

Milton Planning & Zoning Commission Meeting
Milton Library
Tuesday, January 20, 2009
7:00 p.m.

1. Virginia Weeks called the meeting to order at 7:00 p.m.
2. Roll call of Members:

Ted Kanakos	Here
Al Perkins	Here
Ed Kost	Here
Virginia Weeks	Here
Michael Filicko	Here
Louise Frey	Here
Gene Steele	Absent
3. Changes, additions, corrections or deletions to the Agenda

Virginia Weeks: Cannery Village the last 2C and D have been withdrawn. Does anybody else have any additions or corrections to the agenda?

Louise Frey: Do we know why they withdrew, Virginia?

Virginia Weeks: I believe they sent a letter stating that the people who were purchasing 4A want to put that on hold, due to the economic conditions; therefore, they won't be changing things at this time. Are there any other additions or corrections to the agenda? There being none, may I have a motion to approve the agenda.

Ted Kanakos: I make a motion to approve the Agenda.

Louise Frey: Second.

Virginia Weeks: All in favor say "Aye". All opposed. Motion carried.
4. Approval of Minutes from November 18, 2008

Virginia Weeks: Any changes, additions, corrections or deletions to the Minutes of November 18, 2008. There being no corrections, may I have a motion to approve the minutes of November 18th?

Ted Kanakos: I make a motion to approve the Minutes of November 18, 2008, as presented.

Al Perkins: Second.

Virginia Weeks: All in favor say "Aye". All opposed. Motion carried.
5. a. The final site plan approval for 506 Union Street

The Applicants, Paul and Lisa Howard, are requesting final site plan approval for a physician's office located at 506 Union Street. The property is currently zoned R-1 Residential and is further identified by Sussex County Tax Map Parcel 2-35-14.15-16.00. Is the Applicant here?

Charles Adams with Adams Camp Associates in Georgetown, DE representing the Howard's. You have all had plans to review and if you have

any questions on these plans; we do have all permits for the project; Fire Marshall Permit; Sussex Conservation District Permit; DeIDOT permit for the project.

Virginia Weeks: We had our Town Planner review it and she had several suggestions and questions. She says that you have not provided any details on the proposed ramp; and that it is unknown what kind of materials are to be used and/or constructed; and, that we should have that on the record.

Charles Adams: It's shown on the plan as a concrete ramp to handicapped accessible slope.

Virginia Weeks: So it will be made of concrete.

Charles Adams: With a steel railing.

Virginia Weeks: Does anyone have any questions about that?

Ed Kost: Is that a steel ramp or a concrete ramp?

Charles Adams: It's going to be a concrete ramp. It will go from the concrete walk that leaves the entrance that's on the side of the building, actually; wraps around and works its way up to that front entrance porch; which would be the entrance for the waiting room area.

Virginia Weeks: You also have not provided any details on the proposed gazebo and its construction and what it will be made of and how it will look and all that.

Charles Adams: Bob, did you think that we needed plans for the gazebo or could it be a pre-manufactured gazebo possibly? I bought two very nice gazebos in the last two years and they come from Pennsylvania and they're very nice gazebos;

Virginia Weeks: Is that the type of thing you're planning on putting there?

Charles Adams: Yes, that's what it's going to be.

Virginia Weeks: Roof and railings around and octagonal. What the Commission can do according to Ms. Pfiel's suggestion is we could pass this and leave it to be approved contingent upon the approval of the Code Enforcement and Robin Davis, that the gazebo is appropriate. Is that all right with the Commission? Are there any other objections? No objections. Does anybody else have any other questions? Oh, the fence detail; where, exactly, along the border is the fence going to go; how far around?

Charles Adams: Well the fence details that we were asked to provide was for the enclosure for the garbage area, in the back of the building. Would you point out where you are planning to put another fence?

Virginia Weeks: I'm aware of where the dumpster is going to go. Is it going to be 5' or 6' tall?

Charles Adams: Six feet.

Virginia Weeks: Is any additional fencing going around the property?

Charles Adams: No.

Virginia Weeks: Are the Wright's going to do the actual landscaping for you?

Charles Adams: Have the Wright's provided a contract estimate?

Unidentified Speaker: Not yet.

Charles Adams: Not yet. We don't have a written contract with them yet. Do you have a proposal?

Virginia Weeks: We have a plan that was submitted by Wright's.

Unidentified Speaker: Paul may have that. He has a plan and they're supposed to stick to that plan. I think he'll have it.

Virginia Weeks: I just want to make sure that you're aware that any bushes or anything that you put in, after they're planted they have to be at least two feet high and trees, I believe, have to be fourteen feet high according to the zoning ordinance. Does anybody have anything they want to ask about either the landscape plan?

Ted Kanakos: I have a question. I recall, and I'm not really sure, I'll have to be reminded of this; is that when the neighbor who lived to the left of the property was here, there were concerns that cars parking at a right angle to her house/lot would be a problem with lights and stuff like this. I thought there was supposed to be a fence along that side. Is there one here?

Charles Adams: Well there is proposed landscaping area there.

Ted Kanakos: There was supposed to be an actual, physical fence.

Robin Davis: If I may, there was talk about it at the time, but I think that during the discussion the discussion ended up against that fence; because they didn't want the property being closed in totally with a fence. The neighbor wasn't really concerned as long as there was some landscaping there; and, it was not in the motion that a fence had to be put up there. It ended up being decided that there was going to be at least a three foot, at least a three foot green area on three sides and the landscaping would be put in there to kind of soften between the two properties.

Ted Kanakos: And the neighbor, in fact, is aware of this?

Robin Davis: The neighbor was here.

Ted Kanakos: And what mitigated her was the fact that she was going to have this type of visual protection against cars pulling in with their lights facing her house at night or early in the morning, or whenever; especially in the winter. I believe she was satisfied with that and recommended that it would be a good deal to have a doctor there. This is fine. But I think she is expecting a fence; that's my question. We discussed it without her.

Robin Davis: It was discussed at a Planning & Zoning meeting that evening and the Commission made their motion and the conditions and if it was done without a fence, and there was supposed to be a fence there; then it would be up to the Commission to have made sure that they put that as one of the conditions.

Virginia Weeks: It's my understanding that on the landscaping here, it shows some sort of vegetation and I believe it was agreed upon by you that evening, that that would be high enough to block the lights and so on from going into her house; that evergreens of some sort would be placed there, to prevent the lights from going into her house.

