

Milton Town Council Meeting
Milton Library, 121 Union Street
Monday, May 3, 2010
6:32 p.m.

1. Public Participation

- a. Mayor Newlands: Before anybody reads their section of the Public Participation, I just wanted to read something from George Mackey of Dogfish Head; he's the Safety Manager of Dogfish Head Brewery and what they wanted us to do was proclaim from May 2nd to May 8th as National American Occupational Safety and Health Week; and that May 5th is Occupational Safety and Health Professional Day. He wanted a Proclamation and we got it too late, so the most we could do is just announce that this is the American Occupational Safety and Health Week.
- b. Georgia Dalzell, the Milton Chamber of Commerce: Thank you, Mayor. The only thing I'm here to bring up is the event of the month that the Chamber is bringing to Milton; this would be the Horseshoe Crab and Shorebird Festival which takes place at Milton's Memorial Park. This is a big event for our town and we expect everyone to come out. I have some flyers and I'll leave these in the back, because it tells all of the different activities that will be going on; but please don't hold it against me, the date is wrong. It's not 2009, it's 2010; but the other dates are correct. But there's a lot that's going to happen; it's a fun festival; we go into the schools and we talk to the kids about horseshoe crabs and it's great. Then we get them together here and they paint horseshoe crabs and they learn about nature and we have Prime Hook with lots and lots of naturalists, so it's a great festival for the whole family and it's taking place starting Friday night, with an event in the tent; all day Saturday and a few things on Sunday; so keep your eyes opened; tell your friends and families and join us in the Park on Memorial Day Weekend. Thanks.
- c. Jeff Dailey: Thank you Mayor and Council. This is one of those episodes where a letter is going to be read into the record. It's not short. I'm going to bypass, and thanks to the Mayor for this, the time limit, but it does represent a good 50+ residence.

Mayor Newlands: I didn't agree to bypass any time limits. Sorry.

Jeff Dailey: Oh, I thought that was our conversation earlier with C Duby.

Mayor Newlands: No, the conversation was that I was not going to read four pages into the record, that I would put it into the record.

Jeff Dailey: And I offered to read it, no problem. So what is the time limit?

Mayor Newlands: Three minutes.

Jeff Dailey: Okay. I'll offer this in writing for the record, so that it could be referenced in future and I won't read it, because I don't want to be pressed for time. It would take more than that. I thought we had an understanding. I apologize.

Mayor Newlands: Thank you.

Jeff Dailey: Thank you.

- d. John Harran, 304 Brick Lane: The last meeting there was discussion about the alleys and it got into the lanes at Cannery Village. What I've tried to do here with just a couple of quick pictures, I've labeled them as 1, 2 and 3; 1 is looking down almost like a park-like scene, where you have houses on the right hand side and the left hand side. Now there is no marking, at all down this particular walkway. On the right hand side the addresses of the houses are on Brick Lane; on the left hand side the addresses of the houses are on Acre Lane. Now on Page 2, and this is a terrible picture, it almost looks like Cannery Row, instead of Cannery Village; on the right and left hand sides, all the addresses are on Brick Lane. You will notice that there is a small portion of driveway coming out of the garage. The houses on the end have driveways of sufficient length where you can actually pull a car in and you wouldn't be on the lane; the rest of them, you can not pull a car in, other than to kind of angle it in. For example, I have a Corolla and I pull it in, almost kind of like parallel parking in front of my garage. Under no conditions, actually the only ones that come out into the lane are service vehicles and such as that when they come through; because you don't park in the lane. You park in your driveway or on the adjacent street where there is sufficient space to park. The third picture once again, the houses on the right here, they also are fronted on a walkway, where vehicles cannot access the front of the building; so therefore it is imperative, certainly from my perspective, if God forbid if I needed emergency medical attention, they would have to come to the back of the house or if I needed to leave in an emergency, I would have to drive out of my garage and head out on the road. Therefore, it is my contention that these lanes are not like the alleyways, as such; but they have to be unrestricted during times of say snowfall and such as that. The third picture shows Acre Lane, which, once again, looking at the big picture; the houses that are facing each other; once again Acre Lane is where the garages are; and once again you've got a better depiction of how deep the driveways are. They're very, very, very small. You cannot actually pull a car in forward without backing onto the lane. The houses on the left hand side, you'll notice the cars that are parked in their driveways; those houses are further front; closer to the main road and they actually don't have Acre Lane addresses; but they have addresses that are on the main street that go by. I think the folks that built Cannery Village have tried to confuse lots of people in...

C Duby: And have succeeded. In my case, I have gotten lost there far too many times.

John Harran: But, again, I can take additional pictures and such to try to depict this. This is just one case of the lanes. There are many cases within Cannery Village where the lane, as such, is the only access that you can get to get into a person's house and have a vehicle; whether it be an emergency vehicle or what have you, parked right outside of their house; without driving up on grass areas and such, on front lawns. So I would like to leave these pictures. If the Mayor and the Council would like, I'll try to get additional ones and

have them perhaps a little bit better. Thank you very much. Are there any questions?

Mayor Newlands: Not at this time, no.

Vice Mayor Betts: Thank you.

- e. John Collier, 301 Coulter Street: Good evening Mayor and Council. Thank you for the opportunity to speak. I have several issues I would like to address and I will try to keep it brief and stay within the three minutes. I have some documents that I would like to hand out and I will address the stack one at a time. The first issue that I would like to bring to the floor is, as most of you probably know or you don't know, but anyhow on the 5th of June it will be the seventh annual Summer Bash put on by Governor Jack Markel. This is normally held at 313 Walnut Street, which is right around the corner from where I live; in the 300 Block of Coulter. Now those of you that are familiar with that street know that it is very narrow and does not permit two cars to pass one another on a normal day. I would respectfully request that the Town Council direct the Police Department to post both sides of the street No Parking for that particular day. If we need for an emergency vehicle on that street and you enable parking, there's little or no ingress or egress. That's what my first issue is. Thank you. Okay, the second thing I'll bring to you, you probably need to ignore all the written articles, because I'm not even sure they've been accepted. What you have is a package of pictures. Now I brought this issue before the Council in 2006, as a part of four properties in town that were in dire need of some corrective action. I brought it again in 2008 and in that period of time, three of them were addresses. Now we have this final and fourth one and I'm back in 2010. This is 302 Mill Street and the pictures will show you that it was condemned in September of 2007; a building permit was issued in January of 2008. Now, as far as I know, unless the ordinance has changed, that building permit expired in 2009 and any possible extension that might have been issued expired in 2010. You can see the picture is large enough what was supposed to be addressed and then the accompanying pictures show you what it looks like today; because I took these pictures today. I would like to note that the very last picture, which shows the upstairs window, looks like somebody is pulling the curtain opened; that's not the curtain being pulled opened; that's the wind blowing the curtain opened; even though the window is shut. This has been an ongoing thing; there is a lot of stuff in what may be the new ordinances that address this and I would just like to see something move forward. I talked to someone about this within town government and they said there was no budget for demolition. Well I can't find anywhere where that's inclusive. If it needs to be demolished, put a lien on the property. That's the way it is. It's gone on far too long. We're four years out from this and I know that it's four years, because after each Mayoral election, I've brought this up. So this would be the third time I've been here to speak on this very issue.

Mayor Newlands: I'm familiar with the property and I'll talk to the Town Solicitor about what we can do about this. Okay? And the parking matter,

we'll talk to the Chief during the week to see if we can get that street as no parking; I know it's a very skinny street.

John Collier: Thank you very much.

- f. Ted Kanakos, Cannery Village: Thank you Mayor and Council. This is somewhat my game thing; I don't have any pictures or charts, but it addresses streets and sidewalks and the public works. I have noticed that as you go down the brick sidewalks in front the Antique Store and the old Scrapbook Place and in front of Irish Eyes, the Garden Club, which is doing a wonderful job of filling these planters with season flowers; if you look under the planters that are only located on the brick, you will see masses of weeds growing underneath. Now this needs addressing, because after awhile this will degrade the brick; and as the weeds come up and we go through a winter of freezing and thawing, these bricks are going to start to heave and move. We have very, very beautiful brick sidewalks in excellent condition and I think we have to address maintaining them and maybe putting some weed killer down there; because if we have to start repairing our brick sidewalks in little patches, they never really look as good as when they were first installed; and it is expensive. So maybe somebody could put a little weed killer under there.

Allen Atkins: Well the sidewalks are private property.

Ted Kanakos: Well obviously when the Garden Club puts their seasonal flowers in and they're watered, whatever it is flows to the bottom of the planters; some are 4' X 1.5' and you'll see weeds under there. What it is is that it is affecting our sidewalks and the maintenance of the sidewalks for the future. I know that you do a great job, because you will spray along the curbs and streets.

Allen Atkins: We do the curbs, but we do not do anything on private property. Maybe the Garden Club, when they take care of the planters, they could do the weeds underneath.

Ted Kanakos: As part of their maintenance program.

Allen Atkins: As part of their maintenance program.

Ted Kanakos: If someone could address it.

Mayor Newlands: I'll talk to Allen during the week and see if he could address it with the Garden Club or with the business owners.

