traffic analysis services can be provided if required.
11. Roadway lighting will not be required as the roadway and intersection within the project limits does not meet the "Shall" requirements of DelDOT's Lighting Policy. If roadway lighting is found to be required, then Century will submit a separate proposal for these services.
12. The proposed improvements will require acquisition of Right of Way from adjacent parcels. Century will provide RW Acquisition Services as discussed in further detail in the below scope.

### **DESIGN SERVICES**

For the Contract Documents, this project is expected to be required to only have a Semi-Final and Final Design Plan submission, though all design and coordination elements that are normally required and performed in the Preliminary Design phase will have to be completed. The Project Design will include all elements listed in DelDOT's Plan Development guidelines. Century will coordinate the design details, computations, and analysis with ConTECH and format the plans, design details and specifications into the required DelDOT and City format. Once DelDOT and the City are satisfied that all comments and issues have been addressed, then a last Revised Final Plans for Signature submission will be made.

Century Engineering proposes to utilize survey in the project limits previously performed for the Carpenters Pit Road Extension project. The area where the bridge extension will occur was previously surveyed but the stream bend downstream of the bridge that is of concern to DNREC is beyond the limits of that previous survey and additional survey will be required. Survey of the as-built conditions of the existing one-lane road will also be obtained. The survey will utilize traverse control that has been previously set and it is assumed that the traverse points are recoverable in the field.

The Maintenance of Traffic/Staging Plans are expected to be a significant component of this contract since the construction work will take place adjacent to the existing roadway while having to maintain traffic on the existing one-lane road. The Maintenance of Traffic Plans will also be developed to provide sufficient detail to warn drivers on adjacent public roads of the work zone.

For the stormwater management requirements, the roadway improvements are expected to receive the same waiver for water quantity treatment that has been granted by the Kent Conservation District for the development of the Lighthouse Christian Center property and which was agreed to by DelDOT for the previous Carpenters Pit Road project. The need for water quality measures will be investigated by Century and implemented as required. The capacity of the drainage system will be designed to conform to DelDOT's current road design criteria. Only one SWM Report submission is expected to be required by Century.

Erosion and Sediment Control Plans will be prepared so that the required controls during each stage of construction are clearly defined. Perimeter controls will be installed for any earth disturbing activities, including perimeter dikes and/or swales to divert clean offsite water around the work area. The construction of the bridge extensions are expected to be accomplished without the need for a stream diversion outside of the existing stream alignment.

Century will take the lead in coordinating with the utility companies for the improvements. For this proposal it is assumed that there are existing aerial utilities for electric, cable and telephone and underground water and sewer facilities within or adjacent to the project limits that could potentially be disturbed by the construction of, or installation techniques, for the bridge extension and roadway widening. Century will show on the plans the utility information obtained during the development of the Carpenters Pit Road Extension plans and coordinate with the utility companies to determine the location of any additional existing utilities.

Century will distribute the Construction Plans to the affected utility companies and coordinate their relocation designs or protection requirements with the proposed improvements. Based on the information obtained for the Carpenters Pit Road Extension project, it is anticipated that the proposed roadway improvements will require some utility relocations.

The Design Phase would include submissions at the Semi-Final and Final Design stages. Each of these submissions would include construction plans, cross sections, utility statement,

traffic statement, quantity calculations and a cost estimate to DelDOT's Subdivision Section and the City of Milford for review. In addition, a Contract Bid Proposal package that conforms to DelDOT and City of Milford requirements will be prepared and submitted for review. The Contract Bid Proposal package is expected to include all of the contractual elements, prevailing wage rate requirements, specifications, special provisions and bid proposal forms. Attendance at one plan review meeting with DelDOT and the City along with providing written responses to all comments received is included.

Submission of a set of Revised Final Construction Plans for Signature and the mylar title sheet, signed and sealed by Century Engineering, along with one reproducible set of the Contract Bid Proposal package will complete this phase of the project for the Bridge Extension and Roadway Widening. The Final Construction Plans will be submitted in DelDOT's .cals electronic file format, or other current standard format, as applicable.

### **RIGHT OF WAY ACQUISITION SERVICES**

The proposed improvements will require acquisition of Right of Way from one parcel owned by the Lighthouse Christian Center and two other privately owned parcels. Century will produce individual Right of Way Acquisition Plats for each of these parcels. Century will coordinate with the Lighthouse Christian Center to have the right of way from their parcel recorded. Acquisition of the Right of Way from the other two privately owned parcels will need to be performed in accordance with applicable state laws and regulations.

When authorized, Century will act on behalf of the Client to provide Right of Way Services for the procurement of private real property interests from the two (2) property owners. These right of way services are for acquisition only; at the present time we do not anticipate residential, or non-residential, relocations to occur.

The rights of way will be obtained in the name of the State of Delaware (DelDOT) with all costs to be the responsibility of Client. Right of Way Services shall comply with applicable State of Delaware laws, rules and regulations (State Laws), and DelDOT's policy and procedures for procurement of private property for public use.

Based on our understanding of the project, we have determined that the following Right of Way Services are required:

1. Project Administration and Management:
  - a. Quality Assurance/Quality Control to ensure compliance with State Laws and DelDOT policy and procedures for the procurement of real property for public use.
  - b. Attendance at up to two (2) meetings with the Client.
  - c. Primary point of contact for the Client regarding right of way matters, including, but not limited to contact with:
    - i. Property owners affected by the project.
    - ii. Parties designated by the Client.
    - iii. DelDOT and DelDOT's legal counsel.

- d. Preparation of required documentation to recommend issuance of a Right of Way and Relocation Assistance Certificate by DelDOT, as required by State and Federal laws
2. Project rights of way valuation:
  - a. "Administrative Offer" methodology
    - i. Prepare valuation estimates in accordance with DelDOT policy & procedures. Based on our understanding of the project, we believe that use of a DelDOT approved Administrative Offer is appropriate. Subsequent negotiations may cause the need for obtaining the services of a licensed real estate appraiser, which is not included in this scope.
    - ii. Obtain approval of the value estimates from DelDOT.
      1. DelDOT approval required to establish the minimum offer of just compensation
  - b. Administer real estate appraisal process, if the services of a licensed real estate appraiser are required
3. Negotiations:
  - a. Provide required written notice to property owners
  - b. Present approved purchase offers to owner(s) or their legal representative
  - c. Coordinate with design staff as may be required
  - d. Obtain signed contracts or other documents as may be needed to procure the required real property interests
  - e. Recommend approval of administrative settlements or condemnation action as may be necessary to obtain required real property interest
4. Support Services:
  - a. Provide support to the project legal counsel.
    - i. Coordinate and provide settlement assistance as requested by the project legal counsel.
    - ii. Miscellaneous assistance as requested by the project's legal counsel
  - b. Property owner verification.
  - c. Right of Way plan review.

As part of the documentation for the acquisition of Right of Way through the DelDOT process as described in the regulations under Senate Bill 284, a Public Workshop is required. Per current DelDOT policies, it is assumed that this project will qualify for a Virtual Workshop. Century will coordinate with the Client, the DelDOT Subdivision Section, the DelDOT IT Group and the DelDOT Public Relations Section to have the virtual workshop advertised and hosted on the DelDOT web site. The Workshop will be scheduled prior to the Semi-Final plan submission. Century will provide the following services in relation to this workshop:

- Coordinate with DelDOT for the text for the Public Notice.
- Mail the workshop public notice to property owners affected by or adjacent to the project limits.
- Provide Displays consisting of: two text information boards (Purpose of Workshop & Next Steps); typical sections; aerial Project Location Map; and plans of the proposed

improvements. Coordinate with the DelDOT IT Group to have the displays hosted on the DelDOT Web Site.

- Compile the displays and comments into a Public Workshop Summary Report for submission to DelDOT.

### **Right Of Way Acquisition Services Exclusions and Client Responsibilities:**

Century does not directly employ licensed real estate appraisers and we do not directly provide appraisal services. If real estate appraisals are required, Century shall manage the administrative appraisal operations in accordance with DelDOT policy and procedures. Century may contract for the services of a DE licensed appraiser and review appraiser as sub-consultants. Employment of an appraiser and review appraiser, if required, shall be considered extra work. A scope of work and order of magnitude estimate will be prepared, for approval by the Client, before starting any extra work.

Century does not provide legal services. All legal services that are required by Delaware law may be provided by the Client, the Lighthouse Christian Center or DelDOT. The required legal services may include, but not be limited to: obtaining a Title Report, preparation of settlement documents, preparation of deeds and or easements to be recorded and settlement. Century may contract with a Delaware licensed attorney as a subconsultant. Employment of a Delaware licensed attorney, if required, shall be considered extra work. A scope of work and order of magnitude estimate will be prepared, for approval by the Client, before starting any extra work.

This scope of work anticipates mutual agreement by and between the property owners and the Client for the purchase of the required rights of way, including compensation for damage to items within the proposed rights of way. If negotiations for the purchase of the required rights of way are not voluntarily resolved, the Client and Century shall consult with DelDOT to determine a resolution. If condemnation proceedings are required, DelDOT shall assume the lead role and Century's participation shall be limited to assisting DelDOT, DelDOT's legal counsel and the Client as required. DelDOT has the sole authority to initiate condemnation proceedings. The Client may be responsible for paying DelDOT's staff and attorney's fees, depositing the estimated amount of just compensation with the Court, paying for full amount of just compensation as directed by the Court and other costs as may be required by DelDOT or the Court.

Payment of just compensation for the necessary rights of way to property owners is a requirement of the project. Estimated costs of the compensation and associated services are included in this proposal but are subject to actual costs incurred and established.

### **CONSTRUCTION ADMINISTRATION SERVICES**

*Since funding for the construction of the project has not been established, this Scope of Services does not include tasks for Construction Administration. Estimated construction costs for the project will include an estimated cost for Century to provide the following services after the plans and contract documents have been approved by DelDOT, funding has been established and authorization to advertise for bids has been received. It is assumed that*

*DelDOT Central District will provide the daily on-site inspection during the construction of the project and that DELDOT will provide materials inspection and testing services, including, but not limited to, concrete testing, asphalt concrete testing, and soils testing.*

- 1. Century will provide the services to complete the Construction Agreement with DelDOT for this project.*
- 2. Century will provide copies of the bid contract documents and plans for respective bidders. A copy of these documents will be provided to the client to keep on file. A cost to cover Century's expenses for providing these documents will be charged to contractors who request copies of the documents.*
- 3. Century will work with the Client to advertise and solicit bids from contractors. Century will act as the point of contact during the bid period for any questions from the contractors and provide and distribute responses. Costs associated with advertising the contract in one local newspaper will be invoiced as a direct expense at actual cost.*
- 4. Along with the Client, Century will attend the bid opening, provide the Client with an analysis of the bids conforming to DelDOT's procedures, develop a recommendation to award, and coordinate the recommendation with DelDOT to receive their concurrence.*
- 5. Century will act as a liaison between the Client, Contractor and DelDOT to ensure that all documentation necessary to receive a Notice to Proceed for construction from DelDOT is submitted. This information will include bonds, securities, sub-contract agreements, and insurance as identified in the contract documents.*
- 6. Century will prepare for and attend the Preconstruction Meeting that will be held by DelDOT.*
- 7. During construction, Century will coordinate and review material and fabrication submissions from the contractor.*
- 8. Century will review periodic pay estimates submitted by the Contractor and provide a recommendation for payment to the Client. Coordination with DelDOT Central District will be conducted to verify the status of the work. It is assumed that 3 interim and one final pay estimate will be reviewed.*
- 9. Century will attend the Semi-Final and Final field inspections that will be conducted by DelDOT Central District.*



DATE: APRIL 8, 2010  
 CLIENT: CITY OF MILFORD  
 CEI PROJECT NO: TBD  
 PROJECT NAME: CARPENTERS PIT ROAD  
 BRIDGE EXTENSION AND ONE-LANE ROAD WIDENING TO TWO-LANE  
 TOTAL COST

	PRINCIPAL	PROJECT MANAGER	PROJECT ENGINEER	ENGINEER	SR. DESIGNER	DESIGNER	CADD/TECHN	SURVEY MANAGER	PARTY CHIEF	INSTR. PERSON	TOTAL HOURS
<b>CONTRACT DOCUMENT PREPARATION</b>											
Services per Attached Detailed Estimate	15	28	164	236	4	36	28	2	10	10	533
<b>SUBTOTAL</b>	15	28	164	236	4	36	28	2	10	10	533
<b>RIGHT OF WAY ACQUISITION SERVICES</b>											
Services per Attached Detailed Estimate	0	26	0	0	0	56	12	0	0	0	94
<b>SUBTOTAL</b>	0	26	0	0	0	56	12	0	0	0	94
<b>TOTALS</b>	15	54	164	236	4	92	40	2	10	10	627

