

MILFORD CITY COUNCIL
MINUTES OF MEETING
January 11, 2010

The City Council of the City of Milford held a Public Comment Session on Monday, January 11, 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 Steve Johnson, Michael Spillane, John Workman, 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.

Connie Devan of 13 Kingston Terrace, Hearthstone Manor, stated she spoke to council previously about speeding and safety at Hearthstone. On December 14th, she fell on some frost while walking her dog on the wooden bridge. She broke her wrist which resulted in surgery and is now undergoing physical therapy. Two days before her accident, she contacted the building manager to advise him an entire section of the wooden bridge was missing though the bridge was not repaired the day she fell. Following her accident, she contacted management and asked for their insurance information to help with her out of pocket expenses.

On December 15th, City Building Inspector/Code Official Don Williams inspected the bridge as a result of Ms. Devan's phone call to Councilman Spillane. According to Ms. Devan, Mr. Williams deemed the bridge unsafe and cordoned it off with yellow tape. On December 16th, the bridge was repaired.

She feels this could have been avoided if someone had done their job properly.

Ms. Devan publicly thanked Councilman Spillane for helping her and other residents at Hearthstone in trying to make the development a better community.

Mr. Spillane then agreed there are a number of safety issues that have not been addressed since 2006 and asked council to stand up and correct those problems to prevent anyone else from being hurt or killed.

With no additional persons signed up, Mayor Marabello closed the Public Comment Session at 7:22 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
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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, January 11, 2010.

PRESIDING: Mayor Daniel Marabello

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

COUNSEL: City Solicitor Timothy Willard

CALL TO ORDER

Mayor Marabello called the Monthly Meeting to order at 7:30 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. Workman to approve the minutes of the December 14, 22 and 28, 2009 council and committee meetings as presented. Motion carried.

RECOGNITION

None.

AMENDMENT TO ORDER OF AGENDA

Mayor Marabello asked for a motion to amend the agenda so that the item listed under "New Business" as "Appointment of the Board of Appeals" could be considered at this time. The request would allow those persons being considered to be present. Currently, one of the candidates is unable to remain until such time it was scheduled to be addressed.

Mr. Workman moved to place "New Business-Appointment of the Board of Appeals" above the Monthly Police Report and separate from other "New Business" items, seconded by Mr. Starling. Motion carried.

NEW BUSINESS

Appointment of Board of Appeals

Mr. Baird advised the following names are being submitted for the City of Milford Board of Appeals:

Dean Johnson, Vice President of Richard Y. Johnson and Son, to serve as a representative of the contracting engineer for a term of one year.

Alvin French, partner in the architectural firm of French and Ryan, to serve as the design professional for a term of two years.

Mike Wheedleton, an architect with Davis, Bowen and Friedel, Incorporated, to serve as the alternate for a term of two years.

Mr. Baird then announced that he previously introduced those nominees to council members earlier today.

When asked the need for a Board of Appeals, Mr. Baird explained the city is anticipating some action will be needed on the property located at Church and North Front Street that is presently condemned. The property is owned by Dan Bond. Mr. Baird pointed out this is a component of the property maintenance code and building code that has not yet been established.

Mr. Spillane referenced openings on similar boards and asked why in this case, the three nominees have been preselected and are being presented for council action without any type of solicitation. Mr. Baird explained that the backgrounds of the individuals are clearly spelled out and the pools are extremely limited. He has already spoken with all three nominees who have agreed to serve on the board.

Mr. Spillane emphasized that he does not have a problem with the individuals, but has a problem with the manner in which this was handled which is inconsistent with what has been done in the past. He does not feel this afforded other interested parties the same opportunity.

Mr. Workman confirmed that Mayor Marabello and City Manager Baird worked together to find three people to fill the positions. However, he agrees with the concern of the inconsistency and questions exactly how the three people were selected. He also stressed that personally, he has no problem with the three individuals. Mayor Marabello explained that timing was a problem and their services were needed very quickly.

Mr. Workman asked that any other open committees be addressed to prevent having to rush into a similar situation. Though they may never have to be used, they will at least be in place.

Mr. Baird then introduced Mr. French and Mr. Wheedleton adding that Mr. Johnson had another commitment and left early. Mayor Marabello added that council members know Mr. Johnson and are familiar with the DBF firm though he was unfamiliar with Mr. French. However, the city manager made the recommendation so he is comfortable with his appointment.

Mr. Adkins moved for confirmation of Dean Johnson, Alvin French and Mike Wheedleton as members of the City of Milford Board of Appeals, seconded by Mr. Starling.

Motion carried by the following 6-1 vote:

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

Mr. Spillane votes no adding that the city needs to be impartial when filling such openings and in this case, it appears as though we are all of a sudden rushing to fill the vacancies which are unfair to other qualified persons who may have had an interest.

Mr. Workman said he stated his concerns earlier, though he will vote yes.

Mr. Baird said he will follow up with the new board members to review their new responsibilities.

POLICE REPORT

Police Committee Chair Morrow referenced the year-end report included in the council packet and reiterated how busy the department has become. He noted the complaints have increased by 4,000 over the previous year bringing the total to approximately 14,000. Criminal arrests are up by 33% and felonies have increased by 50%.

Police Committee Chair Morrow moved for acceptance of the monthly police report submitted by Chief Hudson, seconded by Mr. Adkins. Motion carried.

Mr. Workman asked Chief Hudson if there are any areas in the city that have seen an increase in crime. Chief Hudson advised there appears to be more crime in the northeastern business area. Mr. Workman confirmed there are no specific residential areas; Chief Hudson concurred.

CITY MANAGER REPORT

City Manager Baird then read the following report into record:

North Front Street Sewer Project and FY2010 Bond Issue (Engineering & Finance Goals)

The City has closed on the Clean Water State Revolving Fund Loan for the Sewer Project on North Front Street. The loan is in the amount of \$1,301,872 at an interest rate of 2.0% for twenty years. A preconstruction meeting was held on Wednesday, January 6, 2010 with the City's contractor JJID and we established a start date of January 19, 2010. Additionally, during the pre-construction meeting the City was informed that Davis Bacon Wage Rates will apply on this job and this could cause a need for a change order increasing the project cost before it even begins. Please note the date of the memo was one month after the effective date and the City had already bid its project prior to the end of October. We have requested DNREC grant a waiver on the Davis Bacon Requirements and are awaiting a response.

