

MILFORD CITY COUNCIL
MINUTES OF MEETING
December 28, 2009

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, December 28, 2009.

PRESIDING: Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Steve Johnson, Michael Spillane, John Workman, 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

Mayor Marabello called the Council Meeting to order at 7:51 p.m.

Annexation Committee Report/Beverly Thawley Request/Route 1 and Cedar Neck Road

Ms. Wilson noted the annexation committee met on December 22nd and reviewed and discussed the request of Beverly Thawley. As a result, the following report was prepared:

RE: Annexation Committee Report-Beverly Thawley

An Annexation Committee Hearing was held in the Council Chambers on December 22, 2009 to consider the annexation request for lands described as:

Lands of Beverly Ann Thawley
Tax Parcel 3-30-11.00-70.03
9.28 +/- Acres
Current Zone AR Proposed Zone C-3
Reference: Tax Map 3-30-11.00-70.03

All that certain tract, piece and parcel of land, lying and being situate in Cedar Creek Hundred, Sussex County, and the State of Delaware, as depicted on a survey prepared by Charles D. Murphy Associates, Inc., dated 31 August 2007, fronting on the northwesterly right-of-way line of County Road 206, also known as Cedar Neck Road, at fifty (50) feet wide, and on the northeasterly right-of-way line of State Route One, also known as Coastal Highway, of which the width varies, adjoining other lands now or formerly of Beverly Ann Thawley, Knollac Acres Subdivision, Section II, as recorded in Plot Book 82, Page 24, at the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, and Beverly T. Dugan Subdivision, as recorded in Plot Book 50, Page 147, at said Recorder of Deeds, and being more particularly described as follows, to wit:

Beginning at a point of intersection of the northwesterly right-of-way line of Cedar Neck Road, and the northeasterly right-of-way line of State Route One, also known as Coastal Highway; thence running with said Route One the following two (2) courses and distances:

- 1) North 86 degrees 52 minutes 06 seconds West 57.19 feet, and
- 2) North 49 degrees 00 minutes 17 seconds West 873.40 feet to a corner for other lands now or formerly of Beverly Ann Thawley thence running with said Thawley lands North 39 degrees 47 minutes 44 seconds East 413.50 feet to a corner for a thirty (30) foot wide buffer of Knollac Acres Subdivision; thence running with said buffer and with Beverly T. Dugan Subdivision South 53 degrees 01 minutes 49 seconds East 897.88 feet to a point on the aforementioned northwesterly right-of-way line of Cedar Neck Road; thence finally proceeding along said right-of-way line South 36 degrees 51 minutes 53 seconds West 442.46 feet to the place of beginning, containing 9.28 acres of land, more or less.

The Annexation Committee of the City of Milford City Council recommends APPROVAL of the application, by a

4-0 vote, with the following comments:

- Annexation is consistent with the "Comprehensive Land Use Plan".
- Property is contiguous to existing City Limits.
- Any changes to the property would be subject to review by the City of Milford Planning Commission and/or City Council.
- Property will be served by City Electric, Sewer and Water.
- The City will benefit through additional revenues, including taxes and the sale of water, sewer and electric.
- A Municipal Annexation Plan of Services will be submitted to the Office of State Planning for their approval.
- Property will be located in the Third Ward.

Advantages of Annexation:

- Availability of additional services such as electric, sewer, water and snow removal.
- Increased real estate values and marketability, as more improvements and urban utilities are made available.
- Provides suburban residents with a voice in the government of the larger community in which they live.
- Reduces utility rates, since utility surcharges to unincorporated territory, if applicable, would be lifted.

Disadvantages of Annexation:

- None presented.

The property should be annexed with the following zoning classification: C-3

Mr. Spillane said he voted to proceed with the annexation though there are a number of pros and cons listed in the report that were not discussed at the meeting so he is unwilling to sign the paper.

City Manager Baird advised the report is a summary of reasons an annexation is requested and some of the items discussed during the meeting. The report can be amended as Mr. Spillane wishes. Mr. Baird recommends he propose those amendments for consideration.

Mr. Brooks noted the minutes from the annexation committee report were not included in the packet. He stated that normally, the report is submitted to city council.

