

**Milton Town Council Meeting
Milton Theatre, 110 Union Street
Monday, November 2, 2009
7:00 PM**

1. PUBLIC PARTICIPATION portion was called to order by Mayor Post at 7:00 pm

- a. Nancy Davis, 115 Mermaid Lane: I wanted to say that since the October meeting; I did receive a phone call from our Code Enforcer with reasons that the problem was being addressed. I still have problems with it, so, but I wanted to say at least a thank you for having that courtesy extended.

Mayor Post: Thank you.

- b. Cliff Newlands, Oysterman Drive, Wagonø West Shore: I want to talk about health care. I know you have employee health care. I know you have health care on the agenda tonight and I donø know what youøre going to talk about. I just wanted to mention that there was a recent Fortune Magazine Study that the 100 Best Companies in the country, 15 of them pay 100% of the health care costs for their employees; so itø a very, very small amount. And I firmly believe that the employees should be participating in part of their health care costs and the same as we have all been doing since the early 90ø. One thing I think may be a problem and the reason why some of your employees may not like it is youøre doing a 1/3 for everybody. When we used to do it, it used to be tiered; so the guy making \$25,000 a year paid a smaller percent than the guys making the upper end of the scale. So it was a different percents for different people based on salary; which made it a little more palatable for everybody to deal with. If you go back and do it again and have the town pay for it and then next year something else happens, you canø keep going back and forth; thatø not good for the employees either. Tier it or do something with it, but keep it in though. Thank you.

Mayor Post: Thank you.

- c. Norman Lester, 111 Morgan Way: I just want to make a comment about the Financial Statements. Iøve been in public accounting for a good many years and Iøve worked for companies, other CPA firms and for myself with a range of clients from large to small; one thing these clients had in common; was that within a given day, they were able to produce either a month-end or a year-end financial statement. Based on prior years, the townspeople wonø see a Financial Statement for Town of Milton for some time either until March or April. That means the financial information is stale by 6 months and weøre already 6 months into a new fiscal year. Iød like to have a clear and concise explanation of why itø impossible to get financial statements out earlier. Thank you.

Mayor Post: Would the Finance Director like to address that? I know this was an issue that was voted on years ago, when I was on Council, Norman. I can just explain it, if youøre talking about monthly, we do receive monthly financial statements. I understand youøve had an ongoing concern regarding

them being cut-off 8 or 10 days before the end of the month and why that took vote place and I supported it then and I can understand it now is because of when they are preparing the packets, we didn't even get the financial thing until the night of the meeting, so they decided to cut it off 8 or however many days it was prior and then we would be able to receive our monthly statements. I don't know, Jenn, if you have something to add to that, because what I think you're looking for; we are receiving monthly statements.

Norman Lester: What I'm seeing is that the year-end should be practically ready by now and there's no reason for the Town to wait until next March. I've never seen a bookkeeper that could not produce a reasonably accurate, it may need some final adjustments, but somebody that understands bookkeeping and preparing an accrual basis financial statement should be able to turn it around. The Town should have a financial statement no later probably than the end of November; if you're going to wait until next March, it's dead and all forgotten. If I might go a little further, while I'm still here; as I've read Sombar's Management Statement, there were two major errors in the Financial Statements last year, which neither he nor you talked about in the little discussion you had about financials. They were that the water bills weren't recorded in the books and I think the trash collection wasn't recorded. And I just go back to what I said before that the monthly statements you are receiving are worthless because nobody is reconciling; nobody knows what the cash balances are; accounts receivables; accounts payable; it's just popped out of a computer. Absolutely worthless; and for the townspeople to have to wait so long to get accurate financial numbers, it's just ridiculous. Would you do it in your business? You wouldn't do that. You would want to know where you are.

Mayor Post: Jenn, do you have anything that you can add to that, including the addressing of the two issues of the water and the trash, which I'm not sure of?

Jennifer Cornell: For the water and trash issue that was in the audit report; that was a software issue and I believe it did state that in the audit report, as well, but it was a software issue. In addition, we do issue monthly reports, Council has to receive any report we create prior to the public receiving it. So because of the monthly meetings, the reports are issued monthly. I do have preliminary figures for year-end. The Town Manager in fact will be discussing those tonight. The official report, which is the audit, is issued once the audit is complete. Unfortunately, that is in the spring.

Mayor Post: It's something that we could address with the auditor on why we would not be able to receive that final audit sooner than the spring.

C Martin-Brown: Mr. Mayor, aren't we talking about two different animals? One is the year-end financial report which shows the running off of all the budget line items and the disbursement of funds. No, the annual, the twelve preceding months.

Mayor Post: We get the six month.

C Martin-Brown: Right, but I think what we're talking about is there's a six-month and then there's a twelve-month that can or does come out five, six, seven weeks after the end of the fiscal cycle. That's different than the audit report, in my mind, that legitimately may not come out until December, January, February because you have to go back through the whole annual report and document and validate. So, we're talking about three things. The monthly report, which we understand the timing of; a six-month report and end of year twelve-month report that's a summation of all of it; and then the auditing process. Am I correct Mr. Lester?

Norman Lester: Right, but they're intertwined.

C Martin-Brown: They're not what sir.

Norman Lester: They're not intertwined. The audit report has nothing to do with financial statements.

C Martin-Brown: That's right, that's what I'm trying to say.

Norman Lester: Let me just say one thing. What the audit does is to audit the financial statements of the Town. Which means those financial statements should be prepared for him to review; which I understand Sombar prepares the Financial Statements; period; the end. The Town is incapable of preparing complete Financial Statements. It's all tailed backwards.

C Martin-Brown: If I am correct, you're concerns are the monthly product; the timing soon after the end of the September 30th fiscal year as a year-end financial report; and then, of course, you have to go forward and do your audit of that. That's what you're concerned you're not getting the year-end report within 3 or 4 months.

Norman Lester: An unaudited year-end report.

C Martin-Brown: An unaudited year-end report, yes, yes. I think we need to be very clear. Is there a reason that we can't receive a year-end report, which reflects the past twelve months' expenditures within 3 or 4 weeks maximum of the end of the fiscal year September 30th?

Jennifer Cornell: Three to four weeks after the fiscal year would be too soon. I received an invoice just this past week dating back to September.

C Martin-Brown: Is there a way that you can take your year-end financial report and for those kinds of line items, where you are waiting for outstanding billings, that you could not asterisk that amount and say receipt or billing not remitted. In other words can you not give a feedback on what's outstanding so that the reader of the year-end report understands these might be 30 days after the fact or a little more.

Jennifer Cornell: I could for larger invoices; because I would know about those purchases, prior to receiving the invoices; smaller items such as items purchased on credit cards, I won't know about those until I actually receive the credit card statement.

C Martin-Brown: And that's a 30-day thing too.

Jennifer Cornell: Yes, the way the credit cards it's mid-month, so the credit card statements I just received are for the end of September now.

C Martin-Brown: But you received them the middle of October.

Jennifer Cornell: No, I got them the end of October.

C Martin-Brown: For the month of September?

Jennifer Cornell: Yes. It's a mid-month. It's from I believe the cut-off is September 18th to October 17th.

C Martin-Brown: What I know can be done and I'm not trying to be difficult, is that there's a narrative alongside different items in a year-end report that you can say not in and the next one will come out and you'll do an update year-end report 2 or 3 weeks later; but you've got 92% of your expenditures; if not higher, reflected in a year-end report; at least you ought to have, by September 30th, based on the monthly reports and the six-month report. I mean, realistically, I don't think these things are rocket-science; I think there is a way to respond to some of this concern.

Jennifer Cornell: The last report I issued was on September 20th, so we have a 10-day window there, where some things came in. I can issue a year-end unaudited report; I've been tasked to do a monthly, but I have no problem doing that, if Council wishes to see one.

C Martin-Brown: Mr. Mayor, I think there is merit in that. Also, it kind of gives us an annual look back record.

Mayor Post: It's not the total accurate one; but until we get the audit, that would be fine. I have no problem with that.

Norman Lester: Can I just comment about something? I keep coming back to the accuracy of the monthly financial statements and this comment about a computer error that was found by Sombar sometime in October, November, and December which affected the prior year with something being booked. Now, from my experience and for people in this room that have been in business; if you take your financial statements and I know the town doesn't prepare financial statements, because I did ask for that by FOIA, I mean real financial statements, income expense, balance sheet; but if you reconcile your accounts receivable, etc. and you know that you've sent out water bills and you know what your accounts receivable should be at the end of the month, you know what your outstanding real estate taxes are; you know what any other outstanding bills are; you should be able to produce that, so my question is all along if you have to wait for Sombar to find the computer error; what goes on the rest of the year? There's just something institutionally wrong here that you can't prepare good financial statements. It just doesn't. I just can't understand it. I've got small business clients that wouldn't stand for that. Where they get statements every month; sometimes we prepare them on our computer systems; most often they use their own QuickBooks or something. I just don't understand how you can so late, complain that there is a computer

problem; it doesn't make sense. It just doesn't compute. I just can't get my head around it. That's a silly argument.

Mayor Post: Well, the issue is we will see what we can do to accommodate your request.

Norman Lester: You need to do that; you need to improve your internal control; you're paying bills; the extent of bills for amounts that didn't agree; 66 hours on that one invoice at \$75 didn't compute to \$5,000; that bill was just simply paid. I mean that there is so much going on here and we're not getting information from Sombar; and we can't rely on the information that's put out, because if you read the statement that comes out with your financials every month, it says this was prepared directly from the Edmunds Software; without any overview, no reconciliation, just hit print and let it go. It's a disservice to the Town and it shouldn't go on.

Mayor Post: Maybe we have to look at it anew, because this is how it has always been done; so you're right maybe we need to look at it. It is how it was done when I was on Council; whether it's right or wrong.

Norman Lester: I've been asking that question for several years. Nobody seems to give a damn.

Mayor Post: Thank you.

- d. Judy Shandler, 202 Grist Mill Drive, Cannery Village: Last Council meeting I was really stunned to hear a Council Member to state a desire to revisit the issue of Town Employee Health Care Benefits. I was further surprised to read in Friday's Cape Gazette that this was an item slated for consideration tonight and I see it is Item f under Old Business, Discussion and Possible Vote on Employees Health Insurance. I guess I'm frustrated, confused, mystified; I simply don't understand this because this was an item that employees would absorb or pay 30% of their healthcare premiums for the first time and this was part of the 2010 budget, which was passed after lengthy deliberations. My recollection is that budget did not have a lot of wiggle room to just cavalierly remove an item that was going to save the Town money. So I'm confused about that. I don't understand how it's an item under consideration, when it's an item that's already in a budget that was passed. I will also go on about this a bit. For the last two years I have participated in the budget process. I've attended the workshops and I've spoken up and written my letters, as have so many people. I've also attended the monthly Town Council Meetings on the first Monday of each month and both of these venues I have seen people just come to the microphone and urge Town Council to please reconsider the 100% absorption of town employees healthcare benefits. In that period of time, I have never once heard a person come forward and say we should continue in that realm; so again, it passed, it seemed to be a cogent recommendation that was acted upon; and now it looks like it is being revisited. I simply don't get it. Especially now when healthcare premiums are rising, rising, rising, you can't turn on the news without hearing this and

especially when residents in the Town, certainly senior citizens are seeing their social security benefits for the first time not have any cost of living adjustment in them; their own healthcare premiums are going up; and yet we're going to sit back and say sure, bring it on, but lets us help out those few people in Milton who work for the Town; let us make it easy for them. It just simply doesn't make sense to me, so I am here to strongly object to any dialogue that reverses or attempts to reverse the voted upon terms of Town employee healthcare benefits. Thank you.

Mayor Post: Thank you.

C Hudson: Did someone say why it has been put back on the agenda?

Mayor Post: Because a Council person requested it to be placed on there for discussion and we have the right to discuss it; it doesn't mean how that discussion will end; but it is there for discussion; it is not on there for a vote tonight; but this Council Person would like to discuss it a little more.

- e. John Mead, 539 South Spinnaker Lane, Shipbuilder's Village: I just presented some of the pictures that I get to see every time that it rains. I walked to my front door the other morning and I had water all the way to my garage door, once again. I was here last month; I complained; nothing was done. Things were attempted; things people said like we're working on this; we're working on this; well, I'm sure that if it was your front yard, the matter would have been corrected a little bit faster then we are doing now. I had a problem sometime earlier in the summer; someone actually ran across one of the 3-1/2" discharge hoses from the pump that runs off of my property; across the back of our properties and then I don't know where it ends up. The town people did come over and repair it; but as you can see in one of the pictures, it's a 3-1/2" discharge hose; not a lot of volume of water is going to go through that; and it's even worse when they cut the hose and put a 2-1/2" pipe inside the hose and then hose clamped it. I said that's a reduction in volume of water that they can move. I said something about it; nothing was done. It stayed there. This is what I woke up to the other morning. I requested barricades to be put up, because people like to drive through the water. Well when they drove through the water it was like a boat; they created waves and the waves went up and hit my garage door; well that forced the water under my garage; into my garage; over my carpets and other things that I have stored in there. I requested the barricades and it was an hour and 45 minutes, almost 2 hours before any barricades got there. They did show up and they put them there; they're still there. They also brought in a larger pump, which they said they were unable to get; with a 6" discharge; but if you look at the hose, it has big kinks in it. There are probably 4, 5 or 6 different kinks in this 6" hose. Common sense tells you that if you have a 6" opening, that is folded almost in half, that reduces it almost down to 3 to 3-1/2" and you're not going to get the volume through there again. I've lost my landscaping, once again. Some of the pictures you see, when I look out my front door, the fence that used to be

in my neighbor's yard that sensibly was moved by the landowner, but the posts remain. Those posts are 25' to the curb and you can see that the water went up, past those posts and into his yard. I've got property for sale in there and if you look at the For Sale sign; it's under water. There's property For Rent, the For Rent sign is under water. I understand that it is not the public works guys; they are only doing what they can do. I can't holler at them; I can't complain to them; but I can come to my Town Council and request some help. I realize you don't wake up and see this, but you get a chance to see it from my eyes but looking at my pictures and this is every time that it rains. I said why didn't they just take one of the sections of hose that was at the far end and bring it up and put it where the section of hose that was spliced, because of the reduction I understand that that's not that much reduction. Look I was born at night, but it wasn't last night. I was a professional fire fighter; I know about volume, pressure, static pressure, and when you have a kink in a 6" hose, you're not going to get the water through it. I've got a 6" hose in front of my driveway with a coupling that's this big right in the middle of my driveway. I can not physically get into my driveway, so I get to park across the street and walk over; it ain't fun folks. This is the last time I'm going to have to come a meeting. I had to take off again, just to come to this meeting. You know things are tight; you know more than to take off from your job to have to come here and go over this again and again and again. Never once did the Mayor call my house or show up; never once did the Town Manager call my house or show up; I never saw any of the Council people down there; and this is a crisis situation. My stuff is floating away; my yard is flooded; but you guys sit home in your houses. I did have a phone call from the Chief of Police just to make sure that I was not in imminent danger and I didn't have any antiques in my house that were getting ready to get flooded and that was a personal phone call; had nothing with him being the Chief of Police. He just called me as being a neighbor. Kudos to him and shame on you guys.

Mayor Post: I want you to understand for one thing, I was not here. I was on vacation and I know, no excuses, the bottom line were I was away for a week and a half and I got back last night. So that is possibly why I just heard of this after the fact of this issue and it's going to be discussed tonight, once again in Executive Session. There are two options. And what I would like to know, possibly from you living out there, what do you think should be done?

John Mead: I thought you were going to ask me to buy a piece of crack, because you can get it in the neighborhood if you're looking for it.

Mayor Post: I'm well aware of it; there are major problems in that area. But that doesn't help to resell the property.

John Mead: The problem here is the Town is actually right now treating this like it is not a big thing to them and it's not; it's not to them; it is to me. They brought in a large pump; they put the large pump in there and said well, this

large pump will pick up and take over when the little pump can't keep up. The other night it rained; the little pump never came on and that large one was like having a freekin' John Deere tractor sitting in your living room; came on for 15 seconds; went off for 15 seconds; came on for 15 seconds; went off for 15 seconds; and it cycled back and forth. The first pump never came on. The original little pump never came on. The big one cycled every 15 seconds; it would come on, it would go off; it would come on, it would go off and my bedroom is on the back of the house. My bedroom backs up to Workmen's Farm. I had my front door closed; my bedroom door closed; my windows closed and I listened to that thing cycle every 15 seconds. I didn't feel like calling the guy on the telephone and say you better come on down here. Somebody has to get some sleep around here. There's no sense! This is an ongoing situation guys. I invested in this Town because I saw things really getting ready to take off. I said it before and I'll say it again, this ain't New York City. It's a small little Delaware town and it needs to be run as such. We need to take care of ourselves. That's why I'm here. I came here because it's Milton, a little Delaware town. I moved out of Rehoboth, to be here where it is more quiet, people got along a little bit nicer, it wasn't all the powerless with all the bars and the drinking and the hooting and the hollering and everything; it's a little bit more quiet. I'd really rather stay down there and listen to people drinking until 2 o'clock in the morning, because I knew at 2 o'clock they'd be going home. At 4 o'clock this pump is still running; out of control.

C Hudson: Mr. Mead, I routinely ride my bicycle through Shipbuilder's Village and month after month I've sat on this Council and asked the Town Manager about the progress of the easement. I would ask again, Mr. Dickerson can you give us any progress report on the easement to get a pipe through Holly Lake for drainage?

Mayor Post: Well I would really say that that comes under our attorney, because she's the one working on getting the easement. And just to put it into prospective, there were two easements signed off on and I know this doesn't make this any better; it's a horrible situation; I'd be the first one to admit it; the first easement took us about a year and a half to get from the school district, because we had to go across the school. The second easement was the Holly Lake easement; when we received that easement, and I signed off on it and I was reported from our Planner, Robin, on the process of where it would go from there; on what steps, what months, that's why I got a letter about the stone being piled up other there; all that has been purchased by the developer to do this project. Robin gave me a timeline, that's when I sent the letter out. I'd be honest; trying to keep the people informed because I know it's a serious issue. I know you think that! I don't think there's anybody sitting up here that doesn't think it's a serious situation; but I know you're anger as well, and I understand it. I'm not going to sit here and say I can't figure out why you're

standing up there and yelling at us; because it's a serious situation and we deserve it.

John Mead: I'm not yelling at you. I'm not yelling at you. I'm just keeping you informed of where I stand.

Mayor Post: But you're not happy about the situation. But it's a bad situation.

