

MILFORD CITY COUNCIL
MINUTES OF MEETING
March 8, 2010

The City Council of the City of Milford held a Public Comment Session on Monday, March 8, 2010 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall at 201 South Walnut Street, Milford, Delaware, prior to the commencement of the official City of Milford Council Meeting. The purpose of the informal session is to allow the public to speak about issues of interest that impact the City of Milford.

PRESIDING: Mayor Daniel Marabello

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

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

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

Mr. Robert VanAlstine of 104 Ashley Way Cable had questions regarding Comcast Cable Television.

He presented the following questions:

- 1) Is Comcast the only cable company with a franchise in Milford?
- 2) If that is the case, why so?
- 3) Is there someone to keep control over their prices?
- 4) If not, why not?
- 5) Why do you have to keep track of Comcasts' pricing to keep the prices controlled without having to get a promo each time? If you get the promotion on a certain date, your price sometimes doubles or more.

With no other persons signed up, Mayor Marabello closed the Public Comment Session at 7:18 p.m.

Mayor Marabello then reopened the Public Comment Session at 7:21 p.m. stating that someone wished to speak but was unaware of the rules.

Donna Coverdale of 515 N. Washington Street stated she has been a resident for 12 years. She thanked Councilman Doug Morrow and Owen Brooks for meeting with her and her husband prior to this meeting. She said they had concerns about a rental house next to their house and they helped alleviate some of their concerns and she appreciates their willingness to talk and follow up with her tonight.

Their concerns about the rental property included a temporary pool above ground with no fence. Ms. Coverdale said there were kids jumping off apple crates into the pool without supervision. They had contacted the city who in turn spoke with the renters and landlords. They were told they could keep the pool as long as it was properly winterized, had a cover and the ladder was removed when not in use. Those rules were not adhered to.

She also reported an unregistered disabled vehicle was pushed into the back yard and covered by a blue tarp. There is also a large big screen television on the property that has been in the yard since before Christmas. She feels there has been no accountability for the landlords or renters at that location.

Ms. Coverdale also reported that one of the residents passed away this fall. One of the teens decided to create a memorial for her and painted on the sidewalk "RIP Mom". She contacted the police with a concern about graffiti. The police officer responded and asked what they were doing. The teens answered their mother/grandmother passed away and they were creating a memorial for her. The officer asked what type of paint they were using and they responded washable paint. Following three heavy rainstorms, the paint remained on the sidewalk. One day after work, her husband came home and the neighbors asked if they had a power washer. After they poured paint thinner on the sidewalk which was draining into the city drain and creating fumes, her husband took their personal power washer and washed the sidewalk thus taking care

of the matter themselves.

She advised the memorial was on the sidewalk for over a month and a half with no attention given to it. Even though the police were called when they were painting the sidewalk and once they stated they were using washable paint, the officer neglected to get out of his car to investigate the type of paint being used and instead told them to continue.

Mayor Marabello said the city manager will discuss the issue with the code official and follow up with Ms. Coverdale.

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

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Terri K. Hudson".

Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
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March 8, 2010

The Regular Monthly Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, March 8, 2010.

PRESIDING: Mayor Daniel Marabello

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

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

COUNSEL: City Solicitor Timothy Willard

CALL TO ORDER

Mayor Marabello called the Monthly Meeting to order at 7:30 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF PREVIOUS MINUTES

Motion made by Mr. Brooks, seconded by Mr. Morrow to approve the minutes of the January 11, 25, February 16 and 22, 2010 council and committee meetings as presented.

When asked for questions, Mr. Spillane recalled that on February 22, 2010, the Thawley land was annexed at which time it was to become part of the third ward. His concern is the fact this property is not contiguous with ward three.

The mayor advised that he has talked about that with the city solicitor and will be later discussed.

When questioned about whether the minutes could be approved with the potential discrepancy regarding the placement of the Thawley property in the third ward, the City Solicitor explained that the minutes should accurately reflect what transpired at the meeting. If there is an issue about the substance of the decisions made at that meeting, that is a separate issue. He emphasized the minutes are a record of what took place at that meeting regardless of whether someone agreed with a decision that was made.

Ms. Wilson stated she is willing to accept the minutes though Mr. Spillane has an unresolved matter. Following a show of hands about whether the minutes should be approved, the mayor stated we are unable to get an approval of the minutes.

Mr. Brooks explained that the minutes are correct because it reflects what occurred at the council meeting.

Ms. Wilson moved to accept the minutes though Mr. Spillane's question should be discussed, seconded by Mr. Workman. Motion carried.

RECOGNITION

Adoption of Resolution 2010-5/Express Condolences to the People of Haiti/Haitian Pastors Lionell Sainseme and Reverend Amos Regusme'

Mayor Marabello presented the following resolution to Reverend/Doctor Jeanel Starling, Reverend Lionel Sainseme,

Reverend Amos Regusme' and Duvanel Louis:

Expressing sincere, heartfelt sorrow to the people of Haiti in wake of the devastating earthquake which struck the island on Tuesday, January 12, 2010

WHEREAS, Milford City Council recognizes the epic devastation that has been caused by the natural disaster that hit Haiti, and the far reaching loss of life and damage that has been sustained by the victims of this tragedy; and

WHEREAS, This horrific 7.0 magnitude earthquake has destroyed schools, hospitals, government offices, roads, bridges, and railways and left the island largely without telephone service, electricity, or running water; and

WHEREAS, A shortage of medical attention, medicines, and supplies remains a major challenge almost a month after one of the worst catastrophes in modern times, and

WHEREAS, The passing days and weeks will further reveal the enormity of this tragedy and the widespread destruction of buildings, businesses and lives; and

WHEREAS, On behalf of the citizens of the City of Milford, the Mayor and Members of Council offer their deepest condolences to the families and loved ones of those who were killed or injured, and pledge their heartfelt support through this time of grief, sorrow, and rebuilding; and

WHEREAS, Over the years, the community of Milford has been enriched by the culture, traditions, and contributions of the many Haitian Americans now living here, many of whom are immediately making their way there to search for family members and aid in rescue and relief efforts; and

WHEREAS, At this time of devastation and turmoil, Milfordians, along with people across the United States and around the world, share their grief and their concern for the safety and welfare of the victims and their future; and

WHEREAS, Now, as we continue to help the people of Haiti in their struggle back from chaos to order and the rebuilding of their lives, it is appropriate to pause to reflect on this catastrophe, to profoundly mourn the tragic loss of life and livelihood, and to applaud all those who have offered, and who will continue to provide the aid and support which will be needed, not only immediately but for many years to come.

NOW, THEREFORE, be it RESOLVED, that the Mayor and Members of the Milford City Council pause in their deliberations on this 8th Day of March 2010 to express sincere, heartfelt condolences to the people of Haiti in wake of the devastating earthquake and honor the memories of those who lost their lives, remember the survivors and praise all those who are coming to their assistance, both spiritually and otherwise.

It was noted that Boys Scouts Jacob Leonard, Kyle Hermann, Milton Syers, Ozzie Reif and Scoutmaster Richard Bennett were present. They are currently working on the Citizenship in the Community and Communications Merit Badges.

MONTHLY POLICE REPORT

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

Mr. Spillane pointed out that Chief Hudson noted the problems with the roof during the recent snow storm and asked how quickly a new police department can be planned.

Chief Hudson said he is hoping to complete the feasibility study during the next fiscal year. They have filed a claim with the insurance company and are currently working with an adjuster.

Chief Hudson confirmed the deductible on the claim is \$5,000.

CITY MANAGER'S REPORT

The city manager had Parks and Recreation Director Gary Emory discuss the first two items in his report.

Mr. Emory stated the master plan trail plan will connect the existing Mispillion Riverwalk to future developments and provide some additional open space. The match money will be added to his budget his upcoming budget.

He then invited council to the Tony Silicato Memorial Park Dedication on April 10th at 10 a.m. Those individuals who helped fund the \$550,000 complex will be recognized at that time.

Mr. Baird then read the following report into record:

**** Recreation and Trail Plan (Parks and Recreation Goal)***

The City has received a grant award of \$25,000 from the Delaware Land & Water Conservation Trust Fund complete a recreation and trail master plan. The funding will be used to identify future locations for City Parks and trail connections off of the Riverwalk to connect to key locations throughout the City.

**** Tony Silicato Memorial Park Dedication***

The ribbon cutting and dedication of the Tony Silicato Memorial Park will be held on Saturday, April 10, 2010 at 10:00 am. at the Park.

**** Land Lease-D&N Bus Service***

A site plan has been submitted for the property located at the Greater Milford Business Park and all rents have been paid in accordance with the lease between Mr. Moore and the City.

**** Parking Authority of the City of Milford***

I have received correspondence from Harvey Marvel, Chairman of the Milford Parking Authority requesting City Council consider the dissolution of the Parking Authority. All of the bonds associated with the Authority have been retired and the Authority is requesting the City take ownership of the parking lots. We are evaluating the current condition of the parking lots and what is involved in terminating the specific process for Termination of a Parking Authority under Title 22 of the Delaware Code.

**** SE Master Plan (Planning Goal)***

Mr. Norris and I have continued to work with the Office of State Planning Coordination to finalize the plan based on the comments received from the public as well as the goals outlined by the State Agencies. Additional work will include follow-up coordination with Sussex County Planners. Once the draft plan is completed, there will be a final public workshop to present the plan to the public which will then be followed by consideration of the plan by the Planning Commission and City Council.

**** 201,203,205,207 NW Front Street***

All of these properties have been condemned by the City and the owners of 205 & 207 NW Front Street have appealed the condemnation order issued by the Code Official to myself. The appeal hearing was held on March 4, 2010 and a decision will be issued the week of March 8. Depending on this decision, the property owner, under the property maintenance code, has the ability to appeal my decision to the Board of Appeals.

He recalled that last January, the city received cash calls for the letter of credit. The city manager reported that some revisions were made and are included in the packet. Previously, they were specific to the power supplier; this revision is the consolidation of three agreements into one making it a blanket coverage. The total aggregate amount for those letters remains unchanged at \$45 million.

The city manager also reported that training sessions are being conducted for the planning commission and board of adjustment. A BOA session was held prior to this council meeting for the three new members recently appointed. In January, the planning commission began holding training sessions monthly. The first session covered the transportation

component with signage the focus of the next training. Open space, recreation and walkable communities will be the subject matter of the following two sessions.

Comparing electric rates, DEMEC provided a residential rate comparison with Milford the third lowest rates in the state behind Delaware Co-op and the City of New Castle.

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

Mr. Workman asked for clarification of the current electric bills being estimated because the meter readers were unable to get accurate readings because of the recent snow storms. Mr. Baird stated it is very rare though it was necessary due to the blizzard conditions during the read times. He said the bill was based off the consumption during the same period in 2009 and pro-rated to a daily basis for the current cycle.

COMMITTEE REPORTS

HOA Committee

Mr. Workman advised the HOA Committee is prepared to present their recommendations at the next council workshop. In addition, a power point on stormwater ponds will be given by a representative from Soil Conservation.

Charter Committee

Mr. Spillane advised the charter will be addressed with the goal to finalize the document.

COMMUNICATIONS

Mayor Marabello read the notice regarding the Senior Citizen Property Tax Exemption into record noting the deadline to apply is June 1, 2010.

Mr. Baird said the forms will be available at city hall, public works and also on the website.

The mayor then referenced the last item under Unfinished Business and asked for a motion to amend the agenda and place that item below the finance report in order to have the appropriate time to address it.

Mr. Morrow moved to amend the agenda by moving the charter review, seconded by Mr. Workman. Motion carried.

UNFINISHED BUSINESS

Introduction of Ordinance 2010-2/Cypress Hall/Conditional Use

City Planner Norris advised this is only for introduction and will permit a conditional use for a shopping center south of Route 113 adjacent to Shawnee Road. They submitted a site plan and received approval for a variance from the Board of Adjustment. The site plan conditional use will be reviewed by the planning commission and a recommendation forwarded to city council.

Adoption of Ordinance 2010-3/Chapter 119/Electric Standards

Mr. Baird recalled that at the last meeting, council adopted a resolution to move forward with the Demand Response Program. At the same time, this ordinance was introduced which is needed to amend the tariff. He reminded council this allows commercial customers to become involved in this type program which requires an annual approval process with the city prior to being named an eligible participant.

Adoption of Resolution 2010-4/Accepting Public Areas/Meadows at Shawnee

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

ACCEPTING PUBLIC IMPROVEMENTS FOR MEADOWS AT SHAWNEE SUBDIVISION

WHEREAS, Chapter 200 provides that public roads and public utilities shall be accepted into the City of Milford's street system and public utility system by resolution of City Council; and

WHEREAS, The City Engineer has determined that all required improvements for the Meadows at Shawnee Subdivision have been completed; and

WHEREAS, The Meadows at Shawnee Subdivision has provided the City of Milford with a maintenance bond for the public improvements and public utilities guarantying the improvements for one year from the date of acceptance of the improvements; and

WHEREAS, the streets, easements and public utilities were dedicated for public use, subject to improvements, on the final map for Meadows at Shawnee Subdivision; and

WHEREAS, for purposes of dedication, public improvements shall include the stormwater infrastructure leading from the street up to the stormwater management ponds and the yard basins and piping located in the rear yards running from Meadow Lark Drive and Longview Drive between East Bullrush Drive and East Thrush Drive, running from Longview Drive and Misty Vale Court between West Bullrush Drive and West Thrush Drive, running from Meadow Lark Drive and Longview Drive between East Thrush Drive and East Windy Drive, running from Longview Drive and Misty Vale Court between West Thrush Drive and West Windy Drive; and

WHEREAS, the stormwater management ponds shall remain the responsibility of the Meadows at Shawnee Homeowners Association.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Milford during a regular session of Council, by a favorable majority vote, accepts all the streets, easements and public utilities of the Meadows at Shawnee Subdivision that are to be dedicated for public use into the City of Milford's street system and public utility system,

BE IT FURTHER RESOLVED that the Delaware traffic laws regulating the speed of vehicles at twenty-five miles per hour in a residential district shall become applicable,

AND BE IT FURTHER RESOLVED that the City of Milford shall assume responsibility for the future maintenance and repair of all streets and public utility systems in the Meadows at Shawnee Subdivision.

Mr. Spillane recalled this matter initially being presented to council in early fall of 2009 and asked why it has taken so long to be presented again.

Mr. Brooks also recalled the initial presentation noting a minor issue needed to be addressed. Following that meeting, the city manager and president of their HOA met and settled the matter.

Mayor Marabello explained the main issue was whether the city would take over the maintenance of the additional catch basins behind some of the properties in addition to the regular sewers up to the storm basins. Some of the Meadows at Shawnee residents wanted some of the additional catch basins maintained by the city in addition to the connection under the main road going between the two ponds. Since that time, the city manager met with HOA President Linda Boone and representatives to work it out. It was not put on the agenda because of an oversight.

Mr. Spillane asked that process be addressed and improved to prevent that from recurring in the future.

Motion carried by unanimous roll call vote.

Planning Commission Vacancy & Appointment

Mayor Marabello advised there is still a replacement needed from Ward I. This remains on the agenda to prevent it being overlooked; any future unfinished business items will continue to be added to the agendas until their conclusion.

He advised that in addition to Charles Goswick of Hearthstone Manor, Patty Atkinson of Matlinds Estates is also still interested. The mayor suggested a quick interview at the next workshop and if acceptable, council will confirm the appointment of the ninth planning commissioner.

Mr. Workman suggested it be filled as soon as possible.

Snow Removal Reimbursement Request-Hearthstone Manor

Mr. Spillane recalled that the streets at Meadows at Shawnee were plowed during the recent snow storms though they had not been accepted by the city while other city streets were overlooked. He feels that some sort of reimbursement is needed because taxpayers' money should not have been used to maintain the streets before they were officially dedicated.

Mr. Spillane moved the Meadows at Shawnee reimburse the city for the costs of plowing their streets during the snowstorm. Motion failed for lack of a second.

Councilman Spillane then stated a number of residents have questioned why Phases I, II and III were not being plowed noting they were properly paved.

Mr. Baird said the city has never plowed in Hearthstone Manor because those streets were not dedicated. He explained that Meadows at Shawnee has been plowed for a couple of years because the project was finished. He reiterated that Phases I, II and portions of III of Hearthstone are completed but have not been dedicated. At this time, the developer is not interested in dedicating it.

Mr. Spillane confirmed the problem is not the city but is the developer. Mr. Baird agreed stating they have discussed the possibility with the developer though the last couple of months, it has not been a priority due to a lack of interest.

Mr. Spillane asked how that can again be considered so that Hearthstone residents would receive the same services as the Meadows at Shawnee. He asked what Hearthstone and other areas not yet accepted get for the taxes they pay and asked if that can be considered.

Mayor Marabello suggested it be added to the next agenda in an effort to resolve it.

NEW BUSINESS

Preliminary Major Subdivision Extension Request/Wickersham

City Planner Norris noted the primary reason for the extension is because the city continues to work on utility extensions to this area though it has not been completed. It was confirmed this property is located at the corner of Route 1 and Johnson Road and are at the end of the line. In order to proceed from a cost standpoint that will work, property owners are needed to participate between their site and where the current utilities exist. Those property owners will need to determine how best to finance that which is the primary reason for the delay.

Mr. Brooks moved to approve the extension until March 23, 2011, seconded by Mr. Morrow.

Motion carried by unanimous roll call vote.

Cascades Subdivision/Ingerman Group Presentation

David Holden of Ingerman Group based out of Wilmington, stated the Ingerman Group develops, builds and manages affordable housing in Delaware, Maryland, Pennsylvania and New Jersey.

He reported the Cascades Development is located on Airport Road and was originally designed as an eighty plus single family home community. The development is in foreclosure and is currently owned by Wilmington Trust. The bank approached Ingerman Group a few months ago about redeveloping the site.

Mr. Holden then explained the plan is to redevelop the site in two different phases. The first phase consists of 76 rental units with a mix of one, two and three bedrooms. He referenced the site plan showing eight-unit buildings. He then informed council they also built Colony South located behind IG Burton on Route 113 and this will be very similar. It would include a community building with on-site management and maintenance in addition to recreational areas and tot lots. Financing would be through the Delaware State Housing Authority (DSHA).

In addition to the support of the site plan, he is asking for support of the DSHA application and a tax abatement for five years. He feels the city contribution will help their application be more competitive in comparison to others.

Mr. Holden advised the property would be owned by a private or profit entity and will eventually be added to the tax rolls. They will pay all associated connection fees and utility and permit fees.

He asked for councils' support to allow them to move forward with the application to DSHA. He advised the monthly rental will range from \$500 to \$700. The ground floor units will be ideal for senior citizens for 62 and over and the larger apartments would accommodate families with children.

City Solicitor Willard confirmed the site plan that was previously approved is being changed to allow apartment complexes. Mr. Holden agreed the prior approval will have to be amended and the application resubmitted to the planning commission. However, they are working within the existing footprints, street layouts and utilities. He reiterated a new site plan will be submitted.

Mr. Willard directed Mr. Holder to prepare a new subdivision application noting the amendments to the plan.

Mr. Holden stated that tonight, he is only asking support of the DSHA application process. He understands that is in addition to the land use process still required.

Mayor Marabello confirmed this plan only addresses Phase I. Mr. Holden explained there will only be two phases with the second being very similar in size and area.

Mr. Baird recalled a similar project under the management of Volunteers of America at Bright Ways Commons. That involved an addition to the units in the rear, while rehabilitating the older units in the front. Council was required to approve it as part of the DSHA process. He asked if the DSHA application included acquisition and development of the site; Mr. Holden stated yes.

Mr. Holden stated the acquisition will not occur if the application does not rank successfully because there will be no funding. He added that any support would be contingent upon the action of the planning commission in addition to meeting all other city requirements.

Mr. Baird explained the request is to support the application this evening. The request for the five-year tax abatement will need to be a separate matter. Mr. Holden advised his application will need to be submitted by April 9th. He further explained the 100% tax abatement the first year will be reduced by 20% each year thereafter. By the fifth year, it will be taxed at 100%.

Mr. Spillane expressed concern about the increase in housing from the original plan and its impact on stormwater runoff. Mr. Holden explained there can be no additional runoff with the new plan.

Mr. Holden stated that based on the proposal, there will be no changes to the stormwater ponds; Mayor Marabello also confirmed they will request a reduction in the required number of parking spaces from 2.5 to 2. It was agreed those issues would be part of the land use approval process.

Ms. Wilson moved to support the process for application to Delaware State Housing for affordable housing at Cascades Apartments, seconded by Mr. Starling.

Mr. Adkins said he will support the conceptual plan.

Motion carried by unanimous roll call vote.

The tax abatement matter will be added to the March 22nd agenda at which time the financial impact on the city will be presented by the city manager.

Milford Community Cemetery-Financial Overview

Mayor Marabello explained the Milford Community Cemetery consists of seven board members of which four are public officials—Mayor Marabello, City Manager Baird, Councilwoman Wilson and Parks and Recreation Director Gary Emory. The other three individuals are Scott Sipple, Jim Greenly and Harvey Kenton.

He advised that over the years, the operating fund is being diminished and there is a question of what the city wants to do should there come a time when there is not enough money to keep up its maintenance. Currently, there is a perpetual fund that is not growing as it did in the past. If the city stops its maintenance and it is no longer used as a cemetery, the land reverts back to the International Order of Odd Fellows. He noted the land consists of 27 acres of the new cemetery and 13 acres of the original cemetery.

Scott Sipple of Sipple Monuments then explained that in 1991, the local Odd Fellows Lodge, who was a local branch of the state lodge, was in the process of going defunct and was losing members with no new members being accepted. In the charter of the lodge, there was wording to the effect that any property owned by the lodge, upon its dismantlement, would revert back to the lodge. Prior to that, in the late 1980's, a handful of members decided to pursue a legal action which would remove the cemetery from the ownership of the Odd Fellows Lodge by forming a separate corporation. A board of director was appointed and ran the cemetery for nine years. It took that long for the state lodge to realize there was no functioning lodge in Milford. The chairman of the state lodge suddenly decided to lay claim to the property. They claimed that incorporating the cemetery was illegal. Four years later, Milford won its case in Chancery Court against the state lodge. In turn, the other side appealed it to the State Supreme Court and a three-judge panel was appointed to review it. After another year, they received a ruling that everything had been done legally and the cemetery was a separate, incorporated entity. The state lodge appealed it one more time to the full Supreme Court and another year later, the ruling remained that they did have the right to maintain the cemetery as a legal entity and did not have to turn over any undeveloped land. The intent was to sell the approximate 23 acres while taking ownership of the half million dollars trust fund.

This process took almost all of the cemetery reserves with \$115,000 in legal fees. The agreement fashioned in the Chancery Court was that a new board of directors would be established of which four of the seven members board would be city officials and it would remain that way in perpetuity. The mayor of Milford would always be the chairman, the city manager the vice chairman and the Director of Parks and Recreation and one member of council would always be board members. The other three seats would be held by lot owners of which Harvey Kenton, Jim Greenly and Mr. Sipple currently are.

It was then the cemetery became a community cemetery and their intent was not allow it to fall under corporate control because everyone felt that would not be a good thing for the community.

Mr. Sipple further explained the rules of the trust fund state they can only use the money being made in interest to maintain the cemetery. No capital improvements are allowed and only the cutting and trimming of the grass can be paid out of that fund. The money cannot be used for major improvements such as roadways or walls.

He said that winning the legal fight was good news, but losing all the cash reserves was the bad news. They have been operating with the current board for approximately five years. Because interest rates have been so low in recent times,

they are making very little off the trust fund. In addition, rising costs, including grass cuttings fees, have heavily impacted the account.

Mr. Sipple felt this should be brought before council before it got to a critical point. He anticipates the loss of \$70,000 to \$80,000 as a result of falling interest income and stock market and investment issues.

Mayor Marabello said he reviewed the investments with our financial director who felt they were good, conservative investments.

Mr. Brooks noted the account began last year with \$580,000 and at the end of the year decreased to \$565,000. Mr. Sipple said that in addition, there are \$5,000 to \$6,000 in fees charged by the bank to administer the fund.

Parks and Recreation Director Gary Emory then explained the city took over maintenance of the cemetery five years ago through his staff. The costs average \$45,000 to \$50,000 annually for labor and equipment noting the previous four very wet grass cutting seasons. He said they start out with Sussex Correction work release prisoners though those numbers have dwindled in recent years. As a result, they had to hire seasonal employees at \$14 an hour.

Mr. Emory said they did obtain some prices to sub the work out, as was done previously before the city became involved. Those prices came in at \$55,000 to \$60,000 just to cut the grass.

Mr. Baird explained the city is not currently paying for those services. The city bills the cemetery who pays for those services which is becoming more difficult for the cemetery. He said the purpose of tonight is to make council aware this is a problem that the city may try to address over the next few years.

The city manager also said this is to raise public awareness as to the actual condition of the cemetery not only from an operational standpoint but from a capital improvement standpoint. Currently, the fence needs repairs. The cemetery is important to those who have family members there but it is also a community asset.

He said because of the discussions, some opportunities have presented themselves. Key Properties stepped up immediately and offered to participate in whatever manner they could. In addition, there are some financing possibilities through the Community Facilities Program through the USDA.

Board Member Harvey Kenton then thanked Ms. Wilson for help in getting the old Levi Cemetery open. He explained it is an older African American cemetery at the point of North Walnut and Church Street Extended that was opened on two occasions. He added explained that part of the revenue drop is a result of cremation. In some states, there have been a 40% drop in revenues of cemeteries because grave sites and tombstones are not being purchased as they were in the past. In such cases, a person can be cremated for \$2,000 versus \$8,000 for a funeral.

Mayor Marabello then added they have straightened out and repaired a lot of the tombstones at the Levi Cemetery, along with the walls, with the help of Mr. Sipple.

Ms. Wilson recalled that when the city first became involved, it was discussed at that time, this may eventually become a budget item. She said that at that time, it was something the city wanted to be part of. Parks and Recreation also felt they could keep up with the maintenance of the grounds though it was clear this was a big commitment and some monies may eventually have to come from our taxpayers.

Mayor Marabello reiterated this was only being presented to make council aware of the financial situation.

FY2009-2010 Budget Amendment/General Fund-Fund Balance Funding

Mr. Baird presented the following numbers from the recent snow storms:

Total estimated cost to the city is \$250,095 ; amount submitted to DEMA is \$238,759.

If all expenses are approved, city will received \$179,069. (75% of \$238,759)

The total expense of \$250,095 less the FEMA request of \$179,069 leaves \$71,026 as a city expense.

The cost of our city owned equipment used for the snow storm is \$93,994 though that is not included in this budget request.

This leaves \$156,101 (250,095-93,994) to be requested from the general fund-fund balance account.

Mr. Baird explained that during the month of February as a result of the two blizzards, the total estimated cost to the city is \$250,095. That involves city overtime, city equipment, contractors labor and equipment, supplies and materials and any other related expense associated with snow removal.

Mr. Baird explained that \$93,994 is the value placed on city equipment. As a result, \$250,095 minus the \$93,994 leaves a cash requirement of \$156,101. Receiving \$179,069 will cover all our cash costs with an additional \$23,000 for wear and tear and overall use of our equipment.

He is requesting \$156,101 be transferred from the General Fund/Fund Balance into the Snow Removal Operations of the Street Department.

When questioned, Mr. Baird confirmed that any money received from FEMA would reimburse the funds these monies were paid from. He is unable to predict whether or not Delaware will receive this money considering the number of other states affected by similar disasters recently.

Mr. Baird confirmed only \$12,000 was budgeted for snowstorms this year. It is a low number based only on materials and supplies and minor repair on the equipment. The balance is paid out of labor and overtime costs already factored into our budget.

Mr. Morrow moved to transfer \$156,101 from the General Fund/Fund Balance into the appropriate line items for reimbursement of the snow storm costs, seconded by Mr. Brooks. Motion carried by unanimous roll call vote.

MONTHLY FINANCE REPORT

Mr. Morrow reported that through the seventh month of Fiscal Year 2009-2010 with 58% of the fiscal year having passed, 59.78% of revenues have been received and 53.63% of the operating budget expended.

He explained the Sewer Capital Reserves Fund is showing a minus as a result of money spent on a project which is flipped back and forth through the sewer fund balance account. Also, \$35,625 was transferred from the business licenses into the rental license account. He asked that be verified to determine how that affects our inspections.

With no questions or comments, Mr. Morrow moved to accept the January 2010 Finance Report as submitted, seconded by Ms. Wilson. Motion carried.

UNFINISHED BUSINESS (continued)

City of Milford Charter Review-Unresolved Issues

1.03 Ward Descriptions

Decision needs to be made whether to reference wards by an official map and/or by a legal description as is currently done. The description of the overall city boundary will be referenced by an official map kept by the city clerk mainly because it is more convenient and easier to update.

Mr. Spillane confirmed that any proposed parcel being added to a ward must be contiguous to that ward. Mr. Willard agreed that is consistent with the charter as well as the US Constitution. He referenced gerrymandering in which districts or territories were defined to benefit certain parties or to isolate people. As a result, the US Supreme court has required voting districts be contiguous, compact and rectangular as much as possible. He added the other requirement is they have to be proportionately equal in population. Section 9.07 of the charter provides:

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

Mr. Spillane expressed concern about some areas in Ward 3 that are not contiguous to the balance of the ward.

Mr. Willard noted paragraph 14 was added to the annexation section to designate a ward at the time of annexation. He said if there is a problem with a portion of the city annexed in and its designated ward, after the census is completed it can be corrected which is also in line with the ten year cycle referenced in the charter.

Mr. Spillane then pointed out the land recently annexed on the corner of Route 1 and Cedar Creek Road which does not touch any lands in Ward 3 and instead is contiguous to Ward 1. He recalled a previous question regarding the placement of that land in Ward 3 at which time the solicitor agreed it must be contiguous to the ward it is going in.

He also referenced another area of land that is not contiguous to that ward.

Mr. Willard asked about the number of residents in that portion; Mr. Spillane said the land on Route 1 and Cedar Creed Road is undeveloped. However, there is a problem with a subdivision with a large area number of houses that was placed in the wrong ward. Mr. Willard stated he is not familiar with the reapportionment done at the beginning of the decade and is unable to answer why it is not contiguous. He stated the charter is very clear the land must be contiguous which applies to the ten year redistricting report. However, he would argue that rule should apply when any land is annexed which ruling has been handed down from the US Supreme Court.

The solicitor agrees that every effort should be made to make the wards contiguous. He suggests putting this on the next agenda to determine how it can be resolved.

Mayor Marabello stated that population wise, it would be totally distorted. Mr. Willard said that will not apply to the most recent annexation if no one lives there. The mayor stated that Mr. Spillane is alluding to Meadows at Shawnee. Mr. Spillane agreed the proportioning may have been the cause at the time though it is questionable.

Mr. Willard explained they are not proportionate and do not have to be proportionate except for every ten years when an accounting is required. Mr. Spillane said regardless, the land is still not contiguous to Ward 3. The solicitor said that when the report is done, council will act as the redistricting commission and the wards should be designated correctly. He suggests putting that on the agenda and making the land contiguous.

Mr. Spillane asked if it will be put back on to correct the problem where the land is not contiguous. Mr. Willard said that is a possibility, but currently, we are addressing the charter being amended.

Mr. Spillane said regardless, the current charter said the properties must be contiguous. Mr. Willard reiterated the charter says when you reapportion every ten years, a report must be submitted that includes the number count of people. When those districts are drafted by council, they should be contiguous and compact.

In regard to Mr. Spillane's question about whether that should be corrected before the next reapportionment, that is a decision of council. Mr. Spillane said it is a law and needs to be addressed.

Mr. Willard said council needs to decide how to correct it before the reapportionment is done.

The mayor said that as he discussed with the city clerk, the descriptions in the charter do not conform to the actual wards as they exist today. He agrees we should remove the language and reference a map.

Mr. Morrow agreed there are two issues being addressed—applying the charter and amending the charter. Currently we are amending the charter and then we need to make sure everything else complies.

Mr. Willard suggests that if there are sections of the city that are designated by ward that are not contiguous that should be changed and corrected through an ordinance. Ultimately, the redistricting is done by ordinance and therefore, any other designation should be done by ordinance as well. He suggests putting it on the agenda, draft the ordinance, hear it and vote on it. He is focusing on changing the charter to prevent this from happening again.

Mr. Spillane emphasized the importance of pointing it out to prevent this from continuing to occur. He does not want this to be a case where we do not follow through because we need to abide by our codes and charter.

Mr. Morrow believes the history is that any lands east of Rehoboth Highway became Ward 3 for population reasons though he is unsure if an ordinance was done at Meadows at Shawnee. The mayor pointed out that regardless it does not conform to the charter wording requiring it be contiguous.

Mr. Brooks recalled this was discussed several times during the charter meetings and it was agreed that when the redistricting was done, it would be corrected.

The mayor said because it would be so disproportionate, if you wait ten years during which time there is rapid growth in one section, all of a sudden, one ward could end up with 50% more population wise. He noted that Ward I currently has more people than any other ward.

It was pointed out to alleviate that problem, the northern line should be moved and that section placed in another ward.

The mayor asked if a map should be included instead of the legal description at this point. Mr. Spillane reiterated is if we only use a map, such errors would occur more frequently. The mayor said we can have the wording but it does not have to be detailed in the charter and could be filed with the map.

Mr. Spillane pointed out the wards are very irregular in shape right now. Mr. Willard said the issue is identifying the wards when annexation occurs. The charter is clear about being contiguous and compact. It is also clear that council has the right to make adjustments and corrections. However, the charter is silent what you do between that time or with annexations. He would argue council has the inherent authority to designate the wards though it must be consistent with the US Supreme Court rulings.

It was agreed the boundaries in town need to be moved to help equalize the population.

Mr. Willard advised there is a 10% opinion rule margin of error as far as population.

The mayor said if there is a map that will be used for reference, we need to know the existing wards which will need to be corrected. Mr. Spillane feels it is very important to correct it before it is sent to be recorded which is why it needs to be done now. Mr. Willard agreed that should be done simultaneously when this charter is adopted along with a new map showing the boundaries and the wards. Those documents will need to be recorded. That could be the existing wards as they exist, with all their blemishes and mistakes. When the reapportionment is done, a new map will be required. He feels the threshold question at this point is whether to refer to a map or include the metes and bounds in the charter.

Mr. Workman feels it should have boundaries or at least an overview including the streets so that it is clear and this does not occur again.

The mayor explained we are not dismissing the boundaries, but because we are continually annexing, it would eliminate the need to constantly updating the charter.

Mr. Willard agrees adding the maps should clearly identify the districts with a bright line.

Mr. Baird said that Mr. Workman's point is there should also be a description prepared. That description can be prepared and changed accordingly but not by way of the charter.

The mayor said the legal description should be filed with the map and properly recorded.

Mr. Workman pointed out the need for an official legal description is because in many wards, one side of a street is one ward and the other side is another ward which is difficult to see on a map.

Mayor Marabello recommends the official map and legal description be kept in the city clerk's office. The charter will then refer to the map and legal description. Each time an annexation done, it will be updated.

Mr. Morrow moved that Section 1.03 of the charter will state the City of Milford will be divided into four wards and a map entitled "Official Ward Map, Milford, Delaware" will delineate the ward boundaries with legal descriptions of each ward attached and kept on file in the Office of the City Clerk. The official ward map shall be identified by the signature of the Mayor, be attested by the City Clerk and bear the seal of the City. The map and legal descriptions will be recorded in both Kent and Sussex County and changes to the official map within a reasonable time after the effective date of the amendment approved by City Council. City Council shall adopt the official map and any future amendments by ordinance, seconded by Ms. Wilson.

Motion carried by unanimous roll call vote.

3.07 Mayor General Powers Agenda Issue

Mr. Willard recalled suggesting that this section include the language "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 correspondence item. A majority of council may determine whether or not the item should be placed on a future agenda."

He said the intent is to give the mayor the authority to decide if an item goes on the agenda and would then work with the city manager and city clerk to create the agenda. At the same time, it provides council members an outlet to have something added. He said this language does not prevent a council member who gets a call from a concerned citizen from asking that item be placed on the agenda, but only gives another option.

Mr. Spillane suggests the agenda be prepared at the previous meeting so council can approve it in advance versus waiting two to three days before the meeting while items are still being added. He feels this takes some of the rights of council away and believes that Roberts Rules gives them the power to approve the agenda. He does not have a problem sending items to the mayor and being told that the next agenda is already very heavy and an item should be added to the following meeting.

The mayor explained that the item would be added through the correspondence section for the next agenda.

Mr. Workman feels the mayor should oversee the agenda, but council members should approve the agenda prior to its posting. He questioned how the mayor, manager and city clerk can add things to the agenda especially at the last minute. He is concerned the elected officials would have to go through council to have something added. If he has something he

feels is very important but other council members feel differently and the motion does not pass, then it does not get discussed.

Mr. Adkins said the mayor is elected by the entire city and the city manager is conducting the general operations of the city. If they want something added to the agenda, he feels it should be taken care of. If all eight council members are able to add an item to the agenda, it may get out of hand. This provides a forum for something to be put on the agenda and a vote taken at the following meeting.

Mr. Spillane feels it is councils' right to approve the agenda. He sees the city add items on a Friday afternoon on a regular basis and he has a concern with that. Mr. Workman pointed out that if a council member submits something through the correspondence item a week before the meeting and if it does get approved, it takes a total of three weeks before any action is taken.

Mr. Baird pointed out that Section 4.10(b) talks about rules and journal. It states council shall determine its own rules and order of business and shall provide for keeping of a journal of its proceedings, journals of public records unless or until other rules are adopted, council shall follow Roberts Rules of Order and Parliamentary Procedure.

The city manager explained that this language allows city council to set its own rules. Therefore, he does not think the charter should contain specific rules about conducting business. The language already exists to allow that happen. His recommendation is to hold a workshop and decide how council wants to conduct business but feels it should be left out of the charter. As council evolves and changes, those rules may need to change. He feels the wording "the mayor may manage the agenda" could remain. Mr. Workman recommends it read "the mayor oversees the agenda".

It was noted the agenda must be posted seven days in advance per FOIA with the exception of an emergency situation.

Mr. Morrow moved to remove the proposed language *"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"*, seconded by Mr. Starling. Motion carried.

3.08 - Vice Mayor

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].

Mr. Johnson moved to allow the vice mayor to vote as a council person when serving as the vice mayor, seconded by Mr. Starling.

Mr. Starling then asked if the vote ends up 4-4. The mayor noted the motion would not pass.

Motion failed by the following 2-4 vote:

Yes-Johnson, Adkins

No-Spillane Workman, Brooks, Morrow

Mr. Starling and Ms. Wilson both abstained.

A discussion followed regarding the order of voting. A question was also raised about if a vote could be changed before the vote is completed.

Mr. Willard then explained the current charter does not allow the vice mayor to vote.

Mr. Morrow asked if the vice mayor were permitted to vote and it ended in a tie, would the vice mayor be permitted to cast an additional vote because the authority of the mayor is to break a vote. Mr. Willard explained the vice mayor would only be permitted one vote. Mr. Morrow said he voted no because that is not clearly stated which means it could possibly be challenged.

Ms. Wilson noted that she has been voting as was advised because she was an elected official.

In regard to the order of voting, Mr. Workman recalled suggesting changing the order of the vote at different times. He also recalled another instance when a former councilman wanted to change his vote and asked that it be put on the following agenda to be reconsidered. At that point, he changed his vote.

Mayor Marabello pointed out the reason it was suggested was to allow the vice mayor to have a vote in order to represent their ward, as they were elected to do.

The mayor then summarized the discussion stating it will remain as the charter is currently interpreted meaning the vice mayor will not have a vote.

It was confirmed that Roberts Rules allows a vote to be changed before the result is announced. Once the result is announced, it can only be done after unanimous consent of council.

Article VIII. Borrowing Of Money And Issuance Of Bonds

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

The solicitor pointed out that currently, there is no cap formally spelled out in the charter. The city manager recalled a comment at the last meeting that the check is the public vote in a referendum. However, the issue is if a certain amount of debt can be obtained without going to a referendum, sort of cap may need to be added. The question was whether to add a cap. However, he does agree with the comment that if it remains as it is currently written, there is no need for a cap.

Mr. Adkins prefers some cap be added and favors the 15% of the total assessed value as was originally considered.

Mr. Brooks feels that with a responsible council, it is not needed.

Mr. Spillane asked for confirmation that any long term borrowing will go back to the people for a vote. The city manager explained that any long term borrowing requires a referendum. Mr. Spillane asked for an explanation of short term borrowing. Mr. Baird said short term is limited to two times the assessed valuation which Mayor Marabello explained is approximately \$6 million that must be paid back in five years. The mayor noted that is the aggregate amount.

The city manager said that some municipalities only require going to a referendum over a certain amount as was also considered. If the city can incur up to 2% of our assessment base or even 1% (\$7.5 million) without going to public referendum, there could be an overall cap added for long term borrowing.

Mr. Adkins agrees there are situations that should be considered without the need for a referendum. He referenced the recent stimulus funding when borrowing terms were changed and the city would have benefitted by acting on the decreased interest rate. A referendum would not have allowed that to occur. He is unsure if Milford wanted to consider that or maintain the status quo and we continue to go to referendum for any long term borrowing.

The mayor explained we are able to borrow two times the assessed collection which is approximately \$6 million. Mr. Baird emphasized that is an aggregate amount. He asked if council wants to propose a motion that up to a certain limit of long term borrowing would be exempt from public referendum or if everything should go to public referendum.

Mr. Adkins feels council should take into consideration a situation where a changing interest rate would benefit the city. He feels that with a minimal amount, there is some inherent responsibility as elected officials that they are acting on behalf of the people. He added the city should not allow long term borrow without a referendum for excessive amounts, but flexibility is needed in certain cases.

Mr. Adkins said he would like to see a 1% flexibility where timing is of the essence and allow council the right to act on a long term borrowing issue without a referendum. He clarified that is 1% of the total assessment and would like a cap of 15% of the total assessment.

Mr. Adkins then moved to allow council to act on long term borrowing of up to 1% of the total assessed value without going to referendum, seconded by Mr. Workman.

When questioned if this was basically a refinancing issue, the city manager verified there is a refinancing clause in the charter. If there are bonds that are callable and the city decides to refund those, that can be done without a referendum.

Motion failed by the following 1-7 roll call vote:

No-Johnson, Spillane, Workman, Brooks, Morrow, Staring, Wilson
Yes-Adkins

Mr. Spillane votes no stating that a referendum should be required on any long term borrowing.

Mr. Adkins then moved to add a 15% cap of the total assessed by referendum for long term borrowing, seconded by Mr. Workman.

Motion failed by the following 1-6 roll call vote:

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

Mr. Spillane stated it is way too high.

Mr. Morrow agreed it is too high.

Charter Review Chair Spillane recalled the following issue not being resolved:

Tax Liens. If property owner fails to pay any tax due, on or before the due date, the full amount of tax due shall be a lien in favor of the city upon all property and all rights to the property, real or personal, belonging to property owner. Retroactive taxes are prohibited. In no case shall the supplemental assessment procedure be employed to impose taxes retroactively.

A legal interpretation will be obtained from the city solicitor.

Mr. Willard asked for further clarification; Mr. Baird recalled that Mr. Spillane's question was about retroactive taxes being prohibited. For example, if a person was taxed on a property at a lower rate by a city error for a number of years, and the mistake was later found, the city would be unable to bill for the difference. Mr. Baird believes if the error is found in the same year, it can be corrected and the higher amount assessed.

Mr. Spillane said he personally has had to pay the difference when a mistake was made with a bill. Mr. Baird reiterated that if the error is found in the same year, that can be done, but does not believe the city would want to be in a position to go back several years.

The solicitor believes Mr. Baird is correct with the time frame and believes he saw a similar case with the term detrimental alliance. If someone relies on something the town does and it is done in good faith, they have a right to rely on it. In that case, it would be difficult to make the property owner pay the difference. However, if the individual knew or should have known and took advantage of the city, that may be different though it could fall under the category of detrimental alliance under normal circumstances.

When questioned, Mr. Baird explained that when there is a zoning change or any subdivision approved that could affect the land use, the staff is informed and the assessment updated. At that time, the property owner is notified of the change. Depending when it occurs during the billing year, a supplemental bill may be mailed. If it falls within the second half of the year, that second bill is held until the beginning of the new tax year. At that time, the change is picked up.

Mr. Workman asked if a lien is placed against a property, how long before any formal action is taken. Mr. Baird explained it depends on the amount of money involved. In some cases, it does not pay to file a lien if the property amount owed is a minimal amount.

Mr. Workman then asked if when we place a lien for taxes, do we add the interest fees we would have gotten if it was in the bank. Mr. Baird stated those fees are not eligible. We can add property taxes, improvements and water and sewer charges but we cannot add interest fees.

Mr. Spillane then moved that in the case of an error in a tax bill, the city proceed to collect retroactive taxes for a two year period. Mr. Workman seconded the motion.

Motion failed by the following 1-7 vote:

Yes-Spillane

No-Johnson, Workman, Adkins, Brooks, Morrow, Starling, Wilson

Approval of Minutes

Another motion was made by Mr. Adkins to approve the minutes of the January 11, 25, February 16 and 22, 2010 council and committee meetings as presented, seconded by Mr. Workman.

Mr. Spillane again questioned the motion from the previous minutes stating he does not think the Thawley land should be in Ward 3. Mayor Marabello explained that is a separate topic which will be put on another agenda to be discussed.

Motion carried.

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.

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

Mayor Marabello recessed the Council Meeting at 10:12 p.m. to go into a closed session.

Return to Open Session

Council returned to open session at 10:35 p.m.

Executive Session Item

Mr. Morrow moved that the Final Plan as discussed in Executive Session be extended seven months beginning March 10, 2010. Motion seconded by Mr. Workman. Motion carried by unanimous roll call vote.

ADJOURN

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

Mayor Marabello adjourned the Monthly Council Meeting at 10:35 p.m.

Respectfully submitted,

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

Terri K. Hudson, CMC
City Clerk/Recorder