

Town of Milton
Town Council Meeting Minutes
April 4, 2005

OPEN FLOOR:

Abraxus Hudson, 515 Federal Street stated the newly formed Milton Arts Guild will be holding an Arts Show on June 11, 2005 at Magnolia Square. The group is hoping the show will grow and expand to the downtown area. Mr. Hudson wanted to know from the council if the group would need additional approval from the merchants to use the sidewalks in front of the businesses. He has spoken to 90% of those merchants and they have agreed to allow the Arts Guild to use the sidewalks. Mayor Bushey asked Mr. Hudson to speak to the Town Manager so that he can confirm the approval of use with our Town Solicitor.

Ginny Weeks of 727 Chestnut Street, wants businesses encouraged to come to town. She is in favor of the Irish Eyes Restaurant especially since we will be having an art show and there is nowhere for people to get a sandwich, cup of coffee or drink. She wants a business that will invest in the town and businesses that are willing to work within the footprint of the empty buildings downtown. She would also like the Council to address the parking situation in the downtown area; it will become more and more dire. She would like to see a committee that helps the Council address the issue.

Kathryn Greig, President of the Garden Club, stated that within the next two weeks a landscaper will be removing bushes and replanting in Magnolia Square for a total cost of \$2,000.00. The cost will be covered by the Garden Club. The State funds for the new planters downtown has been approved and will be ordered soon. The Garden Club would like to propose Saturday, May 14th to be Town wide Community Clean up Day. The Garden Club is asking people to come out and help clean up, plant flowers, serve snacks and help spruce up the town. The plants will be paid for by the Garden Club. Mrs. Greig asked for the flyer to be posted at Town Hall.

Ellen Passman of 305 Federal Street, voiced support and wanted to bring to the Council's attention the importance of being kind and gentle to people that want to invest money in the town. We have a historic gift that we have been given and our obligation is to keep the gift and not only bring in new business but we keep in mind parking and not selling out to those who wish to have it for their own gain. She hopes the Council takes into consideration our generation, the next generation and the beauty that Milton has to offer. She is in support of the Garden Club and their efforts and wishes that many come out to support them as well. The Milton Development Corp. is hosting a play called *Lend Me a Tenor* and she would like everyone to support their efforts also.

Ed Harris of 305 Behringer Avenue, would like to be part of the Economic Development Committee. He feels he has a lot to offer. He thinks that the overall impression that Milton has is that the Town is negative on business. Every business that comes to town that shows interest gets put down. He does not know the individuals from Irish Eyes but thinks they have a legitimate and established business and want to make an investment in the community. He did not attend the Planning and Zoning meeting but understands there were very unrealistic conditions that were given to Irish Eyes. Mr. Harris thinks we should

encourage these individuals not discourage them. Mr. Harris' other certain is for office policy at the Town Hall. He has spoken to a number of individuals that have gone to the town office, as well as him and they are never greeted with a smiling face. Individuals feel that Town Hall has the impression that the staff is doing them a favor by giving them Town information they are entitled to. The residents are tax paying people that pay the employees who are suppose to supply the information. Mr. Harris visited the Town Hall for information and it took Councilman Dvornick to come out of a meeting in the back room before he could get an answer to a simple question. A number of other residents feel the same way. If the employees can not provide an answer, they should take a name and phone number and contact the resident with the correct answer. He feels there is conflicting information coming out of the Town office.

Donna Johnson of 113 Federal Street, stated for the past 36 years she has been very involved with the town and is concerned about the business community. She gets the impression from around town that the Town does not welcome or want to work with businesses. Mrs. Johnson does not want to criticize but help with a solution. She feels Irish Eyes should be welcomed. She thinks we need businesses downtown. Mrs. Johnson feels the Town staff could make a phone call or give a personal visit, not just a negative letter for issues needing to be addressed. She understands that policy needs to be followed and she knows those policies are needed but feels that a good, courteous policy to be in place would help a lot. Mrs. Johnson would like the Council to put together a committee made up of Council officials and business owners so they may sit down and hear the concerns and complaints of the business owners. She would like the Town to encourage businesses downtown. She wanted to personally thank Charlie Fleetwood for his many years of service and commitment to the Town.

