

*MILFORD CITY COUNCIL  
MINUTES OF MEETING  
January 25, 2010*

On Monday, January 25, 2010, a Public Comment Session was scheduled in the Joseph Ronnie Rogers Council Chambers of Milford City Hall at 201 South Walnut Street, Milford, Delaware, prior to the commencement of the official City of Milford Council Meeting. The purpose of the informal session is to allow the public to speak about issues of interest that impact the City of Milford.

PRESIDING: Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Michael Spillane, John Workman, Jason Adkins, Owen Brooks, Jr., James Starling, Sr. and Katrina Wilson

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

COUNSEL: City Solicitor Timothy Willard

With no one signed up to speak, no Comment Session was held.

Respectfully submitted,



Terri K. Hudson, CMC  
City Clerk/Recorder



<i>Article IV.</i>	<i>Council Government</i>
<i>Article V.</i>	<i><u>Administration and Appointees</u></i>
<i>Article VI.</i>	<i>Financial Procedures</i>
<i>Article VII.</i>	<i>Taxation, Assessors ad Assessment Of Taxes</i>
<i>Article VIII.</i>	<i>Borrowing Of Money and Issuance Of Bonds</i>
<i>Article IX.</i>	<i>Tax Increment Financing and Special Development Districts</i>
<i>Article X.</i>	<i>Severance</i>
<i>Article XI.</i>	<i>Transitional Provisions</i>
<i>Article XII.</i>	<i>Repealer</i>
<i>Article I.</i>	<i>Incorporation, <u>Territory and Annexation</u></i>

### 1.01- Incorporation

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

**The solicitor pointed out the territorial limits has been changed by citing a map to be recorded in the Recorder of Deeds as was done by another town recently. He feels it is easier to record and the metes and bounds will not be included. Otherwise, every time an annexation is done, the charter will need to be amended. In this manner, the process is much simpler by having a new map recorded.**

**The official map would be kept by the city clerk at city hall.**

### 1.02- Territorial Limits

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

~~The boundaries and limits of the City of Milford are hereby established and declared to be as heretofore, that is to say: BEGINNING at Bowen Landing on the Bowen (Dorsey) farm in Kent County; thence in a direct line in a northerly direction to the DuPont Boulevard at the intersection with it and the concrete highway leading into the City of Milford; thence continuing in the same line in a northwesterly direction across the said DuPont Boulevard a distance of Five~~

~~Hundred Feet beyond the western boundary line of said Boulevard; thence in a southerly direction and parallel with and Five Hundred Feet from the western boundary of said DuPont Boulevard to Mullet Run; thence in a northwesterly direction following said creek approximately 1,600 feet to and encompassing Parcel #1, 39.14 acres more or less between Mullet Run and County Route 407, further described by a plat prepared by Charles D. Murphy, Jr. and dated January 25, 198; thence said limits extending in westerly direction encompassing and including Parcel #2 on south side of County Route 407, and east of State Route 15 containing 91.06 acres more or less; thence north of County Road 407 and east of State Route 15 and including Parcel #3 containing 108.57 acres more or less; thence west of State Route 15 to include Parcel #4 containing 187.99 acres more or less bounded to the south by State Route 14 and to the north by County Route 404 said parcels being described on the referenced plat; thence south of Parcel #1 and Mullet Run to contain the Masten Industrial Park having right of way to State Route 14, thence in a southerly direction and parallel with and Five Hundred Feet from the western boundary of DuPont Boulevard to the Haven Lake; thence across said lake to the north side of Evergreen Lane; thence along the north side of Evergreen Lane to the intersection of the north side of Evergreen Lane and a line parallel with and Five Hundred Feet from the western boundary of the said DuPont Boulevard; and thence continuing with said line to the southern or southeastern line of what is known as the William T. Simpson property; thence in a northerly direction in a direct line to the bridge over the stream of water known as the Deep Branch (which bridge crosses said stream on the County Road leading to the Town of Lincoln); thence following the course of the aforesaid Deep Branch to the Lake known as Marshall Mill Pond; thence down the course of water or stream running from said Marshall Mill Pond to the Mispillion River; thence following the course of said River to Bowen Landing aforesaid.~~

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

Mr. Willard then referenced the next section and asked if council wanted to keep the legal descriptions of each ward in the charter or refer to a map as is being done with the boundaries of the city. Ward maps would also need to be official and recorded.

Mr. Spillane believes it is better to handle in this manner because of the uneven nature of the ward boundaries though he is hoping that can be changed to easier identify the wards.

City Manager Baird said the drawback of adding the metes and bounds is each time you annex a property into the city, the charter has to be amended. If it is done by referencing a map, it will not be necessary to go back to the general assembly.

The solicitor still recommends a map be done regardless of how it is referenced.

Mr. Spillane confirmed that to be in a ward, the property must be contiguous. It was questioned whether or not Meadows at Shawnee should have been placed in the first ward versus the third ward at the time of its annexation. The mayor disagreed stating the line extends down Rehoboth Boulevard eastward, then west to Southeast Second Street and McColley Street. Anything on the east side of Rehoboth Boulevard and south of Southeast Second Street is in the third ward according to the description in the charter.

The city manager pointed out there is a good chance our ward boundaries will change following the completion of the 2010 Census. The solicitor stated the U.S. Constitution dictates that voting districts have equal representation and that they be equally proportioned to a certain margin in addition to being contiguous to reduce the potential for any gerrymandering.

It was agreed an official map of each ward would be prepared that showed all city streets; the map(s) would be changed as the boundaries are updated.

### 1.03- Wards

The City of Milford shall ~~initially~~ be divided into four Wards and an official map of the Wards shall be kept by the City Clerk:

The First Ward shall consist of all the territory within the City limits as follows: Beginning at a point in the center of the intersection of Deep Branch and Business Route 1; thence along the centerline of Business Route I in a northerly direction to the point of intersection of Southeast Second Street; thence westerly by the centerline of Southwest Second Street to the point of its intersection with McColley Street; thence by the centerline of McColley Street in a northerly direction to the point of its intersection with Southeast Front Street; thence by the centerline of Southeast Front Street, in a westerly direction to its point of intersection with South Walnut Street; thence by the centerline of South Walnut Street in a southerly direction to the corporate limits of the City; thence along the corporate limits in a northeasterly direction to the intersection of the corporate limit with Deep Branch; thence along the center of the meanderings of Deep Branch in a northeasterly direction through the run of Marshall Mill Pond to its intersection with Business Route 1.