Ted Kanakos: If you have 5 or 6 patches of large bricks coming up over a period of 1 or 2 years, it really looks ugly and the sidewalks now are absolutely pristine. Thank you.

Mayor Newlands: Thank you Mr. Kanakos. Okay, we're going to close the public participation at 6:46 p.m.

2. Call to Order of Milton Town Council Meeting called by Mayor Newlands at 6:46 p.m.
3. A Moment of Silence was led by Vice Mayor Betts.
4. The Pledge of Allegiance to the Flag was said by all in attendance.

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5. Mayor Newlands: I would like to have a Roll Call now, please:

C Lester	Here
C Martin-Brown	Here
C Duby	Here
C Abraham	Here
Vice Mayor Betts	Here
Mayor Newlands	Here
C Prettyman	Absent

6. Additions and Corrections to the Agenda

Mayor Newlands: Do we have additions and corrections to the agenda?

7. Approval of the Agenda

Vice Mayor Betts: I make a motion to approve the agenda.

C Abraham: Second.

Mayor Newlands: We have a motion and a second. All in favor; aye. Opposed.

Motion carried.

8. Presentation of Minutes – April 5, 2010

Mayor Newlands: Can we go over the minutes from April 5, 2010?

Vice Mayor Betts: I have a correction; it's just a typographical. On Page 2, it says Manner High School; Article d; it should be Mariner Middle School.

Mayor Newlands: Okay.

Vice Mayor Betts: I have another one also. I would like to ask that whoever types the minutes, would they put the page number on them; it would be so much easier to follow. This is Page 9. In the middle of the page it says there is about \$20,000 in the budget; then it says \$26,000. Which is it \$26,000 or \$20,000? Or is there a difference?

Mayor Newlands: I'm trying to find where you are.

Vice Mayor Betts: It's the middle...

C Duby: It's actually Page 8.

Vice Mayor Betts: Is it 8? I thought it was 9. It is 8, I'm sorry. Page 8. It says Mr. Dickerson, right in the middle of the page.

Mayor Newlands: That should be \$26,000.

Vice Mayor Betts: Okay, correction. Thank you.

Mayor Newlands: Are there any other clarifications? Can we get approval on the minutes?

9. Approval of the Minutes

C Duby: I move for approval of the Minutes as corrected.

Vice Mayor Betts: Second.

Mayor Newlands: We have a motion and a second on approval of the Minutes.

All in favor, aye. Opposed. Motion is carried.

10. Approval of Written Committee Reports

Vice Mayor Betts: I make a motion that we accept all written committee reports, as written.

C DUBY: Second.

Mayor Newlands: We have a motion and a second to approve the written reports, as written. All in favor; aye. Opposed. Motion carried.

11. Town Manager's Report

a. Six Month Budget Recap

Mayor Newlands: The Town Manager is out this evening, so the Finance Director Jennifer Cornell will give us the presentation. I just wanted to let the public to know that there are copies for them to pick up.

Jennifer Cornell: There are additional copies and some talking points and then it's a budget recap as of March 31, 2010. I'm actually going to start with the Administrative Department Revenues. Right now the Administrative Department is at about 88% of total budgeted figures. Now there are several reasons for that. The first reason being Property Tax Revenue; we're showing that at 97%; property taxes billed out annually. Those bills went out mid-January and were due March 31st; so we saw a large portion of that Administrative Revenue already coming in; which inflates that number. As the year progresses, the other revenues should catch up; but that is one of the larger reasons why Administrative Revenue is so high right now. Another line item that is over budget for the 6-month review is Interest Income. That line item is high right now. The Town has two CD's that both came due in December, so we recognized the Interest Income for those at that time. So that line item is a little higher at this point. Some other line items that are over the 6-month budget are Franchise Fees. Again those fees we recognize annually; we've already received a majority of those, so that line item is showing at 96% at this time. Going over to Admin Expenses, the first line item I want to talk about is the Admin Salaries. That is a little under budget at 46%, roughly, at this time. If you look down a little further to Temporary Labor; that's showing a larger bridge at 296%. The Admin Department, we had some staffing transfers into other departments early in the fiscal year; so our salary line item went down; however, we were using Temporary Labor to fill those positions. What I've done is I took the overage in the Temporary line item and moved it into salaries; not on paper, but just for calculation purposes; just to show if we had somebody on staff full-time, we would have been at 49%. The figures are kept where they were posted for the purposes of this report; but that's the explanation of why we were high there and we were a little under in salaries. Accounting Fees are currently at 98%; again that's something we pay one time a year; the Annual Audit has already been completed and we've paid for that. So that line item is at 98%. The Election Expense is at 189%. Again that's for required advertising fees; other election related expenses. The Web-Site Expense; we pay an annual maintenance to

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the web-site company; that's split between all departments, so a majority of that line item is used right off the bat, again, so that brings that line item a little higher than the 6-month budgeted figure. Edmund's Software, that's the software company the Town uses. Again, we pay that once a year; we've already paid that for this year. So overall the Admin Expenses are at about 46%. Going over to the Streets Department, the Town did not budget any street revenues for this year. However, we are showing some revenue in the report in the form of Interest Income, that's interest received on some savings accounts that we have for the Streets Department and then Revenue Reserves. Those are funds that we pulled to reimburse expenditures related to the sidewalks; updating those, getting the evaluations done, things like that; we pulled that money from Reserves; which we had previously allocated in previous years, to reimburse those expenditures, so that's showing there. Streets Expenses is showing large overages. Several reason for that; first being that all the expenses related to the snow removal is in the Streets Department. There is a line item specifically for that and you will see it there. Another item that is in the Streets Department, was anything related to the drainage issues in Shipbuilder's Village; we were renting pumps for a few months; generator's and there were multiple expenses related to that; they're all in the Streets Department; so that brings that figure up. The final line item under Streets Expenses is the Street Repairs on Church and Mulberry Streets; we're actually going through those right now; but that line item is there; which brings the total percentage up.

Mayor Newlands: Now the snow removal, the \$26,000, we're getting a good portion of that back, aren't we?

Jennifer Cornell: Possibly, I'm not sure it's been awarded at this time, but we have a meeting Thursday to go over some of those and find out what we can get back for it.

Mayor Newlands: We've applied for it?

Jennifer Cornell: Yes.

Mayor Newlands: Okay.

Jennifer Cornell: Next is the Police Department. Overall the Police Department expenses are at 49%; just to go over a few line items that are over budget. The overtime line items; both regular and holiday overtime; auto repairs and uniforms. The uniform line item is high; we did have several new officers this fiscal year so they needed to be outfitted; which drove that line item up early in the year. Another line item, building renovations, is currently at about 95%. That's for work being done at the Police Station and again a majority of that work has already been completed; so that line item is high at this point. Police Department Revenues; a majority of the Police Department Revenue is grant-related. We're not showing a large amount received at this point, which is why the percentage overall is only 16%; as we receive some of those grants or we are awarded those, we'll recognize that revenue and it will bring that percentage up. In the General Department, there's a line item there for Council Approved Donations. That line item was \$5,000 to be donated to

the Fire Department. That check will be going out this week. So that line item will be at 100% at the end of the week. And then the other two line items Utilities, we're just about on track there; that's for Wagamon's; and Concerts in the Park, we're just starting to see some expenses for that. At the same you'll see a donations line item under the Revenue side; just in the past month of April, we started to see some pledges for that series. There is a line item for Revenue Reserves; that amount was put into the budget to cover Capital Expenditures throughout the budget. At this point, we haven't needed to pull the Reserves, so we're not showing any Revenue there. As the budget year continues, there may be a need to pull those to cover some of those Capital Expenditures; but at this point there has not been a need for that. Parks Department, expenses right now are at 12%; we're just now getting into warmer weather season where we're going to start seeing some of those expenses. So that amount will increase now that the warmer months are here. The same thing for the Revenue; the only line item we have there is the boat dock rental. Again, we are just starting to see some of that Revenue coming in, now that the weather is a little nicer. Under the Code Department, Expenses overall are just about right on the 6-month budgeted figures at 40%. Now this budget will be significantly impacted based on Council's decision; we have an open position, the Code Enforcer; and I believe they are going to be talking about that; but that would be something that would affect this Department. On the Revenue side, business licenses are a large source of Revenue; we're currently at about 73%; reminders went out for business licenses in December. The majority of businesses renewed in early January; but we're still seeing those weekly new businesses coming in all the time and then existing businesses renewing those licenses. One line item that I want to mention, in talking to Robin in the past few weeks, is the Building Inspection line item. Right now we're not showing any Revenue recognized, however, in our discussions we learned that that Revenue is actually being billed out with the building permit fees. So that's all being collected at one time. So my recommendation for the future would be to combine those two line items; because really at this point, they haven't been separated, but collected all together.

Mayor Newlands: I would like to keep them separate. The inspection fees will be charged back to First State, isn't it?

Jennifer Cornell: We do. Can you explain how you bill that out?

Robin Davis: It's all part of their 2%. The fees that First State charges, they are built into the 2% that we charge the Applicant in the permit fees. It's an all incorporated together. We might say get \$2,000 for a permit for a home. About \$370 of that goes to pay out to First State for their plan review and the inspection fees.

Mayor Newlands: What was the purpose of splitting it out before then?