The first portion of the project will begin in the Truitt Avenue area. Traffic restrictions will occur during construction that will be coordinated with the police department and DelDOT. The city will provide public notices to ensure our residents are aware of the situation.

Recycling Contract (Administration Goal)

Earlier this week, Governor Markell announced his new recycling program that would make it mandatory for the City to collect recycling. According to a January 5, 2010 News Journal article "Recycling would remain voluntary for homes and businesses under the plan, but curbside services and special containers would be universally available. Commercial haulers and municipal governments that collect trash would be required to provide curbside pickups.

Money to help haulers and communities start new recycling programs would come from a non-refundable 5-cent fee now charged as a returnable deposit for smaller glass and plastic beverage containers. Fee proceeds also would pay for marketing and education." We will continue to monitor the details of this plan to determine how this will impact the City's current recycling contract with DSWA that expires on July 31, 2010. It is important to keep in mind that this comes on the heels of a proposed 50% increase in landfill fees by DSWA. Municipal representatives are meeting with DSWA CEO Pat Canzano on Wednesday, January 13 at Dover City Hall to discuss these issues.

In addition, the city is battling a rate increase from DSWA on the regular tipping fees. Those fees are proposed to go from \$61.50 a ton up to \$80.00. The current rebate of \$10.00 is being reduced to \$4.00.

The city is participating with some other municipalities on how to proceed. A meeting is scheduled this Wednesday to have some further discussions.

Other options are being considered including city staff handling the recycling.

Interconnection Agreement with Delmarva Power (Electric Goal)

A final draft of the interconnection agreement with Delmarva Power is being reviewed by the City and DPL Attorneys. Upon completion of these reviews, it will be presented to City Council for ratification at the February 8, 2010 meeting.

Cost of Snow Removal

An analysis of the costs associated with snow removal from the winter storm on December 19, 2009 show the City spent approximately \$14,000 on snow removal and associated costs. City Crews are commended for an excellent job and service above and beyond during this time.

Inflow and Infiltration (Engineering and Sewer Goal)

During the November billing period for sewer service from Kent County, the City was billed for 85,320,000 gallons of flow for a total bill of \$199,648.80. Of this amount, it is estimated that 47% or \$93,850 is for I&I. The flow for Nov. 2009

increased by 26% over the flow from Nov. 2008. More alarming is the fact the flow billed to City customers in Nov. 2009 (45,215,285) was almost identical to the flow in 2008 (45,256,594). This is a direct reflection of the I&I issue facing the City.

Electric Substation Repairs

The City Electric Department with the help of an outside contractor are making repairs to one of the three transformers at the substation. The bushing component of the transformer needs to be replaced and crews are hoping to complete the repairs by this weekend. Two of the three transformers were installed in 1988 and the third in 2000. Rick Carmean is expecting to complete more maintenance work on the transformers as we enter the spring.

Residential Electric Rate Comparison

Please see the attached rate comparison from DEMEC.

Annexation Committee Report Modifications

Mr. Norris and I have prepared drafts of amendments to the annexation report and modification of the way in which the City will facilitate annexation requests. These changes are being made to address the comments raised during the December 28, 2009 Council meeting as well as to improve the process for the staff and the applicants. The information has been shared with members of the annexation committee.

The latest electric residential rate comparisons provided by DEMEC as of December are as follows:

Selected Area Utilities

Winter (Oct. - May)

RESIDENTIAL RATE COMPARISON @ 1,000 kWh

		<i>% Difference</i>	<i>% Difference</i>
*De Co-op	\$121.95	0%	-21%
New Castle	\$141.43	16%	-8%
Milford	\$143.53	18%	-7%
Newark	\$146.53	20%	-5%
Dover	\$150.18	23%	-2%
Seaford	\$152.87	25%	0%
**Delmarva Power	\$153.61	26%	0%
Smyrna	\$155.48	27%	1%
Lewes	\$157.14	29%	2%
Middletown	\$157.89	29%	3%
Clayton	\$162.70	33%	6%

Mr. Baird noted that Milford has become very competitive in their rate schedule though there is always room for improvement.

Mr. Adkins asked for a corporate rate comparison; Mr. Baird explained that those rates are all over the board. He has not seen one for approximately two years because each municipality has their own rate structure which do not line up as the residential rates do. For example, Milford’s small general service rate classification may mean something completely different in another town.

Mr. Adkins pointed out that could be a very important comparison factor for businesses looking to locate in Delaware.

Mr. Baird then commended the public works crews for their efforts during the December snowstorm, in addition to last week’s storm, in ensuring the city was clear and passable.

Mayor Marabello then asked what complaints were received from residents during the recent snow storms; Mr. Baird answered that a few people felt the roads were snow covered longer than was expected. However, city crews responded quickly to alleviate those problems.

When asked about a couple of recent electric outages, Mr. Baird confirmed the problem was not at the substation. Breakers tripped out on the system and tried to reset themselves. Unsuccessful, they remained open until the problem could be fixed and the device reset manually by crews.

Mr. Workman suggested that Mr. Baird work with the chair of the annexation committee on the annexation report. As a member of the annexation committee, he feels more input is needed from the committee. They would then work with the city planner and city manager as was discussed by council at a previous meeting.

When questioned, Mr. Baird said there are no specific requirements as far as the contents of the annexation report with the exception of developing the advantages and disadvantages. The purpose of the report is to provide additional support. The information is provided to the annexation committee members to get initial feedback in order to move forward.

Mr. Spillane is concerned that past annexation reports did not include spelled out disadvantages and advantages. Mr. Baird feels the overall concept of each report includes those items in addition to the discussions of the committee members.