The Second Ward shall consist of all territory within the City limits as follows: Beginning at a point in the intersection of North Walnut Street and Northwest Front Street; thence along the centerline of Northwest Front Street in a westerly direction to the point of its intersection with U.S. Route 113; thence along the centerline of U.S. Route 113

in a southerly direction to the point of its intersection with North Shore Drive; thence westerly by the centerline of North Shore Drive to its point of intersection with the western limits of the City (a distance of Five Hundred Feet west of the western boundary of U.S. Route 113); thence southerly (in a line parallel to and Five Hundred Feet from the westerly boundary of U.S. Route 113) along the westerly boundary of the City to the shore of Haven Lake; thence westerly following along the shoreline of said Lake to the north side of Evergreen Lane; (thence along the north side of Evergreen Lane to the intersection of Evergreen Lane and a line parallel with and Five Hundred Feet west of the western boundary of U. S. Route 113); thence continuing in a southerly direction along the western boundary line of the City to the southern or southeasterly line of what is known as the William T. Simpson property; thence in a northeasterly direction along the corporate limits of the City in a direct line to the intersection of the corporate limit and the centerline of South Walnut Street; thence north by the centerline of South Walnut Street to the intersection of Northwest Front Street.

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

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

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

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

#### 1.04- Annexation

~~In the event it becomes feasible and necessary in the future for the City of Milford to enlarge its then existing limits and territory, such annexation accomplished.~~

*The City may from time to time extend its boundaries through the process of annexation in accordance with 22 Del. Code, Chapter 1, Section 101 and the following procedures shall apply:*

~~(a) If all the property owners of the territory contiguous to the then existing corporate limits and territory of the City of Milford, by written Petition with the signature of each such Petitioner duly witnessed, shall request the City Council to annex that certain territory in which they own property, the Mayor of the City of Milford shall appoint a Committee composed of not less than three (3) of the elected members of the City Council and one member of the City Planning Commission to investigate the possibility of annexation. The Petition presented to the City Council shall include a description of the territory requested to be annexed and the reasons for the requested annexation. Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the Committee shall submit a written report containing its findings and conclusions to the Mayor and City Council of Milford. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to the City of Milford and to the territory proposed to be annexed and shall contain the recommendation of the Committee whether or not to proceed with the proposed annexation and the reasons therefor. The City Council of Milford may then pass a resolution annexing such territory to the City of Milford. Such resolution shall be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council. Once the favorable vote for annexation shall have been case, the City Council of the City of Milford shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds in and for Kent or Sussex County, but in no event shall said recordation be completed more than ninety (90) days following the date of the favorable vote for annexation by the City Council. The territory considered for~~

~~annexation shall be considered to be a part of the City of Milford from the time of recordation. The failure to record the description of the plot within a specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the favorable vote of the City Council.~~

City Solicitor Willard referenced section (a) that addresses a traditional annexation where all property owners are in favor of the annexation

The language and process remains the same, with some reference to Title 22 and the required plan of services.

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

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

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

*(3) A Plan of Services for the property must be completed in accordance with Delaware Code Title 22 §101. This Plan of Services must be completed for review and acceptance prior to final legislative action on the annexation. (4) The annexation/rezoning application shall also*

*be referred to the Planning Commission for a public hearing and review and recommendation to City Council.*

*(4) Within sixty (60) days of the final recommendation by the Planning Commission, City Council shall hold a public hearing to consider the annexation and zoning application. Following the public hearing and subject to the acceptance of the Plan of Services, City Council may then pass a resolution annexing such territory to the City of Milford. Such resolution shall be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council. If the Resolution fails to receive the affirmative vote of two-thirds (2/3) of the elected members of the City Council, the territory proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date that the resolution failed to receive the required affirmative vote.*

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

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

~~b) If five (5) or more property owners but less than all of the property owners of a territory contiguous to the then limits and territory of the City of Milford by written Petition with the signature of each such Petitioner duly witnessed shall request the City Council to annex that certain territory in which they own property, the Mayor of the City of Milford shall appoint a committee composed of not less than three (3) of the elected members of the City Council to investigate the possibility of annexation. The Petition presented to the City Council shall include a description of the territory requested to be annexed and the reasons for the requested annexation; or the City Council, by majority vote of the elected~~

~~members thereof may, by resolution, propose that a committee composed of not less than three (3) of the elected members of the City Council be appointed by the Mayor to investigate the possibility of annexing any certain territory contiguous to the then limits and territory of the City of Milford. Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the Committee shall submit a written report containing its findings and conclusions to the Mayor and the City Council of Milford. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to the City of Milford and to the territory proposed to be annexed and shall contain the recommendation of the committee whether or not to proceed with the proposed annexation and the reasons therefore. A resolution shall then be passed by the City Council proposing to the property owners and residents of both the City of Milford and the territory proposed to be annexed that the City proposes to annex certain territory contiguous to its then limits and territory. The resolution proposing to the property owners and residents of both the City and the territory proposed to be annexed shall be passed by the affirmative vote of two-thirds (2/3) of the elected members of the City Council. If the resolution shall fail to receive the affirmative vote of two-thirds (2/3) of the elected members of the City Council, the territory proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date that the resolution failed to receive the required affirmative vote. The resolution shall contain a description of the territory proposed to be annexed and shall fix a time and place for a public hearing on the subject of the proposed annexation. The resolution adopted by the City Council setting forth the above information shall be printed in a newspaper having a general circulation in the City of Milford at least one (1) week prior to the date set for the public hearing, or, at the discretion of the City Council, the said resolution shall be posted in four (4) public places both in the City of Milford and in the territory proposed to be annexed. Following the public hearing, but in no event later than thirty (30) days thereafter, the City Council of Milford may pass a resolution annexing such territory to the City of Milford, subject to the approval of the residents and property owners in the territory to be annexed, which approval or disapproval shall be signified at a Special Election as set forth hereinafter. The resolution of the City Council of Milford to annex the territory must be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council. In the event that the resolution does not receive an affirmative vote by two-thirds (2/3) of all the elected members of the City Council, no Special Election shall be held and the territory previously proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date the resolution fails to receive the required affirmative vote. Following the Public Hearing and the affirmative vote of two-thirds (2/3) of all of the elected members of the City~~

~~Council but in no event later than thirty (30) days after said resolution has been approved, the City Council shall order a Special Election to be held not less than thirty (30) nor more than sixty (60) days after said affirmative resolution has been passed on the subject of the proposed annexation. The notice of the time and place of the said Special Election shall be printed within thirty (30) days immediately preceding the date of this Special Election in at least two (2) issues of a newspaper having a general circulation in the City of Milford, or, at the discretion of the City Council, the said notice may be posted in four (4) public places, both in the City of Milford and in the territory proposed to be annexed at least fifteen (15) days prior to the date set forth for the said Special Election. At the Special Election, every property owner, whether an individual, partnership or a corporation in the territory proposed to be annexed shall have one (1) vote. Property held by a partnership or by a corporation shall vote only by a power of attorney duly executed. Every citizen of the territory proposed to be annexed over the age of eighteen (18) years, who is not a property owner shall have one (1) vote. An individual who is a resident and a property owner in the area proposed to be annexed shall have one (1) vote only. In the event that an individual holds a Power of Attorney duly executed and acknowledged specifically authorizing the said individual to vote for the owner of a property held by a partnership or by a corporation at the said Special Election, a duly authenticated Power of Attorney shall be filed in the Office of the City Manager of the City of Milford. Said Power of Attorney so filed shall constitute conclusive evidence of the right of said person to vote in the Special Election for such partnership or for such corporation. The City Council of the City of Milford may cause either voting machines or paper ballots to be used in the Special Election, the form of the ballot to be printed as follows:~~