CATEGORY	TOTAL HOURS	X	RATE	F	COST
PRINCIPAL	15	X	\$150.00	=	\$2,250.00
PROJECT MANAGER	54	X	\$111.00	=	\$5,994.00
PROJECT ENGINEER	164	X	\$93.00	=	\$15,252.00
ENGINEER	236	X	\$73.00	=	\$17,228.00
SR. DESIGNER	4	X	\$90.00	=	\$360.00
DESIGNER	92	X	\$68.00	=	\$6,256.00
CADD/TECHNICIAN	40	X	\$54.00	=	\$2,160.00
SURVEY MANAGER	2	X	\$96.00	=	\$192.00
PARTY CHIEF	10	X	\$54.00	=	\$540.00
INSTRUMENT PERSON	10	X	\$34.00	=	\$340.00
<b>SUBTOTALS</b>	627				\$50,572.00
<b>TOTAL LABOR</b>					\$50,572.00
<b>SUBCONSULTANTS</b>					
JCM ENVIRONMENTAL					\$8,499.95
CONTECH					\$0.00
SOIL BORINGS AND MATERIAL TESTING					\$0.00
<b>SUBTOTAL SUBCONSULTANTS =</b>					\$8,499.95
<b>DIRECT EXPENSES:</b>					
Mileage (No. Trips x Miles x \$/mile)	6	40	\$0.50		\$120.00
Estimated Right of Purchase & Settlement Costs					\$5,050.00
<b>SUBTOTAL DIRECT EXPENSES</b>					\$5,170.00
<b>TOTAL ESTIMATED COST =</b>					\$64,241.95

DATE: APRIL 8, 2010  
 CLIENT: CITY OF MILFORD  
 CEI PROJECT NO: TBD  
 PROJECT NAME: CARPENTERS PIT ROAD  
 BRIDGE EXTENSION AND ONE-LANE ROAD WIDENING TO TWO-LANE  
 DESIGN & CONTRACT DOCUMENT PREPARATION



TASK	PRINCIPAL	PROJECT MANAGER	PROJECT ENGINEER	ENGINEER	SR. DESIGNER	DESIGNER	CADD TECHNICIAN	SURVEY MANAGER	PARTY CHIEF	INSTR. PERSON	TOTAL HOURS
<b>PM PROJECT MANAGEMENT</b>											
Resource Scheduling, Budgeting, and Management	8	4									12
											0
<b>SUBTOTAL</b>	<b>8</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12</b>
<b>EA ENVIRONMENTAL PROCESS</b>											
											0
											0
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>SU SURVEY SERVICES</b>											
Topographical Survey of Minor Updated Existing Features, Update Mapping				4				2	10	10	26
											0
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>10</b>	<b>10</b>	<b>26</b>
<b>DH DESIGN SERVICES</b>											
Preparation of Semi-Final Plans, Coordination & Submission	2	8	64	100		24	16				214
Preparation of Final Plans, Coordination & Submission	2	6	40	64		8	8				128
Preparation of Revised Final Plans for Signature, Coordination & Submission	1	2	24	32		4	4				67
Preparation & Coordination of Plans, Specs & Bid Proposal Documents	1		8	8							17
Meetings and Coordination with DeDOT and Client	1		8	12							21
Preparation of Right of Way Displays		4	8	16	4						32
											0
											0
<b>SUBTOTAL</b>	<b>7</b>	<b>20</b>	<b>152</b>	<b>232</b>	<b>4</b>	<b>36</b>	<b>28</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>479</b>
<b>DE GEOTECHNICAL SERVICES</b>											
											0
											0
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>DW DRAINAGE &amp; SWM</b>											
											0
											0
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>DS STRUCTURE DESIGN SERVICES</b>											
											0
											0
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>OT PUBLIC WORKSHOP</b>											
Prepare Displays & Public Notice, Coord for Virtual Workshop, Prepare Workshop Summary Report		4	12								16
											0
<b>SUBTOTAL</b>	<b>0</b>	<b>4</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>16</b>
<b>TR TRAFFIC SERVICES</b>											
											0
											0
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTALS</b>	<b>15</b>	<b>28</b>	<b>164</b>	<b>236</b>	<b>4</b>	<b>36</b>	<b>28</b>	<b>2</b>	<b>10</b>	<b>10</b>	<b>533</b>

CATEGORY	TOTAL HOURS	X	RATE	=	COST
PRINCIPAL	15	X	\$150.00	=	\$2,250.00
PROJECT MANAGER	28	X	\$111.00	=	\$3,108.00
PROJECT ENGINEER	164	X	\$93.00	=	\$15,252.00
ENGINEER	236	X	\$73.00	=	\$17,228.00
SR. DESIGNER	4	X	\$90.00	=	\$360.00
DESIGNER	36	X	\$68.00	=	\$2,448.00
CADD/TECHNICIAN	28	X	\$54.00	=	\$1,512.00
SURVEY MANAGER	2	X	\$96.00	=	\$192.00
PARTY CHIEF	10	X	\$54.00	=	\$540.00
INSTRUMENT PERSON	10	X	\$34.00	=	\$340.00
<b>TOTALS</b>	<b>533</b>				<b>\$43,230.00</b>
<b>SUBCONSULTANTS</b>					
JCM ENVIRONMENTAL					\$8,499.95
CONTECH					\$0.00
SOIL BORINGS AND MATERIAL TESTING (estimated cost)					\$0.00
<b>SUBTOTAL SUBCONSULTANTS =</b>					<b>\$8,499.95</b>
<b>DIRECT EXPENSES:</b>					
Mileage (No. Trns x Miles x \$/mile)	4	40	\$0.50	=	\$80.00
Newspaper Public Workshop Advertisement (estimated cost)				=	
<b>SUBTOTAL DIRECT EXPENSES</b>					<b>\$80.00</b>
<b>TOTAL ESTIMATED COST =</b>					<b>\$51,809.95</b>

DATE: APRIL 8, 2010  
 CLIENT: CITY OF MILFORD  
 CEI PROJECT NO: TBD  
 PROJECT NAME: CARPENTERS PIT ROAD  
 BRIDGE EXTENSION AND ONE-LANE ROAD WIDENING TO TWO-LANE  
 RIGHT OF WAY ACQUISITION SERVICES



TASK	PRINCIPAL	PROJECT MANAGER	PROJECT ENGINEER	ENGINEER	SR. DESIGNER	DESIGNER	CADD/TECHNICIAN	SURVEY MANAGER	PARTY CHIEF	INSTR. PERSON	TOTAL HOURS
<b>DR RIGHT OF WAY ACQUISITION SERVICES</b>											
Project Administration & Management		8				4					12
Valuation						24	4				28
Negotiations		2				24	4				30
Meetings (Public Workshop, Client, DelDOT)		8									8
Support Services (legal descript, plots, exhibits, settlement assist, plan review)		8				4	4				16
											0
											0
<b>SUBTOTAL</b>	<b>0</b>	<b>26</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>56</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>94</b>
<b>TOTALS</b>	<b>0</b>	<b>26</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>56</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>94</b>

CATEGORY	TOTAL HOURS	X	RATE	=	COST
PRINCIPAL	0	X	\$150.00	=	\$0.00
PROJECT MANAGER	26	X	\$111.00	=	\$2,886.00
PROJECT ENGINEER	0	X	\$93.00	=	\$0.00
ENGINEER	0	X	\$73.00	=	\$0.00
SR. DESIGNER	0	X	\$90.00	=	\$0.00
DESIGNER	56	X	\$68.00	=	\$3,808.00
CADD/TECHNICIAN	12	X	\$54.00	=	\$648.00
SURVEY MANAGER	0	X	\$96.00	=	\$0.00
PARTY CHIEF	0	X	\$54.00	=	\$0.00
INSTRUMENT PERSON	0	X	\$34.00	=	\$0.00
<b>TOTALS</b>	<b>94</b>				<b>\$7,342.00</b>
<b>SUBCONSULTANTS</b>					
JCM ENVIRONMENTAL					\$0.00
CONTECH					\$0.00
SOIL BORINGS AND MATERIAL TESTING (estimated cost)					\$0.00
<b>SUBTOTAL SUBCONSULTANTS =</b>					<b>\$0.00</b>
<b>DIRECT EXPENSES:</b>					
Mileage (No. Trips x Miles x \$/mile)	2	40	\$0.50	=	\$40.00
Estimated Right of Purchase & Settlement Costs (see attached derivation)				=	\$5,050.00
<b>SUBTOTAL DIRECT EXPENSES</b>					<b>\$5,090.00</b>
<b>TOTAL ESTIMATED COST =</b>					<b>\$12,432.00</b>



---

---

## CITY OF MILFORD MEMORANDUM

---

---

**TO:** Mayor & City Council  
**FROM:** David W. Baird, City Manager  
**SUBJECT:** Proposed Impact Fee Waiver Ordinance and Tax Exemption Ordinance  
**DATE:** May 5, 2010

---

Included in your packet you will find four ordinances that are designed to encourage economic activity and investment in the City of Milford.

The first three ordinances waive sewer, water and electric impact fees from the effective date of the ordinance through December 31, 2010. The sewer and water impact fees are proposed to be capped at 5 EDU's. There is no cap placed on the electric impact fee. The current and proposed impact fees charged by the City are as follows:

Water: \$1,996 until June 30, 2010      \$2,075 effective July 1, 2010  
Sewer: \$1,055 until June 30, 2010      \$1,097 effective July 1, 2010  
Electric: (Single Phase 120/240) 200 amp service \$600.00 400 amp service  
\$1,200

The fourth ordinance will provide a tax exemption for new improvements to residential and commercial property that result in an increase to their tax assessment. This is a one-time exemption and the limits on the exemption are \$1,000 for residential properties and \$5,000 for commercial properties. The tax exemption will apply to building permits applications submitted to the City on or before June 30, 2011.

The adoption of these ordinances will create a significant opportunity for individuals and businesses to make and investment in Milford.

#### Examples of Potential Savings:

- A single family home constructed in the City after July 1, 2010 with an assessed value of 200,000 will **save \$4,692** in fees and first year taxes.
- A 4,000 sq. ft. multi-use office building constructed in the City after July 1, 2010 with improvements assessed at \$334,900, a 3.2 EDU allocation and a 400 amp electric service will **save \$12,503** in fees and first year taxes.

## **ARTICLE I - Tax Relief for Senior Citizens**

*[Adopted 6-14-1993]*

§ 204-1. - Conditions for senior citizen exemption on real property tax.

§ 204-2. - Signed statement required; proof of income.

§ 204-3. - Written application; filing.

§ 204-4. - Continued exemptions.

§ 204-5. - Appeals.

### **§ 204-1. - Conditions for senior citizen exemption on real property tax.**

*[Amended 12-8-2003 by Ord. No. 2003-6; 2-23-2009 by Ord. No. 2009-4]*

Every person 65 or more years of age having an income not in excess of \$15,000 per year, exclusive of social security and railroad pensions, and residing in a dwelling owned by him or her which is a part of his or her real property shall be entitled, on proper claim being made thereof, to exemption from taxation on \$20,000 of assessed valuation of such real property, in the aggregate, and in the case of jointly owned property or property owned by husband and wife, such exemption shall be granted where the income of both does not exceed \$25,500 per year, exclusive of social security and railroad pensions.

### **§ 204-2. - Signed statement required; proof of income.**

*[Amended 10-11-2004 by Ord. No. 2004-6]*

Every fact essential to support a claim for exemption as provided shall exist during the previous year. Every claimant, therefore, shall sign a statement that he or she is a resident of the City of Milford, of the age of 65 years, the owner and resident of a dwelling which is a part of the real property for which such exemption is claimed and has been a resident of that property for a period of at least one year prior to the year for which he or she is claiming that exemption. Such applicant shall also establish that his or her income for the yearly period did not exceed that allowed in § 204-1, exclusive of social security and railroad pensions.

### **§ 204-3. - Written application; filing.**

*[Amended 4-20-1998 by Ord. No. 2-1998; 12-8-2003 by Ord. No. 2003-6]*

No exemption from taxation on the valuation of real property shall be allowed except on written application, on a form prescribed by the city and mailed each year to applicants who have requested such exemption. All applications to be filed will be based on information for the pretax year and must be received prior to the billing process on a date determined each year by the City of Milford.

### **§ 204-4. - Continued exemptions.**

The city shall require the filing of a new application or such proof as deemed necessary to establish the right of the claimant to continued exemption.