Jennifer Cornell: When we initially created the line items for the Professional Fees collected, we created a line item for everything that we wanted to bill out for. One of those things that we knew we were billing out for was building

inspections; however, in his process including that in the 2%, it's combined together.

Mayor Newlands: Okay, I remember a while ago we were going to do all of this pass-through billing of things. Okay, that's fine.

Jennifer Cornell: Correct. One thing that I do want to mention, though, if any home requires additional inspection; that's billed through a separate line item. That's actually going to hit the Miscellaneous Fees Collected; so if somebody does not pass an inspection, and they have to go out a second or third time; we are billing out for that separate from the 2%.

Mayor Newlands: Okay, that's fine.

Jennifer Cornell: Trash Department: we're right on target there; that's a contracted service that the Town has with MT Trash. That contract is up this year; it was a three year contract. So at the end of this budget year; we're up for a renewal.

Mayor Newlands: We have another draft for an RFP from Cabe Associates. Okay, go ahead.

Jennifer Cornell: The Water Department: Again, this department is fairly in line with 6-month figures at 52% overall. Some line items that were over, Overtime, this is largely related to we had some water main breaks during the bad weather; the guys having to work some additional hours to cover those types of events. Repair and Maintenance, the Water Tower at 99%; that is a contracted service; it was a 10-year contract; we pay that once a year. That's already been paid; so that's why that line item has been just about expended. There's a little bit left in there in case we need to do some minor repairs ourselves. Gas and Oil: this line item is for all of the fuel for the Maintenance Vehicles; now the maintenance vehicles are used in multiple departments, Streets, Parks and Water all are run through this line item. So again, in the snowstorms and when they need to do additional services, that drove that line item up for this year. This will be included, though, in our meetings about recovering costs for the snowstorm; but it is just showing in the budget here; in this line item. On the Revenue side: Revenue slightly above budgeted figures, several line items creating that. Impact Fees and Revenue Reserves: Revenue Reserves were pulled to reimburse for Expenses related to the water main repairs for a little over \$12,000; and then Impact Fees, there was some research done and an invoice created for additional EDU's for a business in town which brought that line item up.

Mayor Newlands: Which was that again?

Jennifer Cornell: Impact Fees from the Water Department. Looking at MSA expenses, which is next in the packet, that's Municipal Street Aid. The State of Delaware did not allocate funds to municipalities this fiscal year for Municipal Street Aid; however, the Town had saved a little over \$60,000 over the past years to use for street lighting purposes. As of March 31st, we had spent about \$23,000 of that.

Mayor Newlands: Now there's talk about that going back to \$4,000,000 for this year. Is that unsolidified yet or do we have to wait for July?

Jennifer Cornell: I know they're talking about bringing it back; I haven't seen anything yet.

Mayor Newlands: Do they solidify that in July?

Jennifer Cornell: That's the start of their budget year; we should know a little before then; when they finalize their budget what we'll be receiving. Then they send out a notice to all the Towns exactly what we receive.

Mayor Newlands: And we still have to do our report this month, I think it is, or is it next month?

Jennifer Cornell: For?

Mayor Newlands: To apply for the grant.

Jennifer Cornell: Yes.

Mayor Newlands: It's this month though we do it. We apply for the benefit this month or next month; we apply for the aid?

Jennifer Cornell: I would have to look at the due date on the report. The final page is just showing totals. Overall the Town is at 52% and only 2% over. Major Expenditures in the budget that were not budgeted for; the snowstorms; streets repairs; the water main breaking; revenues overall at 67%; and, again, I want to mention that we've received property tax revenue already so that brings that number a little high. But overall we've collected a little over \$1.5 million in Revenue and our Expenditures are at a little over \$1.2 million to date.

Mayor Newlands: Does Council have any questions or comments? Thank you. We'll go on to written reports.

b. Town Manager's Report

Stephanie Coulbourn: The Town Manager is not here tonight and he has asked me to give his report. The first thing I have for Council is the Complaint Report that you see every month. He also wrote on here that he wanted to commend Staff on all the work that they've been doing gathering information and reports for the new administration. Every year the Delaware Insurance Office performs a safety inspection of town owned properties. An inspector meets with Mr. Atkins and goes through the Maintenance Building and the Town Hall building, just to make sure that we're in compliance with Workplace Safety. When we pass that inspection, they have initiated a Certificate giving us a 16% credit on our insurance. We received that notification effective March 20th. I don't have the exact total of what that 16% is right now; at this time they haven't given me the final documentation for that. Lastly, the State of Delaware Energy Office has allocated \$35,000 for the Town of Milton to upgrade facilities to make our buildings more "green" so to speak and with that they have approved certain vendors within the State of Delaware that they will allow to do an energy audit. I filled out the application paperwork for that; I have spoken to vendors and I found one that is available and at 4:00 today they called and scheduled an inspection with Allen for tomorrow morning. I've emailed all of our power bills and we're going to give them all of our propane bills, as well. They are going to be inspecting Town Hall, the Police Department, the Maintenance Building,

the main Well House on Chandler Street and all the street lights in town; to figure out what projects we can do with that \$35,000 to be more efficient with our energy. That audit has to come back to me in a very short timeframe, because I need to submit the application for what projects we're going to be using the funds for by May 31st. So hopefully tomorrow, they'll get done what they need and we'll give them any final information and I'll have that by May 15th so I can get the application to the State to use that \$35,000.

Mayor Newlands: Thank you.

C Martin-Brown: Mr. Mayor, that \$35,000 is it eligible to cover solar panels?

Stephanie Coulbourne: It could, it would be based on what the auditor determines tomorrow.

C Martin-Brown: It would be based on the best technology. Thank you.

Mayor Newlands: Are there any other questions?

12. Written Reports

a. Maintenance

C Abraham: I make a motion to approve the April 2010 maintenance report.

Vice Mayor Betts: Second

Mayor Newlands: We have a motion and a second. All in favor; aye.
Opposed. Motion is carried.

b. Project Coordinator/Code Enforcement

Vice Mayor Betts: I make a motion to accept.

C Abraham: Second.

Mayor Newlands: We have a motion and a second. All in favor; aye.
Opposed. Motion is carried.

c. Police Report:

Vice Mayor Betts: I make a motion to accept as written.

C Abraham: Second

Mayor Newlands: We have a motion and a second. And we have a question from the Police Chief.

Chief Phillips: I would just like to say a couple of things. One, Milton's Night Out this year between August 4, 2010, between 5 p.m. and 8 p.m. in the Park here and any assistance with donations that anybody wants to give, we're more than welcome to receive them. We'll have food and a band and the whole nine yards. Also, another thing that I wanted to talk about was the thing about the Governor's Summer Bash. I think the Council is going to have to give me permission to shut that street down before I can do that. I can't do that without your permission; and this thing happens before the next Council Meeting; if I'm not mistaken.

Vice Mayor Betts: Yes, you're right.

Mayor Newlands: What's the date on that party?

Chief Phillips: It appears to be Saturday, June the 5th, 2010. I just want to make sure that I can put the signs up until you guys authorize me to put the signs up legally. I can't enforce it until you guys authorize me.

Mayor Newlands: We have a meeting on May 20th and we'll put it on the agenda for the May 20th meeting.

Chief Phillips: Thank you.

C Abraham: I have a question for Allen. On your report for your signage, do you have an estimate on what it would cost to replace the 73 signs?

Allen Atkins: The 73 signs is about \$8,000.

C Abraham: Okay.

Allen Atkins: We have until 2012-2015, somewhere like that to get it done.

C Abraham: I think it was 2012 and I thought well, it was 2 years we can budget it.

Allen Atkins: And then the street signs they have to be done by 2018; they have to be green background and white letters on those; they have to all be changed.

Mayor Newlands: So the \$8,000 is staggered over a couple of years.

Allen Atkins: The \$8,000 is just for the 73 signs; and then we can phase the other ones over probably a period of time; we'll just have to get some costs from DeIDOT.

Mayor Newlands: It's 2012 or 2015; when are they due?

Allen Atkins: I think it's 2012.

Mayor Newlands: Okay. Anything else on the Police Report? We had a motion and a second. All in favor, aye. Opposed. Motion is carried.

d. Finance Expenditure/Revenue Report

Mayor Newlands: Next are the Finance Expenditure and Revenue Report; and we're doing things a little different this time. Mr. Lester, do you want to explain some of these reports?

C Lester: Actually there are two reports. There's one called the Revenue and Expenditure; which should provide an actual Income collected for the year-to-date and all the Expenses year-to-date; that's a little different than the previous report which was called I think a Custom Revenue Report. I think the discussion is actually one, which of the two reports we will accept in the future; and whether the report should be in affect, a month late. It is my opinion that we're in May now, that if we had a completed March 31, 2010 Statement, we would have a better picture of where we've been and where we're going; as opposed to getting a statement that was cut-off by 10 days in the month. In the prior statements have always been the statement would have been, at this point, through April the 20th; so that's cutting off 10 days of income; 10 days of expenses. In my opinion, that doesn't give you a true picture. I think if the Council would approve that fact of accepting the Statement which is just one month late, we would get a much clearer picture within that one month everything that should have been booked properly. I would like a motion for that.