John Mead: It's a very bad situation.

Mayor Post: I sent the letter out; two weeks later he came and stated well there is a problem; we found out that the easement that was received by the prior attorney did not get the easement. Don't ask me why, don't understand this. He got the easement for everything going across Holly Lake, but did not get the streets. Don't ask me why, never understood; because we thought he was getting the easement all the way across that would go out to the lake, which was my understanding that this was where it was going to be emptied into; when this would be finalized as far as the drainage that goes across the field. From there, we're now trying to get two sections of street that we need the easement for to be able to make the final connection to be able to run from your development out to the lake. I do believe and we're going into Executive Session later tonight; I feel with this third easement that we're 80% of the way there. How that comes out tonight after the Executive Session, we'll know whether we're 100% there. I hope we're at 100%.

John Mead: Where will the small hose go?

Mayor Post: The problem is we used to pump it into the field behind your house; that landowner tells that we can't pump into that field anymore.

John Mead: But where will the 3-1/2" hose go?

Mayor Post: My understanding is, Dustan, where will that go? I know we got the second hose and the second pump out there; Dustan where will that go; can you report on that for me?

Dustan Russum: The 3" discharge hose was behind your property and the other properties there; it runs all the way down to our water tower and discharges there and then trickles out to wherever it needs to go.

John Mead: What is the problem with putting that 6" hose out there? Why can't you run the 6" hose behind the property?

Dustan Russum: At that time, when the pump was brought in, you had water running into your garage so the quickest and the fastest way

John Mead: I understand that; but I'm talking now and if it rains tonight, that large pump kicks on; it's going to cycle all that water right back into the street. There's no discharge hose on there.

Dustan Russum: That pump is off. We shut that large pump off because somebody this weekend decided to grab the hose; pull the hose around and it's around an electric box and there's a mailbox that got taken down over the weekend and only how that hose got moved was from somebody moving the hose; it did not move by itself.

John Mead: He was a bigger guy than I because I tried to move just the end of that hose so I could get into my driveway.

Mayor Post: Then it whipped around and it broke a mailbox off out there which we did replace.

John Mead: I don't know how they would have managed that; they had to hook up to it or something with a vehicle.

Dustan Russum: They could have.

John Mead: The point that I'm making is we can take that 6" hose and run it behind the properties and run it out to where that little 3-1/2" hose went and trust me that 6" hose will empty that; mother nature is not going to override that 6" hose unless the Hoover Dam floods and comes out here, because that 6" hose is going to move some water.

Mayor Post: Is the 6" the first one?

John Mead: No, the 6" is the second pump that they got in.

Mayor Post: Oh, we are renting that, right?

Dustan Russum: We are renting that, I was just told for a week and the rental is up; we're going tomorrow morning.

Mayor Post: Let's hope we get this resolved before the next torrential rain like that. But your suggestion with that second pump, the 6", should be run behind the properties like we did with the first pump.

John Mead: You don't understand, it's not a torrential rain that creates it; just an overnight rain. If it rains overnight, just an overnight shower; if it rains overnight, not a downpour or a deluge, but if it rains, once that water soaks in that ground, there's no where for it to go. When they built this community, there's no retention pond.

Mayor Post: I know, you're right, which is a major problem.

John Mead: They built this community; they built these townhomes on a plot that was approved; but if you look back it was approved for single family homes, which left a lot of ground opened for the water to get into. Before they finished the last two phases up there, the last 3 sets of townhouses, I came to the Town and I asked them to stop the building; its asphalt and concrete and there's nowhere for the water to go. I've been told numerous times this development has been built on what is called a French drain; the water goes in the ground and it disperses. There's nowhere for it to go. If it rains overnight; if we have rain during the day and it rains 2 or 3 hours during the day, that's fine, no biggy the water goes away. But that land gets so saturated because it doesn't disperse the water, it holds it; and then when it rains at night, just a regular rainfall; you act like when we get a terrible rain; it's not, it's just a regular rain.

Mayor Post: My understanding is the other night was a torrential rain; the water is still lying out there in the fields.

John Mead: It was a heavy rain.

Mayor Post: That one the other day, I mean there are other times.

John Mead: It was a heavy rain. We did have a 3-1/2" discharge coming off that went into a 2-1/2" pipe, so that cut back on the amount of water that we were able to move and when I called that morning; I called the town. I said, this is John Mead, I live blah, blah, blah, I have a problem with the flooding up here; blah, blah, blah and whoever was on the other end of the phone said hold on a minute. Okay, she said, they came back and said, they came by and they checked on the pump, the pump is running. I said yes, they drove by and the pump is running, but that doesn't mean that the pump is pumping. The motor was running; but it didn't mean that the pump was pumping. I said I need barricades and she said okay and then she came back and explains to me that she was only there for a week and a half. Please, that to me is a crisis telephone call; at that point she should have gotten someone with a little more experience. So when I called back a second time, I asked to speak with someone who had been there a little bit longer or her superior and I spoke to a different lady. When I called back the third time, I spoke to a different lady and I told them on the telephone that I needed barricades and I needed this. I'm not dumb; really I know what has to happen here. People look at me like you're just one of those guys. No. We need to address this problem; it needs to be done. I'm to the point now where I think I've done everything I can do and for me to organize the community; that's nothing but time for me to make a phone call to an attorney; and file a class action suit; that's a whole lot easier; trust me that water is not the cleanest water in the world.

Mayor Post: There are two options here. Obviously, litigation to the property owners, that's a whole separate issue; but there are two options that we faced all along. I look at it as choosing your poison, because this is a bad situation. We work with the person we're working with and I've talked to the property owner himself that owns the land that we're trying to go across; I think he's trying to work through this, the best he can, as well. I'm talking about who we need the easement with. We seek the easement and try to do it in a very good way; and we have not been working on that for years; we've been working on that for 3 or 4 months; right after that letter went out, 3 weeks after that is when we found out that we didn't have all the easements on that property that we needed. That's since we've been working on this. Or, the second option is to take Eminent Domain, which could take 3, 4, 5, or 6 years, to resolve this horrible situation. So the best situation we have right now, and I think it looks really good, is to work with the owner that we need the easement from, because that's the answer at this point. Like I said, after this Executive Session tonight, I'm hoping we will have what we need.

John Mead: The open fields that are in front of Shipbuilder's at the entrance, the open fields.

Mayor Post: I know what you're going to say; they are going to be developed. The ones in the front to the left is going to have 20 some townhouses placed on it; that was approved already, 3 years ago.

John Mead: Are they putting a retention pond in?

Mayor Post: No, they're not.

John Mead: Who's allowing this? This is the only community within miles to not have to put in a retention pond.

Mayor Post: I know. I don't understand; the plans were approved years ago; I'm telling you they were signed off on!

John Mead: They were approved years ago for how many townhouses or how many units?

Mayor Post: They were revised. I don't know if our engineer! Our engineer, I forgot he is here tonight. Let him address when it changed and do you recall when Shipbuilder's; because it's been an ongoing project 15 or 20 years; how long have you been with the Town; probably as long as you've been with the Town; if not longer?

C Hudson: When did the flooding start? Wasn't when they put in the 3-story townhouses? That wasn't 15 years ago.

Mayor Post: Well it all has something to do with the way it started out with the development; like he said if it was approved for single family housing; then it reversed over to permit townhouses; that it takes over more and more and when you take it at blacktop after blacktop after blacktop, this is where we have these issues.

John Mead: And they are allowing the same mistake to happen again. There's no community anywhere around this area that does not have a retention pond, except for Shipbuilder's; and the Town of Milton is getting ready to let them build another development without a retention pond. Where is the water going to go?

Mayor Post: Well, it's not another development; it's a continuation of the property owner.

John Mead: They need to say no; you're not going to build this until you fix that. How dumb is that?

Mayor Post: Mr. Kerr will you address some of these issues?

C Duby: He's waiting on batteries.

Bob Kerr, Cave Associates: First question I was asked was how long I've been here; since about 1978 was when we came on board. If I recall correctly and time flies when you're having fun, Shipbuilder's started in the mid-80's and I was involved in the very first portion of that, the first few homes that were built; it was recommendation not to have that particular drainage system; but it was accepted by Planning and Zoning and Mayor and Council. I was not involved with any of the rest of Shipbuilder's after the first 20, 25 lots were approved, they went through additional changes and things and I have not involved until what's referred to as Phase III, which as you enter the project there are 7 new lots on the right hand side; that does have storm drainage; it's mostly bio-retention swails; it has been approved by Sussex County Conservation District and it is part of the agreement that you have

with that developer to fix the problem that you're discussing this evening. To the left of the entrance there is a townhome community that's been approved. I do not remember the number of units off the top of my head; the Mayor mentioned 20; it does have a storm drainage pond that will be located along the front; as the Mayor said, it was 2 or 3 years ago that it got approval; it was before the Mulberry Street improvement project started, because they were delayed starting that until that project got started, so the details are a little vague, but I believe there is a stormwater pond in the front and it is tied into the project that the State did as an overflow; so in the event that the storage lagoons fill up it will spill into that system. But, again still at a somewhat reduced rate so it doesn't greatly impact the piping on Mulberry Street.

Mayor Post: Then, again, with what we're doing trying to do today with the easements; and running it over, this is something you have been involved in, recommending that process.

Bob Kerr: Yes, Sir, and it is not the greatest best fix, but with the available fall and what could be done, we believe, Soil Conservation believes, the engineer who actually did the design for the developer; we sat around a table and tried to come up with the best solution for what's there; short of going back and redoing the entire drainage system. So the idea is that the French drain system will continue to be used in the community; once it fills up to a certain point it will spill over and go out to the lake. In a storm event, such as we just had last week; there may still be some minor ponding on the roads, because that piping is still going to be challenged; there just wasn't enough room to get a large pipe in there; but in most normal events it will handle the flow.

John Mead: There's not enough room to get a large pipe in where? There's a whole field out there; there's a whole thing out there; you could run it right down the center of the street.

Bob Kerr: If you drop the pipe to the depth needed to get sufficient cover, then it can't get to the pond.

Mayor Post: It won't get the grade of the gradual slope?

Bob Kerr: Yes, if we start as deep as we need to to get a large pipe in, then it can't make it all the way to the lake.

John Mead: For the record, I'm not an engineer by any means and I don't claim to be; I'm explaining to you that if you can only get a pipe this big around; from here to that point and get the correct drop; you lay another one right next to it and you got one going here and one going there and you're moving twice as much water and if you put one next to that; there's three times as much water; and you're going to get the correct grade; so you might not have to put a pipe in this big; but you could put 6 pipes in that are this big and still move more water. We're talking about volume; we're talking about moving the water; getting the water out of there; it's not how far you can shoot it up in the air; or how far you can squirt it; it's a matter of getting it from Point A to Point B. Like I said, I'm not an engineer, but it makes sense

to me. Instead of having one large pipe; you have 8 small ones that run along side of one another and you will get the drop you need and you'll get more drop but using a smaller diameter pipe. Am I thinking right?

Bob Kerr: Mayor, I did not come prepared to discuss this this evening. Yes, there are ways to do this; you can run multiple pipes; we can dig up the gravity sewer and move it out of the way; we can move the water main out of the way; we could move the houses out of the way; yes there are ways of doing it; sitting around the table with the people that were at the table; this was the best solution that was presented and it also comes down to a thing of cost. This worked out from a cost benefit ratio that everybody found it acceptable. If we triple the amount of money you could get maybe 10% more water through the pipe; but those are the kinds of issues we discussed; it was presented to Council that this was the plan; it was presented to Planning and Zoning this was the plan; it has been through Sussex Conservation District.

Mayor Post: The Soil Conservation Group approved it as well.

Bob Kerr: Yes, they were at the forefront in this; the Shipbuilder's Village started before they existed doing stormwater investigations and planning and studies; the erosion and sediment plans before that was implemented; so the thing we need to do is obtain the easement and construct the project.

C Hudson: After we get the easement, which Mayor Post said may be 80-100% certain tonight, how quickly can you proceed with the project and how quickly will you get finished?

Bob Kerr: Again, I do not have the timeline with me tonight; I didn't know this was going to be an agenda item. At the time that it was approved, the intent was to start after school completed, which was somewhere around June 15th or June 20th to start construction and to be done well before school started. In the summer you get very good production laying pipe; this time of year pipe laying crews slow down; just because of the weather, the soil conditions get wetter and it takes a little bit longer per foot of pipe. I don't know the availability of the developer's crews at this point, so we haven't talked to him.

Mayor Post: He is ready. The last I talked to him, he is ready, or his Associates.

Bob Kerr: I have not talked to him since June. I assume he is, but I'm not here to speak that this evening.

Mayor Post: He's waiting for this easement, is what he's waiting for. I know you're frustrated. I hope this has given you some update.

John Mead: The engineer just said if you tripled the money you could increase the volume by maybe 10%; I don't see that; if you could lay two pipes side by side; you're going to increase it by 100%. If you have two of the same size pipes laying side by side, to me that's 100%, not 10%; and as far as what we need to do is just get these things and get this project underway; this is the way we approved it and this is the way they approved the townhouses the way

they are; and it doesn't work. I complained and complained and complained and I said the way that my yard sits, there's a storm drain there and there's a storm drain there; the grade goes up to the storm drain from the front of my house. I called and complained and I don't know who it was but somebody came in and tore up the curb in front of my house and I said what are you doing; they said well we're fixing it; we're going to raise the curb. They tore up the curb and raised that curb an inch and a half. I don't know who did it; but I know that they did. I'm like, what is that going to solve? An inch and a half is nothing. If you look at those pictures, that water rises 12" and it still is going to be in my yard; that little thing was nothing; it accomplished zero; and once again I explained to them, I'm not an engineer; I'm not a rocket scientist; but if you look at it, common sense will tell you that that is not going to work; and they are getting ready to allow this to happen again. I don't think so.

Mayor Post: We're at the point though that we are moving forward with getting the easement. That's what we have to do at this point.

Vice Mayor Betts: Mr. Mead, I understand your problem, because I have it down by me; water all the time; my house is soaked underneath and I can sympathize with you. I also want you to know that I have discussed it with the Mayor and he has told me the same thing as he's telling you; because I have asked several times when the easement is going to be given. I have talked to the Mayor and I don't want you to think for one minute that I haven't been concerned over Shipbuilder's; because I have.

John Mead: I understand, thank you for your concern. My question and point is, the engineer said that they are going to leave the French drains in place; they are going to put a pipe in; but they can't put a great big pipe in and they're not sure that it is still going to work; because if we have a torrential downpour it's still going to have flooding and pooling. So once you're digging that hole, why not put two pipes in to make sure it's happening, rather than to do it all and say oops, that didn't work; okay, let's try Plan B; why don't we just increase the amount of drainage in that area. We know that's a wet area anyhow; what is the sense of fixing something if you're not going to fix it right? I appreciate what you're doing and I understand that; but that's not the way it was approved and I'm like, okay, well if you don't think that it's going to work, why are we going to waste the money and do that, when we can do it all at once? You don't go out and buy one shoe on a Tuesday, because that's what you're planning on doing; and then go out and buy the other one the next Tuesday. You buy things in pairs; you buy things together and you make things happen. Thank you.

- f. Jeff Daly, 211 Grist Mill Drive, Cannery Village: My sympathy goes out to my neighbor, Mr. Mead, over there in Shipbuilder's. I came here tonight primarily to thank the Mayor and Council for something that happened here about a year ago. A developer came to Council to reintroduce a Re-Mastered Design for an LPD Development that is going to be built eventually on the

north shore of the Broadkill and a couple of concerns were raised about that development. The Council complemented the redesign and said that Emergency Vehicles could more easily get down the lanes and on the streets because they had come back with a grid design; but a couple of things raised concerns; the drainage of the development and, in fact, the drainage plan that was put in place meets the DNREC standards for, I think, 2005; but here we are in 2009 and those drainage standards have been made more demanding; but, of course, we eventually got all of the development that meets 2005 standards, if I remember this correctly. Then the developer asked for a reduction in the setbacks between homes. I think it had been 8ø and they wanted 5ø and one of my fellow citizens said, wait a minute; thatø going to cause a security risk, because the street lights wonø bleed as far down those narrow strips of land between the houses and itø going to be an invitation for robberies because there wonø be light going between the houses. I thought that was very astute. Then I had an opportunity to share with Council that they need to take a long, hard look at Cannery Village, because what we have is the same kind of lane behind the dwellings and then the streets in front of the houses and whatø happening is, the builders, I guess with the developersø approval, are building two-car garages, but with parking pads/parking driveways that wonø support a minivan or a large SUV or 4-door sedan. So the concern with the Re-Design Development and this was a year ago; from Council; was because some retailers plan for the center and a little town center; the concern was that there wouldnø be adequate parking to service the entire development. And I was able to point out you know, as we live in our homes longer, we tend to collect a lot of stuff and garages get full and that the Council needed to watch and make sure that the driveways would support cars so that the street parking wouldnø be overtaxed. Now here we are at Cannery Village and I want to thank George Dickerson for responding to my call; Robin and I have been playing telephone tag. The Mayor is in complete understanding of the situation at Cannery Village. We have houses going up and because of a downturn in the economy, the houses they are building have a smaller footprint and yet, the driveway pads are still too small to support vehicles. Itø just incredible and I guess my whole point here tonight and especially after hearing about Shipbuilderø is, thank you Council for thinking, thinking, thinking about what developers are doing and what they are not doing; and clearly what was approved 10 years ago in Cannery Village and 10 years ago or more in Shipbuilderø is not providing a quality of life for the homeownerø and a reminder to everybody who lives in Sussex County; it was only two years ago that Sussex County Council talking about bonds for new developments. Cannery Village has no bond. Wagonø has a sort of bond; but not really a bond. And, of course, everybody read in the newspapers about pool and clubhouse at Cannery Village that they wanted to put on land that was questionable, in terms of its contamination; and Mayor and Council,

again, they shouted long and hard and they didn't care about the bad press and that's many of you people in front of us; and thank you for that. So be ever vigilant as far as these neighborhood developments go. Don't assume that the developer is doing the right thing. Clearly they are not doing the right thing in Shipbuilder's. I'll end because I know we've gone quite a long time; but just so you know, the residents in Cannery Village, which is an Homeowner's Association development; which translates into the developer holds all the cards; so to speak; until the development is about 90% built out and that's when the residents really take over; the residents just learned that their Homeowner's Fees are paying for a very large retention pond behind the brewery. We're paying the maintenance on that pond. Nothing in our neighborhood drains into that pond. We have a small pond at the back and that's what we should be paying for. So if we residents aren't ever vigilant we're going to get taken. We might as well invite people to just reach into our wallet and grab out dollars; and it's a darn shame. So Mayor and Council, Engineers, Town Manager thank you very much for really questioning what it is these developers are doing. I know it sort of is a moot point because of the downturn in the economy; but please don't give anything away. It's a quality of life issue; it's proving to be safety issues; this is the important stuff that you people have got to address and thank you for addressing it as well as you have, far better than folks who were in office 10, 12, or 15 years ago. Thank you.