Charles Adams: That's correct. I don't believe that there's going to be that many lights if you look at the hours of operation on the right hand side of the plan; the hours of operation are mostly in daylight hours; I mean 99% of the operational time is in daylight hours.

Virginia Weeks: But you're still going to put the tall evergreens to cover the headlights of the cars.

Charles Adams: I understand.

Ted Kanakos: Are you prepared to increase this or put a fence up if there is a complaint by her?

Unidentified Speaker: Put a fence along that south side?

Ted Kanakos: Just that side and it doesn't have to be around the whole property; just along that side.

Unidentified Speaker: We could put a 2-3 foot fence there; I think anything else would look ridiculous.

Ted Kanakos: I think she has part of a fence that's about 6' there also. I'm just concerned about its winter time and its 4:30; it's dark; nobody's leaving until 6:00 and people are coming in; there are a dozen spaces facing her house with lights. I remember that she was quite positive about having a doctor there. She said it wouldn't bother her, but the only thing was the concern about the light. I'm under the impression she's expecting a fence. That's the only reason I'm asking.

Virginia Weeks: I was under the impression that you agreed to put plants in there that were tall evergreens that would do the job. When they go in they have to be tall enough to cover the car's lights. Let's say tall enough to cover the lights on a Honda SUV. How tall is that?

Ted Kanakos: At least 3 or 4 feet. On my Suburban, the lights are this high.

Charles Adams: Three and a half feet?

Virginia Weeks: Okay. Is that a done deal gentlemen; do you agree to that? Are there any other questions?

Ted Kanakos: When you leave here, you won't forget?

Unidentified Speaker: We will not forget.

Virginia Weeks: Are there any other questions?

Louise Frey: Yes. Has the owner's certification been completed and signed?

Robin Davis: Yes, I have copies of that. Yes.

Virginia Weeks: Are there any other questions; concerns; from the Town Engineer? Robin?

Robin Davis: No, I don't have anything. As part of your packet I put in there that the preliminary site plan conditions that were put on this approval on January 15, 2008; there were eight issues and as you can see, they have all been completed or have been put on the plan, as required.

Virginia Weeks: It will become part of the record tonight and binding on these gentlemen for the plantings along the parking lot on the side where the house along Willow Street to protect lights from going into her; as they have agreed to; and that the ramp is now known to be cement with steel railings. The gazebo, is it the pleasure of the Commission to make approval or disapproval contingent upon Robin's approval of the gazebo?

Ted Kanakos: I think that can be an add-on that later on. I don't think it's that important. They could have bought it two years from now. So I don't think the gazebo is a big deal.

Virginia Weeks: It's in their plans so we need to have that addressed. It's all right to let Robin approve it. Is there anything else? Anything from the Town Solicitor? That being the case, do I have a motion on the floor? Do I approve or disapprove the Final Site Plan?

Ted Kanakos: I make a motion to approve or disapprove or take a vote on the Final Site Plan for Dr. Howard's office.

Michael Filicko: Second. Wait a minute, did you say approve or disapprove?

Ted Kanakos: We'll take a vote on the approval or disapproval; a vote on the...

Mary Schrider-Fox: If I may, your motion either needs to ask for approval; say I make a motion to approve the Final Site Plan; or, in the alternative, you could say I make a motion to disapprove the Final Site Plan. You need to choose one or the other.

Ted Kanakos: I make a motion to approve the Final Site Plan for Dr. Howard's office.

Michael Filicko: I second.

Virginia Weeks: Any discussion?

Ed Kost: Should the motion include something about the ramp, the gazebo and the hedge? Surely the parking spaces are part of the subject too.

Virginia Weeks: If it's a part of the record, do we need to put it into the motion?

Mary Schrider-Fox: It's appropriate for any of those conditions or additional qualifications you would like to make to be a part of your motion; so I think that our motion maker, if you would like to amend your motion to approve the Final Site Plan and include those items that were just named about the ramp, and about the evergreens along that one particular border. Then the person that is the second of the motion, needs to second that amended motion, we'll be okay.

Ed Kost: Do you want me to read it?

Ted Kanakos: Just give it to me and I'll read it into the record. I would like to amend my motion for the approval of the Final Site Plan for Dr. Howard's office and include with that concrete ramp with steel railings; gazebo to be approved by Code Enforcement; 6' fence around the dumpster; and, a three foot hedge along the parking area.

Michael Filicko: I second this amended motion.

Virginia Weeks: Roll call:

Ted Kanakos This has been something I've wanted to speak against. I think it's inappropriate, the size, the scope and everything under the sun. I don't think it's the right thing to put in a residential neighborhood; I think it turns out to be one of the largest buildings in square footage that we have in the Town; to pave over a majority of the land, including 19 parking spaces. I vote yes, only because the work that you fellows have done has been terrific. You've crossed all the t's and dotted all the i's; compared to other people who have

been applying to this Town, to do business; this is refreshing and it's a good deal for everybody. I vote yes.

Al Perkins I vote yes
 Ed Kost Yes
 Michael Filicko Yes
 Louise Frey No, for the same reason I did before; I think the project is too large for this site and I do appreciate all the work that has been put into it.

Virginia Weeks I also vote no for the same reasons. I think you've done a terrific job, philosophically I think it's out of place and is just not good planning.

Virginia Weeks: Your motion passes 4 to 2. Congratulations, you are on your way. Thank you.

b. The clarification of setbacks for Light Industrial One LPD Zoning District in Cannery Village

Virginia Weeks: The Applicant, Becker Morgan Group, is requesting clarification of the building setbacks for the property located at 6 Center Street. The property is currently zoned Light Industrial One LPD. Is the Applicant here?

Mike Henry with Becker Morgan Group and we're here representing Dog Fish Properties. We're here seeking a clarification to the building setbacks based on what was in discussions with Mr. Davis; what was set forth in the pattern book for the original Cannery Village LPD Master Plan. My understanding is that in that pattern book no building setbacks were quantified in that pattern book concerning the Light Industrial Zone property that Dog Fish owns. Based on the Plan that I submitted, you will see that we have shown a 10' front setback along Village Center Boulevard, which we believe was the intended setback based on the fact that the right-of-way for Village Center Boulevard was set 10' from the corner of the existing building; and so we are here seeking a clarification; mostly on that front setback.

Virginia Weeks: My understanding is that you wish to add to the front of the building.

Mike Henry: That's part of what they are looking at, yes.

Virginia Weeks: Are you looking to square the whole thing off or will there be some open space still in the front?

Mike Henry: No, there will still be some open space in the front, from what we've seen of the building plans.

Virginia Weeks: So according to this plan here, what you're doing is looking for us to square off the front of that, so eventually, if you wanted this whole building here would be 10' from the front. If that's what you chose to do. Correct?

Mike Henry: Yes, we're seeking that the front building setback be 10'.

Virginia Weeks: Does the Commission have any questions:

Ed Kost: That part of the building is at 10' right now?

Mike Henry: Yes. Well, that's not what we've seen.

Virginia Weeks: No, but if we make it at 10', that's what will be able to be done.

Mike Henry: Yes. That's correct.

Virginia Weeks: Does anybody from the Commission have any questions?

No.

Michael Filicko: I would like to see the actual plans prior to voting.

Virginia Weeks: The problem is that they can't draw them unless they know what the setback is; and the setback has not been established for Light Industrial LPD because it just is what was there when it was made LPD and it has never been formally done. So they're asking us to set the setbacks.

Mike Henry: So that we know what our parameters are for building.

Michael Filicko: Thank you.

Ed Kost: Are your plans being considered to build something or are you doing something for the future; and we don't know what it is.

Mike Henry: Both. There is a plan right now that they are in the beginning process of for a small addition in the front; sort of a courtyard area. Down the road, 4 or 5 years, they have a few other additions around the building that they would like to do, but at this point there is no design on any of that.

Virginia Weeks: At this point, actually, the other additions wouldn't come into this, because those setbacks are set at 15 or 25', I believe.

Ed Kost: I have a question for our attorney. The front tip of the building is approximately 10' from the right-of-way line. If we were to say set a 25' setback in the front, we would be creating a non-conforming use, wouldn't we? Isn't that illegal?

Mary Schrider-Fox: Yes, if right now there is an existing building there, that is there lawfully; am I correct? It was built with permission and that was okay. If we were to suddenly say your 10' setback for the corner of the building, that no longer applies; we're going to make you go 25' back to that corner; we wouldn't be able to enforce that. The building that exists there now; it's there lawfully, the corner of the building that's 10' from the right-of-way was approved; we can't change that now. They've relied upon it and we would not be able to enforce making them move what is there already back further.

Ed Kost: What I'm talking about though is we would say 25' we couldn't make them move the tip; we could prevent them from building that much closer; but by creating a non-conforming use; I'm not sure if we can do that? Can you just go around creating non-conforming uses, just because you want to?

Mary Schrider-Fox: No, you can't. I was looking at the LPD Ordinances before coming in here this evening and one of the things that they specifically state in Section 4.8.7 is that the minimum lot and yard and maximum height requirements of the underlying zoning district need not apply strictly. That one of the things that you need to do is to look at the relationship between the

buildings in the LPD with one another. Generally, the purpose behind having a provision like that is because LPD's will have mixed uses. You want to see how a commercial fits next to a residential and you may not necessarily want to strictly apply all of the setbacks, because in certain instances they might be able to be closer or further apart than others. So you have the flexibility there to tweak some of the setbacks that would normally apply if you are going to strictly just say this is in a residential district; or this is in a light industrial district and the setbacks are what they are. In an LPD you have more flexibility.

Ed Kost: A follow-up question; do you mean we could go across part of the front of the building 25' and cut back to 10' and create a little box to the front, but not to the rest of the building. Is that what you just said?

Mary Schrider-Fox: In theory you can do a lot of things in an LPD with the setbacks. I'm not telling you that you should do that; I think that might result in a very strange looking structure. In theory, you have flexibility to do what you think would be harmonious between structures and between different areas of the LPD community that you are talking about; with respect to the setbacks.

Virginia Weeks: In other words, should this Commission decide to put a 30' setback, just using a number there, and there's 30' feet here; this part of the building would have to move 30'; but that doesn't affect what's 10' because it's pre-existing to the setting of the setbacks.

Mary Schrider-Fox: Correct.

Virginia Weeks: It makes this non-conforming, but permissible; because it existed before we set the setbacks. Is that correct?

Mary Schrider-Fox: Correct. This existing building that is there now can stay there; because it was put there with permission and in accordance with the rules and regulations of this Town. One thing I would like to point out is they're here to seek clarification of the setbacks. I'm going to defer to our other professionals here with respect to do we have any insight or understanding about what may have been established with this was originally approved or is there any guidance at all whatsoever in the previous record that's made for this community about the setbacks?

Bob Kerr, Cave Associates, Town Engineer: I can try that one. When Cannery Village approached the Town and the LPD was approved, there was an agreement and in the agreement it talks about setbacks. It could be surmised that the setbacks that they discussed were for the residential; but in the residential remember that there are single family homes; duplex homes; townhouses; apartment complexes; and, commercial. The only thing it says is front setback shall be 10'. It doesn't specifically say that light industrial shall also be 10'; but the light industrial zoning, the LPD covered L-1/R-1 and then it became an LPD. So, Robin and I in looking at it thought possibly the setbacks for everything are 10'; the corner of the building is 10'; but we should bring it before you and ask for a clarification. Everything that has been submitted to the Commission at this point in time has shown 10' as the minimum setback, but there's an exception when there is a front porch on a

house that it's 5' then for the porch. It's not like in Table 5.1 the Density Control Table where you go to light industrial and it says it shall be this, this, this and this for the various setbacks. We met with representatives from Becker Morgan; they were showing us several different ideas that they had; but they didn't want to proceed with preparing full sets of preliminary plans to bring before you until they were sure of what that distance might be, because it certainly does change a lot of the detail. I think in all honesty, they will be right up against the line, but they want to know what that line is so that they can do everything within conformance with the requirements.

Ed Kost: In looking at this drawing the 10' setback goes all around the commercial area.

Bob Kerr: Yes. There are two zoning classifications here. The light industrial and the R-1, with an LPD overlay over both. There's no doubt in all of the R-1 that it's a 10' setback. It's just a little fuzzy in the way it's written; whether that also covers the LI-1.

Virginia Weeks: Mr. Kost, I would just like to point out that this area is R-1; it's not light industrial.

Ed Kost: In the drawings, it also shows commercial here and here.

Bob Kerr: Under the LPD Ordinance and the agreement that was reached with Cannery Village as part of the LPD, the applicant is allowed one acre of commercial for every 50 units. There are 538 units; they're allowed 10.86 acres of commercial. That would be the couple of office complexes that are here in the corner of the parking lot that was part of either 2B or 2C; they were both done at the same time; and part of Phase 3B which has not come before you as even a preliminary and also has been identified as commercial area. Those commercial areas are essentially part of the property that is now owned by Preston Dyer and his partners and is known as Cannery Village. This particular property has since been sold. It is owned by Dog Fish. They are not eligible for any of the commercial property, but the property is zoned LI-1.

Al Perkins: I have a question. What does the zoning ordinance say about light industrial as part of the setback?

Virginia Weeks: It says that the front yard, which this would be, should be 40'; that's in a non-LPD; except for when it abuts residential; which is why they have the 15 and 25'.

Al Perkins: The exception for residential is what?

Virginia Weeks: When the light industrial abuts residential, then it's 15' on the sides and 25' in the back. It's in your Table 5.1 and the front is 40', whether it faces residential or not. So what they're asking for is that we set it at 10'. Can this Commission set setbacks or does the Town Council have to do that?

Bob Kerr: If I may, the LPD established the setbacks. It's just what the applicant is asking for is an interpretation of the setback.

Mary Schrider-Fox: I agree.

Virginia Weeks: Okay. So it's already set at 10' you're saying.

Mary Schrider-Fox: What the applicant is here for is to ask you to clarify what was previously decided? What was the previous decision?

Virginia Weeks: We don't have the documents.

Ed Kost: What was actually previously decided?

Mary Schrider-Fox: That's the question being presented to you. That's what Mr. Kerr was just explaining, when he was explaining the history of what has occurred up until now and what the LPD approval said that there seems to be a little bit of fuzziness that it didn't specifically state that the light industrial portion of this would also be 10' and that it lumped all of the districts together and everybody, out of an abundance of caution, is here to make sure that they are proceeding the right way and that the 10' does apply to all of the different sections.

Virginia Weeks: Did it lump all of the districts together or did it say specifically, R-1?

Bob Kerr: I do not know the exact wording. When Robin and I read it, it was fuzzy enough, and I know that's a terrible term to use, that we weren't sure. I think what was probably clear enough that we felt that yes, it was 10', but it was fuzzy enough that we wanted you to be the answerers of that question, because we didn't want to put the applicant through the expense of preparing a set of plans; coming before you; having to wait the two months that it takes through the process to find out, no, we want a different setback; having to resubmit; losing another two months and moving forward.

Virginia Weeks: I understand. Do you have a copy there of what it says in the agreement?

Robin Davis: The conditions that were approved by Council talks about it at that time as an I-1, which was an Industrial-1 and now they've changed that to a Light Industrial-1 (LI-1). Nowhere in those 15 conditions does it say the setbacks. In the pattern book that we have at Town Hall, it talks about the standards; but it only talks about lots that have residential homes on them; it doesn't say this commercial building has this. But the 10.86 acres of commercial that they're putting in, say 2C, 2B, and 3B are eligible for the 10' setbacks, just like the homes would be.

Virginia Weeks: But unfortunately, this is a place that produces fear. It's not a retail shop; it's not a bookstore; it's an industrial use and its uses are much different. I am just confused actually on whether we have the right to set that; we can certainly make a recommendation to the Town Council, but isn't it the Council that has to amend that to make sure what the setbacks are? Are we empowered to do that?

Mary Schrider-Fox: Was there an initial comment?

Ed Kost: I would like to ask this gentleman here. Would it be possible to bring in a simple sketch showing what is proposed so we have some idea of what you're asking of us; and we have some idea of what kind of decision you may be making? We're being asked to make a decision with no facts. You say they're proposing to build something, but there's nothing here that tells us what. You may need a 20' setback; you may only need a 12'. There's no way to guess. We're just going to pick a number.

Ted Kanakos: Excuse me. You're asking for clarification, you're not asking for more or less; you just want to know that it's 10'.

Mike Henry: We want to know that it's 10' so we...

Ted Kanakos: And you will construct whatever you want to construct within the boundaries of a 10' setback.

Mike Henry: Yes, that's correct. We're just seeking to know that it's 10' or what; because as Mr. Davis stated, the pattern book isn't clear; we believe it's 10' because of where the road right-of-way was set from the building. We just need to know what that answer is.

Ted Kanakos: Are you willing to work within the already legitimately established setback of 10'?

Mike Henry: Yes.

Ted Kanakos: That's what your future drawings will be based on in terms of architectural.

Virginia Weeks: The only thing that I would ask you to consider, that I'm concerned about, is apparently no setbacks were ever established for light industrial; it was established only for the residential area. It was ignored because the building was already there. The ordinance says that unless stated in Table 5.1, the Density Table, which has it at 40', which is unrealistic. The thing that we need to think about is what's going to be across the street? Now that Cannery Village has withdrawn are those condominium multi-use unit residential going to be there?

Ted Kanakos: Where is the Clubhouse in relation to that?

Virginia Weeks: The Clubhouse is more or less over here.

Ted Kanakos: That's over [unintelligible].

Virginia Weeks: If the Commission wants to set it at 10', that's fine. I just want to know if we have the authority to do that or do we have to refer it to the Town Council?

Mary Schrider-Fox: If it's this Commission's determination that you are not providing any type of clarification of what was previously agreed upon or approved by the Town Council for this LPD; if that is your determination, then it would be appropriate for you to say it must go elsewhere in order for you to establish your setbacks. Having said that, much of this community has been built already or at least some of it, without that LPD agreement firmly establishing any setbacks. It sounds to me as if there is this pattern book. How was that approved or who approves that? How did that come into being?

Robin Davis: That's a very good question. All this was done well before my time here. Overall the setbacks for the residential lots in the pattern book were approved by probably during meetings with the Planning & Zoning Commission and with Town Council. So Planning & Zoning probably did have a say in some of these setbacks or some of these numbers that are in the setbacks. Whether they did the final and Town Council just said yes, that looks good or not, I do not know. The Town Council has the final approval on the master plan for the LPD. That was probably just a supplement to that, at the time. Overall, everything in this book talks 10' front, 5' side for residential. It looks like the way the road was positioned 10' away from the

corner of that property, you can just basically assume that the 10' was for that too. I don't know the thoughts but that's just how I was looking at it with Bob.

Virginia Weeks: Does anybody here have any objection to a 10' setback?

Al Perkins: I do, depending on the kind of industrial. That's the issue. I have a concern and so far, because I'm familiar with it and having lived close to it I know that at this point in time, it's a non-intrusive, good neighbor kind of thing. It is a pretty heavy process industry; there's some heavy process stuff going on. I have a concern. I also agree that all of the other implications of what we see in the drawings and the history and all that, is that it looks like somebody thought that a 10' setback is probably acceptable for this property. Knowing what we know today, I question given the business decisions.

Virginia Weeks: Mr. Kost?

Ted Kanakos: I think that one of the things we should keep in mind is that for a number of years there has been talk of a large restaurant going in there. This might be the entrance to it right here. It's supposed to be a fairly large place, like a Ratskeller, or something, because he already owns a restaurant down in Rehoboth Beach. If it's just warehousing or whatever, it's sort of benign. But if you're starting to bring in 200 people and that many cars, because there is an enormous parking here and that's one of the reasons. I don't know when he's going to start the restaurant; but I know that's the plan and I think we have to think that there will be a very large restaurant there.

Virginia Weeks: This is commercial, not industrial.

Ted Kanakos: Yes, well how does he plan to fit it in?

Virginia Weeks: Mr. Kost, do you have any objection to a 10' setback.

Don McLeish: If I could comment, please. I'm with White House Construction, we're the construction managers. We've been trying to help them master plan and discuss some of the issues, because like you said you've heard a number of different things. They've gone away from the restaurant concept. They're not going to put a restaurant there. There is a tasting and a mercantile area for the tourists that they get through there from the people who go, but a majority of that front area, which was originally going to be the restaurant, is now going to be for offices. They've outgrown and they're trying to take their processing to keep it inside; they're going to have to move their offices out. What we're trying to do is establish what we have to work with. It's not much of a bump out there, but you had asked about how close can you come; well because of the configuration of the road and how it comes in there, as you know he's got his Bocce courts out there right now and I can tell you as a C.M., we've been told that that's the primary thing. Those Bocce courts are located out there in a better configuration and I think that takes precedence over his beer-making and his offices that he's talking about. That doesn't answer your question, because someone else could come in and buy and do something differently; but I can tell you that if you establish the 10' it will allow us to say what can we do in there and it's a bump-out for an office is what we are looking at right now in that area.

Virginia Weeks: How far do you want to bump it out?

Don McLeish: I wouldn't bump out to the front, because again the way that the configuration is laid out as you come in you will step back, as that 10' comes in. We're trying to do his work but because of constructability and the cost to do that, trying to line up more columns. So you're stepping in from the building. There would be an offset. We're working with an architectural firm out of Philadelphia who has been pretty creative; but not knowing what our constraints are, we don't know. He needs more than enough square footage, but until we've established that line, he can't say this is how far I'm going to go out. I know it steps back because of the configuration, but he wants his Bocce courts.

Virginia Weeks: Mr. Filicko, do you have any objections to the 10'?

Michael Filicko: It seems very close for light industrial. Yes, what Mr. Perkins stated earlier.

Virginia Weeks: Mrs. Frey?

Louise Frey: No.

Virginia Weeks: It's my understanding that this is the only light industrial frontage in all of Cannery Village. Is that correct?

Bob Kerr: The only light industrial frontage in Cannery Village is along Village Center Boulevard.

Virginia Weeks: There is no light industrial in any other section of Cannery Village.

Bob Kerr: Correct. This is almost the only light industrial parcel in the entire Town.

Virginia Weeks: I want to know is there enough on the Commission that we can say since this is a unique parcel within Cannery Village, and actually the frontage of it is not very large; shall we set the frontage and say that as written in the agreement it includes light industrial and the 10' setback would be acceptable?

Al Perkins: What my concern is that if we make a decision for that, and somebody else comes in later; in light industrial; are we setting a precedent of the 10' and we have to give the next guy the same thing.

Virginia Weeks: Nothing else is zoned light industrial.

Bob Kerr: This is not only light industrial; it's light industrial/LPD; so that sets the precedent. The LPD allows modification of the standards for setbacks. I believe the Reed Trucking is light industrial; but under your zoning it is not an LPD, so it would meet the 40' setback; the zero side and zero rear.

Virginia Weeks: The only reason they can have a 10' setback is because it is in the LPD. That's the only reason. All you're talking about is just here in the whole of Cannery Village.

Bob Kerr: Again, remember on the other side of the street, there is a 10' setback for a two-story apartment building. It more or less will match side to side has the same setback.

Virginia Weeks: That will forever be the front of the building.

Mike Henry: Yes.

Virginia Weeks: May I have a motion please that we understand that the clarification of the LPD is written with a 10' setback includes the light industrial within Cannery Village or not? Will somebody please make a motion?

Ted Kanakos: I make a motion that we accept the 10' setback in the light industrial LPD for Cannery Village.

Virginia Weeks: Mr. Kost, do you have anything?

Mary Schrider-Fox: The only thing I was going to add is Ms. Weeks fitting in with one of your concerns earlier; that again they are here seeking clarification of what the existing requirement is, so I think it behoove the Commission if your motion says: I make a motion to accept the clarification that the original agreement or the original project book was meant to include the light industrial portion of this LPD with respect to the 10' front setback. Then I think that your concern about being in keeping with your authority is satisfied and met, because you are just simply providing some interpretive guidance as to what was already agreed and approved.

Virginia Weeks: Ted, do you want to amend your motion?

Ted Kanakos: I'll start over and with the help of Counsel; maybe we can work this out and get it done.

Mary Schrider-Fox: I think what we can do is that I can state it and after I'm finished, you can say, so moved. Now, if I can say something similar to what I said before, we're moving in the right direction. A proposed motion could read, as follows: I hereby move that the Commission accepts the clarification that the 10' front setback for the various properties in Cannery Village, residential and light industrial alike, be accepted.

Ted Kanakos: So moved.

Louise Frey: I'll second that.

Virginia Weeks: Roll call vote:

Ted Kanakos	Yes
Al Perkins	Yes
Ed Kost	Yes
Michael Filicko	Yes
Louise Frey	Yes
Virginia Weeks	Yes

Virginia Weeks: We have a clarification that they meant to say 10'.

- c. Virginia Weeks: Before we go, I have one question for the Town Solicitor that came up several times tonight. If you could just answer this question, it would make ___ for the Town a lot easier. The street behind the condominiums, what is it called, Cannery House Row? Here are the condominiums; this is Chestnut Street; this is Cannery House Row; this is WBOC. Is this going to be dedicated?

Bob Kerr: Cannery House Row is not a dedicated street. It is part of Phase 2C, parcel B.

Virginia Weeks: Thank you. I just wanted to know for myself because questions have come up. Does anybody else have any questions for the consultants or Robin?

Al Perkins: The question came up about the recusal process. Our fellow residents at Cannery Village heard that we were going to have some stuff come up before the Council that affected our development. Ed and I had shared what the recommendations of Counsel were and what we all agreed on the recusal process if something comes before us and affects a development like Cannery Village. So Ed and my interpretation was that if we were going to have a vote today on the Chestnut Properties proposal that we may need to recuse ourselves. Of course, that created a big uproar in our community and some lobbying with the Council Members and the Mayor and everybody else and that, because the residents of Cannery Village felt like their point of view was not going to be represented in something they felt very, very strongly about with the proposal coming forward. I don't know what came about from all the lobbying with the Council and the Mayor about asking us as a committee to revisit our agreement, our rules on the conditions under which we would recuse ourselves. There was a strong feeling, not within our community, well what you and Ed were asked to approve, and we don't believe you should recuse yourselves. There was some back and forth conversation with the Council and we didn't resolve anything but the Mayor and others said let us have a discussion with the Chair and the Town Solicitor to get some clarification, because the whole reason why I appoint people to these committees is I want all the communities points of views to be represented; and I want to be sure that Cannery Village's views are represented when votes come to the group. I am comfortable with what we learned and what was shared with us; and how we do business, but we have a little bit of an uprising in our community on this issue.

Ted Kanakos: Do you have a Homeowner's Association to represent you in public?

Virginia Weeks: Look, my understanding, to be honest with you I was going to come in tonight and ask that we table Cannery Village; because it was my understanding that when we approved the 77 houses being transferred or the 70 houses, that when 2C came back where they were going to show what was being moved; there would be a public hearing so that the people that live there could at least express their point of view on what was happening to a neighborhood they had bought into. I was going to ask that it be tabled so a public hearing, although not required, could occur before we do that. Simply because these gentlemen are recusing themselves and the people that live there should be heard. I would like to say at this point that in the room is the Town Manager, if you would like to join in?

George Dickerson, Town Manager: Good evening, all. Thank you for asking my opinion. Unfortunately there are some Delaware laws that I'm not sure this Commission is aware of. If the Town had an ethics policy of its own, it would not have to rely on the State's Ethics Policy. Unfortunately, being saddled with the state ethics law does restrict one from voting in this sense. If

you ask my own personal opinion, it would be different than what I'm stating to you. But I'm bound to tell you that state law in ethics is a working commission within the state and there have been occasion which this Town has been before them. I think that ruling of the state law and I'll defer to counsel, obviously, but my understanding is that it could be seen that it may be an unethical act. I'm not saying that anyone here is unethical; I'm only saying that we are saddled with that state law. I hope that helps.

Virginia Weeks: At the same time, we can have a public hearing so people can be heard.

George Dickerson: In previous discussion, Madame Chair, that we've had, whenever in doubt, have the public hearing. Let the public take an active role. That's always my position.

Ed Kost: If I recuse myself and I become part of the public and speak; will I forever be prevented from opening my mouth.

Mary Schrider-Fox: Nobody nods their heads and nobody shakes their heads, because I'm going to give the little ethics speech now. I'm not going to hit the public hearing part, that's a separate issue. But when it comes to ethics, along the lines of what Mr. Dickerson was saying, you have a state code of ethics and that applies to you; it applies to every board, every commission, and every council in this state. What that code of ethics says is that if you have a conflict of interest, you must recuse yourself. One way in which conflicts of interest can be defined is if you possibly could receive a financial benefit or detriment because of the issue that is being considered. It has been construed in the past; and some places have gotten in a little bit of trouble; if somebody wants to pick on you and pick on the decision that this commission has made; that if a commission or a board or a council member resides in the community, where we are shifting some lot lines, adding some new commercial properties, whatever the application might ask for; in theory that could affect you and your property value. Therefore, you could possibly be getting some kind of indirect financial benefit or detriment; one way or the other. Even if you sit there and say, in my mind, I don't think that really matters; the law basically says we're all human beings and we don't know what our underlying little minds and agendas are going to do to us. In those instances, in order to protect the applicant and the rest of the commission, you should recuse yourself. I do understand that in Town there are some differing opinions about whether or not on a commission like this, if say we have Cannery Village members and a Cannery Village application comes before you; whether or not you should recuse yourself. I have given my opinion that in an instance like that, I think you should; because one of the other things that you have to be concerned about, and it's part of the code of ethics for the state; is the appearance of impropriety. You can have absolutely nothing improper going on whatsoever; but the appearance of it is something that public officials are saddled with. You always have to be concerned about. That's why when you serve on a board, a commission or on a council; you have to be a little bit more careful sometimes about what you say in public, then other people. All of that comes into play into the analysis. Now, all of

that said, at the end of the day I don't make the decision about recusal. Each individual commission member does. That is your decision to make. It is your responsibility to sit there and say is there something about this application that on a personal level; I hate that guy; and, I'm never going to agree with him. You have a bias then; even though the statute doesn't specifically talk about that one and you should recuse yourself; or, is there something else like living in the community or I am a member of the surveying company that's going to make a lot of money off of this project; or something like that; that could otherwise benefit you or be to your detriment. When you recuse yourself; if your decision is that I should recuse myself, that would be the appropriate thing to do; and you move away from the table; you don't have to; but, personally it helps the public. They feel better about things if you get up; you say, I'm recusing myself because I own property in there; you actually walk around the table and sit down in the audience. No, you don't turn into a regular public citizen and get up and speak your mind for or against the application. The reason why, is again the appearance of impropriety. Let's say you're shaking your head no and I know you disagree with me. The bottom line is what is the argument that some member of the public is going to make, who is ticked off about the decision? They're going to say, well, Mr. Kost was out there. He's a member of the commission. Obviously, he can sway the other commission members because they like him and they rely upon him and they work with him all the time. So he switched to the other side of the table. He jumped up and said, I think this thing is great; and, everybody just followed suit. He has some special power and sway over his fellow members. Whether it's true or not, it still gets you into a nice little tangle and everybody gets to spend a lot of time, money and energy getting out of it; and, sometimes you can't because of these codes of ethics that say appearance of impropriety and these other things.

Ed Kost: May I ask a follow-up question? We are both members of the Homeowner's Association. In the case of Cannery Village, we recused ourselves; we're not allowed to speak. Before I came to this meeting, could I get my homeowner's association and give them a two hour briefing and a handwritten agenda of what items I would have discussed that I want them to discuss? Or is that somehow improper? Because I have typed notes about what I was going to discuss, if I could; and apparently I would not have gotten a chance to speak at all.

Mary Schrider-Fox: I think in this situation, I'm sure you two are not the only members of the Board of the homeowner's association. Are you on the board of the homeowner's association or just members? There are other board members? I would let somebody else take the charge on this; and, let them lead the way when it comes to the Cannery Village applications that come before this Planning & Zoning Commission.

Ed Kost: I'm talking about could Al and I spend time explaining what we think to them, so that when they come here they're up to speed. Some of these questions get quite complicated.

Mary Schrider-Fox: Sometimes an issue comes up for something exactly like that; where you have a commission member or a board member who recuses him or herself from certain types of applications because it's your community. Instead, behind the scenes you are leading the way and arguably using the information that you wouldn't otherwise know, unless you are a member of the commission; in order to help these people achieve their goals. That's the argument; whether it's actually true or not, that is the argument and that's how the code of ethics tries to get all of us in trouble sometimes. Having said that, it is my opinion that no, that would not be appropriate. That would result in the appearance of impropriety; and, quite frankly, as a commission member or a board or council member, you are privy to certain types of information that you would not otherwise have, except for your position. There are certain kinds of information that you can and that you can not share with the general public; all the time. You do have to be careful about taking certain positions and then hearing the application; or vice versa. There's more to it than just saying well I live in this community and I can hear every application that I want and that's it. As you can see, it is more complex; you have to think about each individual situation and there's a lot of "gray". That's a terrible answer when lawyer's give that to you; but there is a lot of "gray" in this area and you don't always know what the Board of Ethics is going to do. It's my responsibility to give you all the most cautious approach; because that's the one that is most protective of you; so that somebody can't complain about some behavior.

Ted Kanakos: I live on Broad Street; which is halfway between Casa San Francisco and Bark Avenue. Both those issues have come before this commission. Both times I recused myself; I sat in the audience. Am I allowed to talk to my neighbors? The neighbors are walking their dogs or they come to my house, they're chatting; I can't say anything here, I can't say anything there; I just have to hope for the best on all issues.

Ed Kost: What you really said to me is that I should resign from this Commission. That's what you just said to me.

Ted Kanakos: That's the only effective way you probably have.

Ed Kost: So I can't speak?

Virginia Weeks: That's right.

Ted Kanakos: There are other ways. You have a homeowner's association.

Ed Kost: But I'm not allowed to brief them.

Ted Kanakos: No, no.

Ed Kost: From all the things that I looked at, I got from drawings.

Ted Kanakos: They can attend the meetings and not just show up for a vote.

George Dickerson: Unfortunately, you have to draw a conclusion or a path that takes you out of it. It's your gut feeling that made Ted take himself out of the discussion about the Catholic Diocese issue, as well as Bark Avenue. Is being a resident in Cannery Village more important to you in that position, then being a member of this Commission, where you do a greater good, in my opinion; and render decisions on other issues within the Town, excluding that. I think that the Mayor asked and you were appointed to this because of your

personality, your integrity and that's why you're here. I think what I hear the Commission saying is it's your decision to make; however, keep in mind that when you make that decision, no matter who on the commission makes that decision; we deal with this all the time. When they make that decision, they're saddled with the repercussions of that decision; because someone is not going to like it. That comes up all the time. We would hate to see you, as you stated, resign for that purpose; but is it more important for you to have a voice in your community out here as a public member; or just sit on the commission and render a greater good for other areas and let someone else carry the torch for you?

Ed Kost: May I take a minute to explain personally where I came from on this whole issue? The majority of the people who live in the Town of Milton look at these drawings and have no clue what they're looking at. They have no background; they're not trained for it; they just don't. The people who sit on this commission, after awhile, learn; they pick up a lot of information just sitting here and looking at all the drawings. I'm a landscape architect; I used to draw the drawings. I wrote the zoning ordinance; so I have a greater degree of background. When I talk to my neighbor about this, my neighbor is on our Ad Hoc Committee; I told him this is coming up; and, in fact, I sent an email to everybody that Cannery Village was going to be on the agenda for tonight and people should come to hear. I got my drawings out and I asked my neighbor. My neighbor has some of the drawings too, from the original plans.

Al Perkins: We also told everybody that you were recusing yourself.

Ed Kost: Yes. There was a firestorm about that. Why am I doing that? I'm doing that on advice; and, frankly, a friend of mine who was on a Planning Commission in Pennsylvania and got sued for \$50,000 for a decision that was made. I have no particular interest in getting sued. It's not high on my list of things to accomplish. I got on this commission because of my background; it's my Town; I live here; and, I figured I could do some good.

Virginia Weeks: I have to say that to ask people to serve on a commission; it takes a lot of their time; it gives them a lot of gray hair; and when something comes up that is going to have a great ramification on the value of their major investment in their life, which is their home; and to make them moot from the audience; is a great deal to ask of somebody.

Mary Schrider-Fox: Well, the only suggestion I can make is to talk to your legislators about that. Because there is a state law in affect and if you think that some exception or clarification needs to be made; it's not up to me to tell you that that is okay. I understand your personal opinion and I think that there are both sides to this issue. The response to that would be well that's exactly why we don't want you making the decision; because you have a personal interest at stake; and that might cloud your vision or bias you one way or the other. When somebody, if they meet all of the requirements of the statute, it is not up to this commission to legislate; it's up to this commission to say, did you meet all of your site plan requirements and try to help guide the person through the process. That's the other side of the argument. My only advice would be to talk to your Senators and your Representatives about changing

that; because that's what the law is. It is what it is at this point. As far as communicating with your neighbors; all I'm saying is, be careful about that in terms of taking a public, or what could be construed as a public, position on something that you are recusing yourself from. If you are talking to your neighbor and they're saying Ed I don't understand what these lines mean on this drawing. And you go well, that's a setback line and this is that and you're explaining it to him; I don't see anything wrong with that; but, what I'm saying is it probably would not be appropriate if you recused yourself from the Cannery Village applications; but then, behind the scenes you are the one preparing the entire presentation of how to attack these guys. That's what I'm talking about.

Ed Kost: Let me be direct to you and point out a series of items that I came across in the drawings that I discussed with my neighbors. Ginny gave you the drawing of the five condominium units and Cannery House Row parking lot. The question was, is that a public street? Your answer was no. It's private. I was talking with one of the fellows who owns one of the condominiums and I said who does own it and who is in charge of maintaining it when maintenance is going to be needed? WBOC uses it; the condos use it; Dog Fish may use it; commercial if it got changed to that, is going to use it; who pays for its maintenance? It's not in your deed. Someone literally could come up; set up a barrier and say, you can't be here. That needs to be clarified. If you look at that same drawing, the to the condominium takes in a future driveway to the garages of the houses to be built fronting on Cannery Village Boulevard. However, deeds have been written to the condo and the right for someone to build a driveway to the garages is not on their property anymore. How did that happen?

Virginia Weeks: In other words, you're saying that the alleyway goes over the property of the condos?

Ed Kost: Yes, that's what it shows in the drawing.

Mary Schrider-Fox: In order to answer that question properly, we would need to look at the Master Restrictive Covenants for Cannery Village, as well as the condominium documents for Cannery Village. Those are almost always separate and apart from the individual deeds for units and for the buildings.

Ed Kost: What I am saying though is that's what I spoke to the gentleman about. My comment was that ought to be clarified because it protects your property and really, in my mind, the developer is the one who should do the clarification; bring all the documentation in here and tell us what it all means. That if it's wrong, it should be straightened out. Was that inappropriate for this meeting? See what I mean? The guy who owns the condo wouldn't have a clue.

Mary Schrider-Fox: I think the subject matter is outside the scope of the meeting; so to tell you the truth, I'm not going to say that it was appropriate or inappropriate, because that question, based on what C and D, which was what we were going to be talking about; that is a question about the interpretation of the existing governing documents for that community and/or the law as to who has the responsibility for maintenance and care of those private streets in

that community. What they were coming before us today was to move around some of their types of dwellings and things. My other life is as an association law attorney, so I deal with these documents all the time. Those questions are very typical questions that come up within communities. What happens is that the community has an association attorney that says, when they ask the question, we don't know exactly if the individual property owners take care of that portion of the alley; does the developer; or, does the association? Then you look at all the governing documents and come up with an answer. I'm not going to say that that was an inappropriate conversation, because I think it was irrelevant for tonight's discussion anyway.

Ed Kost: I didn't think so and I completely disagree.

Mary Schrider-Fox: I think we have to agree to disagree on a lot of points tonight.

Virginia Weeks: Going on what he's saying, tonight we would have seen plans for two commercial buildings and a parking lot. The entrance to that parking lot was over private land; owned by Cannery Village.

Ed Kost: The access was going to be over Cannery House Row.

Virginia Weeks: The access was not from a public street; and the other access was from the driveway that goes on the side of the community center.

Mary Schrider-Fox: What I'm saying is that your Town Engineer has already rendered an opinion that that is a private street. If the concern is who maintains the private street; that doesn't have anything to do with whether or not it's appropriate for them to have some additional commercial spaces in this spot or that spot. The private street, whatever maintenance structure is in place as to who is responsible for maintaining that street; that's already in place. There's no condominium in the State of Delaware that get's approved or large Master Sub-Division like this that gets approved without those issues being addressed.

Virginia Weeks: My question would be can we approve what is basically a land-locked parking lot that is surrounded by private property, rather than off a public street.

Bob Kerr: If I may. I'm doing this from memory; the drawings are in my car; but in the interest of time; the parking lot, the two apartment complexes; everything up to the Clubhouse; all of that parcel behind the apartments; the parking lot for the apartments; and the parking lot that is Cannery House Row is all shown as one parcel in Cannery Village, Phase 2C, I believe it is Parcel B. That is one property. The four-plexes basically do not have ownership of a parking lot. I do not know the condominium agreements, the homeowner's association agreements how those things are worded; I've never seen them. That would have been 2, maybe 3 lawyers ago. I don't know how that's written. I know there is an agreement between like the Clubhouse and Dog Fish, where they get to share that parking lot; and there are very specific arrangements on how the homeowner's association of Cannery Village will pay Dog Fish a portion of the maintenance fees.

Virginia Weeks: I think you just answered the question when you said it was all one lot.

Bob Kerr: I can't remember how the driveway entrance is for the 3 or 4 duplex units; I just can't recall that. My understanding of what you were asked for this evening on that particular parcel was can we remove the 16 units of the apartments and can it be replaced, at some future time with commercial? Not that this is how the building is going to look; it's just that we're designating this for future commercial. When you approved Phase 2B, it has an office building and a commercial building; and we specifically said when you get ready to build those, you have to come back for Full Site Plan approval. That would be the same thing with what you were looking at tonight, if you chose to approve it. It was just this will be some future commercial; but they didn't change the drawing from the apartment; it was a 5,000 sq. ft. apartment. It was going to be a 5,000 sq. ft. commercial and they would worry about the details of where the entrances would be and all of those things in a final site plan. They were just trying to remove units and if you read my memo, one of the things was, yes, if you so choose, remove the units; don't assign them anyplace else; it's not here.

Virginia Weeks: The question is that that's true. But the entrance to the parking lots changed. The configuration changed and the streets changed...

Bob Kerr: I beg to differ; it did not change from what you approved as the site plan for 2C; that was approved last...

Virginia Weeks: The parking lot entrances changed.

Bob Kerr: No.

Louise Frey: Counsel, can we make it back to the original question, whether or not they should recuse themselves or not; if the Town had their own Code of Ethics, would that make a difference?

Mary Schrider-Fox: If the Town had its own Code of Ethics, it would still have to comply with Delaware law. It would make a difference; because the Town could pass a code of ethics that gave a little bit more guidance or said these are the things that you're going to do when you do recuse yourself; we have a policy. My partner, Tempe Steen, represents a lot of Towns and some of her Towns have a policy in place so that there's no discussion; there's no disagreement; if someone is going to recuse themselves, the Town has policy that when you do that, you go and sit in the audience; sometimes they even leave the room if they want to; if it makes them feel more comfortable, if it's a hot topic. There's a policy in place, but it still has to correspond with and not conflict with Delaware law. So the basic bottom line stays the same and that is if you have a conflict of interest, or if there is possibly the appearance of impropriety, it is appropriate to recuse yourself from the particular matter that is pending.

6. Adjournment

Virginia Weeks: Can we have a motion to adjourn?

Ted Kanakos: I make a motion to adjourn.

Louise Frey: Second.

Virginia Weeks: All in favor say "Aye". Meeting adjourned at 8:22 p.m.