Mayor Newlands: I don't know if we have to.

Stephanie Coulbourne: Council had previously made a motion and second and passed to have all reports due the 20th of the month, so yes, I think it would be proper for C Lester to make that change to the 31st or the end of the month.

Mayor Newlands: It would be the end of the prior month. That way we can balance the books out for that month and have more time to get a correct report to the public.

C Lester: Right.

Vice Mayor Betts: Is that a motion you need?

Seth Thompson: The problem is basically the way the agenda reads next time. Just based on again...

Mayor Newlands: That's fine, we produced both. We could do that on the 20th. We'll add that to the 20th. We have both reports produced this time, just to cover our bases.

C Lester: Just for everybody to look at it, yeah.

Chief Phillips: Is that just for Finance, or is that for all reports?

C Lester: Just Finance, I think.

Mayor Newlands: Right now, just Finance.

Chief Phillips: Okay.

Mayor Newlands: I would rather have your reports a little bit more current than the Finance. We don't have to balance those as much as we do the Finance Reports.

Vice Mayor Betts: Will that give a report of Rails to Trails, all the reports; will that include that also?

C Lester: I hope so.

Vice Mayor Betts: I haven't seen it, so I don't think we've been getting that.

C Lester: We'll have to go through these statements and I think this is something certainly after the Finance Committees have been appointed, we can get some points of view of how the statements should look and then we could talk to the software company and see what can be produced.

Vice Mayor Betts: Thank you.

Mayor Newlands: We don't have to approve these reports right now; we don't normally approve these, do we? She's saying we do.

Stephanie Coulbourne: Yes, We do.

Vice Mayor Betts: I don't think we do, do we?

C Abraham: We don't normally. It was for informational purposes only.

Mayor Newlands: I think we're okay not approving them.

C Martin-Brown: Are we talking about this report; this is the one we approve.

Mayor Newlands: Okay, we can go ahead if you want to go through it and approve it, we can. Its fine, we can.

C Lester: I received these reports as did everybody else in their package last Friday and I still need, without given an opportunity to review the books to make sure everything was correctly reported; so, I wasn't even given the opportunity to sign off or not sign off on these.

Vice Mayor Betts: I don't think they should be voted on then. You're the Treasurer, right?

C Lester: Right, I believe so.

Mayor Newlands: Yes, because you're not signing off on these until we have the proper procedures that you want in place.

C Lester: Exactly.

Mayor Newlands: I think we're okay with that. I don't think there's a problem.

C Lester: Okay.

Mayor Newlands: So I think we're okay not approving these at this point.

13. Old Business

- a. Review and vote on the acceptance of the revised Water Ordinance.

Mayor Newlands: We had a public hearing on that last month. We're finished with all of our public hearings, so this is really just a Council discussion, if need be and a vote on the Water Ordinance.

C Abraham: I want to make a motion to accept the revised Water Ordinances. I don't know what numbers to use, let me see. There is going to be an order of our new General Code, which I'm not sure what numbers they will begin with.

Stephanie Coulbourne: It was formerly Chapter 15. I believe now it is 221 (b).

C Abraham: I could read the old section and then you can incorporate the new numbers. So I would like to make a motion to approve the revised Water Ordinance, which is the old Chapter 15, to the new General Code 215.

Vice Mayor Betts: Second.

Mayor Newlands: We have a motion and a second. Is there any further discussion? All in favor, aye. Opposed. Motion carried.

- b. Discussion by Mayor and Town Council FY 2008-2009 Town Audit

Mayor Newlands: We've gone over this audit a number of times and Mr. Lester and I sat down with Mr. Sombar, who gave us a number of adjustments to be made to the books for closing out our statements. I don't know if you wanted to make any comments about that.

C Lester: Well actually the adjustments were really not audit adjustments. They were adjustments to the books. Most of them and I think Mr. Sombar's firm agreed that they probably should have been made before the statements were presented to him for audit. We did go through the audit statement with him and had some discussions of various areas of how he arrived at his numbers, etc. I think we were kind of in agreement with what he had prepared at the end of that discussion.

Mayor Newlands: We were able to get into a little bit more depth in that information is how he had arrived at certain figures and how he presented certain figures; more so then you could do in a presentation; so we sat down with the books themselves and went through almost page by page with Mr.

Sombar; so it was a productive meeting. Since we have nothing here we really to approve at this point, let's go on to the next thing.

C Duby: Can I just ask a question? Don't we have to at some point, accept the audit?

Mayor Newlands: I don't think so. It's not written any place that we have to accept the audit; that I know of.

Seth Thompson: I think it is.

C Duby: I thought it was.

Mayor Newlands: It just says we have to have one done, I don't know if we have to approve it.

Seth Thompson: No, the town just has to publish it.

C Duby: So it's been published as the one we saw; there have been no changes in it?

Mayor Newlands: No there have been no changes at all. We would have presented any changes, if there were changes.

C Duby: Okay.

Mayor Newlands: We just had a discussion as to what information was in there.

C Lester: I do believe that the synopsis of the statements is supposed to be published in the newspapers?

Seth Thompson: That's correct.

Mayor Newlands: So we'll get all that information published.

- c. Approval of 2010 Town Committees as presented by Mayor Newlands (Ethics Forms required)

Mayor Newlands: We opened it up to the public to send in resumes or letters asking to be on particular committees. We got probably a little over a dozen letters coming in from different people. We don't have any formal procedure on how to do this, since we never did these kinds of votes before. We have three openings in the Planning and Zoning Committee. We have six applicants for Planning and Zoning Committee. I would just like to make recommendations of Lynn Ekelund, Don Mazzeo and Joanne Mattioni for the Planning and Zoning Committee and I guess we'll go committee by committee asking for approval of those.

C Martin-Brown: Mr. Mayor there are three openings so the people that were on the Planning and Zoning Committee their terms have expired?

Mayor Newlands: Yes, their terms have expired.

C Martin-Brown: That's helpful. Thank you.

Mayor Newlands: I don't think in any case there were resignations; I think the terms just expired. So I'm recommending that we have Ms. Ekelund, Don Mazzeo and Joanne Mattioni for the Planning and Zoning Commission.

C Abraham: I would like to make a motion that place Lynn Ekelund, Donald Mazzeo and Joanne Mattioni on the Planning and Zoning Commission.

Vice Mayor Betts: Second.

Mayor Newlands: We have a motion and a second. Any further discussion? All those in favor, aye. Opposed. Motion carried. On the Board of

Adjustment there is one opening and Marion Jones is applying for that; I would like to recommend that we have Marion Jones apply for the Board of Adjustment.

C Martin-Brown: So moved.

C Lester: Second.

Mayor Newlands: We have a motion and a second. All in favor, aye.

Opposed. Motion carried. We have a new Finance Committee that's going to be headed by C Lester and we have Dennis Hughes, Roy Turci, Roy Fleming and James Crellin and Mr. Sgro. Mr. Sgro did you fill out an Ethics Form?

Louis Sgro: Yes I did it on Friday.

Mayor Newlands: Yes, I have it to the Town Clerk. So we have five people applying for this Committee. Do we have a motion to accept these five people?

Vice Mayor Betts: I make a motion to accept these five people mentioned.

C Abraham: Second.

Mayor Newlands: We have a motion and a second. All in favor, aye.

Opposed. Motion is carried. The Historic Preservation Commission, actually two out of the three are to replace expired terms; the one Gwen Foehner; that terms doesn't expire until next year, so we don't need to worry about that. So we have George Kevin Kelly and Dennis Hughes for the Historic Preservation Commission.

Vice Mayor Betts: I make a motion to accept Dennis Hughes and George Kevin Kelly.

C Abraham: Second.

Mayor Newlands: We have a motion and a second. All in favor, aye.

Opposed. Motion is carried. The Economic Development Committee, we have one opening in there to replace Pat Sexton; and that's John Booros.

Vice Mayor Betts: I make a motion to accept John Booros for the Economic Development Committee.

C Lester: Second.

Mayor Newlands: We have a motion and a second. All in favor, aye.

Opposed. Motion is carried. The last one is Parks and Rec and that is already filled by Susan Denise Suthard and she is already on that Committee, so there is no further discussion. Now, the Personnel Committee, we need to do the Personnel Committee from the Council and what I'm proposing is Vice Mayor Betts, C Abraham and myself to be the permanent, standard Personnel Committee. Can we get a motion for that?

C Lester: I make a motion that the Mayor, Vice Mayor Betts and C Abraham serve on the standard Personnel Committee.

C Abraham: Second.

Mayor Newlands: We have a motion and a second. All in favor, aye.

Opposed. Motion is carried. We have a need to have two different Ad Hoc Personnel Committees; so one of the Ad Hoc Personnel Committee would be myself, C Duby and C Lester.

Vice Mayor Betts: I'll make a motion to accept C Lester, C Duby and Mayor Newlands as an Ad Hoc Personnel Committee.

C Abraham: Second.

Mayor Newlands: We have a motion and a second. All in favor, aye.

Opposed. Motion is carried. And a second Ad Hoc Personnel Committee, I'm recommending that we have Vice Mayor Betts, C Abraham and C Martin-Brown for that Committee. I need a motion.

C Abraham: I make a motion to accept, if I can; I'm on it.