On the issue of I&I, the city manager does not believe it is the result of a false reading because it coincides with the trends seen in previous months as well as recent rainfall and snow.

Mr. Workman moved to accept the city manager's report, seconded by Mr. Starling. Motion carried.

COMMITTEE REPORTS

Fisher Building/Previous Boys and Girls Club

Mr. Starling recalled that approximately six months ago, Jonathan Dukes and Don Fisher came in to ask for a conditional use for a church and daycare/youth center. In recent weeks, some other activities have taken place there. He wants to publicly thank Milford Police Department for their thorough investigation and the work they did to prevent further problems.

Mr. Starling emphasized that the Dukes are church affiliated and anything that occurs from this point on, they are no longer associated with as they have moved their property out over the weekend. The building has since been rented to another group. Mr. Starling said that many of the things occurring there were associated with Jonathan Dukes and Melissa Dukes. However, they had nothing to do with those activities and reiterated they will no longer be affiliated with any future use at the site.

Charter Review

Chairman Spillane clarified the Charter Review by council is scheduled for Monday, January 25th and not January 24th as was reported by the newspaper.

HOA Committee

Chairman Workman reported that tomorrow evening, January 12th at 6:00 p.m., the HOA Committee will meet in the council chambers.

Board of Adjustment

Mayor Marabello reported that to date, council has already met Keith Grambling and Frank Bason through the planning commission process. He has also approached Sam Johnson who has expressed an interest in serving. No new applications were received. His goal is to have the board filled at the January 25th meeting.

When questioned about the number of members, it was verified that state code allows the board to consist of not less than three nor more than five members. Mr. Spillane suggested that we start with three members, though he prefers five members.

Mr. Brooks confirmed the city solicitor will be attending in an advisory capacity. City Solicitor Willard concurred adding that he will provide some orientation material for the new members on how to approach variance cases.

The city manager confirmed there is a Board of Adjustment hearing scheduled for Thursday, January 14th at 10 a.m. for a variance from the parking requirements for the Cypress Hall project southwest of Route 113.

Mr. Johnson questioned the term requirements. Mr. Baird explained that initial terms will provide for one member to expire on staggered years. One member would be appointed for one year, one member appointed for two years and the other member appointed for three years. All subsequent terms are three year terms.

It was agreed by council that sufficient time would be provided for training before the new board is officially convened for a hearing. The current board will remain for the January hearing and the new members will take over at the February meeting. The mayor will ask the new members to attend the January meeting for training purposes.

Because the January 25th meeting is limited to the charter review, the Board of Adjustment appointments will be added to the February 8th agenda.

UNFINISHED BUSINESS

*Plan of Services-Annexation/Lands of W. Nelson Hall Trustee & W. Nelson Hall Substitute Trustee/Tax Parcel 3-30-11.00-06.00
Adoption of Ordinance 2009-20
Adoption of Resolution 2010-1*

City Planner Gary Norris recalled this item being presented to council in December though action was deferred until acceptance of the Plan of Services was received from the Office of State Planning.

Mayor Marabello advised the ordinance changes the zone to C-3 subject to the adoption of the resolution which officially annexes the property.

Mr. Spillane confirmed that this property will be properly taxed. City Manager Baird referenced language in the resolution stating the property will be assessed and taxed at the same rate and basis as other taxable properties in the city. He further explained that when the property is assessed, the zoning affects the assessment.

Mr. Spillane asked for verification that taxes will not be deferred until something is developed on the land; Mr. Baird stated yes, noting that is intent of that language that was added to the resolution. Mr. Spillane wants to ensure the city receives the proper taxes based on the C-3 zone.

Mr. Johnson asked if this is something the city is changing in the future and if not, why was it done on this particular annexation. Mr. Baird explained it provides clarification and prevents any future questions. He pointed out the property owner may have a reason to ask for a tax exemption, but that would be a decision of city council. In this case, there is no exemption and the property will be taxed once it is annexed.

Mr. Workman then moved for adoption of Ordinance 2009-20, seconded by Mr. Starling:

*Ordinance 2009-20
Annexation/Lands of W. Nelson Hall Trustee & W. Nelson Hall Substitute Trustee
Tax Parcel 3-30-11.00-06.00*

An Ordinance to Amend the Zoning Designation of the parcel of land under the legal ownership of Hall & W. Nelson Hall, Trustee, & W. Nelson Hall, Substitute Trustee, lying and being on the easterly side of Delaware Road #30 and the southwesterly side of Delaware Route 1, located in the Cedar Creek Hundred, Sussex County, Delaware, as shown on a plot entitled "Lands of W. Nelson & Dorothy I. Hall.", dated September 12, 2000, to be annexed into the City of Milford by resolution, hereafter adopted by the City Council of Milford, Delaware.

WHEREAS, the land hereinafter described is contiguous and adjacent to the City of Milford and the owners thereof have petitioned the City Council to annex the same into the City of Milford, and

WHEREAS, it appears to the Mayor and City Council of the City of Milford, Delaware, that the hereinafter described property will be annexed to and become part of the City of Milford and a zoning classification is required, and

WHEREAS, the land owned by W. Nelson Hall Trustee & W. Nelson Hall Substitute Trustee, Tax Parcel 3-30-11.00-06.00 is currently zoned by Sussex County as "AR-1" (Agriculture-Residential District), and

WHEREAS, the City Council referred the zoning of the affected territory for report and recommendations to the Planning and Zoning Commission and after a due hearing as provided by law, the Zoning Commission made its recommendation to City Council, and

WHEREAS, after a Public Hearing held on November 23, 2009, and after considering the previous recommendation of the City Council Annexation Committee, the City Council has determined the proper classification under the zoning ordinance of the City of Milford for the property to be annexed.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

That the following described land situated in Sussex County, Delaware:

BEGINNING at a point formed by the intersection of the easterly right-of-way line of Delaware Road #30, 60 feet wide, with the southeasterly line of lands, now or formerly, of James Wesley Thawley, as recorded in the Sussex County Office of the Recorder of Deeds, Deed Book 642, Page 238,

