



*Town of Milton*

115 Federal Street, Milton, Delaware 19968

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**RESOLUTION 2023-004**

**RESOLUTION TO REQUEST AN AMENDMENT OF THE CHARTER OF THE TOWN OF MILTON RELATING TO ANNEXATION, CONTRACTS, AND ENUMERATION OF POWERS RELATED TO TAXES**

**WHEREAS**, the Mayor and Town Council wishes to amend the Charter of The Town of Milton to authorize the Mayor and the Town Council to annex parcels less than two (2) acres without an extended review, to adhere to a Procurement Policy as adopted by the Mayor and Town Council rather than as amended by the legislature, and to accomplish a change from a specific dollar value limitation on the Town's funds levied and collected from real property taxes to a percentage limitation of assessed values; and

**WHEREAS**, to accomplish the above, amendments to Sections 3, 14, and 29 of the Charter are hereby proposed; and

**WHEREAS**, on the 6<sup>th</sup> day of March, 2023, the Mayor and Town Council passed Resolution 2023-004, a resolution requesting an amendment of the Charter of the Town of Milton relating to annexation and contracts; and

**WHEREAS**, the amendments requested by Resolution 2023-004 have not yet been introduced as a Bill to the General Assembly;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Town Council of the Town of Milton that proposed amendments to Sections 3, 14, and 29 of the Charter of the Town of Milton be requested for passage by the Delaware State Legislature, with additions shown by underline and deletions shown by strike through as follows:

Amendment 1:

Section 3

If it becomes feasible, or necessary in the future, for The Town of Milton to enlarge its then existing limits and territory, except for annexations accomplished under Section 3A of this Charter, annexations accomplished under the following procedures are lawful:

(o): All territories proposed to be annexed, including those territories as defined by Title 22 of the Delaware Code as exempt from taxation, or which are not assessed on the books on the Board of

Assessment of Sussex County, are required to follow all the processes and procedures required for annexations to the Town of Milton. The Mayor and Town Council and the Milton Planning and Zoning Commission must proceed in the same manner as required of any annexation petition with the exception of those parcels two (2) acres or less. Parcels two (2) acres or less must comply with Section 3A of this chapter.

### **Section 3A. Annexation of Territory Two (2) Acres or Less**

The Mayor and Town Council shall have the authority to annex any territory containing two (2) acres or less contiguous to the Town by complying with the procedure set forth in this Section in addition to the requirements for annexation in Title 22 of the Delaware Code.

(a) Any property owner(s) holding record fee title to real property in territory two (2) acres or less contiguous to the then existing corporate limits of the Town may petition the Mayor and Town Council to annex that certain territory in which they own property. Such petition shall be in writing, duly executed and acknowledged by each petitioner; shall describe with reasonable certainty the territory proposed for annexation; indicate the property owned by each petitioner therein; and state the reasons for the requested annexation. The Mayor and Town Council may, ninety (90) days following the filing of such petition in the Town Office, vote to accept such petition and proceed as hereinafter provided, or to reject such petition. A petition not so accepted within said ninety (90) days shall be null and void. The description for the territory proposed for annexation shall include any street, road or way previously conveyed, transferred or delivered to the Public or to the State, County, or other Local Governmental authority having jurisdiction over the subject matter thereof for the public use as a road or as a public right-of-way corridor that is contiguous with or adjacent to the territory proposed for annexation and all streams, rivers, canals, or other waterways to the centerline thereof that are contiguous with or adjacent to the territory proposed for annexation; provided, however, that any such territory that is included in the limits or boundary of an adjacent municipality shall not be annexed into the limits and the bounds of the Town of Milton.

(b) The Mayor and Town Council shall introduce an ordinance proposing the annexation of such territory of two (2) acres or less contiguous to the Town. Such ordinance shall describe, with reasonable certainty, the territory proposed to be annexed, state the reasons for the proposed annexation, shall rezone the area being annexed to a zoning classification consistent with the adopted comprehensive plan, and shall contain such other provisions as shall be required by law.

(c) If the proposed ordinance shall fail to receive the affirmative vote of a majority of all members elected to the Town Council, the territory proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date that the ordinance failed to receive the required affirmative vote.

(d) If the ordinance shall be adopted, annexation as provided therein shall become effective immediately after the certification of the Town Council's vote. Upon the adoption of the Ordinance of Annexation, a copy thereof, signed by the Mayor and certified by the Secretary of the Town Council, together with a plot of the area annexed, shall forthwith be filed for recording in the Office of the Recorder of Deeds in and for Sussex County, Delaware, but in no event shall said recordation be completed more than ninety (90) days following the date of adoption. The

failure to record the description or the plot within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the adoption of the Ordinance of Annexation.

Amendment 2:

Section 14(b): All contracts for the purchase of materials or for the furnishing of services authorized or permitted by this Charter shall be accomplished by competitive bidding and the contract awarded to the lowest responsible bidder who submits a responsive bid; provided however, that competitive bidding shall not be required, but may be used, in any of the following circumstances accordance with the Town of Milton Procurement Policy which has been established and may be amended by the Mayor and Town Council in order to provide detailed procedures for implementing the requirements of this Section 14(b):

~~(1) The aggregate amount involved is not more than Ten Thousand Dollars (\$10,000), unless competitive bid is otherwise required by the terms of a grant or subsidy or for any other reason.  
{Amended 7-17-2019 by 82 Del. Laws c. 106}~~

~~(2) The purchase is for materials or services other than professional services greater than Ten Thousand Dollars (\$10,000) to Twenty Five Thousand Dollars (\$25,000.00); which then may be accomplished by soliciting letter quotations from not fewer than three (3) qualified responsible sources or providers.  
{Amended 7-17-2019 by 82 Del. Laws c. 106}~~

~~(3) The purchase or contract is for any service to be rendered by the State of Delaware or any political subdivision.~~

~~(4) The purchase or contract is for property or services for which it is impracticable to obtain competition.~~

~~(5) The public exigency, as determined by the Mayor and Town Council, will not permit the delay incident to advertising.~~

~~(6) A public emergency, as determined by the Mayor and Town Council, exists.~~

~~(7) The purchase or contract is for personal or professional services. For purposes of this section personal or professional services shall include legal, accounting, engineering, planning or other professional services and personal services shall mean cleaning, domestic or other temporary services.~~

If, at the completion of a competitive bidding process for the purchase or contracting of property or services, the Mayor and Town Council determines that the prices received after competitive bidding are unreasonable as to all or part of the requirement or not independently reached in open competition, the Mayor and Town Council shall announce this finding at its next Town Council meeting, and vote as to whether to open a new bidding process.

~~(8) The purchase or contract is for property or services for which, at the completion of a competitive bidding process, the Mayor and Town Council determines that the prices received after competitive bidding are unreasonable as to all or part of the requirement or not independently reached in open competition.~~

~~(9) The purchase or contract is for materials, motor vehicles, vehicles, equipment of any kind, tools and other personal property which the State of Delaware has purchased or has chosen for purchase pursuant to the procedures provided by 29 Del. C. § 6901 et seq. or the vendor of said personal property~~

~~has a contract with the Federal General Services Administration and as a result has been placed on the G.S.A. Federal Supply Schedule.~~

Amendment 3:

Section 29: Enumeration of Powers

(26) To levy and collect taxes for any and all municipal purposes upon all real estate and improvements located thereon on an annual basis and on a quarterly basis in supplement; provided, however, that the amount to be raised from this source shall not exceed in any one year the sum equal to one half of one percent (0.5%) of the assessed value of all such taxable real estate and improvements thereon situated within the corporate limits of the Town of Milton ~~One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000)~~; and provided further that there shall be no limitation upon the amount which may be raised from the taxation of real estate for the payment of interest on and principal of any bonded indebtedness whether herein before or hereafter incurred; 80 Del. Laws, c. 186; 80 Del. Laws, c. 350;

**BE IT FURTHER RESOLVED**, that the Mayor or his designee is authorized to forward this original Resolution, or a copy thereof, along with the draft Bill for introduction and whatever documentation may be required for the Town's State Senator and Representative, with a request to introduce said Bill to the General Assembly at the soonest possible time in the current Legislative session.

**BE IT FURTHER RESOLVED** that the Mayor or his designee is authorized to appear at the General Assembly in order to answer any questions regarding the draft Bill and assist in the Bill's consideration.

**I, THE UNDERSIGNED**, Secretary of the Town Council of the Town of Milton, do hereby certify that the above Resolution was passed at the meeting of the Town Council, duly called and convened, held on the 6<sup>th</sup> day in March, 2023, at which a quorum was present and voting throughout and that same is still in full force and effect.

TOWN OF MILTON

BY:   
SECRETARY OF TOWN COUNCIL

DATE: 3/9/2023