C Lester: Second.

Mayor Newlands: We have a motion and a second. All in favor, aye.

Opposed. Motion is carried. Okay, our committees are done; just give me a second to get some paperwork out of the way

- d. Discussion and possible vote on replace of skid steer (bobcat) for the Public Works Department. The one currently owned by the Town experienced severe mechanical failure during the recent snow storms.

Mayor Newlands: This was a 26 year old bobcat that literally blew a rod during the snowstorm; and it was a pole about that big that went through the side of the engine. The engine was all rusted out. A new bobcat Allen is \$54,000, plus that's not including enclosed cages, heating and air conditioning and all the comforts you need to be out in the snow and the sun and heat.

Allen Atkins: Correct.

Mayor Newlands: We did find a bobcat that has 500 hours on it and it's a year old; how old is it?

Allen Atkins: It's not that old; Dustan went with you that day to look at it and I don't know exactly how old it is.

Mayor Newlands: It's about half the price, it's about \$26,000.

Allen Atkins: It's from Del Tech.

Mayor Newlands: With some extras.

Allen Atkins: It's been pretty well maintained, so it's in pretty good shape.

Mayor Newlands: So we're talking about a \$26,000 item here. We talked to Mrs. Cornell and we have money in the General Fund CD's; we can take from Revenue Reserves for this?

Jennifer Cornell: If we need to we have funds available there and I also have funds in the transfer tax account we could use.

Mayor Newlands: We were lucky to find a bobcat coming off lease with only 500 hours on it and it was used by Del Tech and they'll put new tires on it. We will get a one year warranty on it from the manufacturer; since it was a leased vehicle, the manufacturer warranty; it hasn't transferred ownership yet from the dealership to anybody, so the one year warranty would still hold true from bobcat.

C Martin-Brown: Mr. Mayor, do you need a motion?

Mayor Newlands: Yes, I do.

C Martin-Brown: I would like to make a motion that we purchase the bobcat for \$26,000.

C Duby: Second

Mayor Newlands: We have a motion and a second. Is there any discussion?
All in favor, aye. Opposed. Motion is carried.

- e. Discussion and possible vote to repair, replace or scrap the Dodge pickup used by the Code Enforcement Officer.

Mayor Newlands: This pickup truck is 10 years old with 65,000 miles on it. It's worth about \$4,000; needs about \$1,200 in repair. I think it is a decent item to keep; it's worth \$4,000 and it only has 65,000 miles on it so, I think we should spend the \$1,200 to repair that. I don't want it to sit for a few months; it would have to sit for the next budget period. This is another item that is not budgeted but these are things that are coming up from the snowstorms and other items that we have.

C Lester: I move that we spend the \$1,200 to repair this Dodge truck.

Vice Mayor Betts: Second.

Mayor Newlands: We have a motion and a second. Is there any discussion?
All in favor, aye. Opposed. Motion is carried.

14. New Business

- a. Discussion and possible vote per the request from Milton Park Center LLC for extension on the final site plan approval issued by Planning and Zoning for the Milton Park Center expansion of parcels A & B

C Duby: Do we have a map of this?

Mayor Newlands: We have a letter that came from them. This is the front of the Food Lion Shopping Center, across from the out parcels; they're to the left of the County Bank.

Robin Davis: Yes, one of the parcels was where the old Hazard House, is that the name of it; and the other is they are removing some of the parking spaces closer to Route 5 and putting a sixth tenant building there; which is approved.

Mayor Newlands: This has been approved two years ago and it is on its second extension; it's already on one extension, isn't it?

Robin Davis: No, it was approved on May 19, 2009 by Planning and Zoning, so the one year final approval is coming up on the 19th to expire.

Mayor Newlands: This would be his first extension?

Robin Davis: Yes, this would be the first extension on the final, yes.

Vice Mayor Betts: We only have one page.

C Abraham: We only have one page.

C Duby: It also looks like on what we do have, he says I'm asking the Town of Milton to consider extending the expiration date.

Vice Mayor Betts: Yes.

Mayor Newlands: Right, he wants to extend the expiration date one year out from this May.

C Duby: Okay, so that's what we're voting on. Okay, gotcha. I thought we were voting on the approval.

Vice Mayor Betts: We didn't have a final paragraph.

Seth Thompson: Mr. Davis, the request letter mentions other approved projects; do you know if there are other projects that are outstanding?

Robin Davis: As of this time, no. When I talked to Mr. Lawson, we actually had conversations probably in November/December, this had been discussed at the Town Hall several times because we do have some projects out there that have expired; we have good projects where the Applicants have spent a mess of money and time on; that are just going to get thrown in the trash because of this one year drop dead date. I would like to see our Ordinance brought more current to what some of the other municipalities have done; two years and with an option of a year or two; of whatever the Council sees fit; but as it is written right now, there's no option or no choice for the Applicant to come in and just ask because of the times the way they are; he's basically saying he has no tenants to get into the building; so it wouldn't be feasible to build these buildings right now.

C DUBY: So are you saying, Robin, that he definitely does not have any other approved projects pending; or are you saying...

Robin Davis: He does not, no.

C DUBY: He does not. This is the only one.

Robin Davis: Yes.

Mayor Newlands: So any motion we make will be excluding (let's just be clear, just in case of something that we miss) any other approved projects by the Applicant.

Robin Davis: I think he was just trying to help, if there were other Applicants out there that were going to fall into the same situation.

Mayor Newlands: What I think what Mr. Thompson is pointing out, is that may be his projects and may be trying to help out other people; we want to make sure that he's going to build a skyscraper in this location.

Robin Davis: His only concern is about his two parcels out there.

C DUBY: Mr. Mayor, I would like to make a motion that we approve a one year extension of the expiration date for Milton Park Center's application for an expansion of Milton Park Center Parcels A & B only; and excluding any other projects that Milton Park Center has pending, if any.

C MARTIN-BROWN: Second.

Mayor Newlands: We have a motion and a second. Is there any discussion? All in favor, aye. Opposed. Motion is carried.

- b. Discussion on amending Zoning Ordinance Section 220-35 I (2) of the General Code pertaining to the expiration of final site plans

Mayor Newlands: I think this is what Mr. Davis is alluding to, that we want to be flexible in allowing extensions or having a two year.

Robin Davis: Do we want to do something to create some changes to the Ordinances that gives the Applicant the opportunity to be there first automatically; instead of a just a one year cutoff; to say let's move it to two years or let's do one year, and with an option of two, one year extensions; something like that.

Mayor Newlands: Well this extension is because of the market. Is that correct?

Robin Davis: Yes.

Mayor Newlands: Okay, then do we do other extensions because the builder himself is having trouble and he would like an extension for other reasons?

Robin Davis: The Ordinance allows for Planning and Zoning to give one year extensions on preliminaries; right from the beginnings due to sometimes DelDOT requirements; sometimes Soil Conservation requirements take a long time to go through the process; so the majority of the time it is due to the agencies at that level. Unfortunately now with the way that the market is, most of those are going to be driven by the market.

Mayor Newlands: What are the other towns doing; you had mentioned before.

Robin Davis: I did look at a few municipalities; most of them do two years.

Mayor Newlands: As a standard?

Robin Davis: I didn't look at a lot of them. I can go back and go through the whole Sussex County and see, as a whole, what everybody does. I think I looked at three and two of them did two years, with an option of two, one year extensions; one of them didn't have any time limit at all on it.

Mayor Newlands: So some towns built in the extensions.

Robin Davis: Yes.

Mayor Newlands: Okay.

Seth Thompson: Mr. Mayor, if I may, I can tell you that I tend to favor more information, rather than less, so that everybody knows what the rules are; and I think this is getting a pretty short shrift in terms of how it is currently phrased. There's an argument that it automatically expires based on the word "shall" for instance; so a lot of our other towns do allow two years before that substantial construction. In fact, that should probably be a defined term, in terms of what equates to substantial construction. I think that's important because of the way it is now, that's pretty subjective. There are towns that allow for two years and then the possibility of two extensions; for a good cause; and you can define and you can define "good cause"; market conditions being one. The other item you might want to make clear is whether it goes to Planning and Zoning or whether it goes to Town Council. Obviously Planning and Zoning is giving the initial approval; it somewhat makes sense that they would then have control over the extension; but that's up to Council.

Mayor Newlands: This is to actually go back in and rewrite the Ordinance.

Seth Thompson: That's right; what I'm saying is if you decide to go back in and rewrite the Ordinance, you might want to make it abundantly clear that Planning and Zoning has the authority to give the extension, for instance. Or if you want Town Council to be in control of that, the Ordinance can be written that way.

Mayor Newlands: I see what you're saying. Do you know it is in other towns?

Robin Davis: The majority of the ones that I've seen, the Planning and Zoning does the whole thing; because as Mr. Thompson said, they usually ultimately made the decision for approval.

C Abraham: But if they deny an extension, though, is there an appeal to the Council, that it would be a back-up?

Seth Thompson: That's right and ideally the Ordinance says that so everybody knows what to do.

Mayor Newlands: Now also in these extensions, are there ever cases if the zoning has changed, not substantially, but a certain percent; where if they have come before Council or Planning and Zoning at this particular date, would they have to go back in and redo certain parts of their plan?