- ~~For the proposed annexation~~
- ~~Against the proposed annexation~~

~~The Mayor of the City of Milford shall appoint three (3) persons to act as a Board of Special Election. One (1) of the said persons so appointed shall be designated as the Presiding Officer. Voting shall be conducted in a public place as designated by the resolution calling the Special Election. The polling place shall be open from twelve noon, prevailing time, until seven o'clock in the evening, prevailing time, on the date set for the Special Election. All persons in the polling place at the time of the closing of the polls shall be permitted to vote, even though such votes are not cast until after the time for the closing of the polls.~~

~~Immediately upon the closing of the polling place, the Board of Special Election shall count the ballots for and against the proposed annexation and shall announce the result thereof; the Board of Special Election shall make a Certificate under their hands of the votes cast for and against the proposed annexation and the number of void votes and~~

~~shall deliver the same to the City Council of the City of Milford. Said Certificate shall be filed with the papers of the City Council.~~

~~In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast from the territory proposed to be annexed must have been cast in favor of the proposed annexation. In the event that the Special Election results in an unfavorable vote for annexation, no part of the territory considered at the Special Election for annexation shall again be considered for annexation for a period of at least one hundred eighty (180) days from the date of the said Special Election. If a favorable vote for annexation shall have been cast, the City Council of the City of Milford shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds, in and for Kent or Sussex County, but in no event shall said recordation be completed more than ninety (90) days following the date of the said Special Election. The territory considered for annexation shall be considered to be part of the City of Milford from the time of recordation. The failure to record the description or the plat within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the favorable Special Election.~~

The solicitor explained section (b) has also been reorganized and addresses situations where five or more owners, but less than all, wish to become annexed. Previously, it was referred to as a hostile annexation though it is somewhat uncommon today. This process is more unique because it requires a referendum, vote and additional procedures.

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

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

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

*submitted shall include the advantages and disadvantages of the proposed annexation, both to the City of Milford and to the territory proposed to be annexed, and shall contain the recommendation of the Committee whether or not to proceed with the proposed annexation and the reasons therefore.*

*(3) A Plan of Services for the property must be completed in accordance with Delaware Code Title 22 §101. This Plan of Services must be completed for review and acceptance prior to final legislative action on the annexation.*

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

*(4) Within sixty (60) days of the final recommendation by the Planning Commission, City Council shall hold a public hearing to consider the annexation and zoning application. Following the public hearing and subject to the acceptance of the Plan of Services, the City Council may propose a resolution to the property owners and residents of both the City of Milford and the territory proposed to be annexed that the City proposes to annex certain territory contiguous to its then limits and territory. The resolution proposing to the property owners and residents of both the City and the territory proposed to be annexed shall be passed by the affirmative vote of two-thirds (2/3) of the elected members of the City Council. The resolution shall contain a description of the territory proposed to be annexed, requested zoning and shall fix a time and place for a public hearing on the subject of the proposed annexation. The resolution adopted by the City Council setting forth the above information shall be printed in a newspaper having a general circulation in the City of Milford at least one (1) week prior to the date set for the public hearing, or, at the discretion of the City Council, the said resolution shall be posted in four (4) public places both in the City of Milford and in the territory proposed to be annexed. If the resolution fails to receive the affirmative vote of two-thirds (2/3) of the elected members of the City Council, the territory proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date that the resolution failed to receive the required affirmative vote.*

Mayor Marabello referenced the below section where both the residents and property owners of the proposed territory have a vote questioning the reasoning behind the residents' vote. He does not believe the residents of the territory should have a vote; Mr. Adkins agreed.

Mr. Workman feels that a property owner who does not want to be annexed should be eliminated from the process. He requested the solicitor consider some alternative language to prevent that from occurring.

The solicitor also recalled the discussion. He will revisit the section and provide additional information at a future meeting.

*(5) Following the public hearing, but in no event later than thirty (30) days thereafter, the City Council of Milford may pass a resolution annexing such territory to the City of Milford, subject to the approval of the residents and property owners in the territory to be annexed, which approval or disapproval shall be signified at a Special Election as set forth hereinafter. The resolution of the City Council of Milford to annex the territory must be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council. In the event that the resolution does not receive an affirmative vote by two-thirds (2/3) of all the elected members of the City Council, no Special Election shall be held and the territory previously proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date the resolution fails to receive the required affirmative vote.*

*(6) Following the Public Hearing and the affirmative vote of two-thirds (2/3) of all of the elected members of the City Council but in no event later than thirty (30) days after said resolution has been approved, the City Council shall order a Special Election to be held not less than thirty (30) nor more than sixty (60) days after said affirmative resolution has been passed on the subject of the proposed annexation. The notice of the time and place of the said Special Election shall be printed within thirty (30) days immediately preceding the date of this Special Election in at least two (2) issues of a newspaper having a general circulation in the City of Milford, or, at the discretion of the City Council, the said notice may be posted in four (4) public places, both in the City of Milford and in the territory proposed to be annexed at least fifteen (15) days prior to the date set forth for the said Special Election.*

*(7) At the Special Election, every property owner, whether an individual, partnership or a corporation in the territory proposed to be annexed shall have one (1) vote. Property held by a partnership or by a corporation shall vote only by a power of attorney duly executed.*

*(8) Every citizen eighteen (18) years or older, who is a resident of the territory proposed to be annexed but who is not a property owner, shall have one (1) vote. An individual who is a resident and a property owner in the area proposed to be annexed shall have one (1) vote only. Property owners in the area*

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

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

- [ ] For the proposed annexation*
- [ ] Against the proposed annexation*

*(10) The Mayor of the City of Milford shall appoint three (3) persons to act as a Board of Special Election. One (1) of the said persons so appointed shall be designated as the Presiding Officer. Voting shall be conducted in a public place as designated by the resolution calling the Special Election. The polling place shall be open from twelve noon, prevailing time, until eight o'clock in the evening, prevailing time, on the date set for the Special Election. All persons in the polling place at the time of the closing of the polls shall be permitted to vote, even though such votes are not cast until after the time for the closing of the polls.*

*(11) Immediately upon the closing of the polling place, the Board of Special Election shall count the ballots for and against the proposed annexation and shall announce the result thereof; the Board of Special Election shall make a Certificate under their hands of the votes cast for and against the proposed annexation and the number of void votes and shall deliver the same to the City Council of the City of Milford. Said Certificate shall be filed with the papers of the City Council. In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast from the territory proposed to be annexed must have been cast in favor of the proposed annexation. In the event that the Special Election results in an unfavorable vote for annexation, no part of the territory considered at the Special Election for annexation shall again be considered for annexation for a period of at least one*

*hundred eighty (180) days from the date of the said Special Election. If a favorable vote for annexation shall have been cast, the City Council of the City of Milford shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds, in and for Kent or Sussex County, but in no event shall said recordation be completed more than ninety (90) days following the date of the said Special Election. The territory considered for annexation shall be considered to be part of the City of Milford from the time of recordation. The failure to record the description or the plat within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the favorable Special Election.*

The solicitor also noted the new section for annexation agreements which will be recorded with the resolution.

*(c) Annexation Agreement.*

*Notwithstanding any provision herein to the contrary, where, pursuant to this §1.049(a) or (b) of this Charter, annexation proceedings are initiated by a property owner(s) holding record title to real property in territory contiguous to the then existing corporate limits of the City, such petition may be made contingent upon an annexation agreement with the City which agreement may address any matters which would be relevant to the subject lands, if annexed. By way of example and not in limitation, such agreement may address zoning, subdivision approval, tax relief, public utilities, and public improvements. In the event the City Council approves such an agreement and votes to accept a petition under this §1.04 of this Charter, such Annexation Agreement shall be deemed a material part of the annexation and shall be included in all subsequent steps of the annexation procedure.*

*The resolutions and notices adopted by the City Council shall recite that the proposed annexation includes and is subject to an annexation agreement. The resolution and ballots (if an election is required) annexing the territory shall recite that the annexation is subject to an annexation agreement and shall incorporate the terms of such agreement by specific reference.*

*An annexation agreement may be modified or amended by mutual agreement of the petitioner and the City Council at any time prior to adoption of the final resolution by city council annexing the land into the City of Milford, or prior to the resolution ordering the special election pursuant to §1.04(g) of this Charter. In any*

*event, the Annexation Agreement shall run with the land and be recorded with the annexation resolution.*

A section was added requiring a ward be designated at the time the property is annexed.

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

**Article II. Nominations and Elections.** (Previous Article IX)

Mr. Willard then referenced the amendments to the election section. The charter was updated to coincide with Title 15 of Delaware Code for municipal elections. Though much of the previous language was specific, it was agreed to reference state law to prevent having to change the charter every time state law changes.

*2.01- City Elections (Previous 9.01)*

*(a) The annual municipal election shall be held on the fourth Saturday in the month of April between the hours of 12 noon and 8:00 p.m. at such places as shall be determined by the Council and in accordance with State law, due notice given as required in 15 Del. C. Section 7553.*

~~(a) The annual municipal election shall be held on the fourth Saturday in the month of April between the hours of twelve (12) noon and eight (8:00) o'clock in the evening, at such places as shall be determined by the Council, due notice of which shall be given Title 15 Chapter 7553 by an advertisement printed in a newspaper published in the City of Milford and posted in at least one public place in each Ward of the City not less than ten days before the day of the annual election.~~

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

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

(d) Every person who resides within the City of Milford boundaries for at least thirty days prior to the registration deadline or *natural persons owning* ~~owns~~ property within the City of Milford ~~prior for~~ *prior for* at least thirty days prior to the registration deadline, and who are ~~and who is~~ over the age of eighteen (18) years, shall be entitled to one vote at said

annual municipal election or special election; provided, however, that the Council may, by ordinance, establish a reasonable procedure for the registration of voters and, in such event, compliance therewith may be a prerequisite to voting at the annual election. *A Corporation, Partnership, Limited Partnership or other legally created entity, is prohibited from registering and voting as a non-resident property owner unless property within the City is titled in an individual name.*

Mr. Spillane suggests the deadline to declare the ward in which they will vote for nonresident voters owning properties in multiple wards coincide with the candidate filing deadline of sixty days. It was clarified that residents are only able to vote in the ward they reside, regardless of the location of any other properties they may own.

It was confirmed the general voter registration deadline will remain at thirty days; Mr. Willard said an exception will be added for non-resident property owners to declare the ward they will be voting in (see below):

*(e) It is the responsibility of those registered voters who own property in more than one ward to ~~must~~ declare within at least [thirty (30) /sixty (60)] days prior to the election which ward they will vote in on the day of the election. In the event that a person owns property(s) in the City in addition to their place of residency, he or she may vote only where he or she resides.*

(f) Upon the close of an annual municipal election or special election, the votes shall be counted and read publicly. ~~and~~ The person having the highest number of votes, for each office, shall be declared duly elected in accordance with ~~15 Del. C. Section 7553~~ State law, and shall continue in office during the terms for which they are chosen, or until their successors are duly elected and qualified.

(g) The Election Board shall enter in a book to be provided for that purpose, a minute of the election containing the names of the persons chosen, shall subscribe the same, and shall give to the persons elected certificates of Election, which book, containing such minutes, shall be preserved by the Council and shall be evidence in any Court of law or equity. All ballots cast, in the event paper ballots are used, and all tabulations of votes from voting machines, if used at said election, and all other records of election shall be preserved in the Custody of the City Clerk for a period of *time as required by State law. at least ten (10) days following said election.*

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

Mr. Willard pointed out the change to determine a tie; a special election will now be scheduled versus election by lot.

~~(i) In the event of a tie vote for any office, the Election Board shall resolve the tie and determine the person~~

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

Mr. Adkins questioned the change in the deadline to file for office (from thirty to sixty days). The city clerk explained that presently thirty days before the election, voter registration closes, the candidates filing deadlines, the absentee ballots process begins and ballots must be available, non-residents must declare the ward in which they are voting and the candidate information must be provided to the commissioner of elections the following day. Having a sixty-day deadline for candidates to file and keeping the voter registration deadline at thirty days is a little less cumbersome. The solicitor feels that sixty days is reasonable noting that in state elections, as well as a number of other towns, there is a much longer period of time.

(j) Not less than ~~thirty (30)~~ sixty (60) days prior to the Annual Election, all candidates for the office of City Councilperson shall file with the City Manager a nominating petition, stating the name of the candidate, the office for which he or she is nominated, and shall be signed by not less than ten (10) ~~registered~~ qualified voters ~~resident~~ in the Ward in the City of Milford in which the candidate resides. Nominations for the office of Mayor shall be filed with the City Manager not less than ~~thirty (30)~~ sixty (60) days prior to the Annual Election and shall contain the name of the candidate, the office for which he or she is nominated and shall be signed by not less than ten (10) ~~registered~~ qualified voters ~~resident~~ in the City of Milford.

~~The City Manager shall cause to be printed ballots and envelopes for use by the voters at the annual election, or upon the direction of the Council, shall arrange for the use of voting machines at such election. The Council shall be empowered to make and promulgate rules and regulations governing the voting, not inconsistent with the provisions of this Charter.~~

2.02- Emergency election postponement; declaration.

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

The solicitor noted that because the absentee ballot is now required to follow state law; the charter was changed accordingly.

2.03- Absentee Ballot Procedures (Previous 9.02)

*Absentee voting in the City of Milford is in accordance with ~~15 Del. C. Section 7570-7585~~ State law. The Council shall prescribe by ordinance for the casting of absentee ballots by qualified voters unable to be at the polls at any*

~~election or referendum.~~

~~6.03- Council Ballots:~~

~~(a) Names on Ballots. The full names of all candidates who are seeking a seat on City Council, except those who have withdrawn, died or become ineligible, shall be printed on the official ballots without party designation or symbol. If two or more candidates have the same surname or surnames so similar as to likely cause confusion, their residence addresses shall be printed with their names on the ballot.~~

2.04- VOTING MACHINES FOR LOCAL OFFICE & MAYOR & COUNCIL BALLOTS (Previous 9.06)

(A) VOTING

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

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

Candidates are no longer allowed two persons as watchers and challengers (per state law). The section was removed because it is spelled out in Title 75 and only one challenger is permitted at a time though they can be substituted throughout the day.

~~6.04- Watchers And Challengers~~

~~A regularly nominated candidate shall be entitled, upon written application to the election authorities to appoint two persons to represent him as watchers and challengers at each polling place where voters may cast their ballots.~~

~~6.05- 2.05- Ballots For Ordinances And Charter Amendments (Previous 9.05)~~

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

~~6.06 - Voting Machines.~~

2.06 VOTING MACHINES FOR REFERENDA AND ANNEXATION ELECTIONS (Previous 9.06)

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

~~6.07-~~ 2.07- Council Districts; Adjustment Of Districts (Previous 9.07)

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

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

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

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

(2) Each district shall contain as nearly as possible the same number of qualified voters, ~~determined from the registration for the last statewide general election, but~~ AND districts shall not differ in population by more than ten (10) percent of the population in the smallest district created. The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the *City* Clerk, the report shall be treated as an ordinance introduced by a Council member.

(d) Procedure. The procedure for the Council's consideration of the report shall be the same as for other ordinances, provided that *the summary, including both the map and descriptions of the recommended districts, must be published in two newspapers of general circulation in the City of Milford, no less than one month prior to its adoption*. ~~if a summary of the ordinance is published pursuant to subsection 2.12(d)(1), it must include both the map and the description of the recommended districts.~~

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

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

(g) Effect Of Enactment. The new Council districts and boundaries, as of the date of enactment, shall supersede previous Council districts and boundaries for all the purposes of the next regular City election, including nominations. The new districts and boundaries shall supersede previous districts and boundaries for all other purposes as of the date

on which all Councilpersons elected at the regular City election take office.

**ARTICLE III. Powers of the City – Council and Mayor** (Previous Article II & Article IV)

**3.01- Enumerated Powers Powers of the City** (Previous 2.01)

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

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

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

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

(2) A contract for professional services.

The solicitor advised the following section was only reworded. The increase from \$10,000 to \$30,000 was adopted during the charter change in 2008.

Mr. Spillane is uncomfortable with the \$30,000 threshold. He gave as an example five different sidewalks needing repair and two possible ways of handling it. One manner would be to make all five sidewalks one project and bid it. The way the charter is currently written would not require bidding if each individual sidewalk was below \$30,000 though potentially the entire project would total upwards of \$150,000. In that case, council would never be made aware of those costs and the job may simply be handed to one contractor without any other contractors being given a chance.

Mr. Spillane then confirmed the city manager has his own discretionary fund where such a bill could be paid from.

Mr. Workman prefers council being informed of such purchases. He agrees with Mr. Spillane that there is more control with a lower number.

Mr. Adkins asked for the city manager's opinion noting nothing prohibits a project from being bid; Mr. Baird said the \$30,000 is adequate today noting the amendment was made almost two years ago. In regard to Mr. Spillane's comments, the city manager would prefer language prohibiting that practice instead of reducing the amount. He pointed out the costs of putting together a bid package or RFP. He agrees with Mr. Adkin's comment there is nothing prohibiting the city from bidding items below \$30,000 and in many cases, buy through comparison pricing or by soliciting quotes.

Mr. Spillane recalls a similar situation with sidewalks repairs back in 2008. His other concern is that formal advertising alerts more vendors which he feels is a much fairer process. He does not want the same type of work to be given to the same contractor continuously.

When asked for a comparison with other municipalities, Mr. Baird said it is all across the board. He noted that some towns follow the state procurement and guidelines.

Mayor Marabello agrees we need to consider the aggregate and in the case of sidewalks, many sidewalks could be repaired easily over \$100,000 with each sidewalk individually below the \$30,000. The sum of those projects should be combined to obtain a true total.

Mr. Workman suggested adding aggregate cost to the language.

Mr. Willard suggested defining the word 'contract' in paragraph three. Mr. Baird will develop some additional language. He noted that in addition to the cost of the city in preparing bids, there is a cost to the contractor when putting those bids together. That cost is factored in and many times, public bidding is not as good as negotiating with a contractor.

Mr. Spillane prefers bidding the work to be fair and equitable though he understands there is a cost. Ms. Wilson agrees adding it is a good way to keep council informed of projects and up to date on who is doing the work.

When asked if everyone was comfortable with the \$30,000 threshold, Mr. Adkins said the \$30,000 is acceptable and provides the flexibility needed today.

Mayor Marabello recommends that language be added to protect any potential abuses. The mayor then confirmed the consensus of council is the \$30,000 remain though some additional language will be presented to council.

(3) ~~No contract shall be made by Council for any purpose, the~~ A ~~contract price of which is in excess~~ less than  
~~of Thirty Thousand (\$30,000).~~

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

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

Mr. Willard explained many of these changes were made by the committee and involved borrowing and bonds. The committee felt this section should reference the article that addresses borrowing and bonds.

(e) The Council shall have the power and authority to anticipate revenue by borrowing upon the faith and credit of the City of Milford *in accordance with the provision of Article VIII of this Charter.* ~~a sum or sums not exceeding in the aggregate of two times the previous year's tax revenue, whenever, in the opinion of a majority of the Council, the current receipts are insufficient to provide for the needs of the City, and the sums borrowed shall be repaid from current revenue~~

~~received thereafter. The indebtedness created hereunder may be secured by a promissory note duly authorized by resolution of the Council and signed by the Mayor and City Manager, or attested by the Secretary, and no officer or member of Council shall be personally liable for the payment of said note or notes because their signatures appear thereon or because authorized by a resolution of the Council; provided, however, that no promissory note executed pursuant to the provisions of this section shall provide for payment over a term in excess of two (2) years.~~

(f) The Council shall have the authority to establish and maintain a pension system for employees of the City of Milford, to be paid to such employees, or dependents, in such amounts, at such times, and in accordance with such rules and regulations as the City Council shall from time to time ~~by ordinance~~ *resolve or decree*.