- g. Gwendolyn Jones: Let's pick one issue that's been around for a while. Back when the new community cut in next to my home and they cut off part of the property next to the stop sign and they cut into the underground there where I have my underground irrigation; that line was cut; we've got pictures; that was never addressed. Now at this point in time, I can not turn on my underground irrigation system without flooding underneath my street and creating a huge whole there. That's never been addressed.

Mayor Post: Dustan, are you familiar with that? That was the developer that brought trucks through there?

Gwendolyn Jones: No, we had a problem with coal backing into the property there. We had that addressed. This was up in the street at Atlantic Avenue; where the speed limit sign is and they cut off part of the corner of the property there; under that property was our irrigation system; and we called people about it; we even had the police there; we took pictures and they cut in there and nobody ever did anything. The pieces were sitting on top then and somebody just took them away; but if we turn on the underground irrigation system that just starts pumping water right underneath that street there and nobody is going to like to dig that up and have to fix it. But it remains open and we can't use it.

Mayor Post: Dustan, can you address that?

Dustan Russum: I wasn't here when the project first started, with the Preserve and Crow and _____; but I did go out there when they called in about it. We've put in a meter in the irrigation pit; we've turned the pit on; no water has come up; so it's like I'm not going to cut a paved road until I see water coming up because it's pointless to, to ruin it.

Mayor Post: So you're showing no leak in that line.

Dustan Russum: I'm showing no leak, but he'd also stated to me that they weren't going to use the irrigation; it was just an ongoing concern. I've checked the situation out, it's fine; if I turn it on again and it leaks, then I know where to dig; but I'm not going to dig up a road until I know it's warranted.

Mayor Post: Because you're saying you've checked it.

Dustan Russum: The leak detector is not spinning.

Mayor Post: Have you utilized that irrigation this summer?

Gwendolyn Jones: No, no we have not yet. Part of that is we're going to be charged the water that runs out of that; but whether the water flows through that or not; we've got the picture from where it went down and cut that heading off; that feed remains open; we still have the picture there. Of course, now it is covered by asphalt; but when we get that water flowing again, whether to that line or to another; and utilize the irrigation system in that yard; that water is going to be flowing through that opened pipe and there's no doubt about it that the water is going through it.

Mayor Post: So in the spring, Dustan, when they turn that irrigation system on you could check it.

Dustan Russum: What we did was we went out there; there was no meter in that pit, if I remember correctly. There's a new radio read meter in it. We always turn the new meter on, to see if there are any leaks where we install the meter. We turned the pit on and there's a little silver leak detector in these meters and if there is just the smallest leak, that thing will move. We turned it on; the leak indicator does not turn. So that's telling us that anything on that side of the meter, there are no leaks. I guess something could be plugged into the pipe; they're talking about it being cut off; but nothing has erupted. So I don't know where to even start to dig. I'd have to dig up a big section of the road to find the problem.

Mayor Post: So if they notified you in the spring, when they are turning on the irrigation system, then you could go there and check it when it's turned on?

Dustan Russum: I could go right there tomorrow, weather permitting and double check it again, if you're going to be around and show you.

Gwendolyn Jones: I'd tell you what, seeing as we have to air blow that system out; prior to the winter so it won't freeze; we can engage that system in the spring and have you come out there and follow that water.

Mayor Post: Very good Gwendolyn and then just contact the Town so we can make sure that we're right on it that day when you have it turned on. Thank you.

Mayor Post: We will now close the public participation portion of this meeting at 8:07 pm.

2. Call to Order called by Mayor Post at 8:08 pm.
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.
5. Roll Call was called by Mayor Post

C Martin-Brown	Present
C Duby	Present
C Hudson	Present
Mayor Post	Present
C Betts	Present
C Prettyman	Present
C Abraham	Present

6. Additions or Corrections to the Agenda
Mayor Post: There being none.

7. Approval of Agenda
C Prettyman: I move that we accept the agenda for November 2, as written.
C Duby: Second.
Mayor Post: All in favor say ðayeö. Opposed. Motion carried.

8. Presentation of Minutes for October 5, 2009.
Mayor Post: There being none.

9. Approval of Minutes for October 5, 2009.
C Prettyman: I make a motion that we approve the minutes of October 5, 2009.
C Abraham: Second.
Mayor Post: We have a motion and a second. Any discussion to that?
Vice Mayor Betts: Yes, I would like to ask a couple of questions if I could. I noticed that last month. I noticed that last month Marion Jones had some questions to ask our attorney and she said she would get back to her. I wonder if she has done this.
Mary Schrider-Fox: I didn't respond to Ms. Jones, but I responded to the Mayor and the Town Manager about that issue.
Vice Mayor Betts: Have they responded to Ms. Jones?
Mayor Post: Not yet. But we will be responding to her. We have that information.

Vice Mayor Betts: I do notice that Nancy Davis's questions have been asked and answered. Also I believe there is one more. Lynn Eckland asked a question; has she been responded to?

Mary Schrider-Fox: As for the other question, I have responded to the Mayor and the Town Manager about that, also.

Mayor Post: All that information will go forward. Are there any questions on how they are written, because we are voting on their approval of the minutes? All in favor say aye. Opposed. Motion carried.

10. Approval of Written Committee Reports

C Prettyman: I make a motion to accept and approve the committee reports that have been submitted to us, as written.

C Duby: Second

Mayor Post: We have a motion and a second. Any questions? All in favor say aye. Opposed. Motion carried.

11. Town Manager's Report

George Dickerson: Good evening, Mayor and Council. The first thing on the agenda on my presentation will be my introduction of some people who everyone here needs to meet and to thank for the hard work that they did. They come to us from the Delaware T² Center Engineering Circuit Rider Program. This was a new program; Matthew Carter is a circuit rider for this particular program and they are an engineering assessment team for transportation elements assessment and they did an assessment this past summer for the Town of Milton. With that, since they did have a presentation and Matthew does such a terrific job in the presentation, I'm going to have him come forward; introduce him and he has a presentation which he will show; so some of you may want to come back out here to look at the screen and this presentation and he will tell you exactly what he was able to do for the Town of Milton and this was a wonderful program and the report that was done is outstanding, so if you will, please welcome Matthew Carter and his team. Thank you.

Mattheu Carter: Mayor and Council, residents were very pleased to be here this evening and we appreciate the time. George is very gracious in seemingly giving me all the credit for this; but absolutely we've got a great team. I want to introduce the rest of the team in just a minute after just a couple of introductions. Also here tonight with us I'll start with Larry Klepner here, sort of skulking in the back here a little bit, he's the Program Coordinator for the T² Center. I'm going to talk in just a minute about the T² Center, but first I am Matt Carter; I'm the Municipal Engineering Circuit Rider and my primary role in the T² Center is to go around to the Towns in Delaware and provide technical assistance and advice where we can to sort of bring as much to bear for you as you can. Here with me tonight across the way here is Kate Smagala and Bob McGuirk. Kate and Bob came on as Engineering Interns this summer and we're going to talk a little bit about the work

that they did here; Kate and Bob really carried the ball on this thing; both from developing the approach to this with me, from the beginning, carrying out most of the field data collection, doing the analysis and writing the report. So, I'm going to turn a lot of this over to them. Just a real quick thing about the T² Center, because I assume that most of you are not familiar with it, they're located in all 50 states; several tribal regions; etc. They are funded by the Federal Highway Administration and the State DOT's; ours here in Delaware is hosted or located at the University of Delaware, we're within the Delaware Center for Transportation. And, again, our goal is to assist local governments to the greatest extent possible with the resources that we have. A little bit about why we are here. This sort of started, Julie reached out to me back in the spring in response when I had been before one of the leadership training meetings that she had attended and she asked me to come down and meet with George and Stephanie and we talked a little bit about what the program was and how we might be able to help. After that, I went back and I talked with Larry Klepner and the Director of our Center, Ardy Faghri and we sort of looked at how we might pull together some supplemental funding that we had this year, which was unusual for us through the Safety Circuit Rider Program. We put together basically a team where we could look at more in depth at some of the street and sidewalk and signage issues here in Milton; so that's sort of how this came together; so it was some excellent timing and if Julie had contacted us a couple of months later, we might have missed the boat on it; so it really worked out very well. Just very quickly, before I turn it over to Bob and Kate to talk about this, the very broad overview the sort of 40,000 foot look was that we looked at a number of issues dealing with motorists and pedestrian safety issues; pavement distress issues; sidewalks; stormwater; street signage, etc. and we'll go through a little bit of that more in depth here. Also, it is helpful to point out that along the way, particularly Bob and Kate had some good talks with Allen Atkins; got a lot of good background information from him and that was very helpful and subsequently, in October, we were able to provide an interim briefing to George and Julie and a couple of others and finalize our report and provide it along with some electronic deliverables that we'll talk a little bit more about in this presentation. I'm going to turn it over to Bob and Kate to talk about the study, the findings and some recommendations.

Kate Smagala: Good evening. First we started taking a look at your pavement conditions. We actually walked every one of the town-owned streets; measuring them; taking west links; if they had curbs; gutters; everything; taking a look at that; and we actually found on-line a very good rating form to actually look at the pavement conditions so that if we wanted to maybe fix a small section of them, then that would be best; and then we took a look to see if we wanted to do the whole route. Within our study, we gave an idea of what the roads looked like and if they had good drainage off the roads and what those slopes looked like.

Bob McGuirk: We also looked at sidewalks and curb ramps throughout the Town of Milton, with particular emphasis on ADA compliance in accordance with the Americans with Disabilities Act and some tort liability cases that have come about

both here in Delaware and also in Sacramento. Basically DelDOT, over the past few years has brought about a very heavy focus on upgrading their transportation infrastructure, specifically the curb ramps, so we felt it pertinent to examine that in our assessment of the elements in Milton. As a part of this we also interacted with Tool Design Associates and DelDOT because they are currently working on a Safe Routes to School Program for Milton Elementary School and you'll hear more about that later.

Kate Smagala: We came down one day and it was the day after a rainfall so we did take a small look at the drainage of the town; just where there were big issues on this problem; and maybe where the drainage wasn't doing well enough and it was seeping into the pavement and degrading that.

Bob McGuirk: Also the Federal Highway Administration and basically, Congress, is putting forward minimum retro-reflectivity levels for growth signs and also DelDOT has adopted these and they will become effective in January of 2012, so we went around and physically recorded the retro-reflectivity measurements on a good portion of the signs in Milton, primarily your stop signs, your speed limit signs, pretty much the necessary signs for a functioning transportation system, so that the Town of Milton Public Works Department can prioritize and make sure that those minimum retro-reflectivity levels and basically set up a plan for upgrading them over the next few years.

Mattheu Carter: We did want to mention that we really did enjoy your town. We spent a good bit of time this summer and it really is a fantastic town; that's something you guys already know, but we didn't feel we could be here without letting you know our view on that.

Kate Smagala: As I said, first we took a look at all the different pavement distresses. Here are some of the main ones we saw throughout your town; bottom left alligator cracking, just small cracks throughout the pavement; which really is a problem because when it rains and the water seeps through, it will just keep degrading underneath, so you're going to want to repave those whole roads or those sections. We saw potholes around town which some were actually filled with small patches of hot mix; but really there are times where it would keep the grade better if it was cut around the entire pothole, like a foot away and just squared out a patch; so in our study we kind of gave the idea when you go back and patch the whole you want to give the whole area a good patch; instead of maybe having to keep coming back and repatching small, small, small bits. For example on the top right, that's the idea of a bad patch, because you don't want to keep having to repatch every year; you want to do a good one the first time. Here are just some more that we saw. We had learned that the town had adopted a crack sealer, so that's one of the big things we saw throughout the town along the center lines of the road; there are big cracks, so just going in every so often and refilling those in is going to maintain it without having to repave the entire road and costing the town more money.

Bob McGuirk: I'll just give you a quick overview of the requirements. ADAD requires 36" minimum curb ramps and also truncated domes and a couple of slope

requirements for the main slope and the cross slope and that's primarily for new construction; and additionally alterations and upgrades as the town goes forward throughout the town. Again, the big thing driving this is tort liability issues with some of the cases; Classy vs. DelDOT right over in Lewes and Rehoboth; then Barden v. Sacramento, where the City of Sacramento had to put forward 20% of the transportation funding over the next 20 years for ADA upgrades. It's pretty important that we take a look at this and ensure that Milton is set and preparing themselves for the future.

Kate Smagala: In looking at traffic signs, we took a look at the MUTCD requirements and like Bob had said before there is a requirement out to have retro-reflectivity levels in a plan to prioritize your signs by 2012 and so we just took a look at that retro-reflectivity was the biggest thing we looked at. We went through and took the retro-reflectivity levels of many different signs throughout the town; we also looked at other things, such as placement sanders; how far away is it from the curb; do you have any signs that are in the pavement; and just how big your signs are; and that kind of stuff.

Mattheu Carter: I'm just going to jump in and take a second. Retro-reflectivity is not a word that rolls off of people's tongues and so just to give you an idea, this is really a measure of a sign's effectiveness to reflect light back, particularly for older drivers; particularly at night; particularly in the rain; etc. and it's probably not the easiest figures to see there at the bottom but it gives you a little bit of an idea; if you look at the three down there at the bottom, the left is reflection like you would see in a mirror; the center one is sort of how light might bounce off of a painted wall, a so-called matt reflection; and the one on the right is retro-reflection, it's when light actually bounces back in the direction from which the light source came, and that's the one we're interested in; and that's what we're trying to measure when we look at signs like that.

Bob McGuirk: For storm drainage, we didn't get too in depth with storm drainage; we were mainly concerned with safety issues that could be presented at intersections, due to stormwater ponding; as you can see some locations in Shipbuilder's and also throughout the rest of Milton; also anywhere there's ponding there's a potential for water intrusion into the sub-base of the pavement and that could lead to further degradation of the pavement so that you have to come in and do more maintenance upgrades to keep the road in a good condition.

Mattheu Carter: We wanted to go through those just to give you the broadest possible look at some of the issues that we were looking at. One of the things I will pause here and say the written report that we provided to the Town is available; we've got a lot more background on this; we have so called Tech Top, which we have tried to boil it down so it's not so full of technical jargon; but we certainly didn't want to dumb it down either; we wanted to provide some tools so you could better understand the kinds of things we were looking at. So we certainly would encourage you to take advantage of the written report, as well.

Kate Smagala: Okay, so what did we find? With your pavement, a lot of it was in better condition than we are used to seeing throughout the towns in Delaware and we can already tell that the Town Council has a good grasp on when to repave roads every so often and really managing how to do that. With sidewalks we found some great ones; we found some that were just all right; so we had a mixed bag with that. Storm drainage it was generally not a problem around the whole town; like we heard there's been some bigger issues in certain places. With signage we found basically that the retro-reflectivities were sometimes met and sometimes weren't, but there also were other problems besides retro-reflectivities such as the height of signs or where they are placed.

Bob McGuirk: As you can see here, each of those dots represents a road in Milton that we surveyed. We did not look at Wagamon's West Shores or Cannery Village because currently the Town has not accepted those because it is a continuing development; but in terms of the roads that are under the maintenance responsibility of Milton, as you can see many of your roads have a pavement condition rating of 100%; which is very good; and as you can see as most of the older roads or roads that have significant issues, they start to tail off. This is a good distribution of the roads in your town. As you can see approximately 75% of your roads are in the top 2 categories, so that bodes very well for how well its being kept up and its good distribution. Most of the streets were very short; pavement varied from 9' all the way up to 47' again, mixed bag with other open sections directly into grass or curb and gutter; again the rating were fairly widely distributed, but mostly in the high range. Because we are in southern Delaware, the longitudinal slopes were fairly low, but most roads have a good cross slope to them so that there is good drainage. One big thing we want to look at is vegetative concerns for potential safety issues at intersections. A lot of vegetation encroachment blocking sight triangles and that sort of thing, so as you are approaching an intersection you can't potentially see cars coming up to a cross street, so as homeowner's in this Town Council, that is one thing that is a very low cost maintenance solution; but it has a high cost benefit ratio in terms of safety performance.

Kate Smagala: With the sidewalks, there aren't too many throughout the town and the town owned streets; we found really good, bad ones and ugly ones, such as on Chestnut Street; we found cars have been parking on that and that was something that Safe Routes to School is really looking at; maybe improving that and keeping the cars off of it; we looked at 121 curb ramps and I'm not going to go through all of these, because the whole thing is detailed in our report about which ones failed the requirements, which ones didn't, and sometimes some parts of the requirements failed; sometimes there are others that are met; so it's really based on prioritizing what sidewalks are most important to update at the time. One big thing was vegetative encroachments. As you can see from the picture up on the left with the little bit of weeds, or bushes, or flowers reaching out onto the sidewalk, we just want to make everyone aware that that type of thing should be maintained and

maybe even keeping such things as trash cans off the sidewalk will just allow that area to be used and available for pedestrians.

Bob McGuirk: Again, not to go on storm drainage too much, but system-wide storm drainage is very good throughout the Town of Milton; there are some hot spots we would like to call attention to; again Shipbuilder's Village, which we are very aware of here tonight; but again, the big thing is ponding at intersections and ponding elsewhere, so that it doesn't degrade the roadbed and cost the town much more money to repair; fixing it sooner, rather than later.

Kate Smagala: With signage we actually took the conditions of 170 signs throughout the town; 116 of them were stop signs, because we found so many of them throughout the town and basically they were one of the biggest concerns looking at maybe crash rating or crash data. For retroreflectivity 96 of the 170 were compliant and then we have some compliant signs; some non-compliant signs with all the other ones. To place in mounting, we found some that were located in the pavement and some inadequate lateral offset; inadequate mounting height; which are simple things that can be improved. If the amount of retroreflectivity is good, improving that will just give a good idea of what you want to prioritize first. Those were the type of things we found with the signs.