Mr. Baird explained the question before council is not to vote on the annexation. Public hearings need to be scheduled before the planning commission and city council. In addition, a plan of services needs to be completed and all those documents will be provided to city council along with the comments from the planning commission, annexation committee and any associated minutes. He emphasized the only thing being asked tonight is for the annexation committee to forward their recommendation to city council. It can be amended later if the committee so desires.

Mr. Morrow feels the report is a combination of events that occurred at the annexation, along with the city planners' comments regarding any annexation. Though the committee did not speak about each item, it is mainly boilerplate and most of the comments are summary that are normally included in any favorable annexation report.

Ms. Wilson agreed that the committee did not list the items. With the city planner out of town, the city clerk developed the report based on previous annexation recommendations. Mr. Workman said that one item that could have been added as a disadvantage is if access was needed from the back of the property through the development. He recalled bringing that matter before the committee that evening.

Mr. Spillane said the only thing talked about was how cars were going to get in. Then the annexation was recommended for approval.

City Planner Gary Norris then reported that Mr. Spillane had pointed out that advantages and disadvantages needed to be listed because it was a charter requirement. He recalled the previous annexation committee report listing the pros and

cons and suggested the committee amend, add or delete any comments. He emphasized the committee has every right to make changes to the report.

Mr. Spillane recalled the last report when questions were raised about a comment in the report that was not discussed. His understanding is the annexation committee must list the pros and cons and is why the committee meets. He said no one talked about it at the meeting.

Mr. Workman said that most of the advantages listed on the report are common sense and are basic reasons for any annexation. There may have been some additional disadvantages such as the problem with the access if it had to go through the development. The advantages listed are those that should always be included in the report.

Ms. Wilson agreed stating that listing the pros and cons were driven by Mr. Spillane's request so this is a bonus to the normal report. Mr. Morrow agreed noting that the city planner is included in the process and his input is necessary.

Mr. Baird also pointed out that there were several items discussed at the meeting that were site plan related and not based on the annexation issue and are not the basis for the report.

Mayor Marabello asked Mr. Spillane which items he wants removed and added. Mr. Spillane said if everything was taken off, he would sign the report. However, the items listed were not discussed.

Mr. Workman explained the committee report recommends the city continue with the annexation. As a result, the annexation will proceed to the next step which is the planning commission. Once they have reviewed it, all the documents will be presented to council for final action. However, he does feel that if Mr. Spillane does not want to sign the report, he has the right to refuse. He recommends Mr. Spillane write the word 'refused' on the report as Mr. Workman has done in the past.

Mr. Brooks said he questioned one of the disadvantages regarding a possible tax increase listed on the last annexation committee report. Somewhere along the line, the annexations and disadvantages have been added. He feels the annexation committee should create the list.

Ms. Wilson said the purpose of annexations, as has been discussed many times, is that the city will benefit through additional revenues, including taxes and the sale of water, sewer and electric. The advantages of annexation are the availability of additional services such as electric, sewer, water and snow removal. She feels those are standard reasons. Council knows that if we annex a property, it will benefit the city for these reasons. She does not think it is wrong that we did not discuss each individual item because these are common reasons a town annexes a property.

She also agrees that our city planner understands the need to annex properties and by the committee signing off on the report, we agree with those advantages which are the reasons for the annexation.

Mr. Workman suggests a form be used with the same advantages presented each time. The committee can then confirm each advantage and then discuss any new or different advantage or disadvantage. He suggests we use a standard format or SOP, starting with those basic advantages.

Ms. Wilson suggests the annexation committee meet to discuss a standard business practice or format to be used for future annexations.

On behalf of the committee, she moves the annexation proceed as was agreed by the committee, seconded by Mr. Adkins.

Motion carried by the following 7-1 vote:

Yes-Johnson, Workman, Adkins, Brooks, Morrow, Starling, Wilson
No-Spillane.

Mr. Spillane said he is voting no and will not sign the report.

Mr. Brooks said he understands the disadvantages and advantages are for a reason and need to be done by the committee. However, he has no problem with the annexation.

Mr. Morrow votes yes noting the annexation is consistent with the comprehensive plan and needs to be forwarded to the planning commission.

The mayor agreed that most of the advantages are boilerplate and repetitive though there could be some discussion on other issues.

Mr. Baird advised that he and Mr. Norris will work with Ms. Wilson to put something together to present to the committee to take care of the matter.