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

### **3.02- Construction** (Previous 2.02)

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

### **3.03- Intergovernmental Relations** (Previous 2.03)

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

### **3.04- Notice of Action** (Previous 2.04)

No action, suit or proceeding shall be brought or maintained against the City of Milford, the Mayor or the City Council of the City of Milford for damages on account of physical injuries, death or injury to property by reason of the

negligence of the City of Milford or any of its departments, offices, agents or employees thereof, unless the person by or on behalf of whom such claim or demand is asserted shall, within one (1) year of the occurrence of such injury, notify the City Manager in writing of the time, place, cause and character of the injuries sustained.

Mr. Spillane questioned the composition of council and because they are defined as a group of eight in section 4.01, he asked if an individual council member had the right to check into something they felt was occurring before bringing it before council..

It was agreed this refers to council collectively.

Mr. Willard explained that council is given these powers as a deliberative body and though everyone does not agree, the decision is made by voting which means to act as a group. He compared this to a senate investigation and councils' power (as a whole) being similar to a prosecutor in a court.

It was reiterated that council members are unable to discuss such issues with city employees or police officers and need to follow the procedure outlined in the charter which requires them to go through the city manager or police chief first.

### **3.05- Investigations** (Previous 4.08)

The Council may make investigations into the affairs of the City and the conduct of any City Department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Council shall be guilty of a misdemeanor, punishable by a fine of not more than ~~\$100.00~~ **\$500.00**, or by imprisonment for not more than ten (10) days, or both.

### **3.06 - Independent Audit** (Previous 4.09)

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

### **3.07 - Mayor - General Powers** (Previous 5.01)

Mr. Willard noted the sentences in brackets that have not been resolved involving the meeting agenda. Mr. Workman agrees the mayor may oversee the agenda though council has the right to add items to the agenda as well as approve it. He feels that if an elected official feels there is an issue in their ward that needs to be discussed, they should have the right

to request it be put on the agenda. He recommends the agenda be e-mailed to council and approved or disapproved the Monday or Tuesday prior to the meeting.

Mr. Spillane agrees and feels that if the mayor does not want something on the agenda, even though council has requested it in writing, it has the potential to be stalled and never addressed. He also believes if there is a matter of public concern, he should have the right to add it to the agenda.

Mr. Adkins agrees and disagrees. He believes the mayor should be the deciding factor because he/she is elected by the entire city versus a council person who is elected to represent only one ward. However, he also likes the option for the majority of council to approve an item being placed on the agenda.

Mr. Willard explained this is an on-going issue. From a management standpoint, the mayor, city manager and city clerk prepare the agenda. The city clerk receiving phone calls from various council members requesting items can be done but from a management/gatekeeper perspective, he suggested making the requests by e-mail or correspondence. The mayor would have the option of adding it as a separate line item, but if he feels it is something council should decide, it would be added to the correspondence section. Council would then consider it and if in agreement, it would be added to the following agenda. Mr. Spillane's concern the document would be overlooked could be handled by having it added to the correspondence section.

Mr. Workman understands why the mayor would oversee the agenda, however, he agrees council should have final approval.

The mayor feels this can be handled through correspondence. Mr. Willard agreed noting there are some items, such as those requiring a public hearing and discretionary items requested by the city manager, that should be automatically added.

Mr. Morrow agrees that everyone on council should have the right to request something be added to the agenda. However, it should be initially presented through some sort of documentation and a procedure in place to prevent it from being ignored.

Ms. Wilson agrees with submitting the item through the correspondence section. In that manner, council can track it from the time it was suggested. She also believes that some items may need some research or supporting documentation before it is presented to council to prevent a lot of unnecessary questions. In those cases, the matter may not be able to be added immediately. However, she agrees council should have the right to make such a request.

Mr. Willard pointed out there will be exceptions when items can automatically be added to the agenda. However, it will prevent requests from being ignored and instead allow council to make the determination.

The city manager feels there are no rules of operation for city council and how business is conducted. The charter talks about procedure but also states that council shall determine its own rules and order of business, etc. Unless other rules are adopted, council must follow Roberts Rules of Order and Parliamentary Procedure. He feels that some formal rules should be developed and one item would be how to have something put on the agenda. There may also be other areas that could be addressed and he suggests a committee be assigned to work on those rules.

Mr. Baird said he would be cautious about becoming too specific about certain things in the charter because potentially half of city council can change every year. He does not recommend tying the hands of future councils by adding too many specifics and would rather this be done by adopting formal rules and procedures.

Mr. Brooks added that often there are times when a councilperson feels something should be placed on the agenda. In many instances, a council person has taken a matter to the city manager and the majority of times, it is able to be resolved by him or by city staff. He pointed out that if a council person brings something on the floor, both sides of the issue need to be presented.

It was decided to keep the matter in brackets for a later decision to be made.

The Mayor shall be the executive of the City and shall preside at meetings of the Council, but shall have no vote except in case of a tie. The Mayor shall execute on behalf of the City all agreements, contracts, bonds, deeds, leases and other documents authorized by Council necessary to be executed. The Mayor or his/her designee shall countersign all orders, checks and warrants authorized by Council; and shall have all and every power conferred and perform the duties imposed upon him by this Charter and the ordinances of the City. *The Mayor may appoint such committees as he deems necessary for the proper administration of City Council.* {The Mayor shall manage the agenda. Council members may request in writing to the Mayor that an item be placed on a future agenda under the Correspondence item. A majority of Council may determine whether or not the item should be placed on a future agenda.}

The solicitor said this was moved from another section. However, it contains another unresolved item about whether the vice mayor will have the right to vote while serving in the place of the mayor while presiding over the meeting and if so, should it only be in the case of a tie.

Mr. Brooks said he brought this before council because when he served as vice mayor for eighteen years, he was told by the city solicitor, mayor and two city managers that he was to act just as the mayor is required which did not allow a vote unless there is a tie.

Mr. Workman feels it is two different positions. Though the vice mayor is originally elected as councilperson, once they replace the mayor as the presiding officer, they become the mayor.

Mr. Adkins pointed out that if the vice mayor votes, it could result in a tie. Mr. Baird explained that in that case, the motion would fail.

Mr. Starling pointed out that if the vice mayor was prohibited from voting, there would be a maximum of seven council members so in most cases it would not end in a tie unless someone abstained or another council member was absent.

Mr. Morrow agrees the vice mayor is acting as the mayor once they become the presiding officer and should follow the restrictions and benefits of being the mayor.

Ms. Wilson said that when acting as vice mayor, she was advised to vote as an elected councilperson. However, she agrees that overall, the vice mayor in those instances should follow what the mayor is permitted or restricted from doing.

It was suggested that should the mayor be absent for an extended period of time, perhaps some wording could be added to allow the vice mayor to act as councilperson with the right to vote. Short term, it would be handled in a different manner.

Mayor Marabello feels that a long term absence would be very rare. If something is a contentious or critical issue, the vote can always be deferred. In his opinion, it is a temporary position and they are only presiding over the meeting. Therefore, he does not feel the vice mayor should lose the right to represent their ward for one or two meetings.

The solicitor's instincts are the vice mayor has the mayor's authority though the language of the existing charter does not take away what has been given by the voters which he feels is significant.

Mr. Johnson asked what is allowed in other towns in this situation. He believes that when a person is elected as a council person, those constituents expect that person to vote, whether or not they are elected to the vice mayor position.

Mr. Starling believes that by allowing the vice mayor to vote sets up a scenario for a tie vote.

The mayor suggested the item be kept bracketed to be addressed at a future meeting.

### 3.08 - *Vice Mayor* (Previous 4.01 & 5.01)

The Council shall also elect from among its members a Vice-Mayor who shall act as Mayor during temporary absence or inability of the Mayor, and while so acting, shall be vested all the powers and authority of the Mayor. While serving in the place of the Mayor, the Vice Mayor [shall/shall not] be permitted to vote as a member of City Council [except in the case of a tie].

### 3.09 - *General Powers and Duties* (Previous 4.03)

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

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

(Previous Article III & Article IV)

### 4.01- *Composition of Government* (Previous 3.02)

The government of the city and the exercise of all powers conferred by this charter except as otherwise provided herein, shall be vested in an elective body called the council, consisting of a mayor and eight (8) council members. Whenever the word “mayor” is used, it shall refer soley to the mayor. Whenever the word “council” is used it shall refer to the eight (8) council members.

The government of the City of Milford and the exercise of all powers conferred by this Charter, except as otherwise provided herein shall be vested in a Mayor and a City Council. The City Council shall consist of not more than ten (10) members. Two of the members of the City Council shall reside in that portion of the City known and described as the First Ward, two in that portion known as the Second Ward, two in that portion known as the Third Ward and two in that portion known as the Fourth Ward. In the event a Fifth Ward is created, two members of Council shall reside in that portion of the City known and described as the Fifth Ward.

The below sentence was removed because it is addressed in another section.

~~Only qualified registered voters of the City, meeting the qualifications for Mayor and City Council as outlined in Section 3.03, shall be eligible to hold the office of Councilperson or Mayor.~~ The Mayor and Councilpersons shall each serve for a term of two years.

The meeting time was changed to 7 o'clock and moved to the second Monday to adhere to the requirements in the state municipal election law. The city clerk concurred the 7-day rule required for the election appeal process.

There was a question about the workshop/public hearing meeting that is held on its regular night following the election. In some cases, a sitting councilperson has been defeated. It was confirmed that state law does not allow the newly elected councilperson to take office until seven days or more after the election.

There was a discussion about whether the meeting should be postponed until the following month or to change it to the third Monday before the election.

The city solicitor believes that constitutionally, the council members are no longer able to take action once another person was elected to replace them. He said that was cited in recent case law involving previous Register of Wills David Wilson who was elected in the middle of his term to the office of State Representative.

Mr. Willard will follow up with the city clerk after determining the legalities of whether outgoing council members can legally take action.

#### **4.02 Annual Organizational Meeting** (Previous 4.01)

At ~~7:30~~ seven o'clock (7:00) p.m., on the *second* Monday following the annual election, the Mayor and Council shall meet at the Council Chamber and shall assume the duties of their offices after being first duly sworn or affirmed to perform their duties with fidelity and in accordance with the Charter of the City. ~~At said meeting, the Council shall organize by a majority vote of the entire Council and elect a Vice-Mayor, who shall be a member of the Council.~~

#### **4.03 - Compensation and Expenses** (Previous 4.02)

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

#### **4.04- Prohibitions** (Unchanged)

(a) ~~Holding other office~~ Except where authorized by law, no Mayor or Councilperson shall hold any other City office or employment during the term for which he or she was elected to *the Office of Mayor* or Council, and no former

*Mayor or Councilperson shall hold any compensated appointive City office or employment until ~~one~~ two (2) years or more after the expiration of the term of office for which he or she was elected to the Council.*

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

(c) *Interference with Administration.* Except for the purposes of inquiries and investigations under Section ~~2-08~~ (incorrect section) 4.08, the *Mayor or Council* or its members shall deal with City officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the *Mayor or Council* nor its members shall give orders to any such officer or employee, either publicly or privately.

#### **4.05- Vacancies, Forfeiture of Office; Filling of Vacancies (Unchanged)**

(a) *Vacancies.* ~~The office of a Councilperson and Mayor shall become vacant upon death, resignation, removal from office in any manner authorized by law, or forfeiture of office.~~

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

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

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

~~(c) *Filling of Vacancies.* If a vacancy occurs in the Council and the remainder of the unexpired term is one (1) year or less, the Council may, by a majority vote of all of its remaining members, appoint a qualified person to fill the vacancy until the person elected at the next regular election takes office. If at the time a vacancy occurs the remainder of the unexpired term is greater than one (1) year, the election authorities shall call a special election to fill the vacancy for the remainder of the unexpired term. The special election shall be held not sooner than twenty (20) days nor later than thirty (30) days following the occurrence of the vacancy and shall be otherwise governed by the provisions of Article VII.~~

~~Notwithstanding the requirement that a quorum of the Council consists of five members, if at any time the membership of the Council is reduced to less than five, the remaining members may, by majority action, appoint additional members to raise the membership to five.~~

Mr. Willard advised a great deal of thought went into the filling of vacancies and recommends the following procedure as has been rewritten.

Mr. Adkins questioned a vacancy occurring between three and six months which reads 'shall' and asked if that means the appointment must be made. He suggested some discretion questioning a vacancy that may be three months and one day in relation to the sixty day filing deadline. He recommends replacing 'shall' with 'may' to allow more flexibility depending on the time remaining in relation to meetings and filing deadlines.

Mr. Willard asked that by adding 'may', what would be the alternative to leaving it vacant though you do not have to because you are saying 'may'.

It was agreed to change the language to 'may' (three to six months).

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

Mr. Workman recommends the age for candidates for office remain at eighteen years noting that if you are old enough to vote, you should be able to run for office.

The city manager explained the change to twenty-one coincides with the state municipal law though the law allows for discretion.

Mr. Adkins agreed with Mr. Workman noting that at eighteen years of age you have to register for the draft, can serve in the military and are able to own property. He feels this is the most basic level of government to become involved in and should be a right that eighteen years old have.

Council agreed it would remain at eighteen years of age and it would be changed accordingly.

**4.06- Qualification for Mayor and City Council (Previous 3.03)**

~~No person shall be eligible for election as Mayor or as a member of Council unless they have been a resident of the State of Delaware and the City for thirty (30) days preceding the day of the election, and are over the age of eighteen years prior to the day of the election. Neither the Mayor or any member of Council shall be eligible to serve in such elected office unless they shall continue to be residents of the City during their respective terms of office.~~

*(a) No person shall be eligible for election as Mayor unless he or she is a citizen of the United States of America, a bona fide resident of the City of Milford and has continuously resided therein for a period of one year preceding the day of the election, is over the age of ~~twenty-one (21)~~ eighteen (18) years prior to the day of the election, has not been convicted of a felony and is nominated therefore, as hereinafter provided.*

*(b) No person shall be eligible for election as a City Council member unless he or she is a citizen of the United States of America, a bona fide resident of the Ward in the City of Milford where they are seeking election and has continuously resided therein for a period of one year preceding the day of the election, is over the age of ~~twenty-one (21)~~ eighteen (18) years prior to the day of the election, has not been convicted of a felony and is nominated therefore, as hereinafter provided.*

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

It was confirmed that presently, nothing in the charter prohibits a council member from running for two seats. The solicitor said that some research was done and there are varying policies including some that prohibit it.

Mr. Starling, Mr. Adkins, Mr. Workman and Mr. Brooks agreed that someone should not be able to run for two seats and if a councilperson files to run for mayor, they should surrender their council seat.

Ms. Wilson believes that if someone runs for mayor and loses, they should be able to retain their council seat if their term is unexpired.

Mr. Willard pointed out that would apply to a councilperson who is midterm; he questioned if a councilperson whose term coincides with the mayor, should be permitted to run for both offices.

Mr. Spillane said it would be unfair to prohibit a council member whose term of office is the same as the mayors from running for mayor and require them to give up their seat.

Some other towns policies were then discussed:

*If a councilman files and runs for mayor, whether or not they are elected to said office, the term as councilman shall automatically expire on the second Monday of May on the year of the election; and if they have a year remaining on their*

*term, then their office as councilman shall be filled at the same annual election in which they have filed to run for the office of mayor.*

*No person who holds any elected office in the town may file as a candidate for the office of mayor unless and until that person first resigns from his/her elected position; provided however, that this subsection shall not require any elected official whose term of office expires at the next town election to resign his/her seat as a council-member in order to run for the office of mayor in that next town election.*

*Any councilperson whose term of office coincides with the mayor and who files to run for mayor will relinquish his/her seat on the day the mayor is sworn into office regardless of whether or not they are elected to the office of mayor. Councilpersons whose terms do not expire at the same time as the mayor will retain their seat should they not be elected mayor. Council members serve staggered two-year terms but the mayor serves a three-year term.*

The mayor agrees with Ms. Wilson that if you are running between your term, you are not costing the city any money and it should not be a problem. However, someone who runs for two different offices and wins the mayoral seat should not incur additional costs to the city by causing another election.

It was the overall consensus of council that a person should not run for two different offices though Mr. Spillane disagreed. However, it was also agreed it would continue to be discussed at a future meeting.

~~*(d) If a councilman member files and runs for mayor, whether or not they are elected to said office, the term as councilman shall automatically expire on the second Monday following the date of the election; and if they have a year remaining on their term, then their office as council shall be filled at the same annual election in which they have filed to run for the office of mayor to be determined by City Council, and is elected before his or her Council term has expired, the elected Mayor's council seat shall be considered vacant when the elected Mayor is sworn in on the second Monday following the date of the election.*~~

#### **4.07- Judge of Qualifications** (Previous 4.06)

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

Mr. Willard advised that most of the changes in the election section were made to comply with state law.

#### **4.08 - Procedure** (Previous 4.10)

*(a) Meetings.* The Council shall meet regularly at least once in every month at such times and places as the Council may prescribe by rule. Special meetings may be held in compliance with State law and may be on the call of the

Mayor or of four or more members, whenever practicable, upon no less than twelve (12) hours' notice to each member.

All meetings shall be public; however, the Council may recess for the purpose of discussing in a closed or executive session limited to its own membership any matter permitted by State Law which would tend to defame or prejudice the character or reputation of any person.

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

(c) Voting. Voting, except on procedural motions, shall be by roll call, and the ayes and nays shall be recorded in the journal. Five members of the Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. No action of the Council, except as otherwise provided in the preceding sentence and in Section 4.05(c) 2.05, shall be valid or binding unless adopted by the affirmative vote of four or more members of the Council.

#### **4.09 - Action Requiring an Ordinance** (Previous 4.11)

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

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

(a) Adopt or amend an administrative code; ~~or establish, alter or abolish any City department, office or agency;~~

(b) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(c) Levy taxes, except as otherwise provided in Article V X with respect to the property tax levied by adoption of the budget;

(d) Grant, renew or extend a franchise;

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

(f) Authorize the borrowing of money;

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

(h) Amend or repeal any ordinance previously adopted.

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

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

#### **4.10 - Ordinances in General** (Previous 4.12)

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

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

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

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

(1) A brief summary of the Ordinance ~~the ordinance or a brief summary thereof,~~ and

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

**4.11 - Emergency Ordinances** (Previous 4.13)

To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in subsection ~~5.09(b)~~ 6.09(b). An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five members shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance, except one made pursuant to Subsection 6.09 (b), ~~5.09(b)~~ shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

**4.12- Codes of Technical Regulation** (Previous 4.14)

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

(b) The requirements of Section ~~2.12~~ 4.10 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and

(c) A copy of each adopted code of technical regulations as well as the adopting ordinance shall be authenticated and recorded by the City Clerk pursuant to Subsection ~~2.15(a)~~ 4.13(a).

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

**4.13 - Authentication and Recording, Codification Printing** (Previous 4.15)

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

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

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

The next review will begin with Article V- Administration and Appointees. Mr. Spillane asked for a date when council could again review the charter.

Mayor Marabello suggested continuing the review at the next workshop in February.

*Executive Session - Pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation.*

Ms. Wilson moved to go into Executive Session reference 29 Del. C. §10004(b)(4) to discuss pending and/or potential litigation, seconded by Mr. Starling. Motion carried.

Mayor Marabello recessed the Council Meeting at 8:49 p.m. to go into a closed session.

*Return to Open Session*

Council returned to open session at 9:06 p.m.

*Executive Session Item*

No action taken.

ADJOURN

Mr. Workman moved to adjourn the Council Meeting, seconded by Mr. Johnson. Motion carried.

Mayor Marabello adjourned the Monthly Council Meeting at 9:06 p.m.

Respectfully submitted,

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

Terri K. Hudson, CMC  
City Clerk/Recorder