Mattheu Carter: This is a good place for me to jump in and gush a little bit. I don't think I said enough earlier, but if I could take just a minute, Bob and Kate did a really excellent job on a lot of facets of this program; but one of things that they did that I asked them to do to be in the program, I kind of gave them a vision; I said I'm not exactly sure what I want to do or how I want to do it rather; but I know what I'd like to do is deliver data to the towns we're going to be working in this summer in a way that the most people can use them. So I know that a lot of people, particularly in Public Works and Engineering or what have you, are used to looking at tabular data and graphs, but some people aren't very comfortable with that and perhaps are more comfortable with more visual means. One of the things that Bob and Kate did was develop some innovative means and it's a little bit hard to see on this screen here; but what I would encourage you to do is to look at some of the electronic deliverables that we've made to the Town that show these Google Earth overlays where you can go in and click on a sign icon or a picture icon and you can see the kind of data that we've taken and this may be a more convenient way for some people who are used to browsing data in this kind of way and that really is all Bob and Kate, so I want to give them some kudos on that and again, this is just sort of an overview of some of those electronic deliverables.

Bob McGuirk: In terms of recommendations, we broke our recommendations down in terms of what the physical problems were in the roadbed; and also we developed a list of which treatments would be applicable to which roadways. In terms of the stress based recommendations, alligator or cracking is primarily a structural issue, and there's a lot of water intrusion associated with that; so that is going to be one of your areas where there's going to be a serious maintenance upgrade to the road in the near future. Longitudinal cracking, if anyone is familiar with a single crack

running along the life of the road that is what we're talking about. The crack sealing machine that the town recently purchased; that would be ideal for this situation. It's a low cost solution that the town can perform in-house and it's significantly extends the workable life of the roadway. Potholes, it's a mixed bag. In the winter you're going to want to do a quick fix, because that's what needs to get done; but as soon as you have the opportunity to come back; or even during the summer if a pothole forms; do a nice high quality cutback, square it up; put in good fill; tack it well and fix it; which the Public Works Department is well aware of and they are working to do that on future potholes. It's a good fix and then it prevents the town from having to go back multiple times to repair the same pothole over and over. Random cracking, it just happens all over the place occasionally; some is related to the age of the road, in terms of heat expansion over the years; others, it just happens. Again, if it's not too extensive, it's a good opportunity for crack sealing, otherwise there are more fixes for it.

Kate Smagala: With prioritizing there is, there is not really one factor that goes into this. Basically looking at safety was one of the most important things, so if there is a lot of destruction on the road that is going to cause that issue, then that is what should be looked at first. With the pavement condition rating form, we gave electronic deliverable of that, it gives a list of the best, the highest quality to the lowest quality that we saw, along with all the things that we saw on the road; such as bleeding, patching, alligator cracking, etc. Really we also took a look at outsiders because that's we were to your town. When we were driving around the streets what did we see with the pavement and throughout the town.

Bob McGuirk: These are some of the street by street recommendations which are specifically outlined in our report, but just to give you a quick highlight; milling and paving, there is extensive bleeding on Atlantic Avenue; you will notice a lot of black dots appearing on the road bed. The main part of the road bed seems a lot darker than the edges; that's a lot of the asphalt binder and the asphalt bleeding up through and it has a lower frictional coefficient to it, so that there is an increased potential for skidding; so that's the high safety issue that could potentially turn into more run off the road collisions and skidding through intersection collisions. Cracked sealing, again, is a low cost safety solution because it can be performed in-house; most streets in your town can benefit from this because for the most part small sporadic cracking is the only distress evident on that street. Pine Street, Ocean Street and Carey Street could be potential applications for a slurry seal or a fog seal. This is where you would come in and basically coat the entire street with a mixture of asphalt binder and sand so that you have your skin resistance, but you are also sealing the entire road so that you are preventing more water intrusion and it's a very cost effective solution; rather than milling and paving and bringing in higher amount of materials and it's an order of magnitude in terms of cost; whereas a slurry or fog seal might cost \$30,000 on a particular road, the mill and pave might cost anywhere from \$150,000 to \$200,000; so it's a good opportunity. Chip seals ó most of you are familiar with hot mix asphalt roads, particularly it's a nice, smooth

surface. Chip seals it's a very small aggregate; it's particularly useful in low lying roads where a mill and pave might be too expensive, in terms of cost benefit ratio; but a chip seal you can actually get the ride ability of a dirt road potentially, but again, it seals the road; prevents intrusion and you have a nice surface to work with and again, the cost is much less for that.

Mattheu Carter: All right, since I have the slides, I can pick up and go and Bob and Kate can't; so until it comes up, just one more quick thing; in our report you'll see some details about targeted safety improvements with regards to pavement; and again they are sort of reflective of some of the things that Bob and Kate were just talking about where you are going to see Atlantic Avenue come up pretty high in the prioritization we might recommend you look at and some other considerations, such as looking at the vegetative encroachment issues that we were talking about before. Just a couple of final thoughts on pavement, there are two issues that were on our minds as we looked at this. One we heard touched on here tonight, sort of the importance of new construction standards going forward; anything that you can do to have the best possible local codes, good inspections, performance bonding, etc.; anything you can do along those lines, certainly protection going forward; we think you already know that, but certainly it was foremost in our mind. One other issue is that you are familiar with hot mix asphalt in the past, you might see in the next few years a product called warm mix asphalt coming into play; we think that the hot mix plants will start using that; we've looked at it quite a bit; we've talked to DelDOT a lot about it; it's a good product we think; but it's one of the things where, make sure if you get it it's because you asked for it and vice versa and if you've asked for it, make sure they don't bring you hot mix. Make sure you get the products that you called for and we think warm mix asphalt is a good example of that. Properly done it's going to be a good product, we think. You might see some lower costs, we hope so; and you're going to see lower emissions and lower fuel costs and things like that. Those were just a couple of things on our minds, in addition to the specifics of the pavement issues. Do you want to pick up on sidewalks?

Kate Smagala: Sidewalk conditions óone thing with the vegetative encroachments that I was talking about, having a trash can on the middle of the sidewalk or having bushes leaning into the sidewalk; you want to get the maximum width of the sidewalk that you can use for pedestrians; so you really just want to make it clear with the DelDOT and Town agreements and maybe make all the people in the Town aware if they should be the ones trimming their bushes or if the Town will come around and do that for them. So a transition plan should be established for that. With upgrading ramps and as I talked about before, it's not just one thing that's wrong with the sidewalks and that it should be upgraded because one thing is wrong with it; if most things are wrong with it, then that's what you should prioritize first. With Safe Routes to School that was one thing that could really improve the Town sidewalks, especially along Chestnut Street as I talked about. When improving these sidewalks, just make sure that new construction standards

are met and demand that the person or the company putting in these sidewalks are doing it the correct way.

Bob McGuirk: In terms of signage, MUTCD recognizes that a municipality, a state DOT, or even a Federal Highway cannot keep all of its signs up to the minimum standards at any given point; so there is some leeway with that. The key factor is that there is a transition plan for either a blanket replacement in certain areas or going in and saying we have stop signs and we're going to replace stop signs every five years; we're going to replace speed limit signs every ten years; depending on their performance in the area. Again, it's a good upgrade maintenance program that you can get into for planning and also for making sure that you're meeting all of your liability requirements that would be assumed when the MUTCD regulation comes into effect. The biggest thing is if you make any deviations from the MUTCD, write it down, have an engineer say why we're deviating from the standard, and make sure that a written record of that is kept so that you have an affirmative defense going forward. In terms of recommended safety improvements stop signs are probably going to be the high priority signs to replace as soon as possible; you want to get the signs that are leaning over out in the middle of the street; you want to get them out of the street and remove some vegetation that are around the signs that are potentially blocking views. Many of you are familiar with the intersection of Atlantic Avenue and Country Road out by the VFW and the baseball fields. Some centerline striking on that road and potentially some chevron signs, because it is an unstriped banked curve that would prevent potential run off the road incidents onto the two gravel roads that meet up at that intersection.

Mattheu Carter: Again, particularly to Bob's point about prioritizing sign replacements, etc. we sincerely doubt that any town in Delaware has the luxury of going out and replacing all of their non-compliance signs right away and you'll have to prioritize them; one of those electronic deliverables I talked about earlier was a photo overlay that allows you to go through and browse some of the signs that we took photographs of that you could see exactly where they are and you can physically see the issues that we're talking about and we hope that's going to help you prioritize a little bit better. Just a couple of quick things as we wrap this up; we've also included in the report and in the electronic deliverable what we call for lack of a better term; a planning level cost estimating tool. Basically all that is is a spreadsheet; we were using it for some of our analysis as we looked at the data we had collected and we thought that it might be helpful particularly to Allen and his staff and George and others as you were going through this. It's a planning level tool only; it's certainly not a budgeting tool; but it gives you a good sense of sort of planning level cost ideas so that you can try to get a sense of what you might be in for with different road sections, etc. In terms of next steps, with the publication of our report and certainly this presentation tonight, we're closing out our work here in this item, but we are certainly not going anywhere; we would encourage you to use our services; Bob and Kate have largely moved on to their studies for now but they haven't gone too far and I can reach out to them and they've been very gracious

with their time, as well; which is why I had hoped that they would be able to come down tonight and I'm glad they were able to. I hope you've seen the benefit, just as I did. The T² Center will be offering probably starting in January, we're still working out some scheduling but January/February that time frame; we're going to be doing training across the State in sign retroreflectivity which will help both Managers and field personnel deal with that issue better, understand it better, etc. That will be a free service and so we'll certainly keep you in tune on that. We're also going to do a half-day workshop on sidewalks and Americans with Disability Act implications for that and some ideas for how to try to get your hands wrapped around that, as well. We'll keep you posted on that. Again, I want to express my appreciation for Bob and Kate's work this summer. They did a spectacular job. I know it's hard to see until you've read the report but we certainly hope that the work we did here will help you and be some aid to you for strategic planning over the next several years and we appreciate you giving us time to present our findings this evening.

Mayor Post: Thank you very much.

C Prettyman: Thank you very much. The funds that we have for this are \$124,000, but \$75,000 of that money goes for construction and engineering fees; but we do have those funds. Also, I will give this to George, these are the plans on how we're going to do part of it around the school and where the buses come in and this will be available in the Town Hall for anybody that would like to see it and they can come in and look at that. I just got these today, because the ones that printed out were real little and I made some calls over the weekend so they just came in today; I'll give these to George.

Vice Mayor Betts: That's for the Safe Routes to School.

C Prettyman: Also, some of the new signage that you were talking about near Town Hall. I just thank you all so much because they have done so much for us at the school and everything; because I sit on the Advisory Board at the school for what is being done and they've come and in and have made things very simple for us and we had paperwork to fill out; got it all done; on time; and everything; so I'm just now waiting for it to start so I can be out there seeing what's going on and I have business cards to call them and complain when it is not going right. If you see something, don't let it get completed; call me and I'll take it from there; I can only see so much; but the more eyes out there; the better for us and the Town to come up to all the safety codes and everything that we need to come up to and this is a good opportunity that we have to do this and I just thank them.

C Duby: Mr. Dickerson is the report with these electronic deliverables going to be on our website so people can access it or is that possible?

George Dickerson: I don't know. We'll certainly try, if it is, that's certainly a terrific suggestion. I would like again to thank Mattheu. I had one meeting with this gentleman; we had some email exchanges; the depth of what they were doing and Bob and Kate and the work you did was absolutely fantastic; Larry, thank you very much. Wonderful, they came up with a report, now, which we've never had

before; we have a terrific baseline; the baseline affect that we have, we can build from that and move forward with regard to anything that we choose to do. The report that we have in its written form, I'd make sure that any Council member that wants a copy obviously can have a copy of that; we have that in Town Hall. Allen will be able to use that to judge the crack filling machine that we've recently purchased, we can go back in and those cracks that they pointed out to us is a wonderful way to extend the life of that roadway for some period of time; so that's going to work very well. Thank you very much.

C Martin-Brown: Excuse me, Mr. Manager, just before we leave this subject, could this provide a baseline for a rationale for stimulus funding from the Feds or the State?

George Dickerson: I have not explored that; do not know; we can talk to Matheu; I don't know what funds would be available as a result of it, but certainly I think we would be probably ahead of the curve since this Circuit Rider Program is somewhat new and we were one of the first Towns to avail ourselves of it.

C Martin-Brown: Thank you.

George Dickerson: To continue with my report, last month there were citizens that were concerned with meeting here in the Theater. There were several reasons that were given, anything from dampness to the heat, the air conditioning, or what have you. We did explore some possibilities and here's what I had staff do. They've contacted the Library. Mary Katherine stated that the room is not ready to be used for large meetings yet. There's a large punch list of items in that new construction area that is still to be completed regarding the new additions. She stated that once that is complete, the Town would need to meet with her to go over a process and procedure; I'm not sure exactly what would be entailed with those; I don't know if there is some special process or procedure that she wants to outline for us; but she is going to get back with us to discuss that. We also contacted the school; Mariner Middle dates were provided to Cindy Brown who works in the office out there and due to the winter sports program and other school activities, they were going to try to fit the dates that we had available with meetings out there. Also I want to clear up that meeting at the school is not totally free; we have to pay janitorial costs for someone to be there up until 9:00; and after that there's other costs that would be involved with that; so somebody would say meet at the school because it's free; it's not totally free. Just for that point. I reported last month that Jenn was going to do a preliminary report for the 2008-2009 budget to look at the budget in a review summary, if you will. We had some preliminary budget total numbers for the fiscal year; there were several factors that significantly affected the budget this year. The declining building industry played a major role in our revenue collections. Transfer taxes revenue and building permits and related water revenues, such as impact fees, meter sales, etc. or revenue line items that we have seen a shortfall in for the last fiscal year; other line items such as interest income and business licenses, came in higher than was anticipated and overall anticipated revenues totaled almost \$2.5 million. We are anticipating a final revenue figure of approximately 96% or \$2.4

million. For expenses we have done two separate calculations. The first is a comparison of expense vs. budgeted figures, excluding the police hearings. This would bring anticipated totals to 101% of budgeted figures. Including the police hearing our overage increased to 104% of the budgeted figures; increased expenses could be focused in several line items, utilities and water department, the pay-out which we still expect is not going to come to this year of the cost from Tidewater paying the generator operation or splitting half of those electric bills, which we haven't split out yet; and costs of completing the radio read meter project. Update on Milton Rails to Trails: first is Phase I, that's the section that is almost complete. Going through the final punch list including reseeding which has been completed; changes to sidewalks both sides of Federal Streets, which was an issue with DelDOT is complete including paving; the grate has been lifted on Federal Street; that was a consideration that DelDOT would not pass or sign-off on; four more arrow signs ordered for the bicycle route; one tree and a few shrubs need to be replaced and replace stakes that have fallen over. Once this punch list has been completed, as the Mayor has directed, we plan to have a ribbon cutting ceremony with regard to Phase I. Now a follow-up for Phases II and III. A recommended clean-up for Phases II and III of the Rails to Trails Project has yet to be developed. At this time Ten Bears, who is the environmental specialist, is in the process of completing a Brownfield investigation which generally involves collecting soil and groundwater samples from the property for laboratory analysis. The recommended remedy clean-up of the site will be contingent upon the findings of that investigation. November 4, 5 and 6 Ten Bears will be completing the soil samples. Also, there has been great discussion with regard to Wagamon's West Shore and the ADA compliance with regard to issues out there; both with the cross slopings out there. Allen, J.C., who works for Cabe Associates, did an inspection out there on Friday; Allen was sick today. He's actually out. I do not have a report for that, but I can tell you that the Mayor had directed a gentleman from Wilson James Associates out of Wilmington is completing an independent inspection for ADA compliance, of which a written report will follow; in fact that was supposed to take place today; Allen was out; I do not know if the gentleman was down here; we've tried to call and left a message and did not get a return call.

Robin Davis: He did start an inspection out there at Wagamon's but with the rain earlier this afternoon he did stop; he stopped by the office because he had some questions for me; basically what year codes we were using for building codes and things like that; so I did talk to the gentleman, Dan, I don't even remember his last name; but he said he did start his inspection on the sidewalks out there and he did have some questions, but with the rain he did not complete them.

George Dickerson: Thank you, Robin. The other thing I was going to speak to was the Safe Routes to School, but C Prettyman you had handouts that he passed them out and you wanted me to remind you about those. I guess the only other thing I had was C Hudson you had asked a question about the easement and what have I done previous to that, a couple of times, that has been in our attorneys' hands for

some time and I believe it was discussed in the last Executive Session; but I couldn't say because I wasn't there. Thank you.

C Prettyman: Thank you, Mr. Dickerson. What I passed out was because so many people feel that this \$124,000 was for the Town and it was a grant that the School we worked on to get for the Safe Routes to School and everything, this money does not go directly to fixing sidewalks throughout the Town; it's going to be designated by the Committee where that money goes to and a lot of people are misunderstanding where this money is going; that it's going to go for certain areas; that's not it. Also, we are applying again for this grant money again and we're applying for it and hopefully it can be utilized in a wider area the next time around. This grant money is not going to go to help individuals on Chestnut Street to lower their sidewalks, but we are hopefully going to work on those sidewalks and see how much we can utilize those funds for. Thank you.

12. Written Reports

a. Maintenance

C Prettyman: I make a motion we accept the written report for October, 2009.

C Abraham: Second

Mayor Post: We have a motion and second. Any discussion; all in favor, opposed, motion carried.

b. Project Coordinator/Code Enforcer

C Prettyman: I make a motion to accept the Project Coordinator/Code Enforcer report for October, 2009.

C Abraham: Second

Mayor Post: We have a motion and second. Any discussion; all in favor, opposed, motion carried.

c. Police Report:

C Prettyman: I make a motion to accept the Police Report dated September 21 through October 20, 2009, as written.

C Abraham: Second.

Mayor Post: We have a motion and second. Any discussion; all in favor, opposed ó Mayor Post, because he didn't see it; motion carried.

d. Finance Expenditure Revenue Report

C Prettyman: I make a motion to accept the Finance Expenditure Revenue Report dated October 30, 2009.

C Abraham: Second.

Mayor Post: We have a motion and second. Any discussion; all in favor, opposed; motion carried.