Adjourn

Mayor Marabello adjourned the meeting at 8:03 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Terri K. Hudson".

Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
December 28, 2009

The Milford City Council held Public Hearings on Monday, December 28, 2009 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, John Workman, 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

Mayor Marabello called the Public Hearing to order at 7:11 p.m.

City Council of the City of Milford held hearings to take public comment and make a final determination on the following matters:

Van Cleef Engineering on behalf of Liborio-Louviers LLC for a Change of Zone of 4.39 +/- Acres from R-3 (Residential) to C-3 (Commercial) at 850 Warner Road, 1,300 feet west of U.S. Route 113, Milford, Delaware. Present Use Single Family Home; Proposed Use Highway Commercial; Tax Map MD-16-174.00-01-11; MD-16-174.00-01-12; MD-16-174.00-01-18.

Adoption of Ordinance 2009-19

City Planner Gary Norris advised that approximately two years ago, the request was submitted to the planning department. It was refused at that time because it was not in conformance with the existing comprehensive plan. Since that time, the comp plan was updated and the area designated as highway commercial. The request was resubmitted and has since been reviewed by the planning commission. By a vote of 7-0, the planning commission recommended the site be rezoned from residential to commercial.

The city planner clarified the location is behind Client Logic at the intersection of a private road that accesses the Walmart facility.

Scott Lobdell, P.E. of Van Cleef Engineering, recalled their request for annexation of the site two years ago at which time the site was annexed with an R-3 zone which was consistent with the comprehensive plan. The developer indicated, during that process, their intent to change the zone to C-3 once the comprehensive plan was updated. He explained that with the proposed uses, the C-3 zone is more compatible and complies with the recently adopted City of Milford plan.

The mayor asked for comments from council members. Mr. Spillane advised he rode out to the site to observe some heavy flooding across from this site after a recent storm. He asked if the developer could attempt to resolve the water problems in the area. Mr. Lobdell agreed there is some flooding due to a pond failure from a nearby pond. He believes the owner would be willing to look at the problem and temporarily address it until a final decision is made on their parcel. He emphasized that he is only speaking on behalf of the owner though he is willing to review the situation because heavy rains are expected over the weekend.

He recalled the problem being discussed at the planning commission meeting as there were adjacent properties being affected because the runoff was carrying over onto their yards. He advised that any runoff will have to be permanently addressed during the site plan process which is why at this point it would need to be handled temporarily at this time.

Mr. Spillane asked that Mr. Lobdell follow up with a phone call to city hall explaining how this will be addressed.

Mr. Adkins said he understands this is only the rezoning hearing, but asked what the plans are for the property.

Lou Ramunno of 903 North French Street, Wilmington, Delaware, was present to represent the developer. Mr. Ramunno explained this process started approximately two years ago. At that time, Sitel wanted to expand and additional parking was needed in the rear of the property. He is unsure if they still intend to expand at this point, however, they want to be in a position to provide additional parking. Mr. Ramunno does not feel the site would be viable for any large commercial use.

Ms. Wilson understands the flooding and stormwater issues need to be addressed when they come back during the site plan process. She is unsure if it is appropriate to address them at this stage. She agrees the city needs to ensure the developer will take care of any water issues as this proceeds, in addition to DNREC and Soil Conservation who are included in the approval process.

The mayor then opened the floor to public comment.

Starr Fioca stated she is present on behalf of her brother and father, Kenneth Jewell, II and Kenneth Jewell. Her brother lives at 810 Warner Road and she lives at 818 Warner Road.

She informed council she has some very serious concerns with the change of zone to C-3. Ms. Fioca advised she spoke at the planning commission on November 17th and at that time, they were unsure what they would do. They thought they may enlarge the property and perhaps make it into a parking lot. They talked about enlarging the building in the front and placing the parking in the back. It was also stated the company employed between 60 and 100 employees. At that time, it was stated the employees come and go and are never there all at the same time. She said the building could be increased almost 100% and employment 100% with plenty of front parking remaining.

Ms. Fioca said there was also some discussion about moving the private road to Walmart onto the property of 850 Warner. The road would then be very close to a dangerous 90 degree turn and close to their driveway. She stated they also wanted 850 Warner Road cleared, filled in and paved. The back of the land, according to Ms. Fioca, is part of a natural flow of water runoff in the area. The runoff flows through 850 Warner, through her property and through her brother's property to a stream and down to Tub Mill.

She recalled when Super Walmart was being proposed and Ann Thomas owned the property. She and Ms. Thomas had concerns about runoff at that time and the impact on their property. At the planning commission and council hearings, they were confident that safeguards would be put in place to prevent any runoff on their properties. They were told that studies would be done by state agencies and engineers and those recommendations be put into effect and followed.

Ms. Fioca recalled that Walmart digging two holding ponds and installing a pump. When Walmart was built, the runoff onto their properties increased. She contacted city hall and was told to contact Walmart. She contacted Walmart and was told it was not their problem because the problem was on her land.

She advised that after a heavy rain or snowfall, her field is under water and there is water behind her brother's house. Over the past few years, more buildings and more parking lots being built on Route 113 have created more runoff.

Ms. Fioca has a small pond in her field that catches rainwater. The pond is now ten feet deep though two years ago, it was dry. Three-fourths of her field is underwater and is up to her thoroughbreds' knees.

She believes the additional paving does not allow water to soak in. Therefore, it follows nature and tries to go to Tub Mill Pond though it ends up in her fields. She believes that if 850 Warner Road is cleared of trees and eventually paved, the water behind 850 will end up in her field.

She recalled that this developer was informed that if they bought the property, the zoning would be changed. She believes that the C-3 zone will increase runoff and her property will eventually be under water.

Ms. Wilson asked if the city manager was aware of this situation or any of the city staff been contacted; Mr. Baird said

he had not heard anything and was just made aware of it after her comments at the planning commission hearing. He noted there is a great deal of flooding in the area because of recent rains and snow so conditions are worse this year.

Mr. Baird then explained that stormwater manager is administered in the city limits by either the Kent or Sussex Conservation District. They regulate how it is managed on the site that is being developed. Stormwater management ponds are there to manage the quality of the water and many of the sediments will be flushed out at that point, but also the quantity. The rate at which the water comes off a property does not increase. However, it may have taken two hours to leave the site during predevelopment and pass through the neighboring properties. Now it may take ten hours depending on how it is developed. Though the rate remains the same, the quantity is considerably more because there is more water.

He also emphasized this year has been unique and many property owners have experienced more problems than in the past.

He emphasized the conservation districts are the experts in this field. There is a permitting process required by the conservation districts and a prerequisite to any approval granted by the city. When complaints are received, the city enters in to work out a resolution regardless of if it impacts neighboring property owners or a public infrastructure. However, he is unaware of any formal work that has been done in this case.

Ms. Wilson asked if Mr. Baird would contact Walmart or the manager of their property and the conservation district and determine if any upgrades are needed; Mr. Baird agreed.

The city manager then recalled when he and Councilman Spillane recently sat down with the conservation district to discuss similar issues and what happens to stormwater ponds ten years after they are built. He said most ponds are better managed the first couple of years and problems occur later on as has become a statewide problem. Maintenance issues could occur which is a concern of the conservation district. They are working with them on all stormwater ponds in the city. Both counties are reviewing them to determine if each pond is in compliance or not. He believes this pond may have been on the list but will follow up to make sure it is added.

Mr. Brooks said if four more acres of parking are constructed and her ponds and land are full now, where will the additional runoff go. If that happens, everyone will again claim it is not their problem.

Mr. Baird informed Mr. Brooks that this needs to be considered as two steps. The first is the zoning issue which is before council this evening. The zoning does not give them a permit to go out and build something. That needs to be addressed during the site plan review which would have to be approved by the city. Part of that approval would be a sign off by Kent Conservation District. At that point is when an analysis would be needed to ensure any problems would be made worse.

Mr. Brooks feels the city nor Walmart claiming it is not their problem is not a good response to the problem. Ms. Wilson said that is the reason she is suggesting Mr. Baird work with Walmart and the conservation district to attempt to resolve this.

Mr. Spillane said that because this involves a proposed parking lot, he suggests we review the site and try to resolve the problems before we move on. In that way, we will be ahead of the game before the C-3 is approved for a use permissible in that district. He would not want it approved, then they have to come back later because of problems and all the original issues have been forgotten. He does not feel they are ready to build today and there is sufficient time to partner with others to try to resolve this.

Mr. Baird explained that the zoning question is before council today. The issues Mr. Spillane is referring to will be addressed during the site plan process. He added that council has the right to change that if they wish.

Mr. Workman said this is the second time this month council has heard about runoff problems from one property onto

another. He feels that because we were aware of this on November 17th, there was sufficient time to check into it. He has no problem with the change of zone, but when it is brought to our attention, he feels Mr. Baird, as city manager, should look into it to prevent more problems as the land is developed.

Mr. Morrow asked for confirmation that as this land is developed, particularly with more blacktop or concrete, additional stormwater management will be needed; Mr. Baird agreed. Mr. Morrow feels that during the site plan process, strict attention needs to be given to these water problems. If the parking lot is enlarged, he feels that adequate stormwater facilities will be required to address the matter.

Mr. Baird asked council to keep in mind the application is a change of zone. He is unsure if the problem is related to ponds on his property or ponds on another property or a combination of everyone in the area creating this. He is going to guess it is combination. He feels we should be very careful adding conditions that would make the developer completely responsible. If they are partially responsible, that will be determined by soil conservation. At this time, he recommends council not impose any conditions until that time it is determined the runoff is the total responsibility of this property owner.

Ms. Wilson feels that though the drainage problem is an issue, she agrees that at this time council cannot direct them to fix the problem until we are sure whose problem it is. However, she encourages Mr. Baird to go forth and try to resolve or determine the problem. She understands that once they start their project, it will be addressed again. She was unaware of this problem noting that Ms. Fioca has been dealing with this for a long time and she is sorry the city and Walmart have not properly responded.

Mr. Workman agrees with Ms. Wilson and feels that now that we are aware there is a problem, it needs to be determined and the proper departments and agencies need to become involved. Mr. Morrow also agreed.

When asked for further comments from the public, no one responded. Mayor Marabello then closed the public comment portion of the hearing.

Ms. Wilson moved that the change of zone of 4.39 +/- Acres from R-3 to C-3 be approved at 850 Warner Road without conditions at this time because it has not been determined who is responsible for the flooding/drainage problem and adopt Ordinance 2009-19 as presented. Mr. Starling seconded motion. Motion carried by the following 7-1 roll call vote:

Yes-Johnson, Workman, Adkins, Brooks, Morrow, Starling, Wilson
No-Spillane.

Mr. Spillane said he feels for the applicant but believes that if the C-3 is approved and the city goes out there and reviews the situation, regardless of whether it is our problem or someone else' problem, and we say we really cannot do this right now or it should not be done. He would rather address the problems first and come back for later approval. But right now, he votes no.

Mr. Adkins stated that he appreciates the comments of Ms. Fioca. This is one of the wettest falls we have had in fifty years and this is a good opportunity to examine the issues we have. But looking at the entire situation, he has to vote yes.

Mr. Brooks said he will vote yes at this time, but the next time it comes up, he wants to make sure the city or someone has the answer of where the water is coming from.

Mr. Morrow also votes yes based on the recommendation of the planning commission by a vote of 7-0 and this will also provide an opportunity, through the land development process, along with the efforts of the city, to try to identify the problem and get it solved.

Ms. Wilson also votes yes based on the planning commission recommendation.

Ordinance 2009-22/An Ordinance to Amend Chapter 230 of the Milford Code Relating to Billboards

Mayor Marabello advised that since action on this ordinance was postponed by the planning commission, the matter will be deferred until such time an opinion is received from the commissioners.

With no further business, Mayor Marabello declared the Public Hearings adjourned at 7:42 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Terri K. Hudson". The signature is written in black ink and is positioned above the typed name.

Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
December 28, 2009

On Monday, December 28, 2009, 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 in order to allow the public to comment about issues of interest that impact the City of Milford.

PRESIDING: Honorable Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Steve Johnson, Michael Spillane, John Workman, 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

Mayor Marabello declared the Public Comment Session open at 7:42 p.m.

Councilman Spillane referenced his comments at the last Public Comment Session. He recalled the mayor stating the issues would be followed up. He asked if anything had been done.

Mr. Spillane clarified those issues involved the signs on Route 1 and Route 30 and 206 (triangular space). The mayor asked if he had spoken with the city manager about the issues because he follows through on those issues.

The mayor explained that this is not a debate but a public comment session. He suggested putting the matter on the next agenda.

Mr. Morrow said he has mixed emotions about a councilman speaking during this time and feels he is circumventing the system. He believes council is elected by their constituents to serve as representatives of their ward. The public comment session is for the public and though he understands Mr. Spillane wears two hats, he feels Mr. Spillane is a councilman 24/7. He respects what Mr. Spillane is trying to do, but believes these are issues that have been discussed on the agenda several times and this is not the correct way to address them.

Mr. Workman understands the concern but also understands that because Mr. Spillane is unable to get answers as a councilman, he feels that he may get them as a private citizen. He said if Mr. Spillane was told someone would get back with him, the minutes would reflect that and it should have been done. Mr. Workman recalls the other person speaking that night who was also given the same response.

He asked where the answers come from if a councilman is unable to get them. Mr. Workman believes it is important to get back with someone if they are told at a council meeting that someone will get back with them.

He also does not particularly want Mr. Spillane to bring these matters before council. However, if this is the only manner in which he feels it can be addressed or an answer obtained, then he understands.

Mr. Morrow agrees with some of Mr. Workman's thoughts that if someone is presenting something, then the mayor and the city manager need to be careful with their response. If they say someone will get back with them, then we are obligated to do that. However, he feels this is a case where these issues have been addressed over and over and Mr. Spillane does not like the answers he has been given. He thinks we also need to consider the amount of money that has already been spent on the sign issue he wants to discuss again tonight.

Mr. Spillane agreed that money should not have been spent when all we needed to do was write a letter to DelDOT stating we should not have issued a permit sign. He said that would have saved a lot of money.

The mayor directed Mr. Spillane to meet with Mr. Baird to get some of these answers. In regard to Mr. Christy and his

concerns at the previous meeting, the city manager stated he is working on it as well.

Mr. Spillane also asked that the topsoil issues they are experiencing at Hearthstone also be discussed.

With no other persons signed up, Mayor Marabello declared the Public Comment Session closed at 7:51 p.m.

Respectfully submitted,

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

Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
December 28, 2009

The City Council of Milford met in Workshop Session on Monday, December 28, 2009 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Honorable Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Steve Johnson, Michael Spillane, John Workman, 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

Mayor Marabello convened the Workshop Session of City Council at 8:03 p.m.

Charter Amendment/Draft

Charter Review Committee Chairman Spillane advised that at the request of council at the last meeting, a new draft, removing a lot of the conversations and showing the additions and deletions, is being presented for easier review.

He suggested a time be set up to review the charter by all of council. Once that is completed, a night would be scheduled to take public comment.

Mr. Baird advised the January 25th workshop date is open from an agenda standpoint. He recommends that no other agenda items or meetings be permitted that evening in order to allow council to fully concentrate on this document. It is an established meeting date which should not impact anyone's schedule. Another meeting could be scheduled during the interim should council prefer.

Mr. Workman pointed out the committee has worked on this document for more than a year. He suggests that when the final draft is presented, council review it page by page with all the changes noted. He understands there will be more discussion in some areas and less in others. However, he wants assurance that what is presented to the legislators is correct and that all council members understand what has been changed.

It was confirmed that strikeouts are language that has been removed and either italics or underlining was used to denote new language.

Mr. Baird said it will be difficult to compare the new charter with the old charter because there has been a lot of reorganization. His advice is to take a good look at the current charter, then begin to read the new one so that it makes sense.

Mr. Workman questioned the format. Mr. Baird explained that many sections were completely reorganized. Mr. Workman feels that if the old section was moved, it should be crossed out and the new section referenced.

Mr. Spillane said he will make sure the marked up copy shows where a section has been moved.

The mayor recalled that City Solicitor Willard was going to provide a summary of the changes which should also assist in the review. Mr. Spillane said he has not seen that and suggested someone contact Mr. Willard.

Mr. Morrow asked that color copies be provided to each council member as it is easier to read. Ms. Hudson will have color copies mailed to each council member.

Mr. Spillane also suggested the code book be brought in by council members in case a comparison is needed.

The workshop was scheduled for January 25, 2010 at 6:30 p.m.

With no further business, the Workshop Session concluded at 8:23 p.m.

Respectfully submitted,

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

Terri K. Hudson, CMC
City Clerk/Recorder