Bernice Edwards of 518 Mulberry Street, stated the residents of Mulberry Street have been promised for some time that construction on Mulberry Street would start in the spring of 2005. There has not been any construction started. If Del Dot was not going to start construction as promised, then Del Dot and the Town should have informed the residents. She feels other entrances into town look decent but not Mulberry Street. Mrs. Edwards wants to know why Route 319 was completed before Mulberry Street. There are not \$350,000 to \$400,000 houses on Mulberry Street but she works everyday for what she has and thinks just as much of her house as anybody else in the town. There are serious health and safety issues that need to be addressed on that street. If Del Dot had come to the residents and explained the delays, it would not be a big issue. Mrs. Edwards presented a petition to the Town and has one for Del Dot stating the residents concerns.

Norman Lester stated he thinks if Council disallows Irish Eyes to open, then they need to close down the theater and not allow the ice cream store to open because they have parking issues as well. He has gone on websites for various towns and can see postings and job openings and can read minutes from meetings. There is no reason to come downtown for anything. Postings for committee meetings are not read because there is no need to come downtown. He did not see a police report from tonight's meeting but had noticed from last month that there is a large increase in activity. Mr. Lester has yet to hear the Council address the issue. He does not see the police patrol unless something happens around his business. There has been vandalism on Union Street and no one addresses it. He feels that the report gets approved and seconded then it is hidden away. The Mayor gave Mr. Lester his own copy

of the police report and informed Mr. Lester that he placed him on the Finance/Risk Management Committee.

Mayor John F. Bushey called the meeting to order at 7:38 p.m. at the Fire Hall at 116 Front Street.

Councilwoman Betts offered a moment of silence. The Pledge of Allegiance was said.

A resident asked to address the Council. The Mayor did not receive a Public Participation Form for the resident to speak.

The election winners, Don Post and Jerry Hudson were sworn into office by Dawn Johnson. The new councilmen signed an Oath of Office, which was notarized by Mrs. Johnson.

The Mayor allowed Mary Ann Stewart to address the council since there was some confusion as to where her Public Participation form was turned in.

Ms. Stewart think the corner of Coulter Street and Collins Street is extremely dangerous. The construction has made the situation worse. She says there are people that use the street as a race track and she is terrified every time she is on the street. By the time she calls the police, the offenders are long gone. She is very concerned about the issue and would like the streets committee to readdress the issue of making Coulter a one way street. She stated her partner is a superb lawyer and if she dies, you guys are in trouble. She wants the committee to consider changing the street traffic. Councilwoman Betts informed Ms. Stewart that there will be a meeting on Monday, April 11th at 10:30 am at Town Hall and asked her to attend the meeting.

Mayor Bushey called the roll.

PRESENT: Mayor John Bushey
Councilwoman Leah Betts
Councilman Don Post
Councilman Noble Prettyman
Councilman Gene Dvornick
Councilman Jerry Hudson

Those Absent: Councilwoman Ronda Melson

Others Present: Hal Godwin, Town Manager
Stephanie Coulbourne, Finance Clerk
Tim Willard, Town Attorney
Bob Kerr, Cabe Assoc.
Scott Hoffman, Cabe Assoc.
William Phillips, Police Chief
Eric Evans, Code Enforcer
Allen Atkins, Sewer Supervisor

Presentation and Approval of Minutes

Councilman Dvornick made a motion to approve the March 7, 2005 minutes seconded by Councilwoman Betts.

Councilman Prettyman asked to have his statements from the March 7th meeting regarding the Mulberry Street project to be added to the minutes. Councilman Dvornick amended his motion to add Councilman Prettyman's comments to the minutes, seconded by Councilwoman Betts. All those in favor.

Motion Carried "AYE"

Committee Reports

Sewer & Water – The maintenance department is still in the process of repairing and replacing broken meters. Councilman Hudson stated the committee has finalized a disputed bill procedure which is being written into the ordinances. It will be brought before the council shortly. There is a change order for the wastewater treatment plant to repair the clarigester in the amount of \$7,500.00. Scott Hoffman from Cabe Associates stated this is for the values between the clarigester and the sludge drying beds. When the clarigester was brought back on line, it malfunctioned and that is when they identified that the valves needed to be replaced. Councilman Hudson stated the change order will need to be brought up under old business to vote on the repairs.

Smoke testing has been done on a large portion of the town. Letters were sent to the residents that showed a problem, giving them 90 days to make the corrections. A follow up test will be done. If residents have a problem or need assistance in locating the problem, they can contact Allen Atkins. Mr. Atkins has a drawing on each property and where the problems are located. At the last water and sewer meeting, Cabe Associates brought up an issue regarding the evaluation or depth that a wet well was set at Wagamon's West Shore. Bob Kerr from Cabe Associates stated the well was set approx. 1 ½ foot higher then it was suppose to be, the wet well will work fine for Wagamon's West Shore but it has lost some of it's future capacity. Mr. Kerr stated they are looking into ways to get that capacity back. He stated they will have something to report at the next water and sewer meeting.

Councilman Hudson gave the Mayor and Council a memo on March 23, 2005 regarding allocation of remaining sewer EDU's. This is an issue that Council will need to address. After all the projects that have been given committed EDU's are in place, there will be approx. 52 EDU's remaining. The committee gives the following recommendation for adoption at the April Council meeting.

- 1) That the remaining 52 +/- EDU's be held for properties already within the Town limits. None of the remaining EDU's can be committed to land that is currently not in town. Any applicant that wishes to annex into town will be advised as part of their annexation agreement that the Town cannot provide them sewer service at this time. The Town is working diligently on a new waste water treatment plant however, no guarantees on dates for availability for sewer services will be given to those who seek annexation.
- 2) None of the remaining EDU's may be pre-purchased by any developer or other entity. The pre-purchased program should be officially be ended and the remaining EDU's assigned as they have been in the past, not to advance reservations. The committee wants to insure that single lot owners in town have access to sewer services if they

wish to build only one home on their property and that our remaining sewer capacity is not eaten up by developers that have the resources to pre-purchase EDU's.

The water and sewer committee believes that these actions will ensure we have enough capacity to serve the residents of the town as it currently exists while also dealing fairly with those developers who might wish to come to town. We will continue to monitor the remaining capacity and will inform the Mayor and Council if the committee feels additional action is necessary in the future.

Councilman Hudson stated this recommendation will need to be adopted under new business.

Streets & Sidewalks- Councilwoman Betts stated there will be a meeting on April 11, 2005 at 10:30 am at Town Hall. The committee will be discussing the streets, sidewalks and alleyways. Councilman Hudson asked if they will be discussing the possible abandonment of alleyways because he has questions on that issue. Councilwoman Betts stated yes they would be discussing the possible abandonment and will come back to Council with their decisions.

Personnel– Councilman Hudson stated there were two recognitions for employees. Eric Evans completed 24 hours of training through the academy for excellence in local and government leadership. Also, Stephanie Coulbourne completed training in “Budgeting can be Beautiful”. Mayor Bushey thanked and congratulated Stephanie and Eric.

Parks & Recreation – Councilman Post reported there is a grant becoming available from the Division of Parks and Recreation. We will be applying for the grant to help pay for the memorial park located off of Mulberry Street and hopefully some for either the downtown or the park. The grant can be anywhere from \$25,000.00 to \$100,000.00. Councilman Dvornick stated that the first delivery of benches should be here within two weeks. Councilman Post informed Council that Representative Carey did secure the \$7,500.00 today for the downtown planters and street lights. Councilman Post stated this all ties into the downtown beautification project that will be on going on to stimulate the downtown.

Land Acquisition- Councilman Dvornick stated there was no report however; an executive session will be needed to discuss property.

Planning & Zoning – Chairwoman Rogers stated they have items on the agenda for discussion.

Board of Adjustment – Nothing to report.

Milton Development Corporation –Councilwoman Betts stated that the current show *Lend Me a Tenor* is a very good show and for those who have not seen it, it will be playing again this weekend, April 8th through April 11th. Please go see the show.

Finance/Risk Management – Councilman Dvornick stated that the committee has not met. As a result of our bond counsel, he and the Town Manager met with Ed Donahue on March 14th and Hal will be bringing up under new business a proposal from them. What they do is

conduct a rate analyzes to make sure what we are collecting for water and sewer fees actually cover the cost of the capital improvement.

200th Anniversary- Councilman Prettyman stated there are still license plates available for sale. Letters have gone out to area churches and businesses asking for their history to include in a booklet for the celebration. The next meeting will be April 26th at 7 p.m. at the Milton Library.

Written Reports

Maintenance Report

Councilman Prettyman made a motion to approve the report, seconded by Councilman Hudson. Councilman Hudson asked about the flooding in Shipbuilders Village. Mayor Bushey stated there was flooding within the development during the recent rain. Photos were available for the council to review. The Mayor also stated a letter was sent to the developer two months ago regarding the issue. The developer replied that the repairs would be done in the month of April. Mayor Bushey informed Council that there were documents regarding the correction of lot lines that needed his signature.

Councilman Dvornick made a motion to stop the issuance of any certificates of occupancy until the flooding problem is corrected, seconded by Councilman Prettyman. All those in favor.

Motion carried – “Aye”

Councilman Dvornick stated that item #26 of the Maintenance Report showed that there was ‘a problem with Cannery Village’s connection’. Councilman Dvornick stated the problem was with the Chestnut Crossing connection not Cannery Village. He would like the report to be corrected.

Code Enforcer Report

Councilman Hudson made a motion to accept the report seconded by Councilman Prettyman. All those in favor.

Motion carried – “Aye”

Police Department Report

Councilman Dvornick made a motion to accept the report with a question, motion seconded by Councilman Hudson. Councilman Dvornick asked Chief Phillips if he was correct by saying the report showed an increase in activity due to the fact that more compliant are being tracked, not necessarily due to an increase in crime. Chief Phillips stated that domestic complaints have increased but the nature of the complaints now being tracked vary from someone reporting a rat all the way to domestics. In the past, all complaints were not tracked. Councilman Post stated he knows the criminal arrests have gone way up.

Motion carried – “Aye”

Town Manager Report-

Mr. Godwin introduced two representatives from Del Dot, Joe Cantalupo, Assistant Director of Planning and Gary Lang, Director of Municipal Affairs that would be making a

presentation as to the status of the Mulberry Street project. Mr. Godwin did not know the gentleman would be joining us until Friday, April 1st when they called and stated they were available to attend.

Mr. Cantalupo stated according to the timeline, Del Dot was supposed to be at the advertising phase of the project by now. As the schedule stands now, Del Dot will not be able to advertise until the end of June. Mr. Cantalupo wanted to come down and explain what lead to the delays up until this point then take any questions. He wanted to set aside the misconception that Del Dot is not taking the project seriously. The delays were due to the request they received 8-9 months ago to look into the drainage problem at the Collins and Russell Development and along Route 16. The issue of the drainage problems were far greater than anticipated and they took 2-3 months to solve the problem. The project became more complex by trying to add the Route 16 drainage issue to the project. The location of some of the utilities on Mulberry Street will be problematic. After much debate with the planning and designing teams of the project it was decided not to add the Russell and Collins Development into the Mulberry Street project. This the reason for the delay in the advertisement of bids for the project.

Mr. Cantalupo hopes that this contract can be awarded in July or August and construction can start in the fall. Once the contract is awarded, and the construction has started, the project may not stay on schedule due to the contracted company's schedule. This project is big enough to draw someone's attention for the need to get the project completed. The project was done through the Transportation Enhancement Program; the program usually does not handle drainage problems of this magnitude.

Councilman Prettyman stated he does not feel that the Collins and Russell Development should have been part of this project since it is not within town limits. He feels that the residents of Mulberry Street have waited long enough. This is a walking community and children walk to school on that street. The residents of Mulberry Street deserve more from Del Dot. All he hears are excuses.

Bernice Edwards stated she wants a start date. She is a very frustrated homeowner. Mrs. Edwards is upset with Del Dot and the Town for the project taking so long. Mrs. Edwards stated since the Town Manager is now on board, she will hold him accountable.

Mr. Cantalupo will be glad to meet with the residents of Mulberry Street and explain the delays. There were several questions as to why the monthly reports from Del Dot have stopped and why timelines were even given. Mr. Cantalupo stated this was a much bigger project than just sidewalks. The original project cost was \$400,000.00; now expense is up to \$2.5 million dollars. Councilman Prettyman believes we will lose the CDBG funds of \$80,000.00. Mr. Cantalupo stated Del Dot will give the Town Manager any information he needs to keep the funds allocated to the project, he will also make sure the monthly reports are sent to the Town Manager.

Several residents stated they see flooding in the shopping center and along the road where people have to walk including ice in the winter. Mrs. Edwards gave Mr. Cantalupo a petition signed by Mulberry Street residents.

Councilman Dvornick stated that one year ago Councilman Prettyman asked for monthly reports on the project. The reports came for awhile then stopped. Del Dot was to provide to the Town a list of construction easements needed to be contacted. That list never came. This is not a five year project.

Mr. Godwin stated the Town staff has already agreed to help get the easements signed so that the project can get started.

Councilwoman Betts asked if the Streets and Sidewalks Committee can be notified for any meetings with Del Dot. She stated the committee was not notified of any meeting. Mr. Godwin stated he only had one meeting with Del Dot, on March 10th. Councilwoman Betts stated she would still like to be notified of any meetings regarding streets and sidewalks.

Mr. Godwin informed council that he and the staff have provided a current water code and a revised water code for the Council's consideration.

Councilman Hudson stated in the revised water code, he did not see the disputed bill procedure. Mr. Godwin referred to Section 15-17 on page 15-5. Councilman Hudson said the section does not show the actual procedure. Councilman Hudson would not consider adopting the revision until the disputed bill procedure is included. Councilman Hudson asked that the procedures be added before the revision is forwarded to the committee. Councilman Post asked to have the original code marked with strikes and highlighted with any changes so they can compare what is being changed or added.

Mr. Godwin also reported he had a few considerations for the Council's review to relocate the police department to another building. He did not expect Council to act on the options at this point; he is looking for direction in how Council would like him to proceed. Mr. Godwin went through the options he provided.

Councilwoman Betts stated she feels there is not much need for committees if they are not included in the research that was done. Councilwoman Betts stated she has not had any contact with Mr. Godwin on the issue and just received his report the weekend before the Council meeting. Mayor Bushey stated he believes Council directed Jocelyn to check into the cost several months ago. Mayor Bushey stated he instructed Hal to proceed with the research on cost and options and he called Councilwoman Betts and informed her that Hal would continue with the project. Councilwoman Betts still felt the Town Manager should have contacted the committee. Mayor Bushey stated he would take the blame since he instructed Hal to proceed in the research.

Councilman Prettyman stated he has a problem with the building being placed on Front Street since it would be located in a flood zone. He can't imagine the building being placed there. Mayor Bushey stated he can appreciate Councilman Prettyman's concerns however; the Town has taken one year trying to come up with a solution on the issue. The Mayor stated we own other parcels of land that can be considered. The Mayor asked the Town Manager to call the committee together to review the options and go over the other parcels the Town owns to find a solution or possibly bring it up for bond issue. The Mayor stated a decision needs to be made.

Motion carried – "Aye"

Correspondence

Councilman Prettyman read a letter from:

- 1) Patsy Cicala Jr. of 118 Broad Street regarding committee protocols and issues he would like council to address.
- 2) Thank You note from Charlie Fleetwood
- 3) Mary Ann Stewart from 303 Coulter Street asking for Coulter St. to be a one-way street.

Old Business

Committee Appointments

Councilman Post stated that Karen Kelly would like to continue to participate on the Economic Development Committee. Ed Harris would like to be involved with the Economic Development committee as well. Councilman Post asked the Mayor to add Ms. Kelly, Mr. Harris and Joanie Martin-Brown to the Economic Development Committee.

Councilman Prettyman asked that Donna Johnson be added to the list for the 200th Anniversary Committee since she is already on the committee.

Councilman Dvornick made a motion to accept the list with the revisions noted, seconded by Councilman Hudson. All those in favor.

Motion carried – “Aye”

Cat Snippers

Donna Gordon spoke on behalf on the Cat Snippers Program. One year ago they started the Trap/Neuter/Release Program. The program has resulted in fixing 69 cats. The van has visited Milton three times and Per Chief Phillips, complaints regarding cats have dropped off. The organization is aware of large colonies on Atlantic Street, Poplar Street and Chestnut Street. The cost to fix each cat is \$55.00. Mrs. Gordon stated there have been fundraising events but they are asking the Town to help with the cost. The public can link their Food Lion MVP cards to donate proceeds to the organization.

Financial Advisor Report-

The Town Manager reported that Ed Donahue is helping the Town assemble a list of impact fees for new properties annexed into Town to help fund the cost of a new sewer treatment plant. Mr. Donahue will need engineering help. Mr. Godwin has received a quote of \$35,000.00 to \$40,000.00 to complete the study. The Town Manager did not have Mr. Donahue’s report available at the meeting. Councilman Dvornick stated since no report was available, for this meeting it will be added to the May agenda.

Sewer Waiver Extension-Wagamon’s West Shore-

Paul Simeone of Milton Properties had asked the Council for a waiver through March 30, 2005. The electrical components are still not available to complete the pump station. Mr. Simeone presented Council with documentation from the Power Plus Electrical Contracting Inc. stating the delay and when the project should be complete as well as letters from the construction company. Mr. Simeone is requesting 25 certificates of occupancies before the end of May. According to Mr. Simeone, DNREC stated the sewer is safe and sanitary. Councilman Hudson stated that Milton Properties was aware what parts they had to order when the original waiver was given. Councilman Hudson specifically asked if the waiver was given would Milton Properties have any problem in complying with having everything installed before the first building permit was pulled. Milton Properties responded at the March meeting there would not be any problems if they were given until the beginning of May.

Mr. Simeone stated they believed that to be the case however, they are at the mercy of the industry.

Councilman Dvornick stated he and the Mayor took pictures during the recent rain storm of the sewer lids and water bubbling out of it. If there were residents in the developments and the sewer was being used, it would have flown into the storm water pond and been a health issue.

Soil Conservation has visited the site and completed an inspection. The storm water was covered with sediment bags. The back up did flow into the system. The bags have been changed and the sewage has been pumped out. Manhole #1 is the lowest in the system and it was designed to have everything flow to that area. Councilman Post asked how many homes have been sold. Milton Properties originally asked for 5 Certificates of Occupancy but only one has been issued. Councilman Dvornick asked if the one home that was issued a Certificate of Occupancy had people using the house, would the sewer have been on the roadway during the flooding. Milton Properties stated that was correct.

Councilman Hudson stated he appreciated the developer being up front with Council but Milton Properties knew they had to have the infrastructure installed. Councilman Hudson made a motion to deny the request of additional Certificates of Occupancy on the emergency sewer system. The motion was seconded by Councilman Prettyman. All those in favor.

Motion carried – “Aye”

Wastewater Treatment Plant Change Order

Councilman Hudson reported that the values that went out to the beds have failed and need to be replaced. As a result of that malfunction, there needs to be a change order for \$7,500.00 to get the values repaired. Councilman Hudson made a motion to approve the change order so the repairs can be made in the amount of \$7,500.00, seconded by Councilman Dvornick. All those in favor.

Motion carried – “Aye”

Engineering Services Wastewater Treatment, Disposal and Conveyance System Improvements

Councilman Hudson stated the information was for the Council’s review and during discussions with Cabe Associates during the Water and Sewer Committee meetings; Cabe was concerned about how they would write the specifications to bid on the design bill plan. If the specifications were written too loosely, it would be difficult to compare the bids. If the specifications were written too tight then they might as well write all of the specifications for the plant. What the Council has before them was a proposal to design the plant with very tight specifications and the proposal will be sent out for bid. Councilman Hudson states we will need to have a workshop on the proposal and see what options are out there and see how the County went about doing their design/build plan. The contract is for a project total of \$1.36 million. This proposal is for a tightly designed plant.

Councilman Post feels that the Town needs a boiler plate contract. He has questions about the clauses and phases 3 through 5. Councilman Post questions the liability coverage on such a large project. He would like the Town Manager to develop a boiler plate on projects so the Town can have the correct liability coverage.

Councilman Hudson stated the workshop will be April 21, 2005 at 6pm in the Town Hall conference room. The Town Manager will post the agenda.

New Business

Partition of Property at 320 Union Street parcel 2-35-14.19-70

Karen Duffield appeared before Council asking for the property to be partitioned. She supplied a survey and has sent an application to Del Dot for a required curb cut. She understands that a driveway must be installed off of Union Street to satisfy parking for the existing house. She is requesting that Council approve the partition subject to the driveway installation.

Councilman Dvornick made a motion to approve the partition subject to the driveway installation, seconded by Councilman Prettyman.

Councilman Post would like the record to show that the partitioned lot will be within the Historic District and any new construction will have to meet the consistency of the district. Councilman Dvornick modified the motion to include that the partitioned lot will have to meet the Historic Preservation Ordinance, the modified motion was seconded by Councilman Prettyman.

Partition of Property from Pintail Management 2-35 20.11-52.01

The application for partition has been pulled off the agenda at the applicant's request.

Parking Waiver-Ballybunion LLC

The attorney for BallyBunion LLC, Steve Ellis, addressed the Council and asked for a parking waiver for the proposed Irish Eyes Restaurant. The applicant agrees Milton should be a walking town and they support the efforts of the Arts Guild and their upcoming show, they want to show they are committed to the project. The attorney gave Mayor Bushey letters of support for Irish Eyes. The attorney requested the Council consider the allocation of EDU's as well.

Councilman Hudson made a motion to grant the parking waiver, seconded by Councilwoman Betts.

The Town Manager gave Council a proposal on the downtown parking issue that he and the code enforcement officer have been working on. This proposal is a suggestion only; it has not been before any committees for review. The Town Manager apologized if he was out of order in that regard. The presentation centered on the downtown areas. Mr. Godwin stated the parking consideration is key to the downtown area. He felt the 97 parking spaces studied are more than adequate for the services and businesses in place today. He stated there was an immediate plan for the first year to include having the spaces clearly marked. There may be an opportunity to gain a space here and there if they can concentrate on how the spaces are placed on the lots. Also establish two zones, a fifteen minute zone and a two hour zone. Mr. Godwin would like the Council to consider the suggestions so staff can proceed with a way to deal with the parking in the growing town instead of a parking waiver system.

Councilman Post wanted the Town Manager to keep in mind that there are others on the Council that should be included in the body of the planning. He does not feel it is the responsibility of those already in town to assume the cost for those coming to town. Mr. Evans stated he agreed with Councilman Post 100%; however he believes that the situation needs to be investigated and does not feel a waiver is the way to go. He believes if you give a parking waiver for one, then the Council will have to waive parking for all those who come

to town. Councilman Post stated Council can continue to issue waivers until they see it becomes an issue. Councilman Post would like the committees to decide not just one or two people. Councilman Hudson stated that parking spaces that were counted at the boat dock ramps are for special use. Councilman Hudson stated he is all for the study but feels Council needs to make a decision on Irish Eyes now.

Councilman Hudson made a motion to approve the parking waiver for Irish Eyes, seconded by Councilman Post. All those in favor.

Motion carried – “Aye”

The attorney for Irish Eyes would like Council to allocate EDU’s to the restaurant. Councilman Hudson stated the EDU’s should not be an issue. Councilman Post wants a definition on Chapter 15-8 regarding a consuming unit. Mr. Evans answered that an EDU and a consuming unit are the same. Councilman Post does not think people of old Milton should not pay for the new Milton. The building that Irish Eyes will occupy already has two EDUs Mr. Kerr of Cabe Associates stated the restaurant would need 17 EDUs. Councilman Post thinks that number is excessive. He believes the Town has been inexcusable towards Irish Eyes.

Tim Willard, the town’s solicitor, stated there was a Freedom of Information Act (FOIA) violation if Council were to address the EDU issue since it was not on the agenda.

Councilman Dvornick suggested the business owner could show a bill from Sussex County showing the number of EDUs available at their other locations. The Town of Milton will charge the same as those locations.

Alternative Energy

Dean Sherman addressed the Council, representing several propane business owners from the area, concerned about the proposed franchise agreement presented by Chesapeake Utilities. They are not against natural gas; they just do not want natural gas to be the only source of energy. The language excludes any propane dealer from servicing the town. There are currently 12 companies that service this area. Mr. Sherman feels the Town Manager was very excited about the additional revenue but he would like Council to look at all the aspects of the agreement. Mr. Sherman stated that the companies in the area have spent many years and a lot of dollars setting up plants in the area. He would like to be invited to the workshop when Council looks at the issue. Mayor Bushey informed Mr. Sherman the group would be invited to the workshop.

Councilman Hudson asked Mr. Sherman if the group would be OK with the agreement said natural gas. Mr. Sherman stated he is Ok with natural gas; just do not eliminate all other sources of energy.

Delinquent Accounts

The Town Manager stated he sent a letter to those residents with delinquent utility bills asking them to bring their account current. This was a soft approach to recoup the delinquent funds owed to the town.

Meter Software

Allen Atkins, Sewer Department Supervisor stated the agreement remained the same as last year's proposal. If the Town purchased 500 meters, then the company would give the Town the software for free. The town has already purchased several hundred meters and if we count the meters for Cannery Village, we can meet the 500 limit.

Councilman Hudson made a motion to send letters to developers asking them if they would be willing to purchase meters in advance. Seconded by Councilman Prettyman. All those in favor.

Motion carried – "Aye"

Draft Agreement for engineering services for a new plant

This issue was addressed earlier in the meeting.

Empowerment of Constable

Mr. Godwin would like Eric Evans to be empowered to be a constable for building code violations. This would give Eric the power to write summons for building, housing, sanitation and public health code violations. Fines would be up to \$100.00. Eric currently only has the authority to write letters then go to court.

Tim Willard would like to look into the issue further.

Councilman Dvornick made a motion to have the Ordinance Committee and legal counsel report at the May meeting on the issue. Seconded by Councilman Hudson. All those in favor.

Motion carried – "Aye"

Tax Appeals

Mayor Bushey informed the public that there is a procedure they can follow to appeal their 2006 tax assessments. Residents of the town can fill out an appeal form at the Town Hall. The completed forms must be turned back in to Town Hall by May 16, 2005. There will be a hearing at the June 6, 2005 Town Council meeting for those who wish to appeal.

EDU Allocation

Councilman Hudson stated the Council would need to address the issue of the remaining 52 EDUs available. Councilman Post questions if that number was really accurate. He would like to see a certain number allocated to the Town Center and the remaining to those lots in town. Councilman Hudson stated the Water and Sewer Committee was concerned about reserving the remaining EDUs and not locking them up for one area or another.

Councilman Hudson made a motion to protect the EDUs remaining. Councilwoman Betts asked that the figure of 52 be removed and to read 'remaining estimated EDUs reserved.'

Councilman Prettyman thinks there should be a number listed.

Councilman Dvornick stated several months ago the maintenance report was to start including the remaining EDUs. Councilwoman Betts stated that would be OK if Maintenance knows the number available.

Councilman Hudson amended his motion to protect any and all remaining EDUs, will be held for properties already in town limits seconded by Councilman Dvornick. All those in favor. “Aye” Councilman Post opposed the motion.

Motion carried

Milton Garden Club Request- May 14, 2005 Townwide Clean Up Day

Councilman Dvornick made a motion to approve the request and name Saturday, May 14, 2005 as Townwide Clean up Day, seconded by Councilman Post. All those in favor.

Motion carried – “Aye”

Cat Snippers

Councilman Dvornick made a motion to extend the Cat Snippers program for one more year, seconded by Councilman Hudson. All those in favor.

Motion carried – “Aye”

Executive Session- Councilman Dvornick made a motion to go into executive session, seconded by Councilman Prettyman. Executive Session 10:14 PM. All those in favor.

Motion carried – “Aye”

Respectfully submitted,

Stephanie Coulbourne

slc: 04/20/05