13. Old Business

- a. Comprehensive Plan Update ó Presentation of changes to the Comprehensive Plan as contained in the approved scope of work and recommended b the Planning and Zoning Commission

Robin Davis: Mr. Mayor and Council, what you have in your packets, there was some information passed in reference to the update of the Comprehensive Plan. Number 1 is 13a on your agenda. It was actually a number one item for Planning and Zoning. On October 20th Planning and Zoning reviewed and discussed the proposed changes to the Comprehensive Plan as requested by the Mayor and Council. First of all, just on the items that were identified in the approved scope of work; that's what you have as Item 13a; in your package you received the information that was passed on to the Planning and Zoning; the changes that were done by staff and the consultants are identified all in red. The red items were all the changes that were done to the items that were addressed in the scope of work. After discussion, the Planning and Zoning made a motion to add five additional stipulations to the scope of work. They are also in the back of your packet. As you will see, four of the items that were requested changes were wording issues; nothing major, except when it came to one of the items in the map; the potential revision of 3 parcels behind the Food Lion Shopping Center; the property owner had requested that the land use be changed from residential to commercial. The Planning and Zoning felt that wasn't a good change, so they recommended not doing that. The items that were changed, other than wording, were just the map and that had something to do with just the scope of work items only. The changes that were supposed originally scheduled to be brought back to the Council in December, since there were only minor changes to the items of the scope of work, we decided to go ahead and present this to the Council tonight to give the Council an opportunity and a little bit more time and maybe the public; if you want to put it on the website to review these changes and maybe come back in December or January with a public hearing or however the Council sees fit.

Mayor Post: So let me understand, 1 through 5 is just the changes to the scope of work.

Robin Davis: Yes, now we're only talking about that, because that's just Item 13a right now.

Mayor Post: If a motion is made on that, those should be read into record as stated.

Robin Davis: Actually tonight, there is probably not going to be a vote tonight; I was only presenting this to you so you can go ahead and have time to review it.

Mayor Post: I'm not talking about that; but wouldn't we need to vote on the scope of work changes?

Robin Davis: That could be under 13b, isn't that what you're talking about, Mr. Mayor?

Mayor Post: I'm a little ahead of myself. The other is all the red that has been highlighted in here are the change that are being proposed by Planning and Zoning.

Robin Davis: It was actually done by the staff and the consultants, basically Debbie; Bob was involved in helping with all the maps. These changes the red highlighted items were passed on to Planning and Zoning; they reviewed those and recommended that these changes be made along with the other five items that they would like to see.

C DUBY: Robin, the changes that are in red that the staff and the consultants made, are changes that you made pursuant to our recommendations at the last time that we discussed this, right?

Robin Davis: Correct.

C Martin-Brown: Mr. Mayor, is it required that we vote on this tonight, or that we just accept the report as recommended?

Mayor Post: It's just as recommendations.

C Martin-Brown: So we don't need an action.

Robin Davis: It's not supposed to be passed on until December, but with the minor changes, we thought it was best to go ahead and get it out to the Council and possibly the public; and that way everybody has a little bit more time and opportunity to look at it and review it and write down the changes that maybe the Council would like to see.

Mayor Post: As we move forward, and I know we're under a timeline and I think the timeline this is due now in June 1st.

Robin Davis: As we discussed, the bills have to be turned in by no later than the end of April to get the invoices paid out to turn it in to the State; so as far as invoicing goes

Mayor Post: The product itself must be submitted by June 1 or the end of June.

Robin Davis: I think the June date was just for funding wise. The grant ran out in June.

Mayor Post: All right, but my understanding is that this needed to be submitted in January; it actually can be submitted in June.

Robin Davis: I think you can ask for an extension from the State.

Mayor Post: With the other one, the public hearing was going to be held afterwards; the public hearing needs to be held prior.

George Dickerson: It is my understanding and I believe I have a letter in my officer, I'm not sure; that Connie Holland was not going to extend us at all. I was talking about the funding being extended when it comes in and obviously December 31st is the cutoff for the plan being presented. She was gracious enough to say that nobody is going to get extended, but if you get your funding in by April 30th; if the invoices have been received; we'll get it to the State and the process that it goes through to be paid out on it; you are up against a time window.

Mayor Post: So you're saying this has to be submitted by the end of December now.

George Dickerson: By April 30th is correct.

Mayor Post: But that's for the funding; so you're still saying April for the plan itself. For me I thought it was still June; but the funding had to be submitted by April.

George Dickerson: On tonight's agenda you have two options; you have an a and a b. A was submitted; it was a scope of work that was presented; which this Council approved; it went to Planning and Zoning; they made some subtle changes which they've come back with and recommended to Council. I, myself, would rather see a vote by Council accepting those changes that Planning and Zoning have submitted. That seems to me that you are in agreement with what their changes are; if not you keep going back and forth.

Mayor Post: Yes, you're talking about the second.

George Dickerson: I'm talking about the first one. I'm talking about the scope of work. That's the first issue. Those were the 17 items that went to Planning and Zoning; they reviewed them; they came back with subtle changes.

Mayor Post: Which is the 1 through 5?

George Dickerson: Yes. I believe. Yes. Now the second part of that; if you choose that option; your getting into a longer time span; there's all kinds of changes there that go in with that; it's Council's decision either to do it or not do it; but it has to be assigned to someone to do the work; and it seems that Planning and Zoning would be the place for that to happen, in my opinion. Thank you.

Mayor Post: I know we did not want to do, because of cost, a complete rewrite; but again, like I have tried to discuss in the past; this also is a time when we could propose zoning changes with this if desired. For example, I'll take it a step further, the one map that shows Industrial Development next to Wagon's West Shores. Is it not totally irrelevant how that is zoned in the County since this is our proposed growth area? That we could remove that and place that as R-1? That's an example of that's what I'm trying to get at. There are some others.

Robin Davis: At this time you can change those maps any way the town wants to; but that area was identified in 2003 as an LI.

Mayor Post: If this Council so decides we can't

Robin Davis: Yes, this is the time to do that.

Mayor Post: As undesignated. Okay. So I think that's something we need to really think about, because there are some areas such as like if we wanted to extend Front Street as the Town Center to encourage a larger business district down to the Marina; this is the best time to do this.

Robin Davis: That's some of the items that were discussed in Item 13b of the Planning and Zoning and will be discussed tonight.

Mayor Post: Okay. So what we're seeing in red right now with the strike marks is what you, as a group, you and our consultants

Robin Davis: And Planning and Zoning after the fact at that October 20th meeting

Mayor Post: So this all includes Planning and Zoning's proposed changes at this time.

Robin Davis: When we're only talking about scope of work items. Only the 19, yeah.

Mayor Post: When I'm looking at this document, I'm seeing red on every page; are these recommendations from Planning and Zoning or are these changes the recommendations from your work and from the consultant?

Robin Davis: It started out the redline items were changed by the consultants and myself; we went through and made the changes; this document was then given to the P&Z on October 7th and they had a chance to review it. If they had any questions or any concerns or any changes they would like to see those were the five extra items. They voted to keep the changes that were made; plus they wanted to see five extra items just in the scope of work. As you can see, one of the things the wording was remove "park" and replace it with the word "town". That's one of the items that Planning and Zoning would like to see.

Mayor Post: Okay but then it would still go back to Planning and Zoning for recommendations.

Robin Davis: No.

C. DUBY: Robin, why don't you go to Item 13b and then I think it would be clearer for us to see the difference between a and b.

Virginia Weeks: Can I just say something that will clear this up?

Mayor Post: I'm only allowing this, because you are the Chairman of Planning and Zoning.

Virginia Weeks: At the last meeting, we had the document you have in front of you. We went through it completely two times. The first time we addressed just what was written in red and we had four changes. Then we were also given a list of properties onto the growth area map that wanted changes in the zoning and one in Town. Three of them were on the growth area map behind Food Lion that requested commercial, we wanted to keep residential; because there were residential people all around them and we didn't feel we should bring it in as commercial without some sort of a public hearing. The second part of the meeting, we went through that self-same document; nothing outside of that document, that you have in front of you; but addressed changes to the black print; in other words things that were not changed by the staff and the consultant that we thought should be looked at. So it's all within the scope of work; the first part is due to the changes that were made by the staff and consultant in red and the second go through was for what was in black; nothing was done outside of that document. Correct Mary?

Mary Schreider-Fox: Right, just one minor change from what you said and that is the second time they went through everything and looked at the black letters, and they made some recommended changes and had some ideas about things that they would want Town Council to look at, if the Town Council likes that list of things, that would technically change and enlarge the scope of work that you previously approved; and that's Item 13b on your agenda. So you're basically looking at it the same way tonight that Planning and Zoning did and that is the red language; those are the changes that have already been proposed by Robin and the Town's Engineer and Planner; according to the scope of work that you previously approved. Planning and Zoning took a look at that, the red language, that's within the scope of work that you approved and had five suggestions about that red language; then they went through that entire document again and said, okay we're not going to look at the red language; we're looking at everything else because we think that there might be other areas we want to look at and concentrate on beyond the scope of work that you approved. That's the additional list.

Virginia Weeks: I have a problem with scope of work. I thought the scope of work was what was contained in that paper; not just what the consultant and Robin did; I thought the whole thing was the approved scope of work. Thank you for the correction.

Mary Schreider-Fox: It's just a terminology thing.

Virginia Weeks: And the other thing we request was a public workshop where the public can speak to address maps. Because I think it is important that we hear what the public feels and that comes under b. But I thought it would be easier for you to understand; if you understood that we went through this document twice; first time addressing the red and those are the changes Robin's looking at; and the second time, which is item b on the agenda; that huge list of changes that you've got that we found that we thought should be made to the document, as well. That's all I have to say.

Mary Schreider-Fox: I just want to add, Planning and Zoning worked very long and hard the other night on that. It was quite a night.

Virginia Weeks: We went to 11:00.

Mary Schreider-Fox: They did a very thorough job.

Virginia Weeks: I just thought that might help you understand how it went. Thank you.

C Martin-Brown: Mr. Mayor, I spent the afternoon reading the Planning and Zoning minutes from that long meeting and they were very, very thoughtful discussions and very informative and I think it would be sad if we, as Council, didn't reflect very, very seriously about adopting what they're recommending we consider in this exercise. I think we've seen the problems when 2003 creeps up on us in 2009 and decisions are made now, that if we're not thorough in the way Planning and Zoning was looking at it, we're going to miss some critical development opportunities and solutions.

Mayor Post: And at the same time I think we need to know the answer's cost.

C Martin-Brown: Yes, but it's very expensive to have mistakes that we can't undo.

Mayor Post: Joanie, I'm not saying that; all I'm saying is that we have to know the cost because of the budget situation that we are in. If we are talking about \$100,000; are we talking about \$10,000; are we talking about \$5,000; what are we talking about?

C Martin-Brown: These are editorial and content changes.

Mayor Post: But my understanding is

C Duby: They add to actions.

Mayor Post: They add to actions.

C Duby: What I wondered is if since we had already asked for this in December, not tonight, as Robin pointed out; is there a way that we can get any kind of cost estimates with some of these before we have a vote on this?

Vice Mayor Betts: I definitely think we should.

Mayor Post: I'm not questioning that.

George Dickerson: Mayor, as you know, I met with Connie Holland, at your request; went up and talked with her. There was a list of consultants that had submitted plans for other municipalities to the state. I have that list; obviously she is not and will not recommend any of them. May I suggest that an appointed member by you and a member of Planning and Zoning be given that list and perhaps contact those consultants and interview them; or at least ask questions as to what that job would cost. Item a on this list is simple. That's a scope of work where the pages can be changed and even there are some subtle map changes that need to be done; we can get those laid out and that's a quick fix to implementing the plan very quickly.

Mayor Post: I still have to get my grasp on this and maybe on just being dense, because I don't understand this part of it. When you refer to it, are you talking about the 1 through 5 as the additional? Because, to me, there is no cost to any of them; but the one that I'm looking at is possibly number 5.

C Duby: That was the stuff they came up with from the red. So it is within what the consultant and our staff recommended to us last time.

Mayor Post: Could somebody point me to the new list of items; maybe I'm not finding it. Maybe that's my problem.

C Duby: So then they went back and they looked at the black, which had not been recommended to be changed by our staff; and this is where the additional stuff comes in. Just looking at it and I read the minutes as C Martin-Brown did and I think there is a lot here that we really need to dig into in a major way; but I agree with you that we also need to have some idea of what some of these would cost us and be cognizant of that before we ever have a vote on this. So, since they gave it to us early, earlier than the deadline that we had given them that will give us some time to pull that information together and at least have some general idea of what we're talking about here.

Mayor Post: Again, if we're looking at the two pages, are we talking about the two pages, are we talking about the additional action taken at the October 20, 2009 Planning and Zoning meeting and we're talking about it's really 2-1/3 pages and ends with gg, Page 72. Am I missing something? And a lot of this, once again, is wordsmithing. And it's issues that should have been addressed anyway. So I'm a little confused. Why would we be using, and even if it's a partially updated Comprehensive Plan, not full fledged redo of the Comprehensive Plan, why would we not be using current data? Why would we not be using 2002 data, when there's 2009 data? To me, that's not a major issue to replace the 2002 data with 2009 data.

Robin Davis: Mr. Mayor, everything was brought up to 2008. Basically everything was 2008, because a lot of the 2009 data is not finalized yet. So that's all up to 2008. That's been done.

Mayor Post: So, for example, I'm just reading f, Page 12, tax base, replace 2002 data, with 2009 data. Even if it's 2008, as long as it's referenced in the report of what year it is, that's fine. But to me, I just don't see; unless there's something; I don't see major cost.

C Martin-Brown: This is what I was trying to say, Mr. Mayor; and if you look at Number j, Page 28, 3rd paragraph; we can provide that language; we can provide an update; it's not rocket science; it's 20 minutes of wordsmithing.

Mayor Post: And even like t, Page 45, rail service; update the information in this paragraph; there's no rail service.

C DUBY: How about are there redrawings of some maps that would result from some of this?

Robin Davis: That's the thing. Look at number a; a is the big thing; there are 3 maps that the Planning and Zoning would like to go and change.

C DUBY: That's the expensive stuff.

Robin Davis: There's going to have to be a decision on which ones are going to be feasible to do at this time. Yes, the majority of these is simple; change diverse peoples to all residents; those are basically like the five items. We just have to make those decisions.

Mayor Post: Robin I'm not saying that there's not going to be a cost. But to color code something to see one vs. the color of industrial, that's not a big cost, because you're not changing lines; all you're doing is changing it over in the grid and I'm using that as an example because that is one of my pet peeves, because I don't understand how that ever became industrial out there; but I believe that we should be bringing in the stuff at the lowest possible zoning and that's what we've done with everything; even though they request even an annexation agreement's wanting something; it comes in as one and then it gets changed later; but at least it gives us better control over that. I think we need to just look at costs. What would it cost to change the maps?

Robin Davis: I think the Town Manager has suggested that maybe

Mayor Post: But then I'm saying at the same time, probably I have to read all this, 60-70% of this is wordsmithing; delete the word "diverse people" and replace with "all residents". To me, I mean my goodness, anybody could go in there and do that; into the document; as long as you have the working document.

George Dickerson: I don't know what else to say; let me try one more time. Let me finish, please. The a part of this was what the consultant, staff and engineers came up with to update our Comprehensive Plan. There were 17 items listed in the scope of work; that scope of work by this Council was voted on and approved and sent to Planning and Zoning for comment and recommendation; they did their job; they sent it back; that's what you have in a before you. If you choose b, that is an extended list that Planning and Zoning just came up with, which are totally good; however, if you choose b, personally I don't think you can meet the timeline; it's that simple.

C. Doby: Well, what is it Mr. Dickerson in b that you think is going to keep us from meeting the timeline; because what I see is redrawing some maps; having a public workshop and wordsmithing.

George Dickerson: There were some other issues that were in there with the maps that were very detailed and there was going to be a problem with those. I don't think you can meet the April 30th deadline to do a full blown; if you're going to do it that way and engage a consultant, you're almost talking about a full blown rewrite. There's nothing in a that will get in compliance with State law by December 31st or January 1, 2010 to be in compliance and then, if you want to start the next and do a full blown the Council has to dedicate the funds to it from cash reserves at this point in the budget; I don't know that you want to do it. There are some major issues that have to be made in that rewrite, because there are zoning issues; there are all kinds of things that people have come up with and comments that have been made to me; that I don't believe that you can meet the April 30th in a full blown rewrite or a major overhaul.

C. Doby: Could you by our December meeting give us some detail about why you think it would not be possible to meet the deadline; so that we can have that when we vote; to say this is going to cost more money than we've got; or this is going to take more time; or this is where I see you not meeting the deadline.

George Dickerson: I don't think I'm the person to do that. Respectfully, I believe that Planning and Zoning, who are the ones that have the issues, if you will and Ms. Weeks, perhaps you can help me; the issues that they want to do are more cumbersome, then to do something with a quick fix to get us to where we need to be. The only intent of the scope of work of the 17 items was just to get it done and update those things that were just easy page turners. You have a page, you substitute it with the new information that was available as Robin said with 2008; that was the sole purpose of that.

Virginia Weeks: I'll be perfectly honestly with you here. I don't understand these; Mary knows, I have a problem with the terminology scope of work; scope

of work to me was certain articles within the Comprehensive Plan; not the full blown. The fact that Planning and Zoning found additional things within that same scope of work that they would like to see addressed and changed; and you're absolutely right; almost all of them are wordsmithing or corrections or bringing up to date; it was not a very detailed nitpicky thing; however, we felt very strongly that there are things in the growth area map, especially; and some in the land use map within the town; that need to be addressed. For example, the Mayor's concern on the industrial space that runs along the railroad behind Wagamon's. That is not in the town; it is in our growth area. By leaving that industrial; Mary correct me here if I'm mistaken, you're almost guaranteeing the owner of that land, whoever it is, when that is annexed into the town, that it comes in as industrial.

Mayor Post: You have; it doesn't matter; the fact is you have; when they come in they could down zone; but they can come in as industrial. I think it's a bad decision.

Virginia Weeks: See you need to look at your growth area map. There are large portions of our growth area that are guaranteed LPD.

C Duby: Ginny, let me ask you a question. Did you know, did your commission discuss this at all; how much money would it cost to redraw the growth area map?

Virginia Weeks: We have not been in that conversation at all.

C Duby: Okay, because I think for us to make a decision about this, we have got to have that information. I don't know where we get it.

Virginia Weeks: I will tell you, you remember when we took a course and Robin was there at IPA; if you look at our Town maps IPA makes those maps for us; I don't know what the charge is for those maps and I don't know what the change is. IPA has people that we can bring down here for one meeting or two meetings while we change the maps.

C Duby: Some of those consultants that Connie Holland gave you the list of are they people from IPA, because there were a lot of good people from IPA.

George Dickerson: They are not; what happened and what we asked; we contacted IPA directly; IPA no longer does that.

C Duby: Money?

George Dickerson: Money.

Mayor Post: No they don't, that's true.

Virginia Weeks: They no longer make the maps.

Mayor Post: I don't think they do for free, but they make them.