### **§ 204-5. - Appeals.**

An aggrieved taxpayer may appeal from the disposition of an exemption claim in the same manner as is provided for appeals from assessments generally.

CITY OF MILFORD ORDINANCE

NOTICE IS HEREBY GIVEN the following ordinance is currently under review by Milford City Council:

ORDINANCE 2010-7

WHEREAS, the City desires to encourage the building of residential and commercial structures within the City limits; and,

WHEREAS, it is recognized that financial incentives are an effective means of encouraging individuals and corporations to invest in the City of Milford; and,

WHEREAS, investment within the City of Milford creates opportunities for temporary and permanent employment, expands the City's tax base, and increases the use of City utilities.

NOW, THEREFORE THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 204 of the Code of the City of Milford, entitled Taxation, is hereby amended to include a new Article to read as follows:

ARTICLE II—EXEMPTION OF NEW IMPROVEMENTS ADDED TO PROPERTY

§204-6 Eligibility for new improvement exemption of real property taxes.

The exemption shall apply to any improvement to any property (residential, commercial, industrial, etc.) located within the City limits that results in an increase in the improvement assessment as contained in the City's General Assessment Records. The building permit for the said improvements must be submitted to the City prior to June 30, 2011. The exemption shall be based on the change in the improvement assessment value only. The land assessment is not eligible for exemption under this Article.

§204-7 Amount of the exemption.

The amount of the exemption shall be determined by subtracting the improvement assessment value prior to the new construction from the improvement assessment value following the new construction.

§204-8 Application of the exemption and limitations.

The dollar amount of the exemption shall be multiplied by the property tax rate in the first full tax year following the issuance of a certificate of occupancy by the City. The dollar amount of the exemption shall be limited to a maximum of \$1,000 for residential properties and limited to a maximum of \$5,000 for all other properties. The exemption shall only be good for one year immediately following the issuance of a certificate of occupancy.

§204-9 Appeals.

An aggrieved taxpayer may appeal from the disposition of an exemption claim in the same manner as is provided for appeals from assessments generally.

Section 2. Dates

Introduction to City Council—May 10, 2010

Projected Adoption by City Council—May 24, 2010

Projected Effective Date—June 3, 2010

A complete copy of the Code of the City of Milford is available for review through the City Clerk's Office by calling 302-424-3712 or by accessing the website [cityofmilford.com](http://cityofmilford.com)

CITY OF MILFORD ORDINANCE

NOTICE IS HEREBY GIVEN the following ordinance is currently under review by Milford City Council:

ORDINANCE 2010-8

WHEREAS, the City desires to encourage the building of residential and commercial structures within the City limits; and,

WHEREAS, it is recognized that financial incentives are an effective means of encouraging individuals and corporations to invest in the City of Milford; and,

WHEREAS, investment within the City of Milford creates opportunities for temporary and permanent jobs, expands the City's tax base, and increases the use of City utilities.

NOW, THEREFORE THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. §185-24 of the Code of the City of Milford, entitled Sewers, shall be amended to add a subsection D read as follows:

§185-24 D. The sewer impact fee described in §185-24C shall be waived for all permits issued between June 3, 2010 and December 31, 2010. The waiver shall be for a maximum of 5 EDUs per project. The City will continue to collect the impact fee charged by Kent County during this period.

Section 2. Dates

Introduction to City Council—May 10, 2010

Projected Adoption by City Council—May 24, 2010

Projected Effective Date—June 3, 2010 - December 31, 2010

*Synopsis: During the time this Ordinance is in effect, whose dates are specified herein, there shall be a moratorium upon the collection of City Sewer Impact Fees, whose terms are defined in §185-24C, except as provided herein.*

A complete copy of the Code of the City of Milford is available for review through the City Clerk's Office by calling 302-424-3712 or by accessing the website [cityofmilford.com](http://cityofmilford.com)

CITY OF MILFORD ORDINANCE

NOTICE IS HEREBY GIVEN the following ordinance is currently under review by Milford City Council:

ORDINANCE 2010-9

WHEREAS, the City desires to encourage the building of residential and commercial structures within the City limits; and,

WHEREAS, it is recognized that financial incentives are an effective means of encouraging individuals and corporations to invest in the City of Milford; and,

WHEREAS, investment within the City of Milford creates opportunities for temporary and permanent jobs, expands the City's tax base, and increases the use of City utilities.

NOW, THEREFORE THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. §222-31 of the Code of the City of Milford, entitled Water, shall be amended to add a subsection I to read as follows:

§222-31 I. The water impact fee described in §222-31H shall be waived for all permits issued between June 3, 2010 and December 31, 2010. The waiver shall be for a maximum of 5 EDUs per project.

Section 2. Dates

Introduction to City Council—May 10, 2010

Projected Adoption by City Council—May 24, 2010

Projected Effective Date—June 3, 2010 - December 31, 2010

*Synopsis: During the time this Ordinance is in effect, whose dates are specified herein, there shall be a moratorium upon the collection of City Water Impact Fees, whose terms are defined in §222-31H, except as provided herein.*

A complete copy of the Code of the City of Milford is available for review through the City Clerk's Office by calling 302-424-3712 or by accessing the website [cityofmilford.com](http://cityofmilford.com)

CITY OF MILFORD ORDINANCE

NOTICE IS HEREBY GIVEN the following ordinance is currently under review by Milford City Council:

ORDINANCE 2010-10

WHEREAS, the City desires to encourage the building of residential and commercial structures within the City limits; and,

WHEREAS, it is recognized that financial incentives are an effective means of encouraging individuals and corporations to invest in the City of Milford; and,

WHEREAS, investment within the City of Milford creates opportunities for temporary and permanent jobs, expands the City's tax base, and increases the use of City utilities.

NOW, THEREFORE THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 119 of the Code of the City of Milford, entitled Electrical Standards, shall be amended to add a section to read as follows:

The electric impact fee established under this Chapter shall be waived for all permits issued between June 3, 2010 and December 31, 2010.

Section 2. Dates

Introduction to City Council—May 10, 2010

Projected Adoption by City Council—May 24, 2010

Projected Effective Date—June 3, 2010 - December 31, 2010

*Synopsis: During the time this Ordinance is in effect, whose dates are specified herein, there shall be a moratorium upon the collection of City Electric Impact Fees, whose terms are defined in the Electric Tariff of Chapter 119, except as provided herein.*

A complete copy of the Code of the City of Milford is available for review through the City Clerk's Office by calling 302-424-3712 or by accessing the website [cityofmilford.com](http://cityofmilford.com)

**CITY OF MILFORD  
FUND BALANCES REPORT**

Date: MARCH 2010

Cash Balance - General Fund Bank Balance	\$2,506,422
Cash Balance - Electric Fund Bank Balance	\$4,279,209
Cash Balance - Water Fund Bank Balance	\$714,395
Cash Balance - Sewer Fund Bank Balance	\$148,926
Cash Balance - Trash Fund Bank Balance	\$519,496

	General <u>Improvement</u>	Municipal <u>Street Aid</u>	Real Estate <u>Transfer Tax</u>	Water Bond <u>Escrow</u>
Beginning Cash Balance	436,967	609,343	2,378,426	412,720
Deposits	39,222		4,421	
Interest Earned this Month	79	101	386	19
Disbursements this Month			(43,333)	
Investments				
Ending Cash Balance	\$476,268	\$609,444	\$2,339,900	\$412,739

	GF Capital <u>Reserves</u>	Water Capital <u>Reserves</u>	Sewer Capital <u>Reserves</u>	Electric <u>Reserves</u>
Beginning Cash Balance	163,665	1,214,505	660,690	1,291,059
Deposits				
Interest Earned this Month	49	141	100	159
Disbursements this Month				
Investments	1,500,000	2,500,000	2,500,000	6,243,000
Ending Cash Balance	\$1,663,714	\$3,714,646	\$3,160,790	\$7,534,218

	Water <u>Impact Fee</u>	Sewer <u>Impact Fee</u>	Electric <u>Impact Fee</u>
Beginning Cash Balance	858,254	634,749	253,159
Deposits	1,996	1,055	1,500
Interest Earned this Month	142	105	42
Disbursements this Month			
Investments			
Ending Cash Balance	\$860,392	\$635,909	\$254,701

INTEREST THROUGH THE NINTH MONTH OF THE FISCAL YEAR:

General Fund	13,376	Water Fund	3,823
GF Capital Reserves	7,638	Water Bond Escrow	192
General Improvement Fund	2,096	Water Capital Reserves	15,335
Municipal Street Aid	3,085	Water Impact Fees	3,821
Real Estate Transfer Tax	12,092	Sewer Fund	1,862
Electric Fund	19,705	Sewer Capital Reserves	14,911
Electric Reserves	48,123	Sewer Impact Fees	2,877
Electric Impact Fees	1,095	Trash Fund	2,222

TOTAL INTEREST EARNED TO DATE \$152,253

**REVENUE REPORT**

Page Two

Date: MARCH 2010	AMOUNT BUDGETED	MTD	YTD	75% of Year Expended YTD%
ACCOUNT				
Budgeted Fund Balance	225,400	0	225,400	100.00%
General Fund Capital Reserves	104,600	0	104,600	100.00%
Property Transfer Tax-Capital	184,300	0	153,706	83.40%
Property Transfer Tax-Police	520,000	43,333	390,000	75.00%
Real Estate Tax	2,929,600	4,992	2,910,835	99.36%
Business License	48,000	8,000	31,000	64.58%
Rental License	62,500	11,600	84,400	135.04%
Building Permits	40,000	3,910	22,621	56.55%
Planning & Zoning	40,000	2,650	31,959	79.90%
Misc. Revenues	342,575	47,971	191,709	55.96%
Transfers From	3,215,480	267,956	2,411,610	75.00%
Police Revenues	305,000	3,298	140,549	46.08%
Engineering & Inspection Fees	50,000	2,074	33,240	66.48%
<b>Total General Fund Revenues</b>	<b>\$8,067,455</b>	<b>\$395,784</b>	<b>\$6,731,629</b>	<b>83.44%</b>
Water Revenues	2,160,130	170,679	1,683,903	77.95%
Sewer Revenues	1,864,970	143,999	1,340,646	71.89%
Kent County Sewer	1,600,000	106,261	1,004,147	62.76%
Solid Waste Revenues	1,015,000	130,992	811,698	79.97%
Solid Waste Rebate	48,000	0	46,988	97.89%
Solid Waste Budgeted Fund Balance	112,065	0	0	0.00%
Electric Revenues	28,225,431	2,278,497	20,580,022	72.91%
<b>TOTAL REVENUES</b>	<b>\$43,093,051</b>	<b>\$3,226,212</b>	<b>\$32,199,033</b>	<b>74.72%</b>
YTD Enterprise Expense		67,992		
YTD Enterprise Revenue		63,937		
LTD Carlisle Fire Company Building Permit Fund		19,672		

EXPENDITURE REPORT

Page Three

Date: MARCH 2010

75% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>City Manager</b>					
Personnel	378,310	\$29,411	268,245	70.91%	110,065
O&M	136,390	\$9,526	70,323	51.56%	66,067
Capital	0	\$0	0		0
<b>Total City Manager</b>	<b>\$514,700</b>	<b>\$38,937</b>	<b>\$338,568</b>	<b>65.78%</b>	<b>176,132</b>
<b>Planning &amp; Zoning</b>					
Personnel	157,435	\$12,350	106,996	67.96%	50,439
O&M	66,105	\$3,212	30,389	45.97%	35,716
Capital	0	\$0	0		0
<b>Total P, C &amp; I</b>	<b>\$223,540</b>	<b>\$15,562</b>	<b>\$137,385</b>	<b>61.46%</b>	<b>86,155</b>
<b>Code Enforcement &amp; Inspections</b>					
Personnel	205,390	\$9,668	116,900	56.92%	88,490
O&M	45,205	\$4,194	21,213	46.93%	23,992
Capital	0	\$0	0		0
<b>Total P, C &amp; I</b>	<b>\$250,595</b>	<b>\$13,862</b>	<b>\$138,113</b>	<b>55.11%</b>	<b>112,482</b>
<b>Tax Department</b>					
Personnel	71,940	\$5,466	\$49,191	68.38%	22,749
O&M	24,020	\$129	\$9,804	40.82%	14,216
Capital	0	\$0	\$0		0
<b>Total Tax Department</b>	<b>\$95,960</b>	<b>\$5,595</b>	<b>\$58,995</b>	<b>61.48%</b>	<b>36,965</b>
<b>Council</b>					
Personnel	30,150	\$2,318	23,738	78.73%	6,412
O&M	59,800	\$5,303	38,599	64.55%	21,201
Capital-Green Acres	100,000	\$0	100,000	100.00%	0
Council Expense	12,000	\$350	11,785	98.21%	215
Contributions	268,000	\$0	128,000	47.76%	140,000
Codification	2,500	\$0	0	0.00%	2,500
Employee Recognition	8,000	\$0	6,357	0.00%	1,643
Community Events	10,000	\$0	0	0.00%	10,000
Insurance	16,920	\$3,611	10,831	64.01%	6,089
<b>Total Council</b>	<b>\$507,370</b>	<b>\$11,582</b>	<b>\$319,310</b>	<b>62.93%</b>	<b>188,060</b>
<b>Finance</b>					
Personnel	360,565	\$27,883	252,679	70.08%	107,886
O&M	63,300	\$3,071	26,056	41.16%	37,244
Capital	0	\$0	0		0
<b>Total Finance</b>	<b>\$423,865</b>	<b>\$30,954</b>	<b>\$278,735</b>	<b>65.76%</b>	<b>145,130</b>
<b>Information Technology</b>					
Personnel	219,275	\$17,416	155,208	70.78%	64,067
O&M	160,360	\$3,006	54,625	34.06%	105,735
Capital	86,300	\$0	52,957	61.36%	33,343
<b>Total Information Technology</b>	<b>\$465,935</b>	<b>\$20,422</b>	<b>\$262,790</b>	<b>56.40%</b>	<b>203,145</b>

**EXPENDITURE REPORT**

**Page Four**

Date: MARCH 2010

75% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>Police Department</b>					
Personnel	3,363,535	\$269,019	2,364,501	70.30%	999,034
O&M	419,525	\$42,396	277,248	66.09%	142,277
Capital	98,000	\$0	98,149	98.11%	1,851
<b>Total Police</b>	<b>\$3,881,060</b>	<b>\$311,415</b>	<b>\$2,737,898</b>	<b>70.55%</b>	<b>1,143,162</b>
<b>Streets &amp; Grounds Division</b>					
Personnel	397,975	\$33,855	281,548	70.75%	116,427
O&M	344,850	\$25,990	236,597	68.81%	108,253
Capital	0	\$0	0		0
Debt Service	46,720	\$0	41,871	89.19%	5,049
<b>Total Streets &amp; Grounds</b>	<b>\$789,545</b>	<b>\$59,845</b>	<b>\$559,816</b>	<b>70.90%</b>	<b>229,729</b>
<b>Parks &amp; Recreation</b>					
Personnel	460,730	\$29,260	309,685	67.22%	151,045
O&M	229,515	\$15,327	184,290	80.30%	45,225
Capital	110,000	\$0	110,000	100.00%	0
<b>Total Parks &amp; Recreation</b>	<b>\$800,245</b>	<b>\$44,587</b>	<b>\$603,975</b>	<b>75.47%</b>	<b>196,270</b>
<b>Engineering &amp; Inspections</b>					
Personnel	160,825	\$12,383	112,117	69.71%	48,708
O&M	43,815	\$2,671	28,677	65.45%	15,138
Capital	0	\$0	0		0
<b>Total Engineering &amp; Inspections</b>	<b>\$204,640</b>	<b>\$15,054</b>	<b>\$140,794</b>	<b>68.80%</b>	<b>63,846</b>
<b>Less Interdepartmental Revenue</b>	<b>(\$90,000)</b>	<b>(\$7,500)</b>	<b>(67,500)</b>	<b>75.00%</b>	<b>(22,500)</b>
<b>Net Engineering &amp; Inspections</b>	<b>\$114,640</b>	<b>\$7,554</b>	<b>\$73,294</b>	<b>63.93%</b>	<b>41,346</b>
<b>Total General Fund</b>					
<b>Operating Budget</b>	<b>\$8,067,455</b>	<b>\$560,315</b>	<b>\$5,508,879</b>	<b>68.29%</b>	<b>2,558,576</b>
<b>Budgeted General Fund Balance</b>					
City Hall Renovations	149,188	\$160	\$77,870	52.20%	71,318

EXPENDITURE REPORT

Page Five

Date: MARCH 2010

75% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>Water Division</b>					
Personnel	244,770	\$22,065	168,545	68.86%	76,225
O&M	1,137,400	\$43,063	707,011	62.16%	430,389
Capital	45,000	\$0	0	0.00%	45,000
Debt Service	732,960	\$0	447,741	61.09%	285,219
<b>Total Water</b>	<b>\$2,160,130</b>	<b>\$65,128</b>	<b>\$1,323,297</b>	<b>61.26%</b>	<b>836,833</b>
<b>Sewer Division</b>					
Personnel	246,115	\$22,065	168,536	68.48%	77,579
O&M	904,255	\$219,759	1,113,083	123.09%	(208,828)
Capital	35,000	\$2,093	4,352	12.43%	30,648
Debt Service	679,600	\$0	249,433	36.70%	430,167
<b>Sewer Sub Total</b>	<b>\$1,864,970</b>	<b>\$243,917</b>	<b>\$1,535,404</b>	<b>82.33%</b>	<b>329,566</b>
Kent County Sewer	1,600,000	\$105,607	1,006,140	62.88%	593,860
<b>Total Sewer</b>	<b>\$3,464,970</b>	<b>\$349,524</b>	<b>\$2,541,544</b>	<b>73.35%</b>	<b>923,426</b>
<b>Solid Waste Division</b>					
Personnel	322,265	\$20,699	218,417	67.78%	103,848
O&M	662,800	\$62,857	479,669	72.37%	183,131
Capital	190,000	\$0	0	0.00%	190,000
<b>Total Solid Waste</b>	<b>\$1,175,065</b>	<b>\$83,556</b>	<b>\$698,086</b>	<b>59.41%</b>	<b>476,979</b>
<b>Total Water, Sewer Solid Waste</b>					
	<b>\$6,800,165</b>	<b>\$498,208</b>	<b>\$4,562,927</b>	<b>67.10%</b>	<b>2,237,238</b>
<b>Electric Division</b>					
Personnel	1,110,695	\$84,143	754,084	67.89%	356,611
O&M	1,931,106	\$114,017	1,188,753	61.56%	742,353
Transfer to General Fund	2,500,000	\$208,333	1,875,000	75.00%	625,000
Capital	515,520	\$15,086	37,947	7.36%	477,573
Debt Service	668,110	\$231,555	298,110	44.62%	370,000
<b>Electric Sub Total</b>	<b>\$6,725,431</b>	<b>\$653,134</b>	<b>\$4,153,894</b>	<b>61.76%</b>	<b>2,571,537</b>
Power Purchased	21,500,000	\$1,602,906	15,261,605	70.98%	6,238,395
<b>Total Electric</b>	<b>\$28,225,431</b>	<b>\$2,256,040</b>	<b>\$19,415,499</b>	<b>68.79%</b>	<b>8,809,932</b>
<b>TOTAL OPERATING BUDGET</b>					
	<b>\$43,093,051</b>	<b>\$3,314,563</b>	<b>\$29,487,305</b>	<b>68.43%</b>	<b>13,605,746</b>

**INTERSERVICE DEPARTMENTS REPORT**  
**Page Six**

Date: MARCH 2010

75 % of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>Billing &amp; Collections</b>					
Personnel	428,105	66,189	293,336	68.52%	134,769
O&M	162,500	23,446	90,783	55.87%	71,717
Capital	0	0	0		0
<b>Total Billing &amp; Collections</b>	<b>\$590,605</b>	<b>89,635</b>	<b>\$384,119</b>	<b>65.04%</b>	<b>206,486</b>
<b>Garage</b>					
Personnel	137,260	23,351	98,930	72.07%	38,330
O&M	29,040	4,873	19,631	67.60%	9,409
Capital	0	0	0		0
<b>Total Billing &amp; Collections</b>	<b>\$166,300</b>	<b>28,224</b>	<b>\$118,561</b>	<b>71.29%</b>	<b>47,739</b>
<b>Meter Department-Water</b>					
Personnel	123,455	19,834	91,325	73.97%	32,130
O&M	93,585	15,765	39,955	42.69%	53,630
Capital	60,500	0	47,524	78.55%	12,976
<b>Total Billing &amp; Collections</b>	<b>\$277,540</b>	<b>35,599</b>	<b>\$178,804</b>	<b>64.42%</b>	<b>98,736</b>
<b>Meter Department-Electric</b>					
Personnel	236,435	39,496	168,857	71.42%	67,578
O&M	122,405	13,038	55,549	45.38%	66,856
Capital	32,000	1,798	1,798	5.62%	30,202
<b>Total Billing &amp; Collections</b>	<b>\$390,840</b>	<b>54,332</b>	<b>\$226,204</b>	<b>57.88%</b>	<b>164,636</b>
<b>Public Works</b>					
Personnel	0	0	0		0
O&M	143,480	34,814	105,872	73.79%	37,608
Capital	0	0	0		0
<b>Total Billing &amp; Collections</b>	<b>\$143,480</b>	<b>34,814</b>	<b>\$105,872</b>	<b>73.79%</b>	<b>37,608</b>

ALL COSTS SHOWN ON PAGE 6 ARE ALSO INCLUDED IN THE VARIOUS DEPARTMENTS LISTED ON PAGES 3-5 OF THE EXPENDITURE REPORT WHO UTILIZE THE SERVICES OF THE DEPARTMENTS LISTED ABOVE. INTERSERVICE FUNDS ARE ENTIRELY FUNDED BY OTHER CITY DEPARTMENTS.

*MILFORD CITY COUNCIL*  
MINUTES OF MEETING  
*April 12, 2010*

The City Council of the City of Milford held a Public Comment Session on Monday, April 12, 2010 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall at 201 South Walnut Street, Milford, Delaware, prior to the commencement of the official City of Milford Council Meeting. The purpose of the informal session is to allow the public to speak about issues of interest that impact the City of Milford.

PRESIDING: Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Michael Spillane, Jason Adkins, Owen Brooks, Jr., Douglas Morrow and James Starling, Sr.

ALSO: City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

Mayor Marabello declared the Comment Session open at 7:15 p.m.

Collins Batchelor of 417 S. Washington Street commented on the Stormwater Pond recommendations. He is not in favor of the city taking over the responsibilities of the stormwater ponds in new developments. He explained the covenants of those developments require them to be responsible and it is up that developer or association to assess the necessary funds to take care of those ponds. If properly managed, there are sufficient funds. He does not feel it is the responsibility of the citizens in this town to pay for those ponds. His job is association management and his ability to be hired is the need for professional assistance to maintain those ponds to determine sufficient funds are available for future maintenance. He does not want to compete with the City of Milford for this type work.

Paul Goldstein of 15 West Thrush Drive, Meadows at Shawnee then spoke about the Parking Authority and the recommendation to dissolve it. Over the past twenty years, land was purchased and fees were collected from the business owners. He noted that the economy has caused interest and real estate values to be low. He said if the city continues to maintain the parking lots, now is the time to purchase additional properties. He recommended land be purchased and suggested the Northeast Front Street/Goat Island area where waterfront restaurants and stores could be developed to boost economic development.

He then asked the council to continue the parking authority with new appointees to assist with the purchase of new properties. Mr. Goldstein volunteered to serve on the committee.

With no additional persons signed up, Mayor Marabello closed the Public Comment Session at 7:25 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk/Recorder

*MILFORD CITY COUNCIL  
MINUTES OF MEETING  
April 12, 2010*

The Regular 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, April 12, 2010.

PRESIDING: Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Michael Spillane, Jason Adkins, Owen Brooks, Jr., Douglas Morrow and James Starling, Sr.

ALSO: City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

CALL TO ORDER

Mayor Marabello called the Monthly Meeting to order at 7:31 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF PREVIOUS MINUTES

Motion made by Mr. Adkins, seconded by Mr. Morrow to approve the minutes of the February 24, March 8 and March 22, 2010 council and committee meetings as presented. Motion carried.

RECOGNITION

*Proclamation 2010-4/National Telecommunicators Week/Milford Police Department Dispatchers*

In attendance were Lieutenant Edward Huey and Police Dispatcher Valerie Springer. Chief Hudson presented Dispatcher Springer with a Certificate of Appreciation for her dedication and outstanding service.

He then read the names of the following dispatchers who were unable to attend:

Carrie Baker, Christina Eames, Rudy Hitchens, Christina Powell and Jamie Tipton.