- 1) Thence, leaving said right-of-way of Delaware Road #30 and coincident with said Thawley lands, North 60 degrees 22 minutes 25 seconds East 225.72 feet to iron pipe found at a point along the southeasterly line of lands, now or formerly, David W. & Amanda L. White, as recorded in said Office of the Recorder of Deeds, Deed Book 1546, Page 226,*
- 2) Thence, leaving said Thawley lands and coincident with said White lands, North 57 degrees 04 minutes 42 seconds East 180.06 feet to an iron pipe found at a point along the southeasterly line of lands, now or formerly, Mulford W. & Joan L. Bittle, as recorded in the said Office of the Recorder of Deeds, Deed Book 1684, Page 41,*
- 3) Thence, leaving said White lands and coincident with said Bittle lands, North 56 degrees 59 minutes 30 seconds East 190.20 feet to a concrete monument found at a point along the southeasterly line of lands, now or formerly, Otis J. & Beulah M. Penuel & Beronica E. Moore, as recorded in the said Office of the Recorder of Deeds, Deed Book 2036, Page 7,*
- 4) Thence, leaving said Bittle lands and coincident with said Penuel & Moore lands, North 47 degrees 49 minutes 39 seconds East 149.92 feet to a concrete monument set at a point along the southwesterly right-of-way line of said Delaware Route 1,*
- 5) Thence, leaving said Penuel & Moore lands and coincident with said right-of-way of Delaware Route 1, the following 2 courses and distances, South 42 degrees 09 minutes 11 seconds East 1626.52 feet to a point,*
- 6) Thence, along a curve to the left, having a radius of 2421.84 feet, an arc length of 566.86 feet and a chord bearing and distance of South 48 degrees 51 minutes 30 seconds East 565.57 feet to a concrete monument set at a point on the northwesterly line of lands, now or formerly, The State of Delaware, as recorded in the said Office of the Recorder of Deeds, Deed Book 647, Page 455,*
- 7) Thence, leaving said right-of-way of Delaware Route 1 and coincident with said State of Delaware lands, the following 2 courses and distances, South 50 degrees 00 minutes 01 seconds West 104.59 feet to a concrete monument set at a point,*
- 8) Thence, South 42 degrees 27 minutes 17 seconds East 300.00 feet to a concrete monument set at a point along the northwesterly line of lands, now or formerly, Elmer J. Roberts,*
- 9) Thence, leaving said State of Delaware lands and coincident with said Roberts lands, the following 3 courses and distances, South 45 degrees 42 minutes 43 seconds West 346.70 feet to a concrete monument set at a point,*
- 10) Thence, South 47 degrees 12 minutes 43 seconds West 198.00 feet to a point,*
- 11) Thence, South 57 degrees 07 minutes 43 seconds West 27.68 feet to a point along the northeasterly line of lands, now or formerly, Patrick J. & Judy Kay L. Emory, as recorded in the Office of the Recorder of Deeds, Deed Book*

2310, Page 85,

12) Thence, leaving said Roberts lands and coincident with said Emory lands, the following 4 courses and distances, North 59 degrees 07 minutes 17 seconds West 804.67 feet to an iron pipe found at a point,

13) Thence, South 83 degrees 03 minutes 19 seconds West 436.09 feet to an iron pipe found at a point,

14) Thence, South 62 degrees 22 minutes 56 seconds West 234.84 feet to an iron pipe found at a point,

15) Thence, South 43 degrees 43 minutes 35 seconds West 221.38 feet to an iron pipe found at a point along the northerly line of lands, now or formerly, Robert W. & Carolyn M. McLaughlin,

16) Thence, leaving said Emory lands and coincident with said McLaughlin lands, South 86 degrees 55 minutes 49 seconds West 245.25 feet to an iron pipe found at a point along the easterly right-of-way line of Delaware Road #30,

17) Thence, leaving said McLaughlin lands and coincident with said right-of-way of Delaware Road #30, North 03 degrees 02 minutes 51 seconds West 832.00 feet to an iron pipe found along the southerly line of lands, now or formerly, Patrick F. & Jacquelyn A. Gorman, as recorded in the said Office of the Recorder of Deeds, Deed Book 1630, Page 62,

18) Thence, leaving said Delaware Road #30 and coincident with said Gorman lands, the following 3 courses and distances, North 86 degrees 58 minutes 45 minutes East 374.80 feet to an iron rod found at a point,

19) Thence, North 03 degrees 01 minutes 17 seconds West 249.99 feet to an iron pipe found,

20) Thence, South 86 degrees 58 minutes 14 seconds West 75.11 feet to an iron pipe found at a point along the easterly line of lands, now or formerly, Walter V., Jr. & Barbara L. Samuels, as recorded in the said Office of the Recorder of Deeds, Deed Book 1776, Page 123,

21) Thence, leaving said Gorman lands and coincident with said Samuels lands, and in part with lands, now or formerly, Frederick A. & Delema M. Duffy, as recorded in the Office of the Recorder of Deeds, Deed Book 2021, Page 73, and in part with lands, now or formerly, Albert T. & Beverly J. Coverdale, as recorded in the said Office of the Recorder of Deeds, Deed Book 2421, Page 89, and in part with lands, now or formerly, Barry W. & Karen Know, as recorded in the said Office of the Recorder of Deeds, Deed Book 2008, Page 284, the following 2 courses and distances, North 04 degrees 18 minutes 53 seconds West 613.36 feet to an iron pipe found at a point,

22) Thence, South 84 degrees 25 minutes 59 seconds West 300.00 feet to an iron pipe found at a point along the easterly line of said right-of-way Delaware Road #30, 23) Thence, leaving said Knox and coincident with said right-of-way Delaware Road #30, North 05 degrees 43 minutes 00 seconds West 87.80 feet to the point and place of beginning;

CONTAINING 59.309 acres of land shall be, upon final approval of its annexation into the City of Milford, classified under the Zoning Ordinance of the City of Milford and zoned as C-3 (Commercial Highway District).

Dates:

Adoption Date: January 11, 2010

Effective Date: January 21, 2010

Motion carried by unanimous roll call vote.