Robin Davis: I think so and if I'm not mistaken, and it's been a couple of weeks since I've looked, I think Georgetown's was the one that said that Planning and Zoning had the right to add extra conditions to the approval, if necessary. So it gave Planning and Zoning, if the Applicant came in after say a two-year; if something had changed, Planning and Zoning had the right to say okay now you have to bring these up; these conditions, if you want your extension.

Mayor Newlands: I would like to look into something like that; because I wouldn't want to have something that's with two single year automatic extensions after that and we're sitting there with a four year old Code that we're trying to apply; that's not going to work.

Robin Davis: Yes, that's why you don't want to give them five or six years, because if your Code changes, next thing you know you are still working off a plan that is still old.

C Duby: It wouldn't be automatic extensions, though, would they; wouldn't they still have to come in and apply for it?

Seth Thompson: Some of them do have an automatic first extension; and then they need to show "good cause" for additional; some Towns just do "good cause" for both; and some just allow for a single extension.

Mayor Newlands: I just don't want to get caught where something major has changed or something important has changed and all of a sudden we have to live with something that is three years old. I would like some "out" along the way.

C Duby: Yes, I don't like the automatic feature. I wouldn't put that in.

C Martin-Brown: I would also like the Council have a role in the Planning and Zoning process, if it's an extension request.

Mayor Newlands: I don't see why not, we're not getting that money.

Robin Davis: No.

Mayor Newlands: It would probably be a shorter discussion then we are having now.

C Martin-Brown: Is it possible, Mr. Mayor, that we table this agenda item.

Mayor Newlands: We're not voting on this now, this is just a discussion point.

C Duby: It has to be drafted.

C Martin-Brown: Okay, so we're going to have a draft to look at in a future meeting.

Mayor Newlands: Yes.

Robin Davis: Yes, this was just put on just to see how the Council felt about do we want to go ahead and change it or do we want to leave it the way it was.

C Martin-Brown: It might be helpful if there was language there and there were three options, like one year plus; or two years plus; and we came down to that.

Mayor Newlands: Maybe we could get a small table with what the different Towns are doing and what options they all use.

Robin Davis: I can do that, yes.

Mayor Newlands: Thank you.

- c. Discussion and possible vote to approve the proposed updates to the Comprehensive Plan and forward the document to the State Planning Office for consideration

C Duby: Mr. Mayor, do you want me to do this first and then you do the overall or how do you want to do it?

Mayor Newlands: Sure.

C Duby: At Thursday night's Public Hearing, I mentioned that there were a number of things in the narrative part of the Comprehensive Plan, not the Plan itself, that were out-of-date and I offered to suggest language to update those. That language was sent to all of you and C Martin-Brown and our Town Solicitor responded to it and as a result of their comments, there are a couple of changes. I don't know how we want to go about this; whether you want me to go through them; I flagged some of them that I think we can eliminate, number one, because they're things that I just was asking questions about; do we have more updated information; do we have time to compile this, etc. I'm willing to just take those all off the table and I flagged those.

Mayor Newlands: Initially after Thursday's meeting you had 50 different changes that you wanted to make; and lots of them were mainly the types of businesses we had in town; more demographic information than anything else.

C Duby: Updating the lists of businesses and so forth. It's basically demographic.

Mayor Newlands: A couple of things were questionable, you're now withdrawing.

C Duby: Yes, I'm taking them off. So if we take off all of the ones that would require going back and getting more information or whatever; I'll take those off the table and then there were two that the Town Solicitor had concerns about, not for any substantive reason, other than that he thought they sort of crossed over the line possibly committing us to something via the Plan and that's not my intent. My intent is to simply keep the description updated. So I'm proposing taking off the section that had to do with the changes we made in the Zoning Ordinance which streamlined the approval process for new businesses and also waived the parking requirements in Town Center. There's no need for that to be in the Plan and I agree with him on that. The other one had to do with I had added a reference to the Milton Garden Club doing landscaping of the Town and, to be honest, my main reason for doing that was the narrative already mentioned the beautiful landscaping and plantings in Town and I thought it would be nice to put in a recognition of the Garden Club. The Town Solicitor had a concern that that might be making a part of

our Comprehensive Plan a commitment to the Garden Club to continue to do that work and I have no problem with taking that out; just in case there is an issue with that. There was also some language; we are now referring to Angerstein's as a Building Supply Company; not a lumber company as I had had in the original. C Martin-Brown suggests adding movies to our reference to the Milton Theater. It's a performing arts center and a movie theater now. I think that may be it. Oh, you Mr. Mayor had pointed out that natural gas is available in one development supplied by Chesapeake Utilities, so I added that, but I think that's it.

Chief Phillips: Yes, Mr. Mayor, going back to on number d about the bobcat; I remember getting an email from the Governor or somebody, stating that if there was any equipment damaged during the storm, that they would help pay for some of the damage; there was a grant or money out there; I didn't know if anybody knew about that or not. Maybe that would help take up some of the money for that new bobcat.

Mayor Newlands: I'm being told that we already submitted those funds. I don't think we're going to get much for that 26 year old bobcat. Thank you.
C DUBY: So procedurally, I don't know how to do this; whether my colleagues feel they have reviewed it enough and we can approve it with the changes that I've made and then we can revise it tomorrow and put it out there.

Mayor Newlands: I was just talking to Mr. Thompson about that. I would like to approve it. Do your changes as a separate thing. Have you had a chance to read that?

Vice Mayor Betts: No I haven't, I just received it tonight. When does it have to be in?

Mayor Newlands: We have to approve this tonight, because otherwise we will lose the grant money.

Vice Mayor Betts: Okay.

C Abraham: Where are we with the Light Industrial?

Mayor Newlands: That we have to vote on tonight.

C DUBY: That's coming up.

C Abraham: We're doing it in sections are we?

Mayor Newlands: The only reason I was doing it in sections is because this is 40 something items right now.

C Abraham: This is fine.

C DUBY: Then there are Planning and Zoning's recommendations, one of which had to do with the Light Industrial one.

Mayor Newlands: I would like to do these separately.

C DUBY: So mine don't have anything to do with the Plan; they just have with an area.

Seth Thompson: I think that's clearer.

Mayor Newlands: I would like to do them separately.

Robin Davis: Yes we could because that would make it easier on me, making the changes.

Mayor Newlands: We're going to publish these on the net in the next couple of days?

C Duby: Yes, because I will go through and make the changes and remove the things that I took out that have to do with compiling data and so on, which we don't have time to do tonight.

Mayor Newlands: Can we get a motion to approve C Duby's changes?

C Martin-Brown: So moved, Mr. Mayor.

C Lester: Second.

Mayor Newlands: We have a motion and a second. Will there be any further discussion? All in favor, aye. Opposed. Motion is carried. Now for the Comprehensive Plan itself. Planning and Zoning had made a number of recommendations and just to let the public know these are recommendations to a vision statement. Anything that they are recommending, doesn't actually change the zoning, so there were applications from a couple of residents to go from commercial to residential and residential to commercial; and what is in this Comprehensive Plan are the Planning and Zoning's recommendations; not actual zoning changes. Even the Light Industrial that we talked about before, those are Planning and Zoning's recommendations for the Comprehensive Plan; they are not actual zoning changes; the zoning changes would have to come after Public Hearings.

Seth Thompson: Mr. Mayor, just a comment on that. That's right, this is a document that has the force of law, as the Code says, but it really governs land use and zoning is really a separate issue.

Mayor Newlands: So we've all had a chance to read the recommendations by Planning and Zoning; we've had hearings on this, even as late as last Thursday and the changes that they are recommending are coming on behalf of property owners within Town; with the exception of Light Industrial, which they are now feeling that they want to change to residential when the Applicants and the owners of those two properties do not want to do that at this time. I, personally, feel that we should leave the Light Industrial as is, and not do a knee jerk reaction right now and make those changes. I think we should leave that as is and then go back later on; we've had the Planning Department's in; we've had the State Planner come in last week, he was in Wednesday and Thursday to have discussions with us, to explain to us that the State is changing its ways of doing things and the State is actually changing methods of handling mixed use in developments, so that they are allowing what's called dual or mixed use; so you can have Light Industrial, residential, commercial on the same lots, similar to the Village Center or Five Points. In September they are coming out with design guides to teach you how to put all of these things together; they also said the State doesn't mind if we go out and get design guides from other states; that they're okay with that. So to just go ahead and change the Light Industrial to residential and then have to go back and revisit the entire thing again, it looks a little embarrassing in front of the State, if we do that. If we leave it alone and then refine it, refine the uses within that area; refine what other zonings could go in that area, I think it

looks a lot better for us. So I personally would like to approve what is in the Comprehensive Plan, except for changing the Light Industrial to residential. I want to leave that alone.

Vice Mayor Betts: I'll second that.

C Abraham: I'll make the motion.

Vice Mayor Betts: I will second that.

Mayor Newlands: Is there any discussion?

C Duby: Yes, I think there's a difference and I know that my colleagues know this; but there is a difference between what you're referring to zoning changes where we have had people who are in town; are zoned; and are asking for change in their zoning. There's a difference in that and in what we designate a certain usage for in a Comprehensive Plan. This is land that surrounds the Town; it is not part of the town; we don't do the land use based on an application from a property owner saying this is what I want designated. We do it, as I understand it, that our Comprehensive Plan says that we, as a Town, look at the land around the Town and say what is our vision for the future, for that land. So, it really doesn't relate to a request from an applicant. For example, Mr. Carey, one of the owners of this property, said the other night, that the last time around he went into Town Hall and the Code Enforcer at that time, or the Project Manager, whatever his title was, Eric Evans, said by the way; the Town is thinking about designating that property of yours as Light Industrial, how would you feel about that? And his response at that time, was well we sort of thought it would be housing, but yes I don't have any problem with that. That indicates the way, not necessarily that exchange, the way it comes about; but the Town is the one who makes the decision about how we see that land in the future; and, I understand what you're saying about changes coming from the State; but if we approve that land as what we're saying now in 2010, we want that land to be in the future, that's going to be on the record as our Comprehensive Plan until there are changes. As willing as I am to look at possible future uses of that, of all kinds; I'm not personally comfortable designating 141 acres at this point being Light Industrial and saying that's what we envision that land being for the future. So were we to take a separate vote on that, I'm happy with the rest of the recommendations that Planning and Zoning is making...

Mayor Newlands: Separate vote in what sense?

C Duby: On the Light Industrial. We don't have to separate it out; I don't know what the vote is going to be. Is the vote going to be on the rest of their recommendations, separate from that one; because they were recommending, as I recall, weren't you recommending that going back to residential. And I don't have any problem with their other recommendations; their word changes and all of that; but I do want to vote on that Light Industrial, because I'm voting no on it for the reason I just said. I have no idea what I would vote at this point if Mr. Carey and Ms. Thompson came in with an annexation request.

Robin Davis: I think the motion that is on the floor is just for that one item. I think it was made for the Light Industrial.

C Doby: So it already is separate.

Robin Davis: I think that's how we're doing it.

Mayor Newlands: We approved the Comp Plan, minus the Light Industrial.

C Doby: But it is not a change; it already is Light Industrial.

C Abraham: It already is. So it would already stay.

Vice Mayor Betts: We were voting for it to stay Light Industrial.

Mayor Newlands: We're voting for it to stay Light Industrial.

C Doby: I'm just having trouble with the wording in the motion; I want to make sure that we have clear... Are we voting on...

Mayor Newlands: Let me get one other thing clarified with Mr. Davis. We had a discussion earlier that some Applicants came in and asked for some commercial to residential and vice versa to be changed. Those were requested to be changed and what I understand is those have to be reflected in the vision, even though they are not requesting the zoning changes today; they are requesting the vision to be changed. That is a reflection of some individual coming in and asking for a change.

Robin Davis: Those two individuals, Dean Sherman and Michael Hughes, both requested that their properties be changed; one was from residential to commercial and the other was from commercial to residential. Planning and Zoning recommended denying Mr. Sherman's request, but agreed to allow Mr. Hughes' request. Mr. Sherman's request, if Council says okay, we're going to go with Planning and Zoning's request and leave it as it is, will die, just like that and will stay residential. Mr. Hughes, if he gets approved to change to from commercial to residential, will have to come back and apply for a rezone. That only allows it as far as the Comp Plan; because if he came in asked for a rezone right away, we couldn't allow it because it goes against our Comp Plan.

Mayor Newlands: And the same would be for Light Industrial, the people who own Light Industrial would still have to come in front of us to ask for a Public Hearing for rezoning.

C Doby: Not if they want Light Industrial.

Robin Davis: Not right now, not if they wanted Light Industrial. They could be annexed in Town as Light Industrial. They could do that.

Mayor Newlands: As part of the annexation agreement.

Robin Davis: Yes, as part of the annexation.

C Martin-Brown: Mr. Mayor, are we looking at the Light Industrial plat portion of the Comp Plan as one motion and the remaining Comp Plan as a separate motion and vote?

Mayor Newlands: I thought we were going to go for the entire Comp Plan, which would include or not include a particular change. And just to let you know, we should start the next Comp Plan tomorrow morning and to do anything on the next Comp Plan we don't have to wait five years. We are allowed to make amendments to the Comp Plan. When Brian Hall was in the

other day he said you can make an amendment in six months to the Comp Plan and change that Light Industrial area to a mixed use area; you can do that and there's nothing pending before us about that Light Industrial area right now.

C Martin-Brown: And my question to him, Mr. Mayor, was if we act with the Light Industrial in the Plan and adopt it tonight, we have to show robust reasons why, if they come in for annexation, we would want to change any part of that from Light Industrial to agriculture and residential and certain other portions would be Light Industrial. Because I was very sobered by the presentation at the workshop the other night, that the area of land that we're talking about is equivalent to seven Christiana Shopping Malls. I went out and drove around that area one more time and I could see very valid reasons that Mr. Carey and his colleague would want Light Industrial in some of the areas where the railroad is and its close to Route 16 and the truck route; it all made a lot of sense; but as you moved around that area, back towards other residential areas and thinking about the role of agriculture as a viable buffer, what I'm very concerned about is losing that customizing opportunity, rather than sort of being, with what I would consider, no reflection on this, but wall-to-wall carpeting nailed down that we're stuck with. The State Planner did seem to respond to a certain degree as Seth did, that there were some legal implications if we go forward with the Plan as it is, as Light Industrial, that you have to be able to show some cause, as to why we want to rethink, if they ask for annexation. Now Mr. Carey, if I remember correctly and Mr. Carey, are you here? If you would please correct me, because I'm at that age where I may have misheard something, but I do remember you saying that you had no plan for that land. Your discussion the other night was that you had at present no plans for that land, nor did the woman that was presenting her land have any plans. My old discomfort with that disclosure was that you may have no plans, but what I'm concerned about is there's no reason in the world that that land can't be sold before lunch tomorrow and then the purchaser of that land has Light Industrial as the understanding about the property that he's purchasing. So I am concerned that we not hold up the Comp Plan process, but that we don't swallow an elephant; that we haven't any idea as to its shape.

Mayor Newlands: I don't know if there's a question in there. I'm sorry

C Martin-Brown: How's the elephant?

Mayor Newlands: Also, I'm being advised that we're going to get into a public hearing here and we can do this.

C Martin-Brown: That's why the separation of these motions is of importance to me, Mr. Mayor.

Mayor Newlands: But we're voting on the Comp Plan.

Seth Thompson: The motion that was made I think covered the entire... I understood the motion and please correct me if I'm wrong, but I understood it to be an acceptance and an approval of all of the Planning and Zoning

recommendations, with the exception of the change from Light Industrial to residential. That's how I understood it.

Vice Mayor Betts: That's what I seconded.

C Abraham: You're right.

Robin Davis: But if I may, too, there was also in one of the recommendations that all of the properties or parcels in the Town Center be placed under the Historic District; so that was one of the recommendations too. So if you take all the recommendations...

Mayor Newlands: Right, it's everything on these two pages.

Robin Davis: If you did that, you would be changing peoples zoning to add the Historic District to the Town Center; which would require you to have a Public Hearing to go notify those people you're changing their zoning.

Mayor Newlands: If this document gets approved, we would have to have a Public Hearing?

Robin Davis: If you leave the Historic District additions... If I'm...

Mayor Newlands: This whole process... This thing has been sitting for a year.

Robin Davis: Yes.

C DUBY: We can go through, this is the point that I'm making and I think C Martin-Brown is making, as well. If we look at these separately and say that Planning and Zoning has recommended this and Planning and Zoning has recommended this and this and look at them separately and vote on them separately, we can do that without doing it in one fell swoop and having the entire Plan go down because we don't want to do that one thing. I understand there's a motion on the floor; if the motion maker and the second on the motion withdrew it, we can start over and do them separately, that's one way to do this, isn't that right Seth?

Seth Thompson: We could do it that way.

C DUBY: That would be my suggestion.

Seth Thompson: That would be my suggestion.

C Abraham: I will rescind my motion.

Vice Mayor Betts: I will rescind my second.

Mayor Newlands: We're back to square one.

Seth Thompson: Very quickly, Mr. Davis, I want to make sure this has already gone up for PLUS review.

Robin Davis: Myself and Debbie, from URS, went up to what they call a pre-PLUS review. The State agencies came, they took a look at our current Comp Plan and made any recommendations that they would like to see put in it. We took those recommendations and put it in a scope of work that was approved by Council, if I'm not mistaken back in December. That was all incorporated in what's in the document right now. The majority of the changes in the document were more wordsmithing issues bringing the stuff up to current. I think some of the stuff in there was 1997; so we brought it up to 2008; we brought everything up as current as we could; so the State agencies have seen

it and made their recommendations which were part of the now new document. So it has gone through a PLUS review, you could say that, yes.

Seth Thompson: It is my understanding that some of the changes, however, have not been reviewed even in the pre-PLUS process, is that correct?

Robin Davis: Yes.

Seth Thompson: Which ones are those so that the Council understands?

Robin Davis: The ones that Planning and Zoning has made. Everything that was done in the written portion of it was done after the pre-PLUS meeting; and the State agencies, if I remember correctly did not make any requirements that we had to put certain things in. They just recommended they would like to see things.