Mayor Marabello then read the following proclamation into record:

*Whereas, emergencies can occur at anytime that require police, fire or emergency medical services; and*

*Whereas, when an emergency occurs, the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and*

*Whereas, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Milford Police Communications Center; and*

*Whereas, Milford Police Dispatchers are the first and most critical contact our citizens have with emergency services; and*

*Whereas, the Milford Police Department Dispatchers are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and insuring their safety; and*

*Whereas, the Dispatchers of the Milford Police Department have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and*

*Whereas, we rely on the knowledge, compassion, understanding, patience and professionalism of each dispatcher to make critical decisions, obtain information and quickly dispatch needed aid; and*

*Whereas, it is particularly fitting we pay tribute to the outstanding performance of the Milford Police Dispatchers who on April 15<sup>th</sup>, are being rewarded by the Association of Public-Safety Communications Organization with the prestigious Unit Citation Award for a Non-911 Center.*

*NOW, THEREFORE, I, Daniel Marabello, Mayor of the City of Milford, hereby proclaim the week of April 11, 2010 through April 17, 2010 to be National Telecommunicators Week in Milford, in honor of the men and women whose diligence and professionalism keep our city and citizens safe.*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Milford to be affixed hereto this 12<sup>th</sup> day of April 2010.*

*Mayor Daniel Marabello*

Snack packs were also presented in appreciation of the dispatchers' hard work.

#### MONTHLY POLICE REPORT

Mr. Morrow moved to accept the monthly report submitted by Chief Hudson, seconded by Mr. Brooks. Motion carried.

#### CITY MANAGER REPORT

City Manager Baird then read the following report into record:

##### *Personnel Announcement*

*Everett Roberts, Head Mechanic with the City has announced his retirement effective Wednesday, April 28. Mr. Roberts has been with the City for the past 15 years. He is planning to have Mr. Roberts recognized by council in the near future.*

##### *Bug & Bud Festival*

*Things are shaping up for the 7th Annual Bug and Bud Festival to be held on Saturday, April 24 beginning at 9:00 a.m. City and volunteer personnel continue to prepare the downtown and riverwalk for this event. Additional details can be found on the DMI website at [www.downtownmilford.org](http://www.downtownmilford.org)*

##### *DSWA Landfill Rate Increases (Sanitation Goal)*

*Milford along with other municipalities that directly contract with DSWA will be attending the DSWA Board meeting on Thursday, April 22 to discuss the possibility of restructuring our solid waste contract to reduce the immediate full impact of the rate increase that will be going into effect July 1.*

##### *Mispillion Tributary Action Team (Parks and Recreation/Planning Goal)*

*The Mispillion TAT is meeting April 12, 2010 at Abbotts Mill Nature Center and will be discussing the specifics of the recommendations to be included in the Pollution Control Strategies. The City continues to play an active role in this group as the PCS will possibly impact how Milford will address its land use management, stormwater management and drinking watershed management in the years to come.*

##### *Brush Removal*

*I would like to recognize all City streets and solid waste employees for their hard work and tireless efforts in removing the massive amount of brush from the City that was left as a result of the February snow storms. City crews worked for weeks removing the brush and debris from City properties. This was a long and tedious job and seemed to be never ending.*

##### *2009-10 Budget (Finance Goal)*

*Budget preparations for the upcoming Fiscal Year are underway and each of you have been sent a copy of the proposed capital budget for next year and the ensuing five years. Preliminary meetings with each of the department meetings have*

*been held and a review of their initial budget requests will begin next week. City Council Budget Meetings are tentatively scheduled for the evenings of June 1 and June 2*

#### *Federal Aid Relief*

*The federal government did declare Delaware a federal disaster area which does make the city eligible for reimbursement for the majority of our snow removal costs.*

Mr. Brooks asked when spring clean-up week was scheduled, Mr. Baird advised the week of May 10<sup>th</sup>.

Mr. Brooks moved to accept the city manager report, seconded by Mr. Starling. Motion carried.

#### COMMITTEE REPORTS

##### *Charter Review Committee*

Chairman Spillane stated the charter review will be discussed later during the meeting.

#### COMMUNICATIONS

Mayor Marabello announced that Second Ward Councilman John Workman resigned as of April 5, 2010 because of relocating to another town. His seat will be filled at the April 24<sup>th</sup> election. As a result, no one will be appointed to fill the temporary vacancy.

The mayor then announced that City Solicitor Timothy Willard was recently named a partner in his firm, now known as Fuqua, Yori and Willard.

#### UNFINISHED BUSINESS

##### *Ward District Realignment/Current Code*

Mayor Marabello recalled that Councilman Spillane recently pointed out a problem with some Ward 3 properties not being contiguous with other land in that ward. Solicitor Willard explained there is not enough time to correct it before the April 24<sup>th</sup> election. He reiterated there are many laws about how representative districts should be drawn. The US Supreme Court has also weighed into it and has charged gerrymandering. In the course of all those decisions, he said they have also concluded that districts must be contiguous. In addition, the City of Milford Charter requires they be contiguous.

Mr. Willard recalled that in 1997, the Meadows at Shawnee was annexed and at some point declared to be part of Ward 3. He feels that technically it is not unconstitutional until a court rules as such, though it is obvious the land is not contiguous to that ward. The charter says that council may redistrict upon annexation or reapportionment which occurs every ten years after the census. Article 9 of the charter states that on the tenth year following the enactment of this charter, which was last done in 1999, the redistricting committee (city council) should submit a redistricting report, in the form of an ordinance, at least six months prior to the election. In this case, he feels it should be corrected prior to the 2011 election. Therefore, he suggests this be accomplished before the next election.

Mr. Adkins asked if this can wait until the 2010 Census is completed. Mr. Willard explained that depends on whether someone takes opposition to it and the court declares the districts are unconstitutional. The order would probably be remedial, so depending on when that occurs, it may be after the census. However, it is his suggestion the city correct the problem as quickly as possible so the option can be addressed this fall.

Mr. Baird asked when the redistricting committee should be established and whether it would impact the 2011 election or more than likely the 2012 election.

Mr. Willard stated that the charter requires redistricting be done by the first day of January every tenth year which has come and gone. Other areas of the charter state that council may rearrange the boundaries because of reapportionment or annexation. He feels there may be an argument not to follow the whole procedure outlined, though it is Mr. Willard's

suggestion it be done.

Mr. Brooks recalled that when this was previously done, former City Solicitor James Fuqua brought several options before council. Council voted on the one they felt was the most balanced population wise. He does not feel basing the numbers of voter registration is suitable because there are a large number of people who are not registered.

Mr. Willard agrees and will discuss the matter with the city manager and report back to city council.

*Appointment of City of Milford Election Officers*

Mr. Brooks moved to appoint the following Election Officers for the April 24, 2010 City Election, seconded by Mr. Spillane:

Patricia Bailey - Carole Mason  
Joyce Todd - Rita Cartwright  
1<sup>st</sup> Ward Clerk-Donna Merchant  
2<sup>nd</sup> Ward Clerk-June Barto  
3<sup>rd</sup> Ward Clerk-Karen Boone  
4<sup>th</sup> Ward Clerk-Teresa Franklin

Motion carried with no one opposed.

*Certification of Voter Registration*

Mr. Adkins moved to certify the Voter Registration List as presented, seconded by Mr. Morrow. Motion carried with no one opposed.

*Appointment of City of Milford Planning Commissioner*

Mayor Marabello advised that both candidates were unable to attend because they were ill. Therefore, the item will be postponed.

*Subdivision Public Improvements/Not Dedicated/City Services*

Mayor Marabello asked Mr. Baird to clarify the intent of this item. Mr. Baird recalled the recent conversation about the snow plowing at Meadows at Shawnee before the public improvements were dedicated to the city. There was a suggestion that reimbursement be requested because other private streets were not plowed during the storms. The mayor asked for council to make a final decision on the matter.

Mr. Brooks pointed out that Meadows at Shawnee was plowed because those improvements were ready to be accepted but because of a minor issue, action was postponed by council and the item was never placed back on the agenda.

Mr. Morrow and Mr. Brooks both agreed it should be left as it is now. The mayor stated the intent is that unless it is dedicated, there will be no work done by the city.

*Adoption of Resolution/Local Service Function*

Mayor Marabello recalled when City of Dover Resident N.C. Vasuki presented the matter to council at the last meeting and asked for Milford's support on behalf of the City of Dover Council.

Mr. Baird added that Lewes, Smyrna, Harrington and Camden as well as other smaller communities in Kent County have already supported this. As Mr. Vasuki stated, it will be difficult to do anything this session, but the intent is to move forward the matter in January.

Mr. Adkins moved to adopt the Resolution 2010-6, seconded by Mr. Morrow:

*A RESOLUTION PROPOSING ADOPTION OF A LOCAL SERVICE FUNCTION BUDGET FOR KENT COUNTY*

*WHEREAS, the City of Milford provides many local service functions to its residents that are duplicated by Kent County; such as, planning, zoning, engineering, assessments, mapping, code enforcement, parks and recreation, and library; and*

*WHEREAS, the City of Milford also provides many other local service functions to its residents not furnished by Kent County, such as police protection, fire protection, licensing, street maintenance, street cleaning, street lighting, snow removal, trash collection, and ambulance services; and*

*WHEREAS, these local service functions provided by the City of Milford are largely financed by taxation of real property within the corporate limits of the City of Milford; and*

*WHEREAS, Kent County also assesses and collects real property taxes from property owners of the City of Milford without offering relief from county taxation for local service functions provided by the City of Milford which are financed by the same taxpayers; and*

*WHEREAS, double taxation of property owners in the City of Milford for the same or similar functions is inequitable and unjust and the City of Milford has sought to have the Levy Court of Kent County give recognition to the local services concept and give tax relief to residents of Milford and other incorporated municipalities that provide local services; and*

*WHEREAS, the General Assembly of the State of Delaware has granted New Castle County local service function legislation that provides relief to taxpayers of municipalities where local service functions are furnished; and*

*NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF MILFORD, IN COUNCIL MET:*

- 1. That a bill be prepared for introduction in the State Legislature authorizing and directing Kent County to prepare its annual budgets in accordance with the Local Services Function Concept.*
- 2. That our State Senators and Representatives be requested to sponsor and support the passage of such legislation.*
- 3. That the Levy Court of Kent County and all incorporated municipalities in the county be furnished a copy of this Resolution.*
- 4. That the Levy Court of Kent County and all incorporated municipalities in the county be requested to support the passage and approval of such legislation.*

Mr. Spillane pointed out this resolution specifically deals with Kent County and asked if similar action has been taken in Sussex County. Mr. Baird said there are discussions in Sussex County though it is not as organized as Kent County's approach. He expects something from Sussex County in the next six months to a year.

Motion carried with no one opposed.

*URS Proposal/I&I Study*

Mr. Baird reported the next phase of the I&I study involves Phase III of the study, which is currently underway. The total cost of Phase III of the project is \$291,500 which is available through the Sewer Capital Reserve Fund though it may be reimbursed by the bond proceeds the city will issue this year. He added a portion of the sewer work will be paid out of the funds.

His recommendation is to accept the proposal and move forward with Phase III of the I&I Study.

Mr. Brooks moved to approve the URS Proposal, seconded by Mr. Morrow.

Mr. Brooks noted the city has no choice with the costs of I&I at almost \$800,000 this year; Mr. Baird agreed.

Motion carried by unanimous roll call vote.

*City of Milford Charter/Final Draft*

Committee Chair Spillane presented the final draft of the amended charter. Mr. Willard explained this will be presented to the General Assembly for adoption along with a resolution. In the meantime, council will take public comment at its next meeting.

Mayor Marabello announced the charter is available on the website for anyone wishing to review it.

NEW BUSINESS

*Bid Award/Marshall Street Drain Replacement Project*

The city manager reported the intent of this project is to replace approximately 325 feet of twelve-inch storm drains on Marshall Street as well as adding storm drain inlets and a new manhole. This is a result of the DelDOT project when it was discovered an existing storm drain had collapsed which is the city's responsibility.

Mr. Baird explained they were working with George and Lynch, DELDOT's contractor, though their preliminary quote exceeded the amount permitted to be awarded. It has since been bid and the following proposals received:

Diamond State Excavating, Inc.	Wyoming, DE	\$46,051.00
Christiana Excavating Company	Newark, DE	\$39,020.00
SPRIG Construction Inc.	Middletown, DE	\$55,035.00
Kent Construction Company, Inc.	Smyrna, DE	\$58,140.00
OnSite Construction, Inc.	Seaford, DE	\$91,585.98

It is his recommendation to award the bid to Christiana Excavating Company in the amount of \$39,020 to be paid from the city's Municipal Street Aid Funds. He said some additional engineering fees of \$3,000 will be paid from the street department engineering line item.