Bob Kerr: Cabe Associates made the changes to the maps at the request of the Town, as Debbie Pfiel was making the changes to the documents, she was unable to change the maps; we were able to get the information from IPA, who we understand no longer makes those changes and we made the changes necessary to the maps. Since then, Robin and Debbie have been in conversation with Scott Hoffman of my office; I don't understand all of what they were

trying to do, but one of them was a map showing the existing land use outside of town and how you change these maps is you go into each tax map parcel and assign that type of thing. Just think of how many parcels are outside of town and you have to go in and go this one's farm; this one's industrial; this one's that; and you have to go through that. Scott was trying to get that information from Sussex County; if it's already in their GIS database; it would be able to be brought in. He has not been able to obtain that information yet; so there would be a cost for doing it; but until we have a little bit more information, what you need on the maps, I can't really give you a cost.

Mayor Post: I think first of all, the only map that we're talking about is at this time; well it could be inside, I don't know in the town limits; the main one is our growth area map. Every map doesn't have to be changed. The growth area map, if we decide to make changes on it, will have to be changed. I would love to see the town center have some additional area, like I said on Front Street; maybe the Council doesn't want that. That's something I'm giving as an example. Obviously that map would have to be done too. Quite frankly I don't think it would be a big cost. I'm going to be honest about it.

C Duby: If you would do it parcel by parcel it would; you're talking about changing the whole area. He's saying that it has to be done parcel by parcel, right? Is that by law?

Bob Kerr: That is not by law, it's a GIS system and if you do it that way, it's a great planning tool. I'm not able to, but Scott is able to query the map and say there are this many parcels R-1 and it adds up to this many acres and there's all kinds of additional information that can be generated that way. We spend an awful lot more time getting the maps ready for Planning and Zoning then we had budgeted. But it was because Scott wanted to get the database set up so that it can be used.

C Duby: And this was for their just immediately past meeting or is this for another round off

Bob Kerr: No, this was for the end of September; we finished it just before October started; in time for it to go to Planning and Zoning at their October meeting.

Virginia Weeks: If I may, if we want to change parcel XYZ in parcel ABC; those are the only two things you have to go in and change.

Bob Kerr: It was my understanding and I'm getting it kind of second hand, but there were three maps that you wanted to change. The biggest one being someone requested land use outside the present town boundaries in the growth area.

Virginia Weeks: Right but only particularly a few parcels in each map.

Bob Kerr: No, no, my understanding was that you wanted to see what the present land use was.

Virginia Weeks: We have those maps.

Bob Kerr: I don't believe you have them for the County.

Virginia Weeks: No.

Mayor Post: All right, we're talking about Milton and what we want. Let's forget what the County wants and for example, I'm going to go back to this industrial issue that we've already dealt with once and where we had no control and it's possible we'll have no control over this one; but why would we encourage it in our own town, when we have the opportunity. I am absolutely appalled with the size of the industrial proposed light industrial; it has to be 100 acres on here; all out by Wagamon's. I don't even understand when that was put on there. The thing is I think we have a right to address now; changing it to pink to whether it's white, red, green, blue is not that big of a deal. Now unless I'm missing something, we want a public hearing on this issue; the biggest things looking at all these issues here, wordsmithing. I need to read this. I got in late last night; I need to read it. But, wordsmithing is the majority of the issue. The biggest issue that we're talking about is changing some maps. We will get a cost on what it would be to change maps, if it is so designated or desired by the public or this Council; it's as simple as that.

C Doby: Can we just say that we're not going to solve it tonight, because clearly the most expertise we have in the room on how to do this is Mr. Kerr and he's already said he doesn't have a cost estimate. Could we say that since we're not going to vote on this until December, could we have from Scott or whoever, some kind of general estimate of how much this might cost us and how much time it might take and only then can we make the decision? I'm with you, I would love to see us do all the things you're talking about; but unfortunately it doesn't sound to me Don like it's as simple as you would like it to be and I would like to have actual information from Cabe or whoever can say, if you want those three maps changed in this way, this is about how much it would cost and this is about how much time it's going to take and then let's talk about it at the next meeting when we make the decision.

Mayor Post: C Doby I agree with you on that 100%; but what is amazing to me that private citizens had requested zoning changes and it was no big deal to change the colors of the map on those issues; but with a possible couple of areas in this town that the Council or the public may want to see revised, it's a big issue. That's what I'm confused about. I'm telling you this is not a time for private people to start picking and saying I want mine commercial; I want my residential. That's not what this Comprehensive Plan is about and I did have a problem with that, because I saw in there that they were changing some zoning areas, obviously at the request of some private individuals. They come for a zoning change, like anybody else does. I have no problem with that. Anybody has a right to come for a zoning change. I think you're right Deanna, we need to move forward with this; we need to look into this; we have to move quickly on it; our time is ticking and again I think it needs to be addressed and no matter what, I don't care what a public hearing needs to be held. I don't care how we do it, I think a workshop; I think it's vital that we have a workshop, with the

Planning and Zoning and Council. What a novel idea; instead of having two workshops, each of usí We have one together.

Virginia Weeks: At our November meeting, because there is still time to do that.

Mayor Post: We need to be notified about that. If it's going to be at your November meeting we have to know.

Virginia Weeks: There's still time to notify.

Mayor Post: The thing is that's where the communication is going to come in.

Virginia Weeks: If we decide tonight to do it the third Tuesday of this month, there is time to do that, then when in December it comes back to you, you have a good idea of what you're talking about.

C Martin-Brown: In the meantime, I would like to ask a question. In both the documents 1 through 5 document, plus the other documents, is there a way that the members of Council who are chairing committees relevant to some of these recommendations or changes could be tasked to take those items jj or xx or yy and provide to you, Ginny, the new language that needs to be done.

Virginia Weeks: That's what we requested.

C Martin-Brown: What the Council perhaps needs to think about is we have, individually, a capacity to do a lot of this work, as individual members of the Council, so a consultant doesn't even have to fiddle-e-dee around with a lot of this stuff; it can be done by us.

Virginia Weeks: If you were to go home and you were to follow this with that document you have and read the page and read what it says there now and read it later; I think you will see that there is very little cost to the town. It's mostly word processing, to be honest with you. We did ask Main Street to right something up, because Main Street, because we used to have a Main Street Projectí

C Martin-Brown: Because it doesn't exist and it's complete erroneous; that's why it needs to be changed.

Virginia Weeks: Absolutely. The only thing we want to know is would you be available on the third Tuesday of November to have a joint workshop with us so that the public can speak at a public workshop? No decisions to be made that night, simply a workshop.

C Martin-Brown: I'm asking something more immediate. That the changes you now are recommending that we could help make those and move this process forward so there's less work for a consultant to do.

Virginia Weeks: All I'm saying is that there is very little in there that actually has to be attended to.

Mayor Post: First of all we have to take an in depth review of this. We have all the strikethroughs now from the staff and from our consultant. We have our second which is in front of us from Planning and Zoning. I think we need to look through those, because when I glanced through them, they're not major. I don't care what anybody says, this isn't a major rewrite. This is just good wordsmithing and making us a little more up to date. It's not a major issue, so I

think the issue here is the maps; I can understand some costs there. We need to get costs on the maps. Quite frankly I think we need a workshop and the first workshop should be a Council and Planning and Zoning workshop; and then we need a public hearing where we hear from the public. I don't have a total grasp of all this.

C Duby: Can I ask a question of our solicitor? Some of the suggestions that are being made are moving ahead with this in November; when we're not voting on whether to move ahead with it until December. Can that be done, Mary? If they go ahead and have a workshop; and let me just say that I'm not arguing this because I'm opposed to it, I'm just concerned about procedure; can they have a workshop as they have proposed; or as C Martin-Brown has suggested, people can go ahead and do some of this wordsmithing without our having approved going ahead with that?

Mayor Post: And I'm going to add just one other thing, Deanna, then she can answer you on that. Can somebody here on Council make a motion that we take the recommendations from our staff and from our consultants and we take the recommendations from Planning and Zoning and have a workshop on them and discuss them?

Mary Schreider-Fox: Yes I think you can do that?

C Duby: And what I'm asking is simply the timing of that. Because this has come to us; we said at the last meeting that we wanted certain things to be done on scope of work and be brought back to us in December; Planning and Zoning worked and brought it back to us early; we've said we need to spend time with it before we take a vote on it; but what's being proposed now in terms of the November workshop and what C Martin-Brown has suggested is that we're going to go ahead and do that, without our taking a vote.

Virginia Weeks: May I say that our workshop would be limited only to the maps; that's what I was looking for.

Mayor Post: I would rather have a full-fledged workshop with both of these components.

Virginia Weeks: That's a different element; the workshop we were requesting was simply a chance for the public to come in and address the maps.

Mayor Post: That should be in a separate public hearing. I think we need to be discussing it too, as well.

Virginia Weeks: There are two levels there, absolutely.

Mayor Post: There's one workshop and there's a public hearing.

Mary Schreider-Fox: I think what's happened here is that a new idea has arisen out of the presentation of Items 13a and 13b on the agenda tonight and that is the new idea appears to be yes, a public workshop would be a good idea; we need to keep our timeline moving along; there are some items on the list of things from Planning and Zoning that individual Council Members can, at any time, voluntarily, decide to go ahead and submit some information and hopefully all of this, perhaps, in time for a joint workshop that could be held at

the same time as, or as part of the Planning and Zoning Meeting later this month in November. I don't see anything wrong with that; you're not voting and saying we accept absolutely everything Planning and Zoning said; but you're taking this new idea that flows out of this conversation we're having tonight and out of these two agenda items to say, we're doing something that's in between; and in the mean time hopefully get some process in case, as a result of your public workshop and hopefully the public will attend. That public workshop can serve part of the public hearing process; the idea behind the public hearing. You do have to have a public hearing, in connection with the Comprehensive Plan update. Your public hearing requirement, as a matter of law, is less onerous with an update like this; then when you originally pass a very first Comprehensive Plan, so to have an additional public workshop somewhere in the middle like what is being suggested, is perfectly fine. It's an extra voluntary piece that you can add to the whole process. If you do get some cost estimates for the list, I agree, I think most of it is wordsmithing. Debbie acknowledged that, as did Robin at the Planning and Zoning Meeting; however, some of the items that will cost money, the public workshop, in the event it has to be held on a different night, it could have cost a lot more money; so that in and of itself; every workshop costs money, with the consultants and everybody attending; if that's your wish. Number two, the actual redrawing of those maps, Planning and Zoning actually had three that they wanted to look at, not just one; and then some of the items on the list call for gathering some additional data; that's not a huge thing, but it is a cost element in terms of someone has to do the leg work and is out there gathering this additional information to provide maybe better updates within the text. Those seem to be the items that would cost money. As far as what it would cost to make these additional wordsmithing changes, it's not going to be huge, but there is something to it. Those are all things that maybe you could try to get in time for the public workshop if that's what you choose to do.

C Martin-Brown: Mary, if we volunteer to do it ourselves, a lot could be very good cost savings. If we have this thing on Word on a computer and can make the changes and put them in red so they're visible to everybody, you're not paying a consultant to do that.

Mary Schreider-Fox: I will say you want a Master Document that has some control to it, so everything should flow through this final person for your final presentation document; however, with respect to the idea of volunteers on the Council or off the Council, gathering some of the information you might need from a legal perspective, there's not a problem with volunteers. I'll take any free information somebody wants to give me. As Town Solicitor, I won't be the one to say please don't volunteer and go out and gather that info for me that I might otherwise pay for; I'm not going to stop you. Anybody can do that at any time and offer something, for free to the Town. That's the way I think about it; as opposed to it being some official sanctioned action.

C Martin-Brown: Mary, if we had a central person, like the Chair of Planning and Zoning, integrating all the stuff that was coming back so we had a Master Document, that's basically how we did the Charter and it worked very well.

Mayor Post: But Joanie once again, we already have somebody that has contained this document as a living document; it's been provided to us. If anything maybe the Chair of Planning and Zoning should be working with that person and feeding that person to get this document to a final document. I don't think we need another person in the hand as far as writing or as far as adding to it; Robin are you the gatekeeper of this currently or is Debbie?

Robin Davis: Debbie has the majority of the information as far as the disc.

Mayor Post: As far as what we have agreed upon, Debbie could turn it over to us at that point, because we own that document and we could have it in an active file, if need be; if she can't give us a price on what it would cost to do these few additional things; because I'm telling you when I look at it I don't see major issues that they're asking. I think when it gets to the map that is a separate issue. One way or the other, the document is ours.

Robin Davis: Yes.

Mayor Post: So if we get it to the point of where all these changes are made that are proposed, then after that can be done by us and we can have it as a living, changeable document that we can go in, under you and possibly working with the Chair of Planning and Zoning and get it to the point of taking care of these concerns here. The answer I think would be yes.

Robin Davis: Yes that's true. I'm still at the 33 items. Is somebody supposed to be getting all this information by the 17th? The concern that I have is we're talking about a public workshop.

Virginia Weeks: Only on the maps.

Robin Davis: Now I hear only on the maps and I also hear on everything. So that's the thing, we've got to get together hear and we're going to get to the 17th and nothing is going to get done again.

Mayor Post: Ginny, we're working under time and I think the issue here is if we're meeting, we need to meet about the whole thing; we can't take any action on it; we know we can't vote on it; you keep going to the maps; that's true; but the bottom line is, I think it also give us an opportunity by your meeting to review these two. Because again, and I don't want to sit here and beat this to death, we have other issues; there is not major changes. Quite frankly there are some of these in here that should be part of it anyways; that our consultant should be doing.

C Duby: My guess is that will probably be the case, but until we have an idea of what does cost money, we can't make a decision on it, and so we're just talking about the same things over and over when it's already 10:00.

Mayor Post: Okay, Deanna, but I'm saying if we have the working document and dd Page 63 is strike Paragraph 9; how much does it take for the person handling the document to strike Paragraph 9.

C Duby: It doesn't, but until we decide to accept the recommendations that Planning and Zoning has given us, I don't see that we can say go ahead and make all those changes, Robin.

Mayor Post: That's correct, that's why we would be having the workshop.

Virginia Weeks: When would you like to have the workshop, before the December meeting?

C Duby: No, it still seems totally out of order to me. That until the December meeting when we vote to accept your recommendations, nobody has the authority to go ahead with the recommendations, is the way it seems to me.

Mayor Post: Why on the 17th if we're talking about instead of doing this on the next day that we meet and we know that somebody sitting at this table has a problem with one of these issues; why on the 17th we already know these are a given; we're going to do these things that they've already proposed; I would assume.

C Duby: The five, is that what you're talking about?

Mayor Post: This red striked document; these are the changes that you and the consultant have proposed.

Robin Davis: Yes.

Mayor Post: These are going to be done, probably. Then we have these that have been requested by Planning and Zoning; and there's not that many of them; I don't care if there's 40 on here; why couldn't we start with first, b, Page 5, last paragraph, delete the words "diverse people" and replace with "all residents"; if there is kind of a consensus with that, that that's not an issue we move to the next one.

C Duby: Can we do that tonight?

Mayor Post: No. We would be doing that in the workshop.

C Duby: But you can't take a vote.

Mayor Post: We can't take a vote. Then the final document will be provided. If Debbie doesn't want to do it, then Robin can do it.

Robin Davis: It's not that Debbie will not want to do it; I'm pretty sure her firm will be more than happy to take any work; it will be the cost.

Mayor Post: There will be a cost.

C Martin-Brown: But we want to save money.

Mayor Post: What I am saying is, if there are certain issues here that are cost-free, if we have the working draft document, and Robin has to go in and delete the word "diverse people" and add "all residents"; it's not that big of a deal. That's all I'm saying.

C Duby: And all I'm saying is, because I pretty much support this, if we screw up the procedure, you know there is somebody in this town that will sue us for it and I would like to see it proceed in a way that is going to prevent that from happening.

Mayor Post: That's why we should have workshops; you want to get sued, have a public hearing after you publish give document to the State; that was what was proposed. That's a good way of getting sued.

Robin Davis: That was just the Final Draft, that's all, that's all it was, it was all a draft until the Council voted in January.

C Prettyman: Oh, just get in line; they're going to sue anyway.

Robin Davis: The other concern that I have is we're talking about the November 17th meeting; Planning and Zoning normally has their meetings at the Library; if you're talking about a public workshop this could fall into a bigger item than what Mary Katherine will allow in her Library.

C Martin-Brown: Maybe we go to Mariner.

Robin Davis: The issue is we have to find out from Mariner.

C Duby: I can tell you right now that the Theater is not available that night.

Virginia Weeks: It doesn't have to be on the 17th, it's just that we normally have our meeting on the third Tuesday that date can be changed. It's not a big deal. Whatever works best for the town. Mr. Mayor if you would ask the Town Solicitor, I believe the requirements for publicizing a public workshop are different for those of a public hearing; do you have to do the 15 day notice in the newspaper.

Mary Schreider-Fox: No a public workshop is just another meeting, so just the regular FOIA requirement of 7 days. The official public hearing for any zoning matters, the Comprehensive Plan would require the newspaper and 15 days notice.

Virginia Weeks: So the public workshop is a regular agenda item.

C Duby: Ordinarily when we've had workshops we don't hear from the public, is that because we can't or we've chosen not to do that?

Mayor Post: It's how you choose to have the workshop; if you have a public workshop then you could; but I'm talking about a public participation workshop.

C Martin-Brown: One is a Council Workshop and one is a

Mary Schreider-Fox: You can design your public workshop the way anyway you would like to. If you want to workshop something, just as the Town Council for example, you're going to workshop something and just put your heads together; it has to be a public meeting if you're talking about something that's appropriate for public session and it could be conducted in the way that we conduct regular meetings that for the most part the public can attend and they can listen, but they are not there really to participate throughout the entire meeting and it's really your workshop. If you choose to have a public workshop where you are inviting comments and some sort of discourse with the members of the public attending, that's certainly fine and you can choose to do that; whatever style you would like to adopt is fine.

Virginia Weeks: Thank you.

C Martin-Brown: In getting the cost estimate, Mr. Mayor, regarding the maps, Mr. Kerr has described the richness that can come from this exercise, but can we have a less rich Cadillac version and a version that simply took the same maps and the boundaries and the Council, in its wisdom, decides to change its characterization or land use category that that can simply be a matter of changing colored pencils from one color to another?

Mayor Post: I think all we need to do is get an estimate on how much it would cost to change an existing map; simple as that.

Bob Kerr: If the example you were discussing earlier, where you change a property from a Light Industrial to a Residential; if there are several of those; it's essentially printing cost. We'll do it for printing cost. The second one, and as Mary said there were three maps discussed at the Planning and Zoning Meeting; I wasn't present at the meeting, but the report that I got back was that one of them involved significant amounts of work.

Mayor Post: Wanting to know what everything outside of our town. And that would be and I understand that.

Bob Kerr: And I'm not really sure of the need for it. Do you care that; I don't want to pick on any one property; but a property outside of town, do you care if it's residential at this point or it's an abandoned gas station? If, in the future, your plan is to make it residential, is it that important what it is today?

Mayor Post: My honest opinion if you're looking at a real Comprehensive Plan and it's on the Town, not the County, the Town of Milton and it's residents is looking at the Town and its growth area; it's what we want and that's how we should be developing the map; not how it exists currently in the County. Because I guess that's zoned industrial in the County; but if we're saying we don't want that, that's annexed into town; once that's annexed into town and our growth area map shows that's industrial, they come in as light industrial; if it shows in the County that's light industrial or whatever their zoning is and we show it as R-1, it comes in as R-1; no matter what the County shows; so what we should be looking at is our existing growth area map and our current Town of Milton map if there are any changes that our desired by the public or the Council and then change it from there. Those costs like I said, I just think are printing costs and a little bit of labor of changing the legend and the map colors and that's it. Right now let's talk about those types of prices, because the other stuff that was proposed by Planning and Zoning I just don't see a big cost, because I think it could be done in-house at the worst of it. So are we interested in having the workshop with Planning and Zoning and at the same time having a public workshop at the end opening to the public; or however we so desire? First I think we need a workshop with Planning and Zoning on the issue here.

C Prettyman: I agree with you Mr. Mayor that we should have a workshop with Planning and Zoning and get everything of where we are and where we want to go and then have a public hearing if they want to do it all in the same night; I want to be there all night for it.

Mayor Post: We're not looking at the public hearing that night; we're just looking at a public workshop.

C Prettyman: Then I think that workshop because that would give everybody a chance to have their ideas and we could have a chance to have our ideas to speak out of where we wanted to be and where we wanted to go.

Mayor Post: That will get us to the point of moving in the direction of the document that we want to submit to the State and prior to that is when we need to have a full fledged public hearing; because people have to review what we're submitting and the final product; that this is what we're giving with our stamp of approval. At this time it's a real draft situation.

C Prettyman: And that I am in agreement with. Do we have to make that a motion?

Mayor Post: I don't think we have to make that a motion that we'll have a workshop; if they choose to have a workshop and we're invited; do we need to do anything on that?

Mary Schreider-Fox: If you put it that way, then no I don't think so.

Mayor Post: If they set it up and they send their agenda accordingly and they invite us to participate in the workshop, then we wouldn't have to vote on it.

C Prettyman: Is that workshop on the 17th?

Mayor Post: Well that's what we're hoping, but as Robin has stated and he's right, until they have that big room at the Library, I guess the first thing is that Planning and Zoning has to get their data squared away at a larger place and then they will let us know. You said it's out here at the Theater that night; so we're talking about the school; so I think what we need to do is see if the school would be available that night; and Planning and Zoning is willing to come to another date, if need be, that date is not etched in stone.

Virginia Weeks: There are also two elementary schools that have auditoriums.

Mayor Post: That's true.

C Martin-Brown: But they're inviting us.

Mayor Post: Yes.

C Martin-Brown: Just so it's clear.

Mayor Post: We'll let them do the work of the noticing.

Virginia Weeks: For two months you've been saying we need a public workshop.

Mayor Post: Okay, that's fine, we're moving towards a public workshop first and then we'll have a public hearing also.

Mary Schreider-Fox: Just to make it clear, the way it's being left is that Planning and Zoning is going to take the lead in organizing and setting up a public workshop and they will be inviting the Town Council; details to come from Planning and Zoning to Town Council.

Mayor Post: At that workshop we will discuss the current scope of work; the proposed additional scope of work; and the maps; and then open it to the public, because even at that time the public may want to talk about the maps or

something the public may want to talk about the maps or something that's in. What I would say right now what we need to do; is probably if we can; and is this a problem to get this document on the website with the proposes of Planning and Zoning additional scope of work on the website so the public can review it; not necessarily tomorrow but in the next 3 or 4 days, Julie?

Julie Powers: I can do it tomorrow.

Mayor Post: Okay, sounds good. Thank you. Is Council comfortable with that direction? All right. That really takes a and b out of the equation

- b. Comprehensive Plan Update ó Review and possible vote on additional recommendations and/or changes to the scope of work for the Comprehensive Plan Update as requested and voted on by Planning and Zoning Commission.
- c. Discussion and recommended changes of Council on the proposed changes on article 4, Section 4.9 of the zoning ordinance (item tabled at the October Town Council Meeting).

Mayor Post: That was the Historic District.

Mary Schreider-Fox: Right you had a public hearing in October on the Historic Preservation rewritten ordinances that I believe they had been passed a month prior to that; then you had the public hearing; you tabled the decision until this month; you could table it again if you wanted to; if you needed more time to look at it. There are a lot of changes in so it was a lot to get through.

Robin Davis: And I think there were a couple of residents that spoke during the public participation that said that they felt that the document was cumbersome and they couldn't understand it. I think that's what the tabling of the document was.

Mayor Post: Then my understanding was that it was in both formats on the website, is that correct Julie? Do you recall?

Mary Schreider-Fox: Mr. Mayor, what you may be thinking of is that there were two versions of it. Substantively they were the same. One showed all the various markups, the strikethroughs, the new language; the other one the substance was the same, but it just incorporated all the changes; it basically swallowed them in; so that it was easier to read; so there were two versions of the document; ones that if you wanted to see how it was different you could identify all the differences and then the second one was easier to read, as if you had accepted all of those changes and it was the rewritten document.

Robin Davis: I think the issue was that there was no clear direction on who was supposed to be handling that; to do the changes; there was supposed to be some changes done to the document?

Mayor Post: No.

Mary Schreider-Fox: No.

Robin Davis: No changes to the document?

Mayor Post: It was already on the website.

Julie Powers: If you look at last month's minutes, C Hudson had made the motion until some changes could be made; it needed to be tabled; but no direction was given as to who was to make those changes.

Mayor Post: Okay, but I think what the issue was that she was referring to, was the change that the public was talking about, that there was only the redline version on the website; but actually when I inquired about it, I was told that both the redline and the changed version were both on the website.

Julie Powers: I'm not sure about that but I know people had stood up and said it was totally ridiculous, that they couldn't understand it; that it made more sense before then it does now; and the motion was that changes needed to be made, so we were

Mayor Post: I think all the strikethroughs and that is a hard thing to read when you do see a lot of strikethroughs; I understand why it's done; but it's not easy; so both of the documents were on there.

Mary Schreider-Fox: I think what the Town Council needs to do is look at the rewrite substantively and decide if you like the substantive changes or not. For example, one citizen stood up and said that it was confusing and they thought the previous version was better. If you agree or disagree; you need to decide if you actually like this rewritten version; regardless of markup changes vs. incorporated changes version; you need to decide if you like the newly written ordinance.

C Martin-Brown: Madam Solicitor on Chapter 26, the first paragraph, second sentence to have consistency throughout the document, it's a minor thing, where you have his you should have /hers; you have that often throughout the document; but in that first paragraph under Chapter 26, it's not there. That was my only suggestion.

C Prettyman: What are you talking C Martin-Brown?

C Martin-Brown: Well C Prettyman the language in most of these changes when there is a his there's a her or whether there's a her there's a his with a slash and I'm simply saying that.

Mayor Post: What page they're asking.

C Martin-Brown: Oh, I'm sorry, Chapter 26 of the document on the agenda we're speaking about. Specific revisions of time and adoption of code. That's all.

C DUBY: It wasn't in tonight's packet; it was in last month's packet.

Mary Schreider-Fox: C Martin-Brown I think that you're looking at 14b, Discussion and possible vote on an ordinance to accept the new General Code. That's later on.

Mayor Post: We're talking about the Historic District Ordinance.

C Martin-Brown: I'm talking about c the next agenda item.

C DUBY: It's a zoning ordinance.

C Martin-Brown: Well anyway, it's a generic suggestion. I withdraw my comment. Thank you. C DUBY has me on the right page.

C Abraham: Truthfully, I would like to make a motion to table it again until next month. I personally need more time to review it to make the comparison.

C Prettyman: Second.

Mayor Post: We have a motion and a second. Any discussion? All I have to do as a comment is that we have to take a vote at the next Council meeting. The Committee worked very hard on it; we're talking about the Historic District which plays an important role in the town; and so I think it's fine if you want to extend it one more month but after that I think we need to vote and how the vote goes, it goes. But what I think is, is if you don't like this document, you need to come up with what you would like to see changed.

C Duby: Can we be sure that both of those versions that you are talking about did indeed go up on the website?

Mayor Post: Yes.

Julie Powers: They're not on there.

Mayor Post: Okay, so will you make sure that both documents are on there; so put it on with the strikethroughs and put it on as the final document. That needs to be done this week so we can vote on it at the next regular Council meeting. All in favor say aye, opposed. Motion carried.

d. Discussion and possible vote on the maintenance of alleys by the town.

C Hudson: I make a motion that we maintain the alleys.

Vice Mayor Betts: Second.

C Hudson: Or sell them.

Mayor Post: I would go with your second part.

C Hudson: So until we sell them, I make a motion that we maintain the alleys.

Robin Davis: The only concern is that we have is that we have an agreement that was part of the site plan process for Cannery Village; by doing the wording that you just did, we will be taking responsibility of those alleys in Cannery Village, which currently we do not.

C Hudson: Okay, with the exception of Cannery Village.

C Duby: Are there other developments like Cannery Village?

Mayor Post: Wagamon's doesn't have any alleys, Shipbuilders doesn't.

Robin Davis: I think Cannery Village is the only one that we have stipulations to say we will not take the alleys over.

C Duby: If we say alleys, except Cannery Village, and 3 years from now we have a new development that has alleys, like the one above Preserve

Vice Mayor Betts: Alleys of Homeowner's Associations; to exempt the Homeowner's Association alleys.

Robin Davis: I don't know the best way to word that is.

C Hudson: Well because this is really basic it doesn't say what alleys in the town. My understanding is it's the alleys that have been in the old part of town; other than Cannery Village, and we've maintained them in the past; and that's what I'm talking about.

Vice Mayor Betts: And I am also, Mary.

Bob Kerr: As part of your motion, perhaps, and I'd let Mary clean up what I'm trying to say; but there is a record plan for Cannery Village and part one of the notes on that specifically says that the alleys are not maintained by the town, that they are maintained by the Homeowner's Association; and that was done because of the alignment Allen and his people were afraid or concerned of the 90° turns on the alleys they wouldn't be able to get down them for snow removal; and those types of things. Heritage Creek also has alleys that the town did accept, because all of them are a straight shot or there is a minor curve that allows the snow plows to go around, so if there is something where you maintain alleys except for those specifically called out on a record plan or something that's not being maintained by the town; some language that way; Mary if you can help me out, do you understand.

Mary Schreider-Fox: I understand what you're saying and I think that would work and I also just want to point out there is one alley in particular that we had talked about before and I was tasked with researching the ownership of that alley and I'd let you know that it's still ongoing. It's turned out to be quite an interesting project; that we've been able to find out that according to a map in 1867 it looks like the alley was part of one of the parcels behind the two properties, the alley is located in between; so that would indicate at some point it looks like it was privately owned alley and I didn't order full title searches on all of those surrounding parcels, because that's quite expensive, so we've only pulled certain deeds for now to see what we could glean; and the alley is referenced in deeds from the early 1900s and late 1800s; and its referenced in an easement type fashion; where it says it will always be open and available for the adjoining properties. There is still a little bit of a question mark as to whether or not that is still privately owned or if it has been publicly dedicated. Public dedication can happen in a couple of different ways; one is by some written document, where there is a clear offer of public dedication by the private landowner and a clear acceptance by the town; nothing like that exists of record that we could find for this particular alley. Another way is that it has been used by the public for over 20 years and also has been maintained by the town for over 20 years, so for that particular alley we know that there is no dedication document out there, but we would have to look into a little bit more of the history about the maintenance of that particular alley for 20 years to determine whether or not that has been a publicly dedicated alley.

Mayor Post: So then I would assume and what we are saying is that if other people want their alleys behind their homes brought up to the standards of the alley that we are just patching; which means not dirt or grass, but if they want it to be just rough pavement, they could request that and receive it from the town.

C Hudson: Not necessarily because it's not theirs to request anything for; they don't own them. They can't make a request.

Mayor Post: We don't own this one either.

C Hudson: They can only ask, but it doesn't mean anything will be granted. It's like they ask politely will you please patch the pothole. But they didn't demand it, and we're not required to do it; but we have maintained these alleys in the past.

Mayor Post: I think we need to sell them, but that's all right now, let's take it one step at a time.

C Martin-Brown: Is there a motion on the table that the town undertake the maintenance of the alleys?

Mayor Post: But you need to word it properly.

C Duby: I have a question about whether the intent of the motion is alleys that are privately owned, as well as alleys that the town owns.

Vice Mayor Betts: I'm referring to this one alley.

C Hudson: The ones that the town has assumed that they have owned by maintaining them in the past; where we did estimates to see how much its going to cost to have a company come in and cut down the trees and clean them up and they are the ones that I'm talking about in the old part of town; not the new developments.

Vice Mayor Betts: And if we can't guarantee that the town owns it, how can we guarantee that someone else owns it; so we could not sell it.

Mayor Post: We can sell it.

Vice Mayor Betts: You can't sell it if we don't own it.

Mayor Post: You can.

Vice Mayor Betts: Well if we do own it, then we should maintain it.

Mayor Post: We can claim it's ours, just like they say they don't own it; they've already set a precedent that they don't own it; they've claimed.

C Hudson: If we've maintained it for 20 years, there you go.

C Martin-Brown: It's been a public egress for over 20 years.

Mayor Post: For private property.

Vice Mayor Betts: For 20 years.

Mayor Post: Let's put it into perspective, for private property.

C Hudson: All these alleys butt up to private properties everywhere around town; there's one behind Ed Harris's house; there's one up next to Wesleyan Church; there's one close to Ginny Weeks's property.

Mayor Post: They're not calling us about cleaning them out; but I'd bet you're going to get some calls now. So that's fine.

Vice Mayor Betts: But we've already done that on one.

Mayor Post: Very little and we know that, but very little.

C Duby: It seems to me and I don't have any objection to our maintaining the alley you're talking about; I don't even have an objection to us maintaining other alleys if we decide to do that; I'm just concerned that if we have an overly broad wording of this motion; that we're going to get ourselves into all kinds of situations that we may not want to be in.

Vice Mayor Betts: We do have a motion and a second on the floor.

C Duby: I know that's what I'm addressing, the motion that is on the floor, which right now, as I understand it, says I move that we maintain the alleys in the town.

C Hudson: Except for Cannery Village, I added that. This is too broad as it is written on the agenda, it is way too broad.

Vice Mayor Betts: It says maintain alleys, more than one alley.

C Martin-Brown: I was hoping that the motion would have been to maintain the alleys with the town center in support of commercial activities.

C Hudson: The town center doesn't include the alley behind Ed Harris, it doesn't include the alley over behind Ginny Weeks, it doesn't include the alley by what you're saying over by Wesleyan Church and we have maintained those.

Mayor Post: But they are deeded to the town, there's a difference; but that's all right; however, just however you can clarify it; but deeded to the town which is a major difference.

Vice Mayor Betts: We have deeds to those?

Mayor Post: I'm positive, those are all deeded; they show it on the town map. There's one thing where it designates whether it is a town alley.

C Duby: Have we had any complaints, requests, concerns expressed about any other alleys, or just this one?

C Hudson: That's why we spent money to maintain them in the past because people said. For example, there was a swimming pool put in and they said that a tree on the town owned alley was dropping leaves in their pool, so they wanted it maintained and cleaned up; so we voted to do it.

Vice Mayor Betts: If we maintained this for 20 years, then I think we should maintain it for now on.

Mayor Post: Unless we sell it. But that's fine, we have something on. I'm saying we can because they're claiming they don't own it.

C Martin-Brown: Mr. Mayor, can we please call the motion on the vote for the moment until there is some further justification to sell that alley.

Mayor Post: Yes, that's fine, you've got the motion, but I recommend you change that motion and make sure it is legally sound on what you're trying to do.

C Hudson: Well, Mary or Robin, do you have any suggestions.

Mary Schreider-Fox: Well, the motion has already been limited by excepting out Cannery Village; you might also want to add the limitation that Bob Kerr suggested, which is excepting out any approved sub-divisions that indicate on the record plans that the alleys are privately maintained; so then that would cover other communities in the future that you might approve, as part of that approval they agree to maintain their own streets and alleys and this motion can't be construed as having done otherwise.

C Hudson: Then I amend my motion to include Mary Schreider-Fox's wording.

Vice Mayor Betts: Second.

Mayor Post: I have a motion and a second. All in favor say aye, opposed.

C Duby: I am abstaining because I don't have enough information about the implications of the motion.

Mayor Post: I am opposing because I think they need to be sold. I think they are a burden to the town.

C Hudson: We can sell them later.

Mayor Post: Motion carried.

- e. Discussion and possible vote to consider no parking on the north side of Chandler Street that runs westbound from the town water well into Union Street
Vice Mayor Betts: I would like to make a motion to make no parking on the north side of Chandler Street that runs westbound from the town water well into Union Street.

C Hudson: Second.

Mayor Post: I have a motion and a second. All in favor say aye, opposed. Motion carried.

- f. Discussion and possible vote on employees' health insurance

C Prettyman: I guess I am the problem there, because the reason I brought that up is because I didn't realize the employees, and since I don't sit on personnel and realize what their salaries are and everything, that they vary, and I think that we should look at it; because some of our employees are not making great money; I am finding out later; and I think that we should do it in tiers. If someone is making \$60,000 and someone else is making \$10,000; we should not be taking 30% out of the ones that are making \$10,000. They do have to live and take care of their families and everything. I just think that we need to look at something a little bit differently, in tiers, and have it done in a tier level; time being employed with the Town of Milton, the salary and everything. I know I talked to a couple of our people that are working; they could go on unemployment and would make about the same as their being torn down by paying the health insurance and they are good employees. I think we have to do something to compensate for this; I think it would be a tier level type of a thing to work its way through, until better days are here or whatever; until we can really do something for them; because they are good employees and we need them and I don't know. I just don't know what we can do.