Mayor Newlands: As you are saying underneath Item No. 3, Exhibit J, that the Historic District of Town Center and maybe the (I'm asking this question) additional 200 homes in the Historic District that that would have to go before a Public Hearing, before we could send this document up?

Robin Davis: They took the map of the Town Center, all the parcels that were in Town Center, roughly I would say half were already in the Historic District; the recommendation of Planning and Zoning was to add the rest of those in Town Center, add them to the Historic District. That was the recommendation.

Mayor Newlands: If we accept that recommendation, you're saying we have to have a Public Hearing then?

Robin Davis: Because those people are technically being rezoned.

Vice Mayor Betts: That's right.

Seth Thompson: That might be an issue of going back in front of PLUS, correct?

Robin Davis: Yes, because you're changing maps; you're changing a lot of language in there is part of what your Historic District is.

Mayor Newlands: So that's something that's not going to actually be feasible within the timeframe that we have.

Robin Davis: Correct, because it would require a Public Hearing because you are changing someone zoning and you're going to have a lot of these parcels where people don't want to be in the Historic District.

Mayor Newlands: Is there anything else in here that will cause a Public Hearing?

Robin Davis: From what I can see, no, the only thing is Mr. Hughes, because he's requested the change and he knows he has to go through a rezoning process; but that is going to be done in the future. You have to change your Comp Plan first.

Mayor Newlands: My question is, is there anything else in here that is going to stop; if we approve all of these recommendations; besides the Town Center changes; is there anything else that is going to stop us from going forward and getting this done in the next couple of days; because this has to get out in the next couple of days.

Robin Davis: It's got to go to the State. No, it looks like adding those growth areas, those partials, to the map won't change anything; those few minor changes to the wording and what C Duby is going to be putting in, no.

C Abraham: What about Mr. Sherman? If we went with what he would like?

Robin Davis: It doesn't require a Public Hearing, no.

C Abraham: Okay.

Robin Davis: As of right now. It does give him the right, if he annexes in; that he can annex in, whatever the Comp Plan says he is, at the time.

C Duby: And right now the Comp Plan that's residential.

Robin Davis: Yes, correct.

Mayor Newlands: Ms. Weeks, you want to make a comment as head of Planning and Zoning or individually?

Virginia Weeks: No as head of Planning and Zoning. I am asking the Town Solicitor for some clarification. It is my understanding that during the Comp Plan is when you make recommendations, such as placing all of the buildings in Town Center in the Historic District to keep the ambience and the environment that we want to continue to have of the historic nature of Milton in tact. And then after the Comp Plan is passed, you have 18 months to accomplish that. Should, at the end of that 18 months, you decide not to do it, and then you can go back and change it, if you want. But every time you make an amendment to the Comp Plan it has to go before the County and the State again before the amendment can be approved. It's not an easy thing. It's done here; it's done here and everywhere else. But now is the time to decide your vision for the downtown; or for any other place. If you don't want to do it, that's fine; but I just wanted you to understand that those Public Hearing's and that rezoning takes place after the Comp Plan is approved, not before.

Seth Thompson: Ms. Weeks, you're absolutely right in terms of the 18 month period. I don't think you then have the option of going back at the end of those 18 months, though; and since you have to do that now; you could seemingly try to amend your Comp Plan before that 18 month period.

Virginia Weeks: Exactly; I guess that's what I meant to say. Say it is the Light Industrial; you want to keep it Light Industrial and amend it later, that you can do; but you can also do the same thing in the Historic District. But we just felt that it was very important to try to keep the ambience in the downtown.

Mayor Newlands: I don't want to get caught in a process where we're approving this tonight and all of a sudden we should have had a Public Hearing and this whole thing gets negated and we wind up not getting our grant money. That's my predicament right now. I think that's what Robin is feeling also.

Seth Thompson: Mr. Davis, I think the other issue, this is more of a practical problem, in terms of timing; that in essence if the State needs to review this, because there are changes since they've seen it, that's going to take some time.

Robin Davis: Yes, this was all done, the wording was an Executive Summary, I think; because there were just minimal changes to what our current document is. Once you start making changes to the maps, which is going to require a lot of wording issues, wording changes, it becomes more of an update and that's where the State was looking at lets get this squared away; get it up to our current and then we can go from there and actually sit down and go through all of these maps and go through all of these changes that we want to do and the vision of the Town and get it done properly. Unfortunately, in the timeframe, it did play a big factor in this. But this was all we had to go on at the time. It's probably unfortunate, yes; and time is running out fast.

Mayor Newlands: I know we can always amend it, but I just hate approving something, putting it to the State, and then coming back and going we really didn't mean that, we're going to use that. It's embarrassing to do that; it's really embarrassing to do that. I would rather withdraw it now and amend something else later; then put it in and amend it later on.

Vice Mayor Betts: I would too.

C Abraham: Me too.

Seth Thompson: That's fine, we believe you guys could go other ways; you guys have to measure the practical elements.

Mayor Newlands: My point is I don't want to make changes and then go back to the State and change it back again; in both the Light Industrial and the Town Center

C DUBY: I don't want to send it to the State as is and then go in and say we really didn't mean that in a couple of months, so it's the same thing. It's depending on which issue you're looking at.

Mayor Newlands: Well the Light Industrial we're not changing, we're leaving as is; so it's not really a change, we're leaving as is and it is being fine tuned later on. The Town Center you're going to go in there and you may change that and refine that later on. That's a change; so the Light Industrial is not a change, so there's a difference there.

Mayor Newlands: I don't understand that. Give us one second. Let's go 1, 2, 3, 4 and 5 then.

C DUBY: I don't have that in front of me. Is the Town Center one?

Mayor Newlands: 1 is the Written Documents; 2 are actually all the lots changes; 3 is... It's going to hard to do this.

C DUBY: Somehow I managed to get all the other stuff, but not that particular document.

Mayor Newlands: Let's look at that while we take a break. Just give us another minute or two.

C DUBY: Mr. Mayor I would like to make the first of three motions. The first one is that we accept the following recommendations from the Planning and Zoning Commission; number one that Mr. Sherman's request for zoning change be denied; secondly that Mr. Michael Hughes' request for a zoning change be approved and thirdly that the list of parcels to be added to the

growth area on the plan, show on the spreadsheet from Planning and Zoning be approved.

Mayor Newlands: This is all spreadsheet one, right?

C DUBY: Yes.

C Martin-Brown: I second the motion.

Mayor Newlands: We have a motion and a second. We will do this by roll call:

C Lester	Yes
C Martin-Brown	Yes
C DUBY	Yes
C Abraham	Yes
Vice Mayor Betts	Yes
Mayor Newlands	Yes

Motion is carried.

C DUBY: I move that the recommendation from Planning and Zoning that we bring all of the properties in Town Center into the Historic District be denied.

Vice Mayor Betts: Second

Mayor Newlands: We have a motion and a second. We will do this by roll call:

C Lester	Yes
C Martin-Brown	Yes
C DUBY	Yes
C Abraham	Yes
Vice Mayor Betts	Yes
Mayor Newlands	Yes

Motion is carried.

C DUBY: I would suggest that someone else possibly make the third motion, because you're not going to like it the way I'm going to make it. Unless you want me to make it my way and I can vote yes and you all can vote no?

Mayor Newlands: This is on Planning and Zoning's recommendation to change Light Industrial areas on Sand Hill Road to residential. There are seven properties there. This is just the Light Industrial.

C Abraham: I would like to make a motion to not accept Planning and Zoning's recommendations for the Light Industrial to residential at this time.

Vice Mayor Betts: Second

Mayor Newlands: We have a motion and a second. We will do this by roll call:

C Lester	Yes
C Martin-Brown	No
C DUBY	No
C Abraham	Yes

Vice Mayor Betts	Yes
Mayor Newlands	Yes

Motion is carried.

C Duby: I move for final approval of the Comprehensive Plan for 2010, with the changes we have just made and to forward to State Planning.

C Martin-Brown: Second.

Mayor Newlands: We have a motion and a second. We will do this by roll call:

C Lester	Yes
C Martin-Brown	Yes
C Duby	Yes
C Abraham	Yes
Vice Mayor Betts	Yes
Mayor Newlands	Yes

Motion is carried.

14. Executive Session

Mayor Newlands: I need a motion to go into Executive Session.

C Duby: So moved.

Mayor Newlands: We have a motion and a second to go into Executive Session at 8:33 p.m. All in favor say, aye. Opposed. Motion carried. Thank you.

Vice Mayor Betts: I make a motion that we come out of Executive Session at 9:39 p.m.

C Abraham: Second.

Mayor Newlands: We have a motion and a second. All in favor, aye. Opposed. Motion carried.

C Duby: Mr. Mayor, I make a motion that we approve the \$3,000 expenditure for legal fees as discussed in Executive Session.

Vice Mayor Betts: Second.

Mayor Newlands: We have a motion and a second. All in favor, aye. Opposed. Motion is carried.

15. Adjournment

Vice Mayor Betts: I move to adjourn.

C Abraham: Second.

Mayor Newlands: We have a motion and a second to adjourn. All in favor, aye. Opposed. Motion carried. Thank you all very much. Adjourned at 9:40 p.m.