Mr. Brooks moved to award the Marshall Street Drain Replacement Project to Christiana Excavating Company in the amount of \$39,020, seconded by Mr. Spillane. Motion carried by unanimous roll call vote.

Mr. Baird thanked city staff and Davis, Bowen and Friedel for their efforts in expediting this process so it could be awarded this evening.

*DMI Presentation/City Adoption of Downtown Milford Branding/Logo*

DMI President Scott Angelucci informed council they are presenting a Branding and Marketing Program developed by their organization committee that the city is supporting. He then introduced the new DMI Director Lorraine Dion.

Ms. Dion explained that branding is creating a contemporary, exciting image of the city and the community's assets and promotes the city as a unique place to live or place to shop and play. The Delaware Main Street Program, with the assistance of the Delaware Economic Development Office (DEDO) and the USDA Rural Development program, started a statewide initiative to develop an awareness of historic downtowns and Milford was chosen as the pilot program with funding from the USDA and DEDO.

She further advised that using the combined resources and the guidance from the City of Milford, National Main Street, Delaware Main Street, USDA Rural Development and the National Trust for Historic Preservation, Milford moved forward with a full community branding system to create cohesive and effective marketing of the City's distinctive downtown assets. Arnett Muldrow & Associates, a community planning and branding agency that has worked with more than 180 towns nationwide, developed and unveiled Milford's new look and message during a special presentation March 18th.

The process began in February. Several roundtable discussions followed that were open to the public for the purpose of gathering information about what makes Milford special. They developed not only a brand, but also many facets of implementation including logos, taglines, marketing pieces and more.

Ms. Dion then presented the Milford Community Branding Power Point noting the seal of Milford can be used with the logo.

She then read the brand in order to feel the full impact:

“We are Milford. We are a community born of the river. It is the mill at the crossing of the Mispillion that formed our name. This river was home to two centuries of shipbuilding that made us the center of maritime industry. This river remains our link to the vital waters of this great peninsula. Though the nature of the river has changed and it is no less important to our lives. It bisects our downtown and makes us the heart of two counties and it is the centerpiece of a rebirth centered on recreation, the arts and the community. Our downtown is the heart of our creative transformation. Our galleries, shops and performance spaces are gathering places for people from all walks of life. Our events allow us to celebrate the place we call home. We remain a center of commerce for a rural community, an escape from the pressures of urban life and a community centered on family. We are the kind of the place where a children’s class inspires leaders, a landscape inspires artists and a history inspires vision. We are Milford, Delaware—a river town, art town, hometown.”

Mr. Angelucci added they have also received several grants through the USDA-RBEG (Rural Business Enterprise Grant). The first grant purchased the kiosk that was placed in the downtown areas. The second component was to purchase signage to assist visitors find their way to the downtown area. He said that one of the things the Mainstreet Community emphasizes is the importance of the gateways or arteries coming into the downtown areas. Also, \$20,000 was received to purchase the banners though they were on hold until the new branding was ready. After they are purchased, they will be placed on the main gateways into the community.

Ms. Dion stated that other groups will also be able to take advantage of this new logo. For example, the Chamber of Commerce can change their font in their logo to share in the concept. Examples were then presented with similar layouts they expect will have an overall positive impact.

She asked that city council adopt the downtown branding for the City of Milford. Mr. Baird explained the city will utilize samples in the city materials such as letterhead, business cards, city website and city vehicles and equipment. He suggested the logo also be considered for the new water tower.

The city manager feels it can be incorporated into the city’s operation very easily and asked for a show of support to endorse the new branding and encourage participation by the city while moving forward with Downtown Milford as this is rolled out over the next couple of months.

Mr. Brooks then moved to endorse the branding as proposed, seconded by Mr. Spillane.

Mr. Adkins then asked if these changes will be immediate or a gradual transition as things are needed. Mr. Baird feels that some can be done gradually as things come into need as every logo on city vehicles cannot be done all at once. However, as vehicles are added, it will be done. As we move forward with the water tower project, at least one, if not all the locations will be considered. Letterhead will be changed when it is needed.

Motion carried with no one opposed.

#### *Introduction of Ordinance 2010-5/Conditional Use/Judith Diaz/Daycare Center*

Ordinance 2010-5 is being officially introduced to council. A public hearing is scheduled before council on June 28, 2010 at which time final action will be taken.

#### *Ordinance 2010-5/Conditional Use-Judith M. Diaz*

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE AUTHORIZING A**

*CONDITIONAL USE PERMIT FOR JUDITH M. DIAZ TO ALLOW A DAY CARE CENTER IN AN R-2 DISTRICT AT 102 N.E. FOURTH STREET, MILFORD, DELAWARE. TAX MAP MD-16-183.10-03-16.00.*

*Introduction of Ordinance 2010-6/Conditional Use/Jonathan & Jennifer Feindt/Duplexes*

Ordinance 2010-6 is being officially introduced to council. A public hearing is scheduled before council on May 24, 2010 at which time final action will be taken.

*Ordinance 2010-6/Conditional Use-Matthew & Jennifer Feindt*

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE AUTHORIZING A CONDITIONAL USE PERMIT FOR BOB NASH ASSOCIATES, INCORPORATED ON BEHALF OF MATTHEW & JENNIFER FEINDT TO ALLOW DUPLEXES IN AN R-2 DISTRICT AT 302 CARLISLE LANE, MILFORD, DELAWARE. TAX MAP 3-30-7.17.138.00; 3-30-7.17.145.00.*

*HOA Subcommittee/Stormwater Recommendations*

City Manager Baird recalled the presentation made by the HOA Ad Hoc Stormwater Management Committee. A number of specific requests and recommendations were included in the report. He asked council how they wish to proceed. In speaking with council members, there appears to be a number of questions that need to be addressed though council should decide on the next step.

Mr. Spillane said the committee is asking if council wants them to continue to work and proceed with the next step in order to decide whether to take over the ponds.

Mr. Brooks prefers having a full council before a decision can be made on the matter noting that three members were absent.

Mayor Marabello prefers this be discussed at the upcoming workshop. Mr. Morrow asked for some sense of the financial impact over the next five to ten years. Mr. Adkins prefers gauging a preliminary opinion before any further work is done.

The mayor stated the matter will be added to the next workshop agenda.

*Proposed Dissolution of the Parking Authority*

Mayor Marabello stated that the city manager will discuss this, but asked council to keep in mind what Paul Goldstein stated at the public comment session.

The following letter was received:

2/24/10

*To: Milford City Council and Mayor Marabello*

*From: Harvey Marvel, Milford Parking Authority Chairman*

*RE: Completion of Assignment and Proposed Dissolution of the Parking Authority*

*In 1974 Milford City Council passed an ordinance establishing the Parking Authority of the City of Milford, Inc. The authority was assigned the task of creating free public parking in the downtown business district, and arranging for the funds to pay for it. The downtown property owners voted to pay a special Parking Authority tax to pay to amortize the loan needed.*

*I was appointed as a member of the original Authority board of directors, and became chairman in 1976. I am pleased to report that we have completed our assignment. In 1981 we arranged a loan from the current USDA (formerly Farmers Home Administration) of \$341,000. These funds were used to acquire land and construct 3 parking lots in the downtown business district (1-behind Georgia House, 2-across from Park Place, 3-across N. Walnut from Wilmington Trust). The*

*loan had a 30 year payout. In September, 2009 we paid off the loan one year early. We have stopped collecting the special tax, now that the loan is paid off.*

*The Parking Authority Board is requesting that the City take over ownership of the parking lots and dissolve the Parking Authority. The City has always provided for the routine maintenance and cleaning of the lots, as part of the original establishment agreement. The current assets of the Authority consist of cash (\$10,494.), uncollected taxes (\$5,099.), and the 3 parking lots. There are no known liabilities.*

*Delaware Code Title 22, Chapter 5, Section 513 details the procedure for Termination of a Parking Authority.*

The city manager stated the issues before council is whether the parking authority should continue with the ongoing ownership and maintenance or is there another function for the parking authority.

Mr. Brooks said they collected money from merchants downtown to buy land and construct parking lots for the downtown areas. He does not believe it is still needed because three lots were purchased and built. He recalls the intent was to pay the mortgages off which was accomplished. Mr. Morrow suggests getting some feedback from the downtown businesses before a decision is made.

Mr. Adkins asked that Abe Ellison, who was in attendance, speak on the subject. Mr. Ellison explained he was a downtown property owner when the parking authority was first formed. He explained the downtown property owners were taxed by each running foot of sidewalk they owned. He recalled there were no parking requirements for those businesses because of the availability of parking through the use of these parking lots which was very convenient for those business owners. He then asked if there is a need for any additional funds to continue the maintenance of the lots.

Mayor Marabello advised those businesses are no longer being charged any fees associated with the parking authority.

The city manager confirmed the letter stated the parking authority is no longer collecting the special tax because the loan was paid in full. He said the city has always provided routine maintenance for those parking lots as was initially agreed.

Mr. Baird agreed the lots may need some attention at some point in the future. He said an investment will be needed, whether it is now or over the next couple of years, due to their current condition. A preliminary estimate of \$70,455 was received to resurface the lots. Some additional discussion is needed on the city's interest in moving forward.

Mr. Brooks feels that is why those businesses are paying property in addition to the special taxes they were assessed. He has no problem taking it over to help the merchants downtown. If the city does not take it over, another tax will need to be assessed to properly maintain them.

The mayor asked why the city formed a parking commission to handle this in the first place; Mr. Ellison explained that when the authority was established, city council felt there was a need to form a group to begin the process and oversee it. He said that thirty to forty years ago, there were no places to park other than on Main Street. The only parking lots downtown were filled and were privately owned. He said over the years, the business owners were very satisfied with the parking authority and their goals.

Mr. Ellison's concern is if the city completely takes over the parking lots knowing there is a need for upkeep and immediate maintenance, perhaps the authority should continue though the special tax could be lowered. In that manner, there would still be funds for any work that was needed. He does not feel it is the city's responsibility to pay for the maintenance of the lots.

The mayor asked how any future parking lots would be handled; Mr. Ellison said that was included in the original plans as well as any new parking lots required to meet the needs of those downtown businesses. The mayor asked if that need came, would it benefit to keep the authority intact only as a vehicle to borrow money without assessing the special tax.

Mr. Adkins pointed out those parking lots are vital to the city during special events such as the Bug n Bud Festival and the Riverwalk and not just for the benefit of the downtown businesses.

The mayor is concerned about additional parking that may be needed in the downtown because of the manner in which the downtown is improving. Therefore, he agrees it may be beneficial to keep the authority active.

Mr. Baird suggested that he met with members of the parking authority to further discuss this matter. He also recommends that some of the downtown merchants be included. In that way, they can provide a short term and long term plan on how to handle it.

Mr. Ellison confirmed that Randy Marvel is still involved with the parking authority; Mr. Ellison volunteered his assistance as well.

The mayor concluded by saying the matter will be further discussed.

#### MONTHLY FINANCE REPORT

Mr. Morrow reported that through the eighth month of Fiscal Year 2009-2010 with 67% of the fiscal year having passed, 67.23% of revenues have been received and 60.74% of the operating budget expended.

Budget meetings with department heads will begin next week in preparation of the new fiscal year. The budget hearings will be held in June.

With no further questions or comments, Mr. Morrow moved to accept the February 2010 Finance Report, seconded by Mr. Spillane. Motion carried.

#### EXECUTIVE SESSION

No executive session was held due to the absence of the planning commission applicants.

#### ADJOURN

With no additional business, Mr. Adkins moved to adjourn the Monthly Meeting, seconded by Mr. Brooks. Motion carried.

The Monthly Meeting was adjourned by Mayor Marabello at 8:56 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk/Recorder

*MILFORD CITY COUNCIL  
MINUTES OF MEETING  
April 26, 2010*

Milford City Council held Public Hearings on Monday, April 26, 2010 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Honorable Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Steve Johnson, Michael Spillane, Jason Adkins, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

ALSO: City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor Timothy Willard

Mayor Marabello called the Public Hearings to order at 7:01 p.m.

*Ordinance 2010-1*

*An Ordinance to Amend Chapter 230, Zoning, of the Code of the City of Milford Relating to Article VI - Signs*

Mayor Marabello announced the first hearing was deferred as is noted in the council packet. City Planner Gary Norris will follow up and report back to council.

*Shawnee Farm LLC for a Conditional Use to allow a Shopping Center in a C-3 District on US Route 113 south of Seabury Avenue in the Cypress Hall Subdivision, Milford Delaware; Tax Map 1-30-3.00261.00; Area of Petition 9.79 +/- Acres.*

*Adoption of Ordinance 2010-2*

City Planner Norris advised that the Shawnee Farm LLC Conditional Use application was withdrawn. No further action will be taken.

*Ordinance 2009-17*

*An Ordinance to amend the Code of the City of Milford, Chapter 230, thereof, entitled, Zoning in relation to open space in Garden Apartment and Townhouse Districts and Planned Unit Residential Developments.*

The City of Milford hereby ordains as follows:

*Ordinance 2009-17*

*Section 1.*

*An Ordinance to amend the Code of the City of Milford, Chapter 230, thereof, entitled, Zoning, by adding and adjusting Open Space requirements in Garden Apartment and Townhouse Districts and Planned Unit Residential Developments.*

*Section 2.*

*Amends §230-4, Definitions, by adding a definition for Open Space and Recreational Uses.*

*§230-4 Definitions*

**OPEN SPACE**

*Areas of land within residential subdivisions or developments including planned unit developments that are available to all residents and/or the public and which have the purpose to provide active and/or passive recreational opportunities, maintain land in a predominantly undeveloped and natural state including lands used for:*

- (1) Community gardens;*

- (2) *Promotion of conservation and protection of wildlife;*
- (3) *Perpetual conservation easements;*
- (4) *Parks, plazas, walkways, and trails;*
- (5) *Buffers or forested areas; and or*
- (6) *~~For~~ Recreational Uses as defined herein.*

*Open Space shall not include areas of land for the following unless otherwise approved by Council:*

- (1) *Wetlands or storm water management facilities;*
- (2) *Drainage easements;*
- (3) *Flagpole areas, including a 20' radius around the flagpole;*
- (4) *Medians (unless designed as a park);*
- (5) *Signage areas;*
- (6) *Landscaping in parking areas;*
- (7) *Predominantly impervious surfaces such as streets and parking lots;*
- (8) *Required front, side, or rear yards;*
- (9) *Any land included within designated lot lines; and or*

*Utility facilities for uses such as sewer, water, gas or electric.*

**ADD:**

**RECREATIONAL USES**

*Areas of land within residential subdivisions or developments including planned unit developments which have the purpose to provide active recreational opportunities that are available to all residents of the community and/or the public including lands used for:*

- (1) *Indoor club houses;*
- (2) *Swimming pools and pool houses;*
- (3) *Tennis courts;*
- (4) *Basketball courts;*
- (5) *Athletic fields;*
- (6) *Picnic areas with tables;*
- (7) *Ponds for recreational use (boat, fishing or swimming);*
- (8) *Playgrounds; and*
- (9) *Bike or multi-model trails.*

**Section 3.**

*Amends §230-11 B(2)(g) by increasing the Open Space minimum and requiring Recreational Use for garden or low-rise apartments as follows:*

- (g) *A minimum of four hundred (400) square feet per unit shall be designated as Open Space subject to the following Recreational Use Requirements in subparagraph (h) herein.*
- (h) *Recreational Use Requirement – Fifty percent (50%) of the required Open Space shall be set aside for Recreational Uses. This requirement only applies to subdivisions or developments with fifteen (15) or more lots or units.*

**Section 4.**

*Amends §230-11 B(3)(j) by increasing the Open Space minimum and requiring Recreational Use for townhouses or row dwellings as follows:*

- (j) *A minimum of four hundred (400) square feet per unit for garden apartments shall be designated as Open Space subject to the Recreational Use Requirements in subparagraph (k) herein.*
- (k) *Recreational Use Requirement – Fifty percent (50%) of the required Open Space shall be set aside for Recreational Uses. This requirement only applies to subdivisions or developments with fifteen (15) or more lots or units.*

**Section 5.**

*Amends §230-48.1 by increasing the Open Space requirements and requiring Recreation Use in Planned Unit Residential Developments by adding a new paragraph (G) to read as follows:*

*G. A minimum of four hundred (400) square feet per unit shall be designated as Open Space subject to the Recreational Use. Recreational Use Requirement – Fifty percent (50%) of the required Open Space shall be set aside for Recreational Use*

*Section 6.*

*Adoption Date: April 26, 2010*

*Effective Date: May 6, 2010*

City Planner Norris advised the ordinance has been diligently reviewed by the planning commission. This amends the zoning ordinance in relation to open space. He noted that he also forwarded the ordinance to Parks and Recreation Director Gary Emory for review.

The city planner then briefed council on the ordinance emphasizing this would only impact developments for garden apartments, townhouses and planned unit developments. A new definition for open space was added along with a minimum requirement of 400 square feet of open space per unit. Of that, 50% must be designated for active use.

The planning commission recommended approval of the ordinance by a vote of 7-0.

When asked for questions from council, Mr. Adkins asked the reasoning behind the exclusion of the flagpole area and twenty foot radius. Mr. Norris explained that because that area was part of the calculation of open space in some developments, the planning commission did not feel it was appropriate.

Mr. Johnson confirmed this amendment only applies to new developments and nothing currently in the development phase. Mr. Norris stated that is correct and reiterated it also only applies to garden apartments, townhouses and planned unit development projects.

When asked if there are any applications in the process, Mr. Norris stated there are ongoing discussions with various developers. There may be revisions to what is currently on the books which will need to be resubmitted to meet the new standard. Watergate did receive final approval though it is his understanding they are amending the plan from mainly single family to condominiums. If that occurs, this zoning amendment will apply.

When asked for comments from the public no one spoke. The public comment session was then closed by Mayor Marabello.

Mr. Morrow suggested deferring action until the new council is sworn in and also expressed concern about a vote without a full council this evening. When asked for other council members' opinions, Mr. Johnson noted there are seven of eight council members present.

Ms. Wilson then asked for clarification on any applications that have not been granted final approval. Mr. Baird stated Mr. Norris referenced an application where the developer is planning significant changes that will need to go back through the approval process and will be impacted by the change as a result.

Mr. Norris stated that Cascades would also be affected though that development is also being reconfigured and will need to go back through the approval process.

Mr. Baird asked what the planning commission was attempting to accomplish with this ordinance; Mr. Norris explained they wanted a clearer definition of open space. Instead of including wetlands, stormwater management facilities and a variety of other things that have been used, they were trying to create more attractive communities using a better design of recreational facilities.

Mr. Adkins asked if not including stormwater management ponds could that have a negative impact on the development or encourage smaller, inadequate ponds. Mr. Norris explained that ponds are regulated by the conservation districts and must meet the standards for that development.

Mr. Adkins asked if there was any feedback from the developers; Mr. Norris stated they heard from a representative from DBF who was not in favor of the amount of open space. His opinion was that stormwater management facilities should be included in the calculation.

Mr. Adkins pointed out that almost all of Sussex County is considered wetlands by definition; therefore, he has some concerns. Mr. Norris stated the wetlands referred to in the ordinance fall under the jurisdiction of the Army Corp of Engineers with a specific demarcation of the wetlands by the Army Corp or FEMA.

Mr. Spillane then moved to adopt Ordinance 2009-17 as presented, seconded by Ms. Wilson. Motion carried by a unanimous roll call vote.

Mr. Johnson asked the motion be amended so this only applies to new applications and anything midstream will not be affected. Mr. Spillane agreed to amend his motion accordingly.

City Solicitor Willard then explained the general rule is if preliminary approval has been received, those laws or rules in place at the time of submission would apply throughout the process. Mr. Willard emphasized the ones mentioned will need to reapply because of the change to the overall plan.

Planning Commission Chairman Chuck Rini was present and confirmed the planning commission's intent was that any application in midstream would be grandfathered in and not affected by this new standard.

The motion, as amended, then carried by unanimous roll call vote.

Mr. Adkins stated that because the planning commission voted 7-0 in favor of the amendment he will vote yes though he likes the idea that council has some discretion when considering future applications.

#### *Ordinance 2010-18*

The City of Milford hereby ordains as follows:

#### *ORDINANCE 2009-18*

##### *Section 1.*

*An Ordinance to amend the Code of the City of Milford, Chapter 200, thereof, entitled, Subdivision, by adjusting the Open Space definition.*

.

##### *Section 2.*

*Amends §200-3, Definitions, by deletion the current definition of Open Space and by inserting the following definitions for Open Space and Recreational Use.*

##### *§200-3 Definitions*

*Replace and Add:*

##### *OPEN SPACE*

*Areas of land within residential subdivisions or developments including planned unit developments that are available to all residents and or the public and which have the purpose to provide active and/or passive recreational opportunities, maintain land in a predominantly undeveloped and natural state including lands used for:*

- (1) Community Gardens;*
- (2) Promotion of conservation and protection of wildlife;*
- (3) Perpetual conservation easements;*
- (4) Parks, plazas, walkways, sidewalks and trails;*

(5) *Buffers or forested areas; or*

(6) *For Recreational Uses as defined herein.*

*Open Space shall not include areas of land for the following unless otherwise approved by Council:*

(1) *Wetlands or stormwater management facilities;*

(2) *Drainage easements;*

(3) *Flagpole areas;*

(4) *Medians (unless designed as a park);*

(5) *Signage areas;*

(6) *Landscaping in parking areas;*

(7) *Predominantly impervious surfaces such as streets and parking lots;*

(8) *Required front, side, or rear yards;*

(9) *Any land included within designated lot lines; or*

(10) *Utility facilities for uses such as sewer, water, gas or electric.*

#### **RECREATIONAL USE**

*Areas of land within residential subdivisions or developments including planned unit developments which have the purpose to provide active recreational opportunities that are available to all residents of the community and/or the public including lands used for:*

(1) *Indoor club houses;*

(2) *Swimming pools and pool houses;*

(3) *Tennis courts;*

(4) *Basketball courts;*

(5) *Athletic fields;*

(6) *Picnic areas with tables;*

(7) *Ponds for recreational use (boat, fishing or swimming);*

(8) *Playgrounds; and*

(9) *Bike or multi-model trails.*

#### **Section 3.**

*Adoption Date: April 26, 2010*

*Effective Date: May 6, 2010*

City Planner Norris advised this ordinance includes the same definition for open space as the previous ordinance though this amends the Subdivision Code so it is consistent with the zoning ordinance.

With no questions from the council, Mayor Marabello opened the floor to public comment. When no one responded, the mayor closed the public comment portion of the hearing.

Ms. Wilson moved to adopt Ordinance 2010-18, seconded by Mr. Spillane. Motion carried by unanimous roll call vote.

#### **Resolution 2010-7 - Proposed City of Milford Charter Amendments**

Mr. Spillane said that all matters relating to the charter have been resolved and asked the city solicitor to comment. City Solicitor Willard advised the draft bill is complete though it does not have a synopsis. The charter will be presented to the General Assembly where it will be introduced, debated and passed. Following the public hearing, council may adopt, defer or change it.

Mayor Marabello then opened the floor to public comment.

Joe Palermo, 5 Misty Vale Court, Meadows at Shawnee, stated his concern is the date of the election whose time is a distraction. He prefers the hours be changed from eight to four. In addition, when there is a major event occurring, such as the Bug N Bud Festival, he prefers it be moved to another date to prevent any conflict.

With no other person responding, Mayor Marabello officially closed the public comment session.

Mr. Brooks then responded to Mr. Palermo's comments stating that years ago, the election was held on Saturdays from eight to eight and no one came in between eight and noon. It was then changed from noon to eight which has worked out well over the years. In addition, the charter requires a specific date for the election and unable to be changed each year because of another event.

The mayor asked for any other comments.

Mr. Morrow stated he prefers to defer action and referenced the synopsis not being complete. Mr. Willard explained that he held off completing the synopsis until public comments were received. He said it may be worth having the new council adopt the final resolution though that is councils' call. Mr. Morrow prefers waiting until the new council is in place.

Ms. Wilson recalled the discussions about the vice mayor and whether or not they are permitted to vote. After further consideration, she feels a council person would be remiss in properly representing their ward without a vote. She asks that be reconsidered noting that council is elected to represent their constituents despite the fact they are the presiding officer at a particular meeting. Though the vice mayor acts as the mayor, it is only a temporary situation.

Mayor Marbello agreed with Ms. Wilson; Mr. Brooks said he brought the issue before council which was based on what he was told by the mayor and city manager. He was told that when he acted as mayor, his duties were the same as the mayor and he was not permitted to vote.

Mr. Starling feels that in the case of Ms. Wilson, this takes a vote from the fourth ward or whatever ward that councilperson/vice mayor is representing which is unfair. This could involve a situation that directly impacts that person's ward and that one vote could make or break it.

Mr. Johnson recalled that Mr. Starling had previously mentioned the possibility of a tie vote though he recommends a tie vote in that situation be postponed until the following meeting. Mr. Willard said the issue can be brought back though it depends on the action being taken, for example, a zoning issue must be handled differently.