Mary Schreider-Fox: I think if you want to pursue that idea, you probably need more information about the salaries; what kind of a percentage you are proposing for which salary levels. It was mentioned earlier that other places have done things and either a straight percentage across the board or you can do things in tiers; I mean there are all different ways of getting at this and I think what you are suggesting is to explore a different way of getting at it. But I don't think you probably have enough information to do anything tonight.

Mayor Post: And do you think also maybe we need to call to some other municipalities to see if they have any type of a tier plan in place?

Mary Schreider-Fox: It's not a bad idea.

C Prettyman: I think it's an excellent idea.

Mayor Post: Instead of reinventing the wheel; it something exists out there and they already have the salary range and how they work it; then maybe instead of reinventing the wheel.

C Prettyman: I think that's a very good idea, Mr. Mayor, to do something like that just to give our people here and let them know that we care; we are in a very tight and rough time right now and it's not that we don't appreciate what they do and everything; but at least we're willing to look into it and come up with something that can be discussed.

Mayor Post: I think it's something we can task Town Hall with to make calls to other Towns.

Julie Powers: We did that prior to this budget and no other municipalities that responded do a tiered program.

Mayor Post: All right, then we will need to see if we can find any companies, or if anybody in the public has any suggestions of companies that do a tiered health insurance; and just see what exists; not saying that we will do it, but I think we should see what a tiered plan would consist of; where the break-off point and the percentage would be.

C Prettyman: At least if we do this, I think the employees will feel comfortable instead of thinking we don't care. Myself, I do care for them and I think it is a good idea to look into it and maybe we can look into another State.

Mayor Post: If we have to we can look into another State, Maryland or New Jersey. Sounds good.

C Hudson: Mr. Mayor, are we tabling that?

Mayor Post: I don't think we are doing any action. If you want to table it; it doesn't require any action.

Mary Schreider-Fox: I don't think you need to do anything; you're not taking any action.

Julie Powers: Do you want it on next month's agenda?

C Prettyman: I don't know if next month will give you ample time to get the information.

Mayor Post: Let's see if we can get the information on it; it will depend on whether we can get together the information by then.

C Prettyman: Maybe by January; it will get everybody time to get the information from different areas and see and come back with something to Council and let us make a decision.

14. New Business

- a. Discussion and possible vote on the letter of credit requested by Heritage Creek
Ben Ghoury: I'm a Project Manager with Ocean Atlantic. We're the developer of Heritage Creek. Just to give you guys a brief summary of our request. On April 21st, we made the formal request to reduce our Letter of Credit No. 1-

2073B, which is for the site construction of Phase IIA at Heritage Creek. Most of that site construction has been completed, so our request was to reduce it from the current amount of \$2,052,000 to a new balance of \$328,556.25; which represents 150% of the remaining final paving costs; assumed concrete repairs; manhole adjustment; and the off-site water construction along Route 5, which I believe the Council agreed to allow us to delay back in January. So from my understanding our request was sent to Cabe Associates who has made a recommendation to the Town.

Bob Kerr: Good evening, again. We did receive the request and we responded to you on August 18th; as was just stated they requested the Letter of Credit be reduced to \$328,556.25. We've reviewed the amount of work remaining to be done and have placed a value of \$376,385. Your sub-division ordinance requires that 125% of that estimated amount be the bond amount, or the Letter of Credit amount, rounding that off. It is our recommendation that you reduce the bond to \$471,000. I know that's a lot of numbers; if you want to have a copy of the letter that I can pass down for everyone.

Mayor Post: And this bond is strictly the street bond or is this the main bond for the development?

Bob Kerr: It's the main bond for the development.

Vice Mayor Betts: Are the streets in, and the sidewalks?

Bob Ghoury: Everything is in; the streets are in except the final coat of paving.

Vice Mayor Betts: How about sidewalks?

Bob Ghoury: We actually construct sidewalks as the homes are constructed.

Vice Mayor Betts: No, no, I don't think so.

Mayor Post: You know, I have some concerns with this.

Vice Mayor Betts: I do too.

Mayor Post: And I don't see, and I don't have it in front of me, the town ordinances on when the bond is placed what that covers; my understanding is it even covers the plantings and everything. Also, drainage issues which we're certainly well aware of tonight on drainage issues for development; so we're not just looking at that bond for streets; we're looking at that bond for the overall project. Unless I'm missing something on this bond; if this is the development bond, there are things that are listed right in our ordinance, everything that bond is to cover, which includes drainage.

Bob Kerr: Yes, if you look at the 2nd page, of this two-page letter, is a schedule of values of the work that remains to be done and there is hot-mix still to be done; there's adjustment of manholes that will be required; there's some repairs to curbs to be completed; Mayor and Council allowed the construction of the water main from in front of the school down to the front of Heritage Creek to be delayed, but part of that was that it be included in the bonding cost, so that there is the work associated with that; there would be additional traffic control as they do things; there's the restoration; the landscaping; there's a certain number of trees that are required to be provided as part of the project; all of the street

lighting and signage; then the completion of the sidewalk and at the time this was prepared there was 17,000 sq. ft. of sidewalk still to be done; and then there was also the record drawings where they provide the actual as built drawings for the project.

C Prettyman: Okay, Mr. Kerr, help me over here, landscaping, lighting, and signage (2, 3 and 4) what does that mean?

Bob Kerr: Down at the bottom there are notes that

C Prettyman: If I would only read further down, that's fine.

Mayor Post: If I'm reading this, you're telling me that all the sidewalks out there could be done for \$70,000?

Bob Kerr: The completion of the sidewalks, yes.

Vice Mayor Betts: Do they have ___?

Bob Kerr: Yes.

C Martin-Brown: Bob, didn't the gentleman just say that you build the sidewalk when a new property is being built.

Bob Kerr: I believe that's what he said, but the town doesn't accept the project until all sidewalks for that Phase are completed.

C Martin-Brown: Then shouldn't the bond be higher?

Bob Kerr: It includes the 17,500 sq. ft.; we estimated 17,500 sq. ft. of sidewalks still to be placed; we used at estimated cost of \$4.00/sq. ft. which came out to \$70,000 of additional sidewalk that is required.

C Martin-Brown: Thank you.

Vice Mayor Betts: That seems low.

C Prettyman: Why is it so low?

Mayor Post: Another thing is it seems low to me, just on the sidewalk alone, reviewing that, to say \$70,000 will complete all the sidewalks out there; but say if in the end, you know that if we didn't have enough; the problem like for example is that we're looking at an issue that currently exists out at Wagonø; and if you talk about we're not talking about just installation; if a builder goes in; puts in a product that's not correct; you also have the cost of ripping it out; hauling it away; and replacing it with new; so it's not just the square footage of cement estimate; it's an overall cost of everything that's involved. We're experiencing that right now and I have a real problem. I'm not saying that I don't trust that you won't perform the work out there; but I have an extreme problem of releasing a bond that currently exists at how much dollars is the total bond? \$2,000,000 on a project that I don't know if it's even 10% done; as far as the project itself; then you're saying that what happens is okay with the streets; it costs X amount to finish the streets; but at the same time you have ongoing wear and tear of heavy industrial trucks bringing in all the supplies for building the houses, which does more damage to the streets. It's too premature to know the drainage issue. I mean 20 some odd years now we've experienced a major draining issue out here; which really has occurred within the last 3 or 4 years, as far as the servicing when the townhouses were added; or 5 years,

whatever it was. But the bottom line is a lot of the problems that could exist, you don't even see until the development is very mature and I have nothing against the development; it's terrific; I love what they're doing out there; but the bottom line is that I just think it's a bad business decision to release that much of a bond.

C Hudson: Cabe Associates, have you been out there and you have inspected it and you have evaluated it?

Bob Kerr: Yes, Ma'am.

C Hudson: Okay, so because Mr. Mayor says he has not been there; but I'm taking your word for it that you have.

Mayor Post: Well, and C Hudson I respect that; but I also took Mr. Kerr and Cabe Associates word on Wagamon's for ADA compliance; and we have a mess out there; and we have an independent person that came to look at this; not that I don't respect and I understand that we all make mistakes; but you know what; when I pay for an Engineer; I expect to get it right the first time. I'm not going to sit here and try to create embarrassment for anybody; but I'm telling you, I'm not comfortable. I don't care how in his professional field at this time how I've just had a bad taste in my mouth with dealing with this ADA issue out at Wagamon's; that quite frankly I think is inexcusable at this point in my life of Wagamon's at the maturity it is. So as far as I'm concerned, you people can do whatever you want up here. I have a problem with reducing the bond.

C Prettyman: I agree.

C Hudson: So you could explain what he is talking about with Wagamon's and the ADA, please.

Mayor Post: We just received all the information today C Hudson, but I'm sorry you have not received it.

C Hudson: Well, you brought it up and I'm asking Mr. Kerr.

Bob Kerr: There is an ADA issue out there with the way the curbing and sidewalk was constructed.

C Hudson: Had you inspected that?

Bob Kerr: We had inspected that. The only thing I can say is it was missed. How it happened, I have not been able to determine.

C Hudson: So Heritage Creek is asking basically to free up \$1.5 million?

Bob Kerr: Yes.

C Martin-Brown: I make a motion that we not free up that money; that we stay at the present amount at least for another year.

C Prettyman: Second.

Mayor Post: We have a motion and a second. Any discussion of the motion?

C Abraham: Is it necessary that we put a time limit on the motion?

Mayor Post: I don't know if it is necessary to have a time line, you're right. I think I know because we'll have to change it within a year; but at least they would know a timeline of when they know they could not come back to us within. I could see that part of it why the timeline.

C Martin-Brown: Do we leave it open? Do you want me to amend the motion to leave it open? I'm happy to reassert the motion that we not reduce the bond.

Mayor Post: That doesn't mean that they can never come before us within the year; but it doesn't mean I think we should wait a year to see the progression on the whole thing.

C Hudson: Because that's \$1.5 million that they could put forth towards new development which brings in transfer taxes, that's freezing up an awful lot of money that they could be using to develop that property.

C Martin-Brown: My real concern is we've been burned so badly by people not having a bond; or having a bond expire; or not enough money to do remedial work; we are picking up tabs for developments where the developer should be covering costs and we're doing it because of the very strong sentiments of taxpaying citizens; and I just think we should be very tough about this. We've been burned too many times.

Vice Mayor Betts: If they finish it they'll get it back anyway; as soon as it is finished.

Bob Ghoury: If I may something, most of this work is going to be finished anyway. Their main work is going to be years out from being done. We don't want to do that final paving until the majority of the home building has been completed; because if we pave that road and then they send in the construction trucks to construct the homes; it's just going to tear up that asphalt and we're going to have to repave it; so that's why we basically want to reduce it to what is left to be done; and I believe Mr. Kerr recommended 125%, though there's an additional 25% of the costs out there that can be used for other items.

Mayor Post: We have a motion and a second, any further discussion?

C DUBY: So is the motion open-ended now; it's not a year?

Mayor Post: It's a year and yes we're leaving it at a year; because they can come and approach this again; but it's designated as a year.

C DUBY: But under that motion, not within a year.

Mayor Post: But technically they could; and all we would have to say is that we have a motion on the books for a year or it could change. I don't know; I don't know if that; how would you interpret that motion that states one year; does that mean that it could not change within one year?

C Hudson: Right.

Mary Schreider-Fox: It doesn't specifically say that; that's your decision as of right now that you aren't going to reduce this for a year. In theory, someone could always submit a request and your response is I'm not going to talk to you until 8 months from now; or if circumstances have changed you could decide to reconsider.

Mayor Post: Right, that's how I looked at it.

C Martin-Brown: Call the vote, Mr. Mayor.

Mayor Post: Go ahead, I'm calling for the vote. All in favor say aye, opposed. Motion carried.

- b. Discussion and possible vote on an ordinance to accept the bond copies of the town code from company General Code

George Dickerson: As most of you know, the process to get to where we are with our new Code Book, I think most of you have either signed for or picked those Code Books up. The organization that you will find in here with the indexing and cross-referencing we delivered to our Town Solicitor to Ms. Schreider-Fox and in that review the process requires an ordinance which has also been reviewed by Ms. Schreider-Fox and at this time, if there are no questions on the review; all of our ordinances have been codified; they are in here; they are easy reference; we have a disc that soon, we hope within the next month that disc will be online. We will have a link from our website where when you click on it, it will take you to General Code; you will click on the Town of Milton; and it would open this document up; everything from the Charter, right through for all the ordinances. Anytime there is a change, this document will be updated; you will receive pages to put into your book and also the website would be updated with a new ordinance that was passed at the time. With that, this was a lengthy process and I would like to thank all staff members that worked on this; this is a very labor intensive document; to go through all the ordinances that are contained in here; and I would like to thank all the department heads had some say or at some point touched this document; and with that Counselor do you have the ordinance?

Mary Schreider-Fox: Yes.

George Dickerson: If Council would entertain the reading of that into the record and a vote on that, everything contained in here, this will be your official document.

Mary Schreider-Fox: I just want to make one comment. You'll see in the heading that it states sections relating to flood plain management, Chapter 125 in the Zoning Code, Chapter 220 are expressly contingent upon a public hearing and a further ratification. The reason for that is because both of those chapters touch on zoning issues and any change to your zoning ordinances needs to have a public hearing. So we'll technically have to have a public hearing and further ratify your passage of those two new codified chapters; both of which contain some wordsmithing and some minor changes and as a matter of caution, so that those wordsmithing and I don't recall anything major, substantive being changed in either chapter; as a matter of caution we should have that public hearing at the next Town Council meeting, in the event you pass this tonight. Just as a clean-up issue, don't be concerned about that. We've had to do that in other towns before; I think the Town of Dagsboro when they codified; they actually had to do the same thing; there were some minor tweaking of their zoning chapter and they later ratified it. That's been a tested and tried method and it was fine there. I just didn't want anybody to have an alarm bell go off when they saw that further ratification language.

Mary Schreider-Fox: C Abraham is holding up Schedule "A" which is an attachment to the ordinance itself. Schedule "A" describes all of the wordsmithing and tweaking out changes where a lot of what you'll read in there it's at least some of it is changing references to State Code; to update that; or making some minor word changes to correspond with State Law; fixing typographical errors, where there might have been some words omitted before in the official copies of various ordinances; some of them do replace certain sections in their entirety. For example, in this Schedule "A" you will see under Chapter 1, Article I the sub paragraph C; that says Section 1-11 is amended in its entirety to read as follows. When that was done, most of the time it was because there were so many little changes to fix typos or other things, that it was just easier to rewrite the entire paragraph. This Schedule "A" gives you all the details of the little and big and in between changes that were made throughout the entire book.

C Abraham: The reason I'm asking is I had questions like to the water service and use, especially since we just reworked the water ordinances and as this changes over top of what we were proposing or I didn't notice these changes in the other one.

Mary Schreider-Fox: I noticed that too and I think those are in the meantime changes. If and when, whether it's the water ordinances or any other ordinance

Mayor Post: Historic District ordinance

Mary Schreider-Fox: Correct, whenever you make those changes, whether it's next month or next year; you can certainly make those changes; nothing in this book is written in stone. It's as much in stone as your book before.

Mayor Post: It's a living document.

Mary Schreider-Fox: The thing that changes now is that we send the newly passed ordinance into General Code and they issue new pages for your book and we update our Index.

C Abraham: I guess where I'm at is I haven't had time to really look at these; I have seen some things that I thought we shouldn't change; so if it's a living change why are we making these changes now? That's where I'm at? Is that something we can change down the line; why are we worried about them now?

C Prettyman: It's time to do it.

Mary Schreider-Fox: The reason why you're worried about them now is because the book that you have in front of you as printed reflects these various changes in Schedule "A". That's what the Town staff worked on over, George would have to help me out, how long they have been working on this. They did the initial legwork of going through

Vice Mayor Betts: These are the changes that's in here.

Mary Schreider-Fox: Correct, so as printed, Schedule "A" reflects all the changes that have been made to the book and as it's printed right now and it is necessary to approve that and in order to approve this book you have in front of

you in its entirety to say this is the way it goes; if you don't like Schedule A and you change it; that's going to require going back to General Code and getting some reprinting done.

Vice Mayor Betts: Which will be ___ the book, is what she's saying.

C Abraham: Who asked for these changes and why were they changed in the book before Council looked at them anyway; that's where I'm at with this?

Mary Schreider-Fox: I would have to defer to the Town staff; they worked on this project for quite some time I know. I think the idea was to take care of some of these; many of these were minor changes. Again, fixing some typos and word omissions; some of them not.

C Abraham: Yeah, some of them not; you're right. I was looking at Personnel, probably where the Chairman shall be appointed by the Mayor of the Town of Milton. I thought usually it was there with the approval of the Council; so it's kind of like should that be put back in, usually when he's appointing it's with the approval of Council. And I had a reference to under Section 26-17b, no. 3; that paragraph to me was a little confusing; so I kind of had a rewrite, but I didn't realize that it was already put in the Code Book, even though I think we should approve it just because of that; but I was just wondering why would the changes be made without the Council looking at them prior? Then the water ordinances, of course, I know we've been working on those and have them all changed and just how are we going to get back together on them; of course, the changes have already been made. That was all and I really haven't had time to really look at everything.

Vice Mayor Betts: I haven't either because I just got the book this afternoon.

C Abraham: I hate to just approve it because it's in the book and then find out, oops, we shouldn't have approved it because we really didn't look at.

Mayor Post: Why don't you table it for a month?

Mary Schreider-Fox: Right, you could do that.

C Abraham: Because some of us only got the book today and I had mine late Friday.

Mayor Post: Where are the changes? Is the difference? Maybe that's what I'm not looking at?

Mary Schreider-Fox: These are the actual changes.

C Prettyman: Then I'll make a motion to table this until next month.

Vice Mayor Betts: Second.

Mayor Post: We have a motion and a second. All in favor say aye, opposed. Motion carried.

15. Executive Session: Discuss Litigation, Personnel and Land/Easement Acquisition

Vice Mayor Betts: I make a motion we go into Executive Session at 11:00 p.m.

C Martin-Brown: Second

Mayor Post: All in favor say aye, opposed. Motion carried.

Mayor Post: Can we have a motion to come out of Executive Session at 11:48 p.m.

C Doby: So moved.

Mayor Post: All in favor say aye, opposed.

C Hudson: I make a motion that we accept the terms as discussed in Executive Session.

C Doby: Second.

Mayor Post: We have a motion and a second. All in favor say aye, opposed. Motion carried.

16. Adjournment

C Martin-Brown: I make a motion we adjourn.

C Hudson: Second.

Mayor Post: All in favor say aye. Opposed. Motion carried. Adjourned at 11:48 pm.