Mr. Spillane said he is voting yes as long as the city taxes the land with the C-3 designation.

When asked for questions regarding the resolution, Mr. Spillane noted that both counties are addressing flooding problems. and said that with recent rains, there are many properties flooding. He said with the large parking area and shopping center proposed, there is some concern. Mayor Marabello said that has been discussed in the past and remains a site plan issue. Those matters will be reviewed at that time. Currently, we are only addressing the annexation.

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

*Annexation/Lands of W. Nelson Hall Trustee & W. Nelson Hall Substitute Trustee
Tax Parcel 3-30-11.00-06.00
59.309 +/- Acres
Current Zone AR-1
Proposed Zone C-3*

Whereas, the Milford City Council having considered the advantages and disadvantages of annexing into the City as

described herein:

ALL that piece or parcel of land, hereinafter described, situate, lying and being on the easterly side of Delaware Road #30 and the southwesterly side of Delaware Route 1, and being located in the Cedar Creek Hundred, Sussex County, Delaware, as shown on a plot entitled "Lands of W. Nelson & Dorothy I. Hall.", dated September 12, 2000; said piece or parcel of land being more particularly described as follows:

BEGINNING at a point formed by the intersection of the easterly right-of-way line of Delaware Road #30, 60 feet wide, with the southeasterly line of lands, now or formerly, of James Wesley Thawley, as recorded in the Sussex County Office of the Recorder of Deeds, Deed Book 642, Page 238,

- 1) Thence, leaving said right-of-way of Delaware Road #30 and coincident with said Thawley lands, North 60 degrees 22 minutes 25 seconds East 225.72 feet to iron pipe found at a point along the southeasterly line of lands, now or formerly, David W. & Amanda L. White, as recorded in said Office of the Recorder of Deeds, Deed Book 1546, Page 226,*
- 2) Thence, leaving said Thawley lands and coincident with said White lands, North 57 degrees 04 minutes 42 seconds East 180.06 feet to an iron pipe found at a point along the southeasterly line of lands, now or formerly, Mulford W. & Joan L. Bittle, as recorded in the said Office of the Recorder of Deeds, Deed Book 1684, Page 41,*
- 3) Thence, leaving said White lands and coincident with said Bittle lands, North 56 degrees 59 minutes 30 seconds East 190.20 feet to a concrete monument found at a point along the southeasterly line of lands, now or formerly, Otis J. & Beulah M. Penuel & Beronica E. Moore, as recorded in the said Office of the Recorder of Deeds, Deed Book 2036, Page 7,*
- 4) Thence, leaving said Bittle lands and coincident with said Penuel & Moore lands, North 47 degrees 49 minutes 39 seconds East 149.92 feet to a concrete monument set at a point along the southwesterly right-of-way line of said Delaware Route 1,*
- 5) Thence, leaving said Penuel & Moore lands and coincident with said right-of-way of Delaware Route 1, the following 2 courses and distances, South 42 degrees 09 minutes 11 seconds East 1626.52 feet to a point,*
- 6) Thence, along a curve to the left, having a radius of 2421.84 feet, an arc length of 566.86 feet and a chord bearing and distance of South 48 degrees 51 minutes 30 seconds East 565.57 feet to a concrete monument set at a point on the northwesterly line of lands, now or formerly, The State of Delaware, as recorded in the said Office of the Recorder of Deeds, Deed Book 647, Page 455,*
- 7) Thence, leaving said right-of-way of Delaware Route 1 and coincident with said State of Delaware lands, the following 2 courses and distances, South 50 degrees 00 minutes 01 seconds West 104.59 feet to a concrete monument set at a point,*
- 8) Thence, South 42 degrees 27 minutes 17 seconds East 300.00 feet to a concrete monument set at a point along the northwesterly line of lands, now or formerly, Elmer J. Roberts,*
- 9) Thence, leaving said State of Delaware lands and coincident with said Roberts lands, the following 3 courses and distances, South 45 degrees 42 minutes 43 seconds West 346.70 feet to a concrete monument set at a point,*
- 10) Thence, South 47 degrees 12 minutes 43 seconds West 198.00 feet to a point,*
- 11) Thence, South 57 degrees 07 minutes 43 seconds West 27.68 feet to a point along the northeasterly line of lands, now or formerly, Patrick J. & Judy Kay L. Emory, as recorded in the Office of the Recorder of Deeds, Deed Book 2310, Page 85,*
- 12) Thence, leaving said Roberts lands and coincident with said Emory lands, the following 4 courses and distances, North 59 degrees 07 minutes 17 seconds West 804.67 feet to an iron pipe found at a point,*
- 13) Thence, South 83 degrees 03 minutes 19 seconds West 436.09 feet to an iron pipe found at a point,*
- 14) Thence, South 62 degrees 22 minutes 56 seconds West 234.84 feet to an iron pipe found at a point,*
- 15) Thence, South 43 degrees 43 minutes 35 seconds West 221.38 feet to an iron pipe found at a point along the northerly line of lands, now or formerly, Robert W. & Carolyn M. McLaughlin,*
- 16) Thence, leaving said Emory lands and coincident with said McLaughlin lands, South 86 degrees 55 minutes 49 seconds West 245.25 feet to an iron pipe found at a point along the easterly right-of-way line of Delaware Road #30,*
- 17) Thence, leaving said McLaughlin lands and coincident with said right-of-way of Delaware Road #30, North 03 degrees 02 minutes 51 seconds West 832.00 feet to an iron pipe found along the southerly line of lands, now or formerly, Patrick F. & Jacquelyn A. Gorman, as recorded in the said Office of the Recorder of Deeds, Deed Book 1630, Page 62,*
- 18) Thence, leaving said Delaware Road #30 and coincident with said Gorman lands, the following 3 courses and distances, North 86 degrees 58 minutes 45 minutes East 374.80 feet to an iron rod found at a point,*

- 19) Thence, North 03 degrees 01 minutes 17 seconds West 249.99 feet to an iron pipe found,
20) Thence, South 86 degrees 58 minutes 14 seconds West 75.11 feet to an iron pipe found at a point along the easterly line of lands, now or formerly, Walter V., Jr. & Barbara L. Samuels, as recorded in the said Office of the Recorder of Deeds, Deed Book 1776, Page 123,
21) Thence, leaving said Gorman lands and coincident with said Samuels lands, and in part with lands, now or formerly, Frederick A. & Delema M. Duffy, as recorded in the Office of the Recorder of Deeds, Deed Book 2021, Page 73, and in part with lands, now or formerly, Albert T. & Beverly J. Coverdale, as recorded in the said Office of the Recorder of Deeds, Deed Book 2421, Page 89, and in part with lands, now or formerly, Barry W. & Karen Know, as recorded in the said Office of the Recorder of Deeds, Deed Book 2008, Page 284, the following 2 courses and distances, North 04 degrees 18 minutes 53 seconds West 613.36 feet to an iron pipe found at a point,
22) Thence, South 84 degrees 25 minutes 59 seconds West 300.00 feet to an iron pipe found at a point along the easterly line of said right-of-way Delaware Road #30,
23) Thence, leaving said Knox and coincident with said right-of-way Delaware Road #30, North 05 degrees 43 minutes 00 seconds West 87.80 feet to the point and place of beginning; containing 59.309 acres of land.

and having considered the recommendation of the Annexation Committee appointed to investigate said annexation; having considered the zoning recommendation of the Planning Commission subject to compliance with Chapter 230 of the City of Milford Code and whether or not to proceed with the proposed annexation; City Council having held a Public Hearing on November 23, 2009 on said annexation; having received acknowledgment of the accepted Plan of Services by the State of Delaware as required of Title 22, Section 101, Delaware Code; the City of Milford, hereby determines as follows:

Now, Therefore, Be It Resolved, that this land is hereby annexed into the municipal boundaries of the City of Milford and the description and plot of said lands are to be recorded in the Office of the Recorder of Deeds in said County where said lands are situate.

Be It Further Resolved, the Petitioner and the City of Milford enter into an annexation agreement for purposes including, but not limited to, the dedication of easements and/or right-of-ways to the City of Milford or State of Delaware for future utility, roads or other public improvements as determined by the City of Milford and/or State of Delaware.

And Be It Further Resolved, that from and after the adoption date of this resolution, the territory annexed will be assessed and taxed at the same rate and basis as other taxable properties within the City of Milford.

NOW I, Daniel Marabello, Mayor of the City of Milford, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council of the City of Milford at a meeting held on January 11, 2010, at which a quorum was present and voting throughout and that the same is still in full force and effect.

Mayor Daniel Marabello

Motion carried by unanimous roll call vote.

Kent County Sports Complex Request

Mr. Baird recalled the Kent County representatives who attended a previous council meeting asking for financial support in the amount of \$10,000 for a feasibility study for a sports facility to be constructed on Route 113/1 south of Frederica.

Mr. Spillane agrees this is a good project for Kent County and the city. However, with the economy as it currently exists, he does not feel the city is in a position to spend any extra money for a study. Mr. Brooks agrees that \$10,000 is a lot of money and we need to be careful with our current funding.

Mr. Workman agrees it is a good project, though he is uncomfortable funding a study not knowing, at this time, whether or not it will come to fruition. He is uncomfortable using taxpayers' money though he agrees it should benefit our hotel and restaurant businesses. He also pointed out the site is not in the city limits which should also be considered. Once they

obtain the money to ensure the project will move forward, then council could consider some type of support at that point.

Mr. Morrow feels we need to focus on spending tax dollars within the city boundaries. He also agrees it is a good project, but at the current time, we have I&I problems we need to address and have directed our department heads to cut back on spending. Therefore, he has concerns at this point in time.

When questioned, Mr. Workman reiterated that they should return once the plans are in place and ready to go. At that time, council could consider some financial support.

Mr. Adkins feels that though it is not inside the city, the project will have a direct impact on jobs and the economy in Milford. He referenced the positive impact the events at the BMX parks have had on many of Milford's businesses. He is also considering the number of things we have wasted money on such as recent lawsuits. He feels this will have a positive effect and that \$2,500 is a small token for the benefits and message we will send and is confident there is great potential this project will be completed. Another advantage would be to have Milford added to their brochure as a way to promote our hotels, restaurants and other businesses. He noted that Harrington and Dover have agreed to support it in addition to some other businesses. He feels it is very important to send a message of support.

Mayor Marabello asked if anyone else is supportive of a smaller contribution. Mayor Marabello also recalled contributing toward feasibility studies for the airport on two different occasions though it was a much smaller amount.

Mr. Workman agrees that if we do not support this, they may not be willing to promote Milford. However, at the same time, Milford's businesses can use the internet to promote their hotels and restaurants. He does not have a problem giving a smaller amount though he is unsure of what that should be.

Mr. Johnson prefers addressing this during the budget hearings to ensure we will have the money. He agrees he does not mind supporting it but needs to review our overall budget first.

Mr. Adkins said he has two comments. One is the feasibility study and the article in the newspaper recently. He said to be realistic, these studies are needed for a project of this size. He would also be willing to forego his council pay for awhile to show his support of the project.

When asked what the time constraint is on the project, Mr. Baird said he does not believe there was one and recalled asking that at the previous meeting. His impression was they were ready to move forward sooner rather than later though they did not provide any hard time lines.

The mayor asked for a consensus. Mr. Starling stated he was willing to support a partial contribution. Mr. Johnson said he prefers to wait until we begin to prepare for next year's budget. Mr. Spillane said no. Mr. Workman agreed to a quarter of the \$10,000. Mr. Brooks said he is not against the project, but with the finances as they currently exist, he does not know where we can suddenly come up with \$10,000 or even \$5,000.

Mr. Baird advised that funds are available in his administrative budget to cover the expense. Mr. Workman asked if the city manager is aware of any potential expenses within the city that this money could be used for. He then referenced another issue that he spoke to Mr. Baird about earlier.

Mr. Baird agreed a case could always be made where funding would be needed though the question would be where it sits on the city's priority list.

Mr. Adkins moved to approve a \$2,500 contribution to the Kent County Sports Facility feasibility study, seconded by Mr. Starling.

After consideration, the motion failed by the following 3-4 roll call vote:

Yes-Workman, Adkins, Starling

No-Johnson, Spillane, Brooks, Morrow

Mr. Spillane agrees it would be a good project for the state, county and city, but he must first look out for the city and its residents and believes there are a number of issues that take priority including sewer work and potential snow storms, so currently he must vote no.

Mr. Workman said that based on the conversation regarding the pros and cons, he is willing to show some type of support adding that \$2,500 is better than \$10,000 though he would never agree to that amount and votes yes to the \$2,500.

Mr. Brooks stated he supports the project but our budget has gotten tighter and tighter. He said when you read about other cities, things are even worse there. We have a new budget year beginning in July and do not need a tax increase to support a feasibility study.

Mr. Morrow said he would like to readdress it as Mr. Johnson suggested and discuss it during budget hearings but not at this point in time and votes no.

Default of Property Lease/Neal Moore Bus Service

Mr. Baird recalled informing council of recent correspondence between himself and Mr. Moore regarding his lease on the Fisher Avenue property. Mr. Moore requested that some of the terms in the agreement be revisited.

The city manager referenced the notice of default on two items, one being the rent which has since been satisfied. The second relates to the site plan being by December 31st, 2009. They have since had a conversation during which time, Mr. Moore indicated the project is in the works and is asking for an amendment to that clause of the lease.

He noted that tonight Bob Nash and Neal Moore were both present. Mr. Nash is working on the site plan on behalf of Mr. Moore.

Mr. Bob Nash, formerly of Charles Murphy Associates which is now Bob Nash Associates addressed council. He stated they have been working with Mr. Moore since October 7th, 2009. It has been submitted to the conservation district, fire marshal and city engineer for their review. It was suggested by the city planning office, that instead of coming in as a preliminary plan in December because it was not completed at that time, to come in as a final site plan with all letters of approval. He expects to have all the letters of approval by February 1st to come in as a final site plan. They have met with representatives of those agencies and have received comments from the fire marshal office and are ready to be returned tomorrow.

Mr. Baird confirmed Mr. Nash was correct regarding the notice of the city.

Mr. Workman pointed out council is being asked to approve something that will benefit Mr. Moore, however, no action was taken until the city sent a letter regarding four-months back rent. He does not feel it is necessary for the city to send out letters of default. If this occurred with him as a private citizen, after two months of nonpayment, he would have received an eviction notice. He understands he has now caught up on his rent, but it took the city sending a letter. If he was not prepared to move forward before his December deadline, council should have been informed at that time. Now he wants council to allow to proceed which to him is frustrating.

Mr. Nash pointed out there were many years that Mr. Moore did not have to pay rent. He said he did not receive a bill and had he received a monthly bill, he feels it would have been forthcoming.

Mr. Workman pointed out the agreement was signed and Mr. Moore was aware of his obligation. The rent should have been paid on time.

Mr. Nash said that once he found out he owed the money, he immediately responded by paying it. Mr. Workman asked if notices were sent out; Mr. Baird said between the time the lease was signed and the letter was sent out on January 4th no.

Mr. Workman asked if it was not his fault because he was unaware of the rent. Mr. Baird noted the terms are clearly spelled out in the lease.

Mr. Spillane asked if Mr. Baird had called Mr. Moore before the contract was signed or did he hold the contract. Mr. Baird explained that Mr. Moore and he had conversations before the lease was even drafted. They discussed the matter at the time the lease was drafted and Mr. Moore was also provided a copy to review to ensure he was in agreement before it came before city council. Mr. Moore came in to execute the agreements after council took action.

It was confirmed that Mr. Moore understood he owned rent starting in October. Mr. Baird agreed. He added that Mr. Moore had also requested that he not pay any rent for the back-owed portion, which the city manager relayed to council. It was council's opinion that the term of \$600 stand.

Mr. Spillane recalled that he owned the rent beginning in October though he still did not pay anything until some correspondence was sent.

Mr. Morrow said the rent has since been paid and it is current. He is now asking for an extension to complete his site plan.

Mr. Baird asked if there is a deadline date being requested to submit the site plan. Mr. Nash said his intent is to have the plan submitted on February 1st though they are at the mercy of the conservation district. He does not believe the fire marshal is a problem because he has been in contact with them. However, the conservation district has some comments he did not agree with because the stormwater is already established in the business park and some additional infrastructure was being requested which he believes is not necessary.

Mr. Nash is comfortable with the February 28th date. It was then confirmed the rent would continue to be paid and kept current during the interim.

Mr. Workman asked what the next step is if nothing occurs between now and February 28th. Mr. Baird said we would be right back where we are. None of the other terms in the lease have changed. The terms state that if it not submitted by December 31st, the landlord (city) shall exercise its right to buy back the business park property per the deed and zoning regulations.

City Solicitor Willard explained that if the date is changed from December 31st to March 1st, Mr. Moore is still obligated to pay the \$600 a month. The lease expires in July of this year. There is also a separate term to buy back arguably at anytime but this lease provides another condition. At that time, we could evict them and buy back the lot in the business park if nothing has been done by the end of February. In addition, if they submit a site plan and do not build in a year, then that expires, then we buy back the business park lot.

Mr. Johnson asked Mr. Nash if he foresees anything that would prevent the site plan from being submitted by the end of February. Mr. Nash said he does not and believes it will be ready by February 1st even considering the agencies involved.

He agrees the proper date would be March 1st as the official deadline.

Mayor Marabello added that without going into details, he feels the city has been extremely fair in all respects so it is incumbent upon him to have good faith and comply with all the rules.

Mr. Morrow moved for approval for an extension of the submittal date for the site plan of the Moore property in the business park from December 31, 2009 to March 1, 2010, seconded by Mr. Johnson. Motion carried by unanimous roll call vote.

Mr. Baird said he will mail a confirmation of council's action this evening.

NEW BUSINESS

Introduction of Ordinance 2009-21/Beverly Ann Thawley/Tax Parcel 3-30-11.00-70.03

City Planner Gary Norris advised this is a proposed ordinance for Beverly Ann Thawley on the northeast corner of Route 30 and Delaware 1. He advised it will go to the Planning Commission for a recommendation of zoning and is only being introduced this evening. The plan of services is currently being prepared and forwarded to the Office of State Planning.

The following ordinance was then officially introduced:

*Ordinance 2009-21
Annexation/Lands of Beverly Ann Thawley
Tax Parcel 3-30-11.00-70.03*

An Ordinance to Amend the Zoning designation of the parcel of land under the legal ownership of Beverly Ann Thawley, Tax Parcel 3-30-11.00-70.03, fronting on the northwesterly right-of-way line of County Road 206, also known as Cedar Neck Road, and on the northeasterly right-of-way line of State Route One, to be annexed into the City of Milford by resolution, hereafter adopted by the City Council of Milford, Delaware.

WHEREAS, the land hereinafter described is contiguous and adjacent to the City of Milford and the owners thereof have petitioned City Council to annex the same into the City of Milford, and

WHEREAS, it appears to the Mayor and City Council of the City of Milford, Delaware, that the hereinafter described property will be annexed to and become part of the City of Milford and a zoning classification is required, and

WHEREAS, the land owned by Beverly Ann Thawley is currently zoned by Sussex County as "AR" (Agriculture-Residential District), and

WHEREAS, the City Council referred the zoning of the affected territory for report and recommendations to the Planning and Zoning Commission and after a due hearing as provided by law, the Zoning Commission made its recommendation to City Council, and

WHEREAS, after a Public Hearing held on February 22, 2009, and after considering the recommendation of the City Council Annexation Committee, the City Council has determined the proper classification under the zoning ordinance of the City of Milford for the property to be annexed.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

That the following described land situated in Sussex County, Delaware:

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,

CONTAINING 9.28 (+/-) acres of land shall be, upon final approval of its annexation into the City of Milford, classified under the Zoning Ordinance of the City of Milford and zoned henceforth as C-3 (Commercial Highway District).

Dates:

Introduction to City Council: January 11, 2010

Planning Commission Public Hearing: January 19, 2010

Projected Date of Adoption by City Council: February 22, 2010

Projected Effective Date: March 4, 2010

Date Approval/2010 Milford Community Parade/Charles Gray

Chairperson Charles Gray asked for approval of the Community Parade on Wednesday, October 20, 2010 from 6:30 to 9:00 p.m. with three reviewing stands. A letter was submitted which will be added to the packet by the city clerk as a late addition.

He also asked for acceptance of the third Wednesday of each October hereafter to be the preferred date of the annual community parade.

Mr. Gray explained that each year they ask for approval of a date and it changes every four to five years. Traditionally, they have tried to hold it the Wednesday before Halloween. Because of the potential of Mischief Night and how Halloween falls, it sometimes pushes them back to two Wednesdays before Halloween. They have begun to establish the parade as a celebration of the autumn season as opposed to Halloween and is why the name was changed from Milford Halloween Parade.

He also explained that establishing the third Wednesday annually will also establish a time line year in and year out for the event.

Mr. Gray then requested the city make an annual investment of \$5,000. According to Mr. Gray, the committee was incorporated to raise funds and organizing the annual parade. No one is paid a salary or wage and no one receives a stipend for their volunteer efforts. He said the investment will be used to promote the parade through broadcast medias, taping and/or advertising.

He noted that by establishing the third Wednesday will allow the parade to be recognized in various annual publications that promote other events throughout the state.

Mr. Brooks confirmed that Mr. Gray is requesting the third Wednesday for planning purposes, but this does not grant blanket approval for the next ten years or so. He believes it is imperative the parade be granted on a yearly basis and pointed out that council members change so he would be uncomfortable approving it henceforth.

Mr. Gray concurred but clarified that they will be requesting the third Wednesday in October from this point on.

Mr. Brooks moved that October 20, 2010 and the third Wednesday of October be the tentative date of future parades, subsequent to annual approval by council from 6:30 p.m. to 9:00 p.m. with three reviewing stands, seconded by Mr. Starling.

Mr. Workman added that they still are required to work with the police department to work out the issues and any changes must be presented to council at the time the parade is approved each year. Mr. Gray agreed noting they have had a wonderful working relationship with the police department and city council up to this point. He said they have communicated any changes or concerns which has worked well.

Mr. Baird said that the financial request will be included as part of the budget process for the upcoming year. The letter will be included as part of this year's budget.

Mr. Workman agrees that if this body agrees, it should be part of the budget because it is the Milford Community Parade and our town's name is in front of it and it is our parade. It needs to be considered with the budget instead of saying yes at this time.

Motion carried by unanimous roll call vote.

MONTHLY FINANCE REPORT

Mr. Morrow reported that through the fifth month of Fiscal Year 2009-2010 with 42% of the fiscal year having passed, 45.88% of revenues have been received and 36.88% of the operating budget expended.

Considering the current economy, Mr. Morrow feels we are fairing well. We will continue our belt tightening measures as we work toward the new fiscal year.

With no questions or comments, Mr. Morrow moved to accept the November 2009 Finance Report, seconded by Mr. Workman. Motion carried.

Executive Session

Mr. Workman moved to go into executive session pursuant to 29 Del. C. §10004(b)(6); Discussion of the content of documents, excluded from the definition of "public record" in §10002 of this title where such discussion may disclose the contents of such documents, seconded by Mr. Adkins. Motion carried.

Mayor Marabello recessed the Council Meeting at 8:53 p.m. to go into a Executive Session.

Return to Open Session

Council returned to Open Session at 9:08 p.m.

No action needed as a result of the discussion in Executive Session.

ADJOURN

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

The Monthly Meeting was adjourned by Mayor Marabello at 9:08 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk