

MILFORD CITY COUNCIL
MINUTES OF MEETING
January 13, 2020

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, January 13, 2020.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Daniel Marabello, Mike Boyle, Lisa Peel, Todd Culotta, Owen Brooks Jr., Douglas Morrow, Jason James Sr. and Katrina Wilson

STAFF: Interim City Manager Mark Whitfield, Police Chief Kenneth Brown and City Clerk Terri Hudson

COUNSEL: J. Everett Moore, Esquire

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:03 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance, followed the invocation was given by Councilmember Wilson.

APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the November 12, 2019 Council Meeting and the December 9th Council Meeting and Workshop Session. Motion to approve made by Councilmember Brooks, seconded by Councilmember Boyle. Motion carried.

RECOGNITION

Proclamation 2020-01/Martin Luther King Day

Mayor Campbell read the following proclamations into record:

PROCLAMATION 2020-01
HONORING DR. MARTIN LUTHER KING JR.

Whereas, Dr. Martin Luther King Jr. devoted his life to advancing equality, social justice, and opportunity for all, and challenged all Americans to participate in the never-ending work of building a more perfect union; and

Whereas, Dr. King's teachings can continue to guide and inspire us in addressing challenges in our communities; and

Whereas, the King Holiday and Service Act, enacted in 1994, designated the King Holiday as a national day of volunteer service, and charged the Corporation for National and Community Service with leading this effort; and

Whereas, since 1994 millions of Americans have been inspired by the life and work of Dr. Martin Luther King Jr. to serve their neighbors and communities on the King Holiday; and

Whereas, serving on the King Holiday is an appropriate way to honor Dr. King, meet local and national needs, bring our citizens together, and strengthen our communities and nation; and

Whereas, the King Day of Service is the only federal holiday commemorated as a national day of service, and offers an opportunity for Americans to give back to their communities on the holiday and make an ongoing commitment to service throughout the year; and

Whereas, King Day of Service projects are being organized by a wide range of nonprofit and community organizations, educational institutions, public agencies, private businesses, and other organizations across the nation; and

Whereas, each of us can and must contribute to making our communities better with increased opportunity for all our citizens, and

Whereas, the residents of the City of Milford have the opportunity to participate in events throughout our city on the King Day of Service, January 20, 2020, as well as create and implement community service projects where they identify the need.

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, Delaware, proclaim the Martin Luther King Jr. Holiday as a Day of Service in our City and call upon the people of Milford, Delaware to pay tribute to the life and works of Dr. Martin Luther King Jr. through participation in community service projects on Martin Luther King Day and throughout the year.

Proclamation 2020-02/School Choice Week

PROCLAMATION 2020-02
School Choice Week

WHEREAS, all children in the City of Milford should have access to the highest-quality education possible; and

WHEREAS, the City of Milford recognizes the important role that an effective education plays in preparing all students in the City of Milford to be successful adults; and

WHEREAS, quality education is critically important to the economic vitality of the City of Milford; and

WHEREAS, the City of Milford is home to a variety of high-quality public and nonpublic schools from which parents can choose for their children, in addition to families who educate their children in the home; and

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and

WHEREAS, the City of Milford has many high-quality teaching professionals in all types of school settings who are committed to educating our children; and

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options.

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, do hereby proclaim January 26, 2020 to February 1, 2020 as School Choice Week in our community and call this observance to the attention of all our citizens.

Police Department Recognition

Chief Brown recognized Larry Simpkins, who was hired by Milford after he retired as Dover Police Department's Evidence Technician. Chief Brown stated that Mr. Simpkins has solved many crimes as a result of his criminalistic work and most likely would not have been solved without his involvement. He also handles evidence and warrant records.

Chief Brown presented a plaque stating the following:

Civilian of the Year for 2019
Larry Simpkins

With great honor and recognition for your commendable and dedicated service to the City of Milford, Milford Police Department and the Community.
You are truly Milford's finest.

His picture will be hung at the department.

Chief Brown then commended Officer Jonathan Ricketts for being 2019 Officer of the Year. Officer Ricketts does a great job, interacts with the public and have never had any complaints. He was exceptional as a field training officer to the newest five officers.

Chief Brown presented a plaque stating the following:

Officer of the Year for 2019
Jonathan Ricketts
With great honor and recognition for your commendable and dedicated service to the City of Milford Police Department and Community.
You are truly Milford's finest.

Chief Brown said a plaque with his picture will also be hung in the lobby for one year.

Introduction of City Employees

Interim City Manager Mark Whitfield introduced four new Public Works employees:

James Puddicombe was hired as the City's Engineer last month. He previously worked for New Castle County Government as a Civil Engineer I and recently obtained his Delaware Professional Engineer license.

Cammerin Norwood was hired as a member of the Solid Waste Team. He is originally from Dover and now lives in Milton, DE and is the new father a two-week-old daughter.

Brian Boyle was hired as the City's new Warehouse Coordinator after the former coordinator retired after seventeen years of service. Brian graduated from Milford High School in 2002 and previously worked at Fastenal for fourteen years.

Curtis Sharp is also a new member of the City's Solid Waste team. He graduated from Milford High School and resides in Milford.

MONTHLY POLICE REPORT

Police Committee Chairperson Wilson presented the monthly Police Report on behalf of Chief Brown. The report includes all the activity's Chief Brown was involved in during December.

Councilmember Boyle moved to accept the report, seconded by Councilmember Peel. Motion carried.

MONTHLY CITY MANAGER REPORT

Interim City Manager Whitfield presented the City Manager report, commending Deputy City Clerk Crouch for putting the report together.

Mr. Whitfield reported that he received an announcement from the American Public Power Association that the City will be recognized as a reliable public power community. Milford is one of approximately one hundred communities that have achieved that designation which speaks volumes of the reliability of our system and dependable and knowledgeable employees we have on staff.

MONTHLY FINANCE REPORT

Finance Committee Chairman James said he is always pleased to report the City is in good, financial condition sharing that the fund balances are healthy. The changes are more related to the cash balances and an uptick in the reserve balances of approximately \$90,000.

He referenced the newly added document entitled Restricted Cash Reserves Report, which includes the balance after the monies are designated as authorized. The general fund reserve balance is at \$2.7 million after which the available balance is \$456,083. Total reserves in the water fund is \$10,353,412 with an available cash balance of \$7,239,417.

Chairman James recalled the recent Cost of Water Service Study that was done resulting in a target for 2021 of \$2.4 million, which needs to be deducted from the current available cash balance or \$4.8 million.

Sewer Reserve Funds currently have \$4,406,350, and an available cash balance, based on authorized expenditures, of \$3,596,809. The Cost of Sewer Service Study targets a minimum cash balance of \$3.5 million, resulting in an overall balance of \$35,000.

The current balance in the Electric Reserve Funds is \$10,746,803. After designated projects and asset replacement purchases are made, the available balance will be \$1,827,857.

He has asked the Finance Officials to include those figures in the monthly report.

Chairman James also shared the update on the Cost of Electric Service Study is currently underway.

Also referenced was the increase in the Real Estate Tax Budget of \$6,000 and expenditures increased by \$6,000 to cover electric expense, which were approved, but the number was omitted in error. In addition, there was a change of \$100,000 in electric expenditures for the purchase of power.

As a result, the total budget only changed by \$6,000.

Councilmember Wilson moved to accept the November 2019 Finance Report, seconded by Councilmember Culotta. Motion carried.

COMMITTEE & WARD REPORTS

None to report.

COMMUNICATION & CORRESPONDENCE

Non-Committee Councilmembers Participation

Mayor Campbell then introduced Everett Moore of Moore and Rutt, who is filling in for Solicitor David Rutt, who is out on medical leave.

Councilmember Boyle asked Mr. Moore to review the law and procedures in regard to Committee Meetings and whether or not non-committee members are able to participate with the concern being that a quorum of Council is often present.

Attorney Moore said he will be happy to discuss that with Solicitor Rutt. He added that it is a concern and should be considered, agreeing that is a FOIA issue. He explained that all committee meetings are noticed as committee meetings and not City Council meetings. Once five Councilmembers are in attendance, that becomes a potential issue for City Council. He or Mr. Rutt will report on that matter at the next meeting.

Also asked if any non-committee Councilmembers are able to sit in the audience and only observe. Same applies to Board of Adjustment or the Planning Commission meetings.

Attorney Moore stress that FOIA is a constant moving target and there are new Attorney General opinions coming out on a regular basis. He serves as counsel to Sussex County Council who have to deal with FOIA complaints and opinions and there is a need to keep current to prevent any legal issues.

Martin Luther King Observation Day

Councilmember Wilson reported and all present to the Community Martin Luther King Event will be held again this year at Benjamin Banneker Elementary School beginning at 12 noon.

Greater Milford Chamber of Commerce Clean Up Day

Interim City Manager Whitfield reported the Chamber is planning a Community Clean Up day on Saturday, April 4th with more information to follow. The City will be assisting with the endeavor by providing collection materials and assistance.

UNFINISHED BUSINESS

Acceptance/City of Milford 2018-2019 Audit

Chairman James said the audit will be presented for its acceptance on January 27th following a Finance Committee Meeting at 5:30 p.m. All questions related to the audit will be answered at that time.

NEW BUSINESS

Carlisle Fire Company Enhancement Fund Withdrawal Request

Carlisle Past President Kevin Donovan was in attendance to present the following request:

Dear Council Members,

This correspondence is to formally notify the City of Milford and City Council that the Carlisle Fire Company is requesting \$104,000.00 from the Enhancement Permit Fund within the City of Milford. These funds being requested are necessary to supplement the anticipated capital purchase of new fire hoses, nozzles, appliances, and accessories to successfully continue fire ground operations.

At the CFC November Company meeting, it was discussed that most of our current fire hoses, nozzles, appliances, and other accessories have failed their routine testing and as a result must be condemned from our operational supply. To ensure that the Carlisle Fire Company can provide adequate fire coverage to the City of Milford and surrounding areas it is necessary for our department to make this capital purchase and ensure that we have sufficient hose and equipment in supply in the event of large-scale emergencies.

Currently, the Department is working on a contingency plan to counteract these future mishaps; however, we are in dire need of making this capital purchase and will need the abovementioned funding to make this plan develop.

We appreciate any consideration into this matter.

Councilmember Culotta moved to authorize the request for \$104,000 as submitted, seconded by Councilmember Brooks. Motion carried.

Mr. Donovan then announced that Marvin Sharp has again been elected the new President of the Fire Company.

Introduction/Ordinance 2020-01/TJA LLC/Conditional Use

Mayor Campbell introduced the following ordinance, as presented by Planning Director Rob Pierce:

Ordinance 2020-01

TJA LLC for a Conditional Use to allow a billboard on 1.1 +/- acres in a C3 Zoning District. Property is located along the east side of Bay Road (US Route 113/SR1) approximately 225 feet north of the New Wharf Road intersection addressed as 466 Bay Road, Milford, Delaware 19963. Present use: Commercial/Retail; Proposed Use: Same with Billboard. Tax Map: MD-16-163.00-01-03.00

When asked about the effective date of the new sign ordinance, Mr. Pierce explained the application came in within the day period following its adoption and before its effective date. As a result, it falls under the previously adopted code and is being processed accordingly.

Mr. Pierce commented the matter is scheduled for a hearing at the Planning Commission meeting on January 21st and will be back before Council on January 27th for a public hearing and determination.

Introduction/Ordinance 2020-02/TJA LLC/Conditional Use

Mayor Campbell introduced the following ordinance, as presented by Planning Director Pierce:

Ordinance 2020-02

TJA LLC for a Conditional Use to allow a billboard on 1.1 +/- acres in a C3 Zoning District. Property is located along the east side of Bay Road (US Route 113/SR1) approximately 400 feet north of the New Wharf Road intersection addressed as 466 Bay Road, Milford, Delaware 19963. Present use: Commercial/Retail; Proposed Use: Same with Billboard. Tax Map: MD-16-163.00-01-04.00

Mr. Pierce stated that the matter is scheduled at the Planning Commission agenda January 21st and will be back before Council on January 27th for a public hearing.

Introduction/Ordinance 2020-03/200 Front St/Final Major Subdivision

Mayor Campbell introduced the following ordinance, as presented by Planning Director Pierce:

Ordinance 2020-03

200 NW Front Street LLC on behalf of 200 Front Street LLC for a Final Major Subdivision of 0.63 +/- acres into an eight-unit subdivision consisting of eight townhouse units in an R3 Zoning District. Property is located along the north side of NW Front Street between N Church Street and West Street addressed as 106 North Church Street and 201, 205, 207, 209, and 211 NW Front Street, Milford, Delaware. Present Use: Vacant Land, Single Family, and Duplex; Proposed Use: Townhouses. Tax Map: MD-16-183.10-02-059.01; -077.00; -079.00; -080.00; -081.00; -082.00

Mr. Pierce further reported this is a Downtown Development District project and Strong Neighborhood State Housing Authority project. This application is also scheduled at the Planning Commission on January 21st and for City Council at their January 27th meeting.

Appointment/Board of Adjustment Member/David W. Wilkinson

Councilmember Brooks moved to appoint David Wilkinson of 911 Southeast Third Street to the City's Board of Adjustment, seconded by Councilmember Culotta. Motion carried.

Waiver/Water Usage Fees/Thomas Passwaters

Interim City Manager Whitfield referenced the request from Mr. Passwaters to adjust his water bill at 600 Northwest Front Street. He explained that, by ordinance, City Staff does not have the authority to adjust water usage based on leakage or waste, which is the reason this is before City Council and why Staff does not have a recommendation.

City Staff received a request to adjust a water bill for the December invoice for 600 NW Front Street. The resident experienced a leak in the service line between the house and the meter. City Code, Chapter 222-17 - Leaks or waste states: "All water passing through a meter shall be charged for at the regular rate, and no allowance will be made

for excessive consumption due to leaks or waste.” Therefore, by Ordinance, staff does not have the authority to adjust water usage.

The timeline of events was as follows:

10/24/2019 Reading for October bill was done; leak did not show on exception report run by customer service.
11/04/2019 October bill date – see attached.
11/08/2019 Customer received bill, requested leak check through customer service at 3:09 pm; Meter Tech checked meter at 3:30 pm -work order attached; met with customer at location and verified leak in service line.
11/09/2019 Customer repaired leak; at 7:00 pm register read the water use returned to normal. 11/22/2019 November read date.
11/29/2019 November bill date - see attached. 12/29/2019 November bill due; remains unpaid.

Run on meter pings during the time period shows the leak started approximately 10/21/2019 and was repaired on 11/08/2019.

Customer stated that the City should have caught the leak through the AMI meter system and reports. However, most leaks are caught by customer service at the time of monthly reading. While the water usage at the time of the reading on October 24th was more than double the customer’s normal bill, the usage was not flagged as excessive. Their normal bill is about \$15/month and the October bill was \$38.73.

Prior to December, customer service was not routinely monitoring exception reports. Presently, exception reports are run a couple of times during the week. Additionally, while exception (leak) reports can be run on a routine basis by customer service, a typical run will show between 700 and 800 meters on the exception report. Manual manipulation of the data is required to identify actual “leaks”, which may be only four or five customers out of the 700-800 properties identified. Therefore, while customer service staff does run exception reports, and some properties are flagged, it does not always identify all the issues. Once the customer portal is rolled out, property owners will have the ability to monitor their own meters.

Councilmember Culotta said the customer came to him with the complaint. He explained this is a unique situation because typically the water meter is on the house. This home is next to Silver Lake and his water meter is on the other side of the railroad track. The water line runs beneath the railroad tracks to his house. That leak happened between the meter and the home.

He further explained that while his code says he is responsible for the water use, in spirit he did not know it was happening.

Councilman Culotta also pointed out the smart meter did catch it or did not catch and no one saw it. He feels a lot needs to be considered as far as how the smart meters work and how they need to throw alerts and let City Staff know so they can inform a resident they have water running and a problem.

The Councilman also recalled this happened two other times when Milford Little League had a problem with a frozen pipe, as a result of a mistake they made. Also, the Community Cemetery had a leak. In both cases, the City agreed to waive the overage on behalf of both organizations.

Councilman Culotta recommends that Mr. Passwaters bill is also waived for the overage because his bill is more than \$400 and his typical water bill is \$20 or below.

It was noted that Little League is a nonprofit and the cemetery is owned and maintained by the City and that Mr. Passwaters’ plumber told him to continue running his water.

Mayor Campbell recommended splitting the bill and waive \$200 of Mr. Passwaters’ bill.

Councilmember Brooks feels he should pay his average bill.

When asked if there was an actual leak, Councilman Culotta feels our smart meters should have caught it and asked why there was no alert. He hopes this does not involve someone looking at a computer screen for inconsistencies. He hopes the smart meters throw an alert, similar to a computer alert if there is a problem with a website.

Councilman Culotta feels it is important to talk about that further and why that did not happen.

He then reiterated that Council agreed to waive Little League's complete fee and though they are a nonprofit, the problem was created by them. In this situation, Mr. Passwaters had no idea and until he received the bill, did he observe the problem. The intent must always be considered and the intent is not to say I consciously used this water.

Councilman Culotta is confident if Mr. Passwaters knew, he would have done the right thing and not wait for a \$400 bill.

Councilmember James questioned the plumber's direction.

Councilmember Culotta then moved to waive the complete amount, minus the average monthly use.

Councilmember Wilson pointed out that there is always more than just authorizing the waiver, and there is a need to consider how other customers' situations have been handled. She feels there is a need to make sure that what has been done for one customer is consistent for everyone else. That is a concern and asked if there are records where other customers have had to pay for leaks in the past. She knows it was waived for the Little League and the Cemetery.

Councilman Culotta said that is a case of do as I say, not as do.

Councilman Brooks said he does not understand smart meters and why they wouldn't catch the problem.

Several Councilmembers were talking at the same time. Councilman Brooks said he did not know he had a problem until he received his \$400 bill.

Councilman Culotta said this is a unique situation and the only house in Milford with a line underneath the railroad track and they keep running over it and it breaks. When asked if he would be out of water as a result, Councilman Morrow said apparently, he was not out of water and still had water.

Councilman Morrow then seconded the motion made by Councilmember Culotta.

A discussion followed regarding parliamentary procedure and it was determined that a vote is needed on the motion on the floor.

Councilman Morrow said we need to be fair to all our customers. Councilmember Peel pointed out that to Councilmember's Wilson view, Council had previously decided that Council should not be a body that is deciding if a customer should receive a break. Councilman Morrow argued that Mr. Whitfield had already said he does not have any authority. He said if it has happened in the past, they would have brought it to Council.

Councilman Brooks again asked what is a smart meter adding that we paid big bucks for them and they are supposed to tell us when there is a problem in water and electric with water and electric.

Interim City Manager Whitfield explained the smart meter pings and the water meter has to talk to an electric meter. Whenever it decides to ping or if information is requested, it will ping the meter. There are so many pings a day that come thru.

Mr. Whitfield referenced the printout in the packet which provided a summary of the pings.

He further explained that the issue with leakage is when you run an exceptions reports, you do not get only two or three accounts, you get a list of several hundred. The employee then needs to go thru and evaluate each account which takes a great deal of time to find two or three houses that actually may qualify for a leak.

Once the customer portal is put in place, each customer will have the ability to watch their meter and it becomes their responsibility at their time. The only reason it reflects back on the City is they do not have the portal access, though our employees have access to the portal, but for all customers.

Councilmember Culotta feels the code should be written so the reports are able to alert homeowners they have an anomaly in that customer's water use they do not normally see.

When asked if that should be the City's responsibility for every customer, Councilmember Culotta reported that smart meters have a functionality and we expect that technology. Councilmember Peel said her understand was that the consumer could monitor the usage. Councilmember Culotta said they can do that too.

Councilmember Boyle asked if the smart meter program does not send a message to the consumer's email address; Mr. Whitfield said he is unsure of that answer and is willing to do some research. He hopes the customer is able to sign up for something whereby their water usage is over a certain amount, they would receive some type of email or text alert, though he cannot say they have that functionality.

Councilmember James pointed out the code states 'The City shall not be liable for any damage resulting from leaks or broken pipes or from any other cause occurring to or within any house or building, and it is expressly stipulated by and between the City and the customer that no claims shall be made against the City on account of the bursting or breaking of any main or service pipe or any attachment to said waterworks'.

He noted that it also states 'All water passing through a meter shall be charged for at the regular rate, and no allowance will be made for excessive consumption due to leaks or waste'.

Though Councilmember James is saying he should be charged or not, this is what the Water Code says and Council needs to make a decision on those facts.

Councilmember Culotta said that is fine if the meter is on the house, but in this case, this line was designed with the meter on one side of the railroad tracks and the house on the other. It was just a matter of time before the vibration caused a leak or fail. Because of the unique situation and what has been done in the past as a precedence, he recommends Mr. Passwaters' account be credited, minus an average monthly water usage, which can be calculated from past years usage.

Councilmember Marabello confirmed that what was read is the legal language and added that any customer with a leak in their lines could come back and request the same thing, if we set this precedence and consistency is needed. Councilmember Culotta reiterated that twice we have credited accounts, once to ourselves and to a nonprofit that caused the problem.

Councilman Brooks again asked what we have smart meters for.

It was confirmed the meter is one side of the railroad track, near the highway, and the house is on the other side, probably fifty feet away.

Mr. Whitfield clarified that everyone's meter is within the City right-of-way and usually in the sidewalk. The length of the service line depends on the location of the home. For example, there may be service lines in Lakelawn or Meadows at Shawnee that are fairly long if the home is set back on the lot. In this particular case, it is extremely long because for whatever reason, it is below the railroad track. However, all meters are set within the City's right-of-way.

Councilmember Brooks said when they sold smart meters for water and electric, they said it would take care of any problems that pop up and someone uses more electricity than normal, or water than normal and the customer would be told quickly. This was not quickly and the smart meters did not do their job. If they had, Mr. Passwaters would not have a big bill.

Mr. Whitfield said it did do their job, but the problem is the hundreds of meters that are flagged on the report.

Councilmember Culotta said the City needs a separate analysis of when the report pops up, then each customer needs to be notified, adding it is not hard to send 1,000 emails at one time.

A roll call vote of Council resulted in the following 4-4 vote:

Marabello-yes to go along with the waiving. It is an unusual amount and if it were \$100, but this is over \$400 difference.

Boyle-no and agrees with Councilwoman Wilson

Peel-no for the same reason essentially of how many people have not come and asked for a waiver because they did not feel compelled to speak to their Councilmember.

Culotta-yes, he reviewed it and set a precedence with Little League and the Cemetery and as much as he likes everyone on this Council, he hopes the public understands this is an elected board and which ones are looking out for customers and who is not.

Brooks-yes, and goes back to electric and water smart meters and they sold it to Council was that they would catch a problem anytime and it did not catch this and it is the City's responsibility to say yes.

Morrow-yes and there are a couple unusual circumstances in this case and where the meter was and the system not being implemented by the City to notified our customers and the biggest thing is that we already set a precedence when we allowed the other waivers. We are elected to represent the citizens and this is a customer that comes up with a water bill that is sixteen times more than normal and it is the right thing to do.

James-no, the onus could be partially on the City, but the code says the City is not responsible. If there was a compromise, that would have been a good approach, but that is not the motion on the floor. To cover the entire bill is setting a precedence for every customer in the City of Milford and he does not think the City should be put in that situation unless the code is change.

Wilson-no based on why we have code. We have to try our best to run our City based on the rules and regulations that are before Council. I, too, would have supported reducing the bill and allowing the City to take care of half of the bill. It makes life so much easier if we manage everything based on the code as much as we can.

Mayor Campbell then cast the tie-breaking dissenting vote, adding he would also support splitting the vote. Motion failed.

Councilmember Wilson then moved that we work with the customer and that the City pays half of the bill of \$400, seconded by Councilmember James. Motion carried by the following unanimous roll vote:

Marabello-yes.

Boyle-yes.

Peel-yes

Culotta-yes, but Council just said they are going with what the code says and this is not what the code says. Now the rules are being changed because the City is meeting him in the middle.

Brooks-yes but agrees with Councilman Culotta.

Morrow-yes but the next time Little League or Carlisle Fire Company or someone else comes in with a bigger water bill, this needs to be considered and is not right.

James-yes, it is a fair compromise.

Wilson-yes.

Authorization/Contract/Electric Engineering Services/Progressive Engineering Consultants Inc.

Electric Superintendent Will Gallagher was in attendance to request that Council consider a recommendation to execute the included contract for miscellaneous engineering services provided by Progressive Engineering Consultants. The contract outlines rates for calendar year 2020. Rates remain the same as 2019.

Progressive Engineering Consultants have been working with the City of Milford for over 15 years. They are intimately familiar with the City's electric distribution and substation systems. Because of their past performance, and in-depth knowledge of the City's infrastructure, staff recommends executing the contract for engineering services.

The execution of this contract will provide Public Works – Electric Division a resource in designing and maintaining electric infrastructure in the City of Milford.

Councilman Morrow confirmed it is included in budget, adding it is included in the Consulting Services line item.

Councilmember Peel moved to authorize the Progressive Engineering Consultants' 2020 Contract for Miscellaneous Engineering Services, seconded by Councilmember Wilson. Motion carried.

Authorization/Electric Division/Equipment Purchase

Electric Superintendent Gallagher then asked Council's consideration to replace the existing 2003 International Bucket Truck (Material Handler) with a 2021 International MV607 SBA truck with a Terex Material Handler body with insulated over-center aerial device. The existing unit is 17 years old and has been used beyond its life expectancy. The replacement of this unit was identified in the 2020 Capital Improvement Plan.

The purchase of this truck will be made through the Sourcewell Contract. Specifications for the truck are included in the Council packet. The Electric Division budgeted \$275,000.00 for the purchase of this unit; the Sourcewell final cost is \$235,632.00.

Councilmember Peel moved to authorize the purchase in the amount of \$235,632.00 to Terex Utilities, in accordance with Sourcewell Contract #012418-TER, to be funded from Electric Reserves, seconded by Councilmember Wilson. Motion carried.

Authorization/Loan of Funds/Water Reserves to Solid Waste Operating

Interim City Manager Whitfield recalled that at the December 9, 2019 Council meeting, Dawn Lund from Utility Financial Solutions (USF) briefed Council on the results of the Cost of Service Study for Water, Sewer, and Solid Waste. Based on the study, recommendations for rate adjustments over the next five years, have been prepared for Council's consideration.

Initially DEMEC informed the City there would be a slight rate adjustment, which could be passed onto electric customers in the form of a power cost adjustment.

Due to the inadequate fund balances in the solid waste fund, UFS recommends funds be borrowed and repaid and over a seven-year period to order to adequately fund the needed capital purchases, as well as maintaining an adequate operating balance.

As noted in the study, the rates proposed do not consider an annual Payment In Lieu of Taxes (PILOT) to the General Fund. Additionally, the present and future reserve funds in each utility is necessary for future capital improvement projects for that utility. It is important to note that any utility reserve funds used for other projects outside the utility, would need to be paid back to the utility in order to adequately fund future projects.

Staff recommends the initial rate adjustment be effective on March 1, 2020. This will provide adequate time to notify customers of the impending rate changes through an insert in the February 2020 utility bills. All other future rate adjustments will be effective on January 1st of the succeeding years.

The increase, in all rates combined, including the negative PCA for electric, will result in less than a \$3 monthly increase overall to customers in their City utility bills.

Based on the Cost of Service study for Solid Waste, UFS recommends \$500,000 be borrowed to adequately fund the Solid Waste Operating Fund, to also be used for the purchase of a replacement refuse truck. In lieu of borrowing funds through commercial lending, staff recommends the funds be borrowed from the Water Reserve Account, to be paid back over the next seven years at no interest.

Staff recommends Council authorize the transfer of \$500,000 from Water Reserves to Solid Waste Operating. Funds to be paid back over the next seven years at no interest.

Based on Councilman Brooks recollection, Council approved the purchase of another trash truck a couple months ago and he asked Mr. Whitfield why he needed on. Mr. Whitfield told him the sidewinders can't be replaced so one was ordered. Mr. Whitfield does not call that conversation, adding that no refuse truck has been purchased this fiscal year.

Councilman James recalled discussing it during the budget hearings.

It was confirmed it was not in the budget. Councilman James explained that the recommendation is the funds be borrowed from the water reserve account at zero interest at seven years.

Councilman Boyle moved to authorize the transfer of \$500,000 from Water Reserves to Solid Waste Operating, to be paid back over the next seven years at no interest, seconded by Councilmember James. Motion carried.

Authorization/Electric Power Cost Adjustment

The Delaware Municipal Electric Corporation (DEMEC) purchases electricity for the City, and passes on those charges. Effective January 1, 2020, the purchase price of electricity was set at \$0.06879/kwh. In 2019, the purchase price was \$0.06942/kwh. This will result in a decrease of \$0.00063/kwh that can be passed onto City customers.

When asked the impact, Interim City Manager Whitfield said this will only result in about a 43-cent decrease per customer. However, bigger customers such as Seawatch and Perdue will see a much greater return and will much appreciate it.

Councilmember Peel moved to authorize an additional -\$0.00063/kwh power cost adjustment for City electric customers effective March 1, 2020, seconded by Councilmember James. Motion carried.

Adoption/Resolution 2020-04/Solid Waste Rates for 5 Years

Adoption/Resolution 2020-05/Wastewater Rates for 5 Years

Adoption/Resolution 2020-06/Solid Waste Rates for 5 Years

Based on the Cost of Service study for Water, UFS recognizes the need to increase Water Rates by 3.9% annually over the next five years. Staff recommends the first-year rate be set for March 1, 2020, with remaining years set to be effective on January 1st.

Staff recommends Council adopt Resolution 2020-05 setting water usage rates for the years 2020, 2021, 2022, 2023, and 2024.

Councilmember James recalled that because the rates have not been increased since March 2012, this needed increase will result in a 75-78 cents increase per month.

Councilmember Morrow prefers it be discussed at the committee level. He recalled the presentation made by UFS at the last meeting and now four other utility increases have been recommended though he is not against them. He thinks more input from Council is needed before we can rely on the consultant who did the study.

Councilmember James, said as Chairman of the Finance Committee, because of the very detailed and in-depth presentation and discussion with the Cost of Service Study Specialist, in addition to very comprehensive conversation that involved detailed backup information, Council did question her and she was always able to provide more than adequate responses. He recalled inquiries were made about operating income, cost of replacement, inflation and several other matters.

Councilman James that Council vetted her study and the results thoroughly and he was satisfied with the recommendation.

Councilman Morrow said that maybe Councilmember James had a conversation with her, but he did not, nor did the committee. Councilman James recalled the hour plus presentation during which she provided an extremely detailed report, in addition to a very complete PowerPoint, was included in the packet to be reviewed in advance.

Councilmember Culotta argued Council also discussed things like the PILOT program, where Council does not agree on the increase over five years, but can add to the PILOT to take money for other projects like the new police station.

Councilmember James recalled that every dollar the City uses as a PILOT, is a dollar for dollar rate increase that would need to be added. Councilmember Culotta agreed but at least it can be discussed at the committee level before Council votes on, as Councilmember Morrow pointed out. He said the Council only had a presentation and now Council is being asked to make a decision.

Councilmember James disagreed and recalled a very thorough discussion that was held. Councilmember Culotta and Councilmember Morrow agreed that Council never made any decision. Councilmember Culotta agreed she did a great job and it was very informative and it gave Council everything they need to know.

Councilmember Morrow is concerned about raising rates for water, sewer and electric, that Council should discuss it more. That's all he is saying. Councilmember James disagrees and again recalled the very thorough discussion.

Councilmember Culotta said though we are raising our customer's rates on a very small scale, on the grand scheme of things, he asked if the public can comment. He thinks it needs to be discussed at committee level. Councilmember Morrow pointed out that Councilmember Culotta has the floor.

Mayor Campbell asked if there were any public comments. Councilmember Culotta said there are no asterisk on the agenda so no one can speak. Councilmember Wilson recalled that the public is permitted on all resolutions. Councilman Morrow reiterated there is no public comment period here and added that our customers do not have an opportunity to talk about it.

Councilman Brooks said the public did not know there was any discussion. Councilmember Morrow said the public has not been given the chance to talk about it and its not on the agenda. It was reiterated that the public can comment on any resolution as was previously approved by City Council. Councilman Morrow said they cannot because its not on the agenda and they don't have a chance to talk about it.

The City Clerk explained that the agenda will be changed to allow public comment before the Council meetings which is why there is no 'P' on the agenda. Councilman Morrow argued it has to be on the paper. He then asked if our customers know that and the rules have to be communicated so customers can comment on the increase in rates. He said it was talked about December 6th and its only January 13th and Council is being asked to approve it.

Mayor Campbell said that the consultant did an excellent presentation and unsure what more information could be offered. Councilman Culotta said that is not what they are debating.

When asked if the Councilman Morrow and Culotta want to bring her back for another presentation, because no one else can answer questions because she is the expert. Councilmember Culotta said it can be discussed among themselves. Councilman James again said that the entire Council knew that is why she was here and she asked several times if there were more questions.

Councilman Morrow said one thing that needs to be discussed is the level of the reserves that she used in her presentation. Though she may have gotten some information from the books on that, but are the amounts she said were targeted reserve levels, Council needs to talk about them. He asked if they are budgeted or unbudgeted or just something she used.

Mayor Campbell recalled talking about 4.5% to 6% based on the concern about the lack of increases and what is needed to keep in future reserves based on utility expenditures and she recommended 4%.

Councilman James recalled that she was here at the podium, she walked Council thru how she calculated this, which was based on the number of days of cash that were needed as a minimum. He said the presentation is probably still on line for viewing and it was available to Council prior to the presentation. She then went through the entire presentation and the purpose was for Council to any questions.

He said if Councilman Morrow and Culotta want the presentation, he will not vote to support that. But if that is what they want, they can request it.

Councilman Culotta agrees her presentation was spot on and very informative and very thorough, but Council has never discussed what should be considered in the way of an increase. Councilmember James disagreed stating it was discussed when the consultant was here. Councilmember Culotta said Council never agreed or commit that maybe 5% would be better for Milford or not.

When asked why the 4% was recommended, versus another percentage, Councilmember James said she went through the entire presentation.

Councilman James pointed out her remarks are in the minutes and Council's questions are included, that were approved tonight. Councilmember Culotta said Council minutes that no one can see until two months after the meeting.

Councilman Culotta said so they were approved tonight, but now we are going to increase our customer's rates and tell them how we are going to do it. He suggests they may want to have some say in this decision.

Councilmember James pointed out that is how that is how Mr. Whitfield started with, when he announced how much and there was an opportunity.

Councilmember Peel confirmed that there is an opportunity for the public to speak on the resolution that is before Council; Mr. Everett stated yes.

Councilmember Morrow is concerned about the increase and because there is no 'P' on the agenda and no one knew it and that is the reason no one is here. If we are going to raise all our customer's water, electric and sewer rates, we would need to have this meeting at the Carlisle Fire Company.

Councilmember James said that may or may not be true. There have been other items that have needed an increase and Council thought the room would have been packed, but it was not. Councilman Morrow said this should have been advertised as a public hearing.

Mayor Campbell asked if Council wants to postpone this matter and have the consultant return from Michigan.

Mr. Everett explained that it would be appropriate for Council to make a motion, one way or another, then vote on the motion or discussion the motion on the floor.

Councilmember Brooks said there is no need for her to come back and feels that someone in this City should be able to explain it. Councilmember Morrow wants it discussed at a workshop.

Councilmember Morrow moved to discuss the rate increases at the next workshop and then put it on the following meeting's agenda, seconded by Councilmember Culotta. Motion carried by a unanimous roll call vote. Councilmember Peel added that she likes the idea of the public being able to comment. Councilmember Culotta agrees to have the workshop and it may be a touchy subject for most people but that is the reason City Council is here, good or bad.

Councilmember Brooks said it will give the residents a chance to come here if they want so they understand why the increase is needed. Councilmember James votes yes even though he believes the topic has been thoroughly discussed but he would never vote against providing the public an opportunity to speak or listen to the related conversation. Councilmember Marabello, Boyle, Morrow and Wilson voted yes.

It was agreed it would be on the February workshop and following meeting.

Councilmember Peel asked who will be presenting this to the public; Councilmember Wilson agreed the City is going to have to pay to have the consultant to return.

Council then debated about how many questions were asked. Councilman James said there were a number of questions asked, but even after she left, Council had the information and if anyone had additional questions, they can have been sent to her by our Interim City Manager or someone in the Finance Department. He disagrees with tonight's agenda or that the public is not being allowed to comment tonight. If additional time is needed because some Councilmembers have questions, and want more public input, that is fine. However, in his opinion there was nothing wrong with the process.

Councilmember Brooks said this is the first meeting since December. Councilmember Morrow said that was nine o'clock at night.