The solicitor explained that council agreed to leave it as it currently exists which does not permit the vice mayor to vote. He added the charter also requires four votes to pass something which must also be considered. Therefore, by removing one voting member makes getting four votes more difficult.

In Mr. Willard's opinion, he feels it is a policy issue. He feels it may be disenfranchising and should be addressed as a policy issue.

Mr. Johnson also prefers the vice mayor be permitted to vote as a council person and that any tie votes be broken at the following meeting. Mr. Starling feels voting should be done when the item is on the agenda and not postpone. He has seen problems created when waiting two weeks to take a vote. It sets up a situation for someone planning to vote one way to be persuaded to vote the other way.

Mr. Willard explained a tie vote is considered a defeat. If there is a motion to pass something and there is a tie, it simply does not pass.

Mr. Spillane then recommended postponing action on the charter. Mayor Marabello agreed stating it would be deferred until the following meeting.

Frank Fountain stated he wished to speak. Mayor Marabello advised the public comment session was officially closed. He then asked council if they wished to reopen it and asked Mr. Fountain to come forward.

Mr. Fountain stated he has served as a councilperson and had a problem with the mayor or vice mayor not voting. He feels they are representing the taxpayers who have a right to know where the mayor or vice mayor stands. He said when someone says they don't want something and depending on the outcome, the mayor can say he was for or against it though the public never knows. He thinks something needs to be changed to prevent the mayor or vice mayor from hiding behind the issues. He thinks

something should be worked out and agrees with Mr. Starling that if an issue is brought before council, it needs to be addressed that evening.

With no further business, Mayor Marabello adjourned the Public Hearing session at 7:35 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk/Recorder

*MILFORD CITY COUNCIL*  
MINUTES OF MEETING  
April 26, 2010

On Monday, April 26, 2010, the City Council of the City of Milford held a Public Comment Session in the Joseph Ronnie Rogers Council Chambers of Milford City Hall at 201 South Walnut Street, Milford, Delaware, prior to the commencement of the official City of Milford Council Meeting to allow the public to comment about issues of interest that impact the City of Milford.

PRESIDING: Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Steve Johnson, Michael Spillane, Jason Adkins, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

STAFF: City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor Timothy Willard

Mayor Marabello declared the Public Comment Session open at 7:35 p.m.

When asked if anyone had signed up for the public comment session, it was noted that a resident was misinformed about comments being permitted during the workshop session. Therefore, he was permitted to speak.

Collins Batchelor of 417 S. Washington recalled speaking to council two weeks ago but because a couple of the council members were absent, he asked to reiterate his feelings on the city taking over the responsibility of stormwater ponds. He said that HOA documents provided to the homeowners clearly state the HOA responsibilities, one being maintenance of the common elements. The most common is the stormwater ponds or stormwater management system.

Mr. Batchelor stated he is in the business of managing stormwater ponds and is paid to provide his expertise in that field both currently and in the future. He said if the city takes that over, that will remove revenue to himself. He explained the stormwater process is then reviewed, which includes the involvement of the soil conservation districts.

He urged council to abandon the idea noting it is a horrible idea for the city to become involved in stormwater management.

Mayor Marbaello then allowed other residents to speak.

Joe Palermo of 5 Misty Vale Court, Meadows at Shawnee, then responded to Mr. Batchelor. He said the developer provides a copy of the bylaws, rules and regulations and they do not mention stormwater ponds. As a member of the city's HOA Subcommittee, one of Mr. Palermo's recommendations is that all rules and regulations, including the maintenance of stormwater ponds be provided to prospective buyers in a subdivision with an HOA.

Howard Webb, 5536 Cedar Neck Road, stated that when the city annexes developments, they should accept some responsibilities for the developments. If not, two classes of citizens are being created—one that has to take care of their stormwater and one that does not. He asked that council to exercise good judgment in this matter.

When no one else indicated they wished to speak, the mayor then closed the public comment session. The session concluded at 7:45 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk/Recorder

*MILFORD CITY COUNCIL  
MINUTES OF MEETING  
April 26, 2010*

A 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, April 26, 2010.

PRESIDING: Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Steve Johnson, Michael Spillane, Jason Adkins, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

ALSO: City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor Timothy Willard

Mayor Marabello called the Council Meeting to order at 7:45 p.m.

*Adoption of Resolution 2010-7/Amended City of Milford Charter*

Item was deferred until the May business meeting.

*Proclamation 2010-5/Memorial Day & Milford Veterans Affairs Poppy Sale Days*

Mayor Marabello presented Milford VFW representatives Pat Darlin, Ladies Auxiliary Senior Vice President, Al Darlin, President of the Men's Auxiliary and Jerry Thompson, Commander, with the following proclamation which was read into record:

*WHEREAS, The annual distribution of buddy Poppies by the Veterans of Foreign Wars of the United States has been officially recognized and endorsed by governmental leaders since 1922; and*

*WHEREAS, Buddy Poppies are assembled by disabled veterans, and the proceeds of this worthy fundraising campaign are used exclusively for the benefit of disabled and needy veterans and the widows and orphans of deceased veterans; and*

*WHEREAS, the basic purpose of the annual sale of Buddy Poppies by the Veterans of Foreign Wars is movingly reflected in the desire to "honor the dead by helping the living"; and*

*WHEREAS, the 2010 Buddy Poppy Drive is being held from May 1 through May 31, 2010 and*

*WHEREAS, The Milford VFW Post #6483 and its Ladies Auxiliary have promoted the sale of the Buddy Poppy through their hospital visits and activities at the Veterans Home and within the City of Milford; and*

*WHEREAS, those funds have been distributed to worthy individuals within the Community.*

*NOW, THEREFORE, BE IT RESOLVED, that I, Daniel Marabello, Mayor of the City of Milford, do urge all patriotic citizens to wear a Buddy Poppy as a mute evidence of our gratitude to the men and women of this country who have risked their lives in defense of the freedoms which we continue to enjoy as American citizens and do hereby proclaim that May 2010 is Buddy Poppy Month in the City of Milford.*

*AND, BE IT FURTHER RESOLVED, that I, Daniel Marabello, Mayor of the City of Milford, Delaware, do hereby declare that Memorial Day be observed on Monday, May 31, 2010 in this City.*

*Due reverence and honors will be given to those valiant veterans who gave their lives in defense of this great Nation so that we may remain free. It is urged that we all join together in honoring them for their supreme sacrifice.*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this Twenty-Sixth Day of April in the year of our Lord Two Thousand and Ten.*

*Mayor Daniel Marabello*

*Budget Adjustment/Police Department/Roof Repair*

Chief Hudson requested \$14,200 be transferred from the General Fund-Fund Balance (101-0000-399-1000) to the Police Department's Capital Building (421-7020) line items to repair the roof of the department damaged during the snow storms this past winter.

The repair estimates received were in excess of \$20,000. Of that, our insurance company paid \$6,054.98 and are withholding an additional \$4,436.19 until the repairs are completed.

Ms. Wilson moved for approval of the transfer as presented, seconded by Mr. Morrow. Motion carried by unanimous roll call vote.

Mr. Brooks asked Mayor Marabello when a new police department can be considered noting the problem with the size and constant repairs. Chief Hudson advised that he has requested funding for a Needs and Feasability Study in his next budget. If approved, he will immediately contact a police facility design architect. The city manager stressed it was submitted in the proposed budget.

Mr. Brooks recalled it being in last year's budget; however, those funds were needed to repair two police cars damaged in accidents last year.

Mr. Brooks emphasized the need for a new department noting it was built for a much smaller department. The present building is inadequate to house the employees and equipment they now have.

*Request for Waiver/City Noise Ordinance/Relay for Life*

Mr. Baird advised the city ordinance requires any noise coming from a loud speaker to be turned off by 10:00 p.m. on weekends. The Relay for Life has requested an hour extension for their event at Milford Middle School on Saturday, June 12<sup>th</sup>. He has spoken with Chief Hudson who has no objections to the waiver; therefore, he recommends council use their authority permitted in the noise ordinance to grant the one hour extension.

Mr. Starling moved for approval of the one hour waiver on June 12<sup>th</sup> until 11:00 p.m., seconded by Mr. Brooks. Motion carried with no one opposed.

*Budget Adjustment/Sewer Capital Reserves*

Mr. Baird recalled the increase in I&I costs as a result of the high water table this year. The sewer budget line originally had \$400,000 which has exceeded by more than \$400,000. The March bill for I&I was \$281,000. He is asking an additional \$400,000 be transferred from the sewer capital reserves to the operating fund to cover that loss. He said the other losses will be made up by other areas of the operating project and are expected to be approximately \$1 million.

Mr. Adkins asked the amount in the sewer capital reserves at this time. Mr. Baird advised \$3.16 million as of the last finance report.

With no further comments, Mr. Brooks moved for approval of the \$400,000 budget adjustment from the capital fund to the operating account, seconded by Mr. Morrow. Motion carried by unanimous roll call vote.

Mr. Adkins votes yes, stating this highlights the importance of the work and study that is currently underway.

Mr. Brooks agrees with Mr. Adkins and votes yes.

*Adjourn*

With no additional business, Mayor Marabello adjourned the Council Meeting at 7:55 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk/Recorder

*MILFORD CITY COUNCIL*  
MINUTES OF MEETING  
*April 26, 2010*

The City Council of Milford met in Workshop Session on Monday, April 26, 2010 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Steve Johnson, Michael Spillane, Jason Adkins, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

ALSO: City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor Timothy Willard

The Workshop Session convened at 7:55 p.m.

*Dan Perez/Milford Music Festival*

Mr. Perez was not in attendance; therefore, the matter will not be discussed this evening.

*HOA Subcommittee/Stormwater Recommendations*

The city manager advised that presentations have been made and council needs to determine how to proceed. Mayor Marabello asked for a recommendation from council of whether it should be deferred to be discussed at the next council meeting.

Mr. Adkins then explained that council needs to decide whether to proceed with taking over stormwater management facilities.

Mayor Marabello then read the following recommendations of the Stormwater Management Ponds Ad Hoc Committee into record:

\*Pursue immediate measures to mandate city responsibility for ongoing maintenance. Maintenance of all future storm ponds receiving approval for construction.

\*Effective immediately, require the city's acceptance/dedication of streets and other infrastructure be contingent upon the respective county's Soil Conservation District inspection and approval of stormwater facilities.

\*Authorize a study to determine the feasibility and process to bring all existing stormwater/retention ponds in Milford under the jurisdiction for care and maintenance responsibility.

Mr. Morrow suggests the city take care of the I&I issues before taking on any additional financial responsibilities in relation to stormwater. He noted that \$400,000 was just approved so the city could proceed in that effort and he does not feel any additional taxpayers' money should be used until this matter is resolved.

Mr. Adkins said he has a number of concerns. He has some reservations and though there are some advantages to joining an HOA, one of which is to create values within the HOA. If the city takes it over, that will eliminate amenities such as fountains and fences, as an example. He appreciates the work done by the committee whose report taught him several things including the fact that any problems were to be reported to the conservation district. In turn they issue an inspection report and recommendations on how to proceed.

His other concern is the financial burden on the city. In reading the minutes of the HOA committee, the costs were discussed though the committee agreed not to bring that up though it is almost \$400,000 a pond. He feels it will be a huge burden in addition to increased personnel costs. He recalled Mr. Spillane stating it could be handled by the current staff

though he disagrees considering the additional work it would require. Therefore, he believes that two to three new employees would have to be hired.

Mr. Adkins said is strongly against taking over these ponds for those reasons and others.

Mr. Spillane explained the committee is not asking for the city to take over the ponds at this time; they are asking to do some additional work to determine what costs are involved which would include any additional personnel costs. He said they are only asking for councils' support and agrees their work should continue.

Ms. Wilson said she disagrees because the language is clear in their statement 'pursue immediate measure to mandate city responsibility for ongoing maintenance'. In her opinion, it appears they want the city to act on this immediately. She feels an HOA is the choice of the homeowner and that person has some responsibility to determine what is involved which should include any responsibility to those ponds. Therefore, she does not feel it is the responsibility of the other taxpayers to support this.

Mr. Spillane pointed out the city already maintains a number of stormwater ponds in the city. He feels it is a city-wide concern as many properties could be affected besides those in those developments. He thinks there is a need to proceed.

The mayor asked if anyone else had further comments. When no one responded, he said there will be no additional discussion on the matter tonight.

*Mayor Marabello*

Mayor Marabello then stated he has enjoyed being mayor for the past two years and looks forward to continuing being involved in the city in the future.

*Adjourn*

The Workshop Session of Council concluded at 8:13 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk/Recorder