Councilmember Culotta said the only way this was communicated was through Milford Live and that article did not say when it would be voted on at the next Council meeting. He feels that as an elected body, there is a need to be overcommunicating. Councilman Brooks said we need to tell the public what is going on. Councilmember James agreed there is a need to communicate on every topic. If Council feels the Council is not getting adequate information or notice of the agenda, then there is a need to talk about how the public is informed and how the agenda is being presented because nothing has changed and there has not been a problem in the past.

Councilman Brooks said we used to have the Chronicle come out every week. Now it's only once a month.

Councilman Morrow said we get the agenda on Friday and then tonight it's been changed.

Adoption/Resolution 2020-01/Authorization/City Check Signor & Designee

Mayor Campbell noted that this resolution will now allow the Acting City Manager to sign checks in the absence of the any official authorized by Council.

Councilmember Morrow said currently the Mayor and him as the Vice Mayor are permitted to sign checks. This will add Councilman James as Chairman of the Finance Committee.

Councilmember Brooks asked why all checks are no longer signed, because Council years ago voted to have all checks signed and it has never been changed by a vote to not have checks signed.

Councilmember Wilson recalled that when she was Vice Mayor, there was a change in the electronic signing process and the amount actually increased.

Councilman Brooks said when he was Vice Mayor for seventeen years, he, the Finance Chairman and Dick Carmean signed every check whether it was a dollar or a quarter. Councilmember Wilson recalled it has been changed.

It was noted there have been several related resolutions have been passed relating to facsimile signatures. Councilman Morrow agreed. Councilman Brooks does not remember that noting that he still has his rubber stamp at home.

The Finance Department is asking for the resolution which is required by the bank. Councilman Brooks said the Council runs this City not the employees.

Councilmember Peel moved to adopt Resolution 2020-01, seconded by Councilmember Wilson:

RESOLUTION 2020-01
AUTHORIZING SIGNATURES, INCLUDING FACSIMILE SIGNATURES,
FOR CITY OF MILFORD CHECKS

WHEREAS, The City of Milford Charter states that the Mayor or his/her designee shall countersign all orders, checks and warrants authorized by Council; and

WHEREAS, The City of Milford Charter further states that the Finance Director shall pay out monies upon check signed by two members of either Mayor or City Council or their designee; and

WHEREAS, A resolution is required to designate certain positions be authorized to sign checks on behalf of the City of Milford accounts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE, AS FOLLOWS:

- Section 1. Checks issued for less than the amount of \$10,000 qualify for facsimile signatures.
- Section 2. Checks issued in the amount of \$10,000 or more, require the live signature of two sanctioned officials.
- Section 3. The live signatures shall be those persons in the positions of the Mayor, Vice Mayor, and/or the Chairman of the Finance Committee.
- Section 4. In the absence of any official(s) listed in Section 3, the City Manager shall be granted the authority to countersign checks.
- Section 5. Such authority shall remain in force until revoked by a future Resolution adopted by City Council.
- Section 6. Any prior authorizations not consistent with the positions, as stated in this Resolution, are hereby rescinded.

BE IT FURTHER RESOLVED, that a copy of this resolution be kept on file at the City of Milford Finance Department.

Motion carried with no one opposed.

Adoption/Resolution 2020-02/Milford Ponds/Acceptance of Public Improvements

City Engineer James Puddicombe reviewed the following resolution, noting it is his recommendation to accept the Water System, Sewer System and Easements in Milford Ponds Subdivision Phases 1.1, 1.2 and 1.3. He noted it does not include the roadways or sidewalks, because they have not yet been completed.

Councilman Boyle moved to adopt Resolution 2020-02, as presented, Accepting the Water and Sewer System and Easements of the Phases so noted, seconded by Councilmember Culotta:

RESOLUTION 2020-02
Acceptance of Milford Ponds Subdivision, Phases 1.1, 1.2, 1.3
Water System, Sewer System and Easements

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 Public Works Director and City Engineer have determined the water distribution system, sewer system, and easements included in a portion of Phase 1 of Milford Ponds Subdivision have been completed in accordance to City standards and requirements; and

WHEREAS, the portion of Phase 1 to be accepted includes the utilities within the right-of-way and public utilities within associated open spaces adjacent to, but within the phases, as depicted on the phasing plan sealed, dated April 8, 2019 and recorded with the Sussex County Recorder of Deeds on Book 0271, Page 9. The phases to be accepted are phases 1.1, 1.2, and 1.3 which encompass lots 314 through 322; 355 through 366; 473 through 480, and 511 through 530; and

WHEREAS, the utilities within the following rights-of-way are to be included: West Heirloom Way from Route 13 heading east to the intersection with Clubhouse Drive up to the eastern most property line for lot 366; from the intersection of West Heirloom Way and Clubhouse Drive along Clubhouse Drive heading south including the intersection with Patchwork Drive; beginning at the intersection of Patchwork Drive and Clubhouse Drive heading east until the eastern most property line of lot 511 to include Attic Window Court; Pinwheel Drive from the intersection of Pinwheel Drive and Patchwork Drive heading north including the intersection with Flying Geese Drive; that portion of Flying Geese Drive between Pinwheel Drive and Clubhouse Drive; off-site water main from Route 13 to the tie-in point at intersection of West Heirloom Way and Clubhouse Drive as depicted on Sheet U-9; and off-site gravity sewer main from Route 13 to the terminus points behind lots fronting Route 13; and

WHEREAS, this Resolution does not include acceptance of the sidewalks or public streets within these phases; and

WHEREAS, approval to operate those utilities has been obtained from the applicable State agencies; and

WHEREAS, Milford Ponds LLC has provided the City of Milford with a maintenance bond for 10% of the value of public improvements and public utilities warranting said improvements for one year from the date of acceptance; and

WHEREAS, said developer has provided as-built drawings of the utilities to the City of Milford.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Milford, during a lawful session duly assembled on the 13th day of January, 2020, by a favorable majority vote, accepts the water distribution system, sewer system, and easements in the Milford Ponds Subdivision, Phases 1.1, 1.2 and 1.3, that are being dedicated for public use into the City of Milford's public utility system.

BE IT FURTHER RESOLVED, that the City of Milford shall assume responsibility for the future maintenance and repair of the water distribution system, sewer system, and easements in Milford Ponds Subdivision, Phases 1.1, 1.2, and 1.3 as noted in this Resolution.

Motion carried.

Adoption/Resolution 2020-03/City Holiday Add On

Interim City Manager Whitfield explained that Chapter 55, Personnel Code of the City, was adopted on April 9, 2018. In the Chapter, Section 7.3 states: The City will grant holiday time off to all employees on all legal holidays officially adopted and approved by the Milford City Council each calendar year.

The change in language was necessitated since it became a practice to grant all non-union employees the same holidays as listed in the various collective bargaining agreements, which were different than those adopted by the State of Delaware. The City Clerk simply listed the holidays each year in October, and posted. The ordinance language change adopted 04/19/18, as well as the collective bargaining agreements, necessitates Council approve holidays each year.

The current Teamster Agreement (2018-2021) states the following:

11.1 Holidays The following days and such other days as City Council may designate are holidays with pay for all officers covered under this Agreement.

New Year's Day
Martin Luther King's Birthday
President's Day

- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- National Election Day
- Return Day (four hours)
- Veterans Day
- Thanksgiving Day and Friday Following
- Christmas Eve
- Christmas Day

The current IBEW Agreement (2017-2020) states the following:

ARTICLE XII Holidays. The City will grant holiday time off to all employees on all legal holidays officially adopted and approved by the City of Milford Council each calendar year.

Pursuant to conformance with Chapter 55, the Teamster Agreement, and the IBEW Agreement, the attached Resolution has been prepared for Council’s consideration.

The Holidays outlined in the Resolution are the same as those posted by the City Clerk in October of 2019, with the exception of December 31, 2019 and December 31, 2020, New Year’s Eve. These dates have been added for Council’s consideration.

Prior to 2012, it was a tradition for the Mayor to authorize a ½ day holiday on New Year’s Eve. Mayor Campbell has expressed interest in continuing the tradition, however, by Code and contracts, only City Council can approve holidays. Mayor Campbell did authorize a ½ day holiday on December 31, 2019, therefore Council’s authorization for that day is requested as a retroactive approval. Council’s consideration on continuing the tradition into 2020 is also requested.

Council may also consider changing the Code as follows:

1. Listing all holidays within the Code to eliminate annual authorization, or;
2. Specifying in the Code that Holidays listed in the Teamsters Agreement shall also be the annual Holidays for the City, thereby eliminating the need for the annual authorization, and/or;
3. Authorizing the Mayor to designate “special” holidays.

Recommendation: Staff recommends Council authorize the attached Resolution designating holidays from December 31, 2019 through January 1, 2021.

Councilman Brooks said the police officers get double time and a half when they work. When they don’t work, they still get eight hours added. Councilman Morrow was concerned about that long-term effect.

Councilmember Peel moved to adopt Resolution 2020-03, seconded by Councilman Boyle:

**RESOLUTION 2020-03
PROPOSES NEW YEARS EVE AS A CITY HOLIDAY**

WHEREAS, Chapter 55 of the City of Milford Code governs personnel policies for all City of Milford employees; and

WHEREAS, the Code is intended to inform employees with important information about the City’s rules, policies, practices, and procedures, as well as educate them on their own privileges and responsibilities; and

WHEREAS, Chapter 55 has been modified and supplemented on many occasions since its enactment, and on April 9, 2018, following a review of notable amendments, it was recommended that City Council rescind Chapter 55, in its entirety, and replace with a new Chapter 55; and

WHEREAS, Section 7.3 of the City Code, entitled Holidays, states the City will grant holiday time off to all employees on all legal holidays, officially adopted and approved by the Milford City Council each calendar year; and

WHEREAS, not included in the presentation, the revision that City Council begin to adopt legal holidays on an annual basis in 2018, never reached fruition; and

WHEREAS, in conjunction with other designated Holidays, past practices permitted the Mayor to close City offices on partial days as a sign of gratitude of City employees and their work throughout the year, as is done on County and State Government levels; and

WHEREAS, all City offices shall be closed during designated City holidays; and;

WHEREAS, City employees shall be granted Holiday pay in accordance with Chapter 55, or their respective collective bargaining agreements.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Milford, during a lawful session duly assembled on the 13th day of January, 2020, by a favorable majority vote, authorizes the following holidays be observed from December 31, 2019 – January 1, 2021:

<i>Holiday</i>			<i>Holiday</i>	
New Year’s Eve (Four Hours)	12/31/2019		Return Day	11/05/2020
New Year Day 2020	01/01/2020		Veterans Day	11/11/2020
MLK Jr. Birthday	01/20/2020		Thanksgiving	11/26/2020
Presidents Day	02/17/2020		Day After Thanksgiving	11/27/2020
Good Friday	04/10/2020		Christmas Eve	12/24/2020
Memorial Day	05/25/2020		Christmas	12/25/2020
Independence Day	07/03/2020		New Year’s Eve (Four Hours)	12/31/2020
Labor Day	09/07/2020		New Year Day 2021	01/01/2021
Election Day	11/03/2020			

Motion carried.

Appointment/City Manager Search Committee

Mayor Campbell announced the five persons he is recommending be appointed to the City Manager Search Committee:

He explained the candidates will be screened and brought to City Council.

When asked for comments, Councilman Culotta said everyone should be on the committee. The was nothing would be accomplished and take a much longer time than needed.

Councilmember Wilson moved to authorize the following persons be assigned to the City Manager Search Committee, seconded by Councilmember Morrow:

- Mayor Campbell
- Councilman Boyle
- Councilman Morrow
- Councilman James
- City Clerk Hudson

Interim City Manager Contract

Mayor Campbell announced this has been postponed because it is still being reviewed by City Solicitor Rutt.

EXECUTIVE SESSION

Councilmember Wilson moved to go into Executive Session reference the below statutes, seconded by Councilmember Culotta:

Pursuant to 29 Del. C. §10004(b)(3) Activities of any law-enforcement agency in its efforts to collect information leading to criminal apprehension;

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, but only when an open meeting would have an adverse effect on the bargaining or litigation position of the public body

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:50 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

Return to Open Session

Councilmember Wilson moved to go back into open session, seconded by Councilmember Boyle. Motion carried. Council returned to Open Session at 9:25 p.m.

Potential Vote/Law Enforcement Activities and/or Potential Litigation

Mayor Campbell announced that no action was needed as a result of the Executive Session discussion.

ADJOURNMENT

There being no further business, Councilmember Wilson moved to adjourn the Council Meeting, seconded by Councilmember Boyle. Motion carried.

The Council Meeting adjourned at 9:26 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder