

Town of Milton
Special Town Council Workshop Meeting Minutes
Milton Library, 121 Union Street
April 11, 2007

The meeting was called to order at 6:01 P.M. by Mayor Don Post.

Present: Councilwoman Hudson
Councilwoman Betts
Councilman Frey
Mayor Post

Also Present: George Dickerson
Stephanie Coulbourne
Deanna Duby

Meeting purpose is to discuss the Proposed Charter Revisions that have been presented by the Ad-Hoc Charter Review Committee. The following are the comments given by members present at the meeting for Sections 3K through

Section 3K: C. Frey: We changed that to 60 days. Mayor Post: Prior to it, and I know Stephanie was going to review the time planning for all of this to make sure that the timing will be sufficient for the work that needs to be done. George Dickerson: So you have 3 people voting and you have 2 voting in the affirmative and one in the negative it passes. Mayor Post: Versus a super majority, is that what you're referring to? George: No, I thought back in some of the other language that it spoke to registered voters, didn't we in talking about the election, but I was wondering if you wanted to include language since its not just the voters that can vote, also any resident can vote in a referendum vote. C. Hudson: And property owners as well? C. Frey: That would be it. C. Hudson: But this says a majority vote of the town citizens who voted. George: As opposed to the registered voters or qualified interest of the persons who voted. C. Hudson: So they may not all be a citizen, if they are like voters of a corporation or something like that, and who can vote in a referendum. George: That's would be, that's the question I'm posing. Mayor Post: Well, it needs to match what was discussed prior. C. Frey: There is a section where we discussed that. Mayor Post: We just discussed this; last week we had discussed it and it needs the same verbiage there of who... George: Well, you are talking about two different things. You are talking about referendum vote where the persons who are not necessarily property owners but residents may vote, because it wouldn't, right? C. Betts: Anyone in the town can vote regardless in a referendum. George: Right, anyone can vote. All you have to do for qualifying is being a resident. It doesn't mean you have to be a property owner. C. Betts: You don't even have to be registered. C. Frey: Property owners are allowed to vote in a referendum, too. C. Hudson: If you look ahead at Section M, this it where it defines who can vote. George: Very good. Mayor Post: Okay.

Section 3L: Mayor Post: I think that's pretty self explanatory, don't you think? C. Hudson: The only question I have, is it in the right place because it's right in the middle of the process of a referendum and want to put this section here? Stephanie Coulbourne: Move it after? C. Hudson: If Brady is looking at it you might want to... Mayor Post: You might want to make a note; you might even want to move it. I would think probably that maybe you want to do disadvantageous first... C. Hudson: Yeah or up there where you are talking about advantageous cause it's way back at the beginning. Mayor Post: Right. So

just make a note of alignment of where this should just remain as L. C. Frey: Don, it would have to go after the appointment of the 3 members by the Mayor. Mayor Post: Right. But when they come back, then it starts saying they found it, but this is the process that they found when it was advantageous, whatever.

Section 3M: C. Hudson: I have a question about partnerships and corporations. Partnership implies 2 so would both partners be voting? And what about a corporation, would every shareholder in that corporation be allowed to vote. C. Betts: They only have one vote. Stephanie: It says shall have one vote. Deana Duby: The partnership itself has one vote and the corporation has one vote. C. Hudson: So they would perhaps pick somebody? Mayor Post: That would be there voting. C. Betts: I have a question on property owner's whose property is exempt from taxation or is not assessed for taxation should not be entitled to vote. They would be entitled to if they were a citizen, wouldn't they, of the town? C. Frey: If they were a citizen of the town, they have a vote as a citizen not as a property owner. But you have people that own property that aren't citizens that aren't taxed, like the churches. They wouldn't be allowed to vote. C. Betts: I understand that, but it says here "but yet property owners can vote one vote". Deanna: So, maybe it should say "shall not be entitled to vote as property owner"? C. Betts: As property owners, I think, because it says property owners whose property is exempt from taxation, it kind of appears as though every property owner whether an individual or partnership shall have one vote, then it goes down here and it says that the properties that are exempt do not have a vote. So it, I understand that but I think it should be, I mean, you can be like a preacher, he lives in a house that is exempt from taxes but he can vote as a citizen. C. Frey: No. C. Betts: Yes he can. C. Frey: No he can't. Only property owners, only taxpayers that... C. Betts: No it's not. Deanna: As a citizen. Mayor Post: A reverend can vote. George: Let me give you, we have a unique circumstance that I want council members to be aware of. I don't know how this happened, but first of all, other than church properties, school properties, any estate properties, parsonages which would be a part of a church which would be tax exempt, we also have a condition and I'm not sure perhaps Stephanie can answer this question, Lutheran Towers, when they were built, and I don't know if there's individual, if those persons own those or is... C. Betts: The people rent it that lives there and they are entitled to vote but the person that owns its is a non, it's exempt. George: Well, no they pay us actually \$2500 a year. Mayor Post: That was the agreement years ago. C. Betts: Yeah, that was the agreement, but still they're more or less tax... C. Hudson: It's still owned by the Lutheran Churches. C. Betts: Yes, so it's a church, but those people are entitled to vote. Mayor Post: Yeah, the people are residents. They don't own the property, the property is owned by the church. C. Betts: But that, if you are saying, I mean, this makes it sound like property whose exempt, like Lutheran Towers or the church, what I was saying like the parsonage. We have people living in the parsonage that is exempt from taxes on the property but they can vote. George: Can anyone think of a circumstance that they're aware of where a property owner may own an individual property that's not tied to a school or a church and that that property is exempt by town, the town has exempt it? C. Hudson: What about the Tidewater Company, I mean, as far as I read the contract, aren't they exempt from taxes? George: They would be. C. Hudson: And yet, if none of them actually live in the sewer plant, then...that would be an example. Mayor Post: That would be an example, but another example, the museum would be exempt from taxes. C. Hudson: And nobody lives there. Mayor Post: And nobody lives there. C. Betts: Well the theatre is the same way. Mayor Post: So, but the thing, but yeah, the theatre is another, but see I think, and this is my and maybe I'm wrong, is that it does read right, because what it said, because the property owner of the parsonage cannot vote because it's tax exempt. So it's the church. Now, the person living in it can because they are a resident and a citizen of the town. So that, I think that's why I think it does read right. C. Betts: Ok. Mayor Post: Because it would not exempt a person living in it, it's the person that owns that

whether it's a church or a non-profit or something like that, would not be permitted. C. Betts: Alright. I guess Reverend Battens house is not a parsonage, right? Mayor Post: No. C. Hudson: She owns it. Deanna: But even if it were, the church would own, the church wouldn't vote but she could vote. Mayor Post: So you want to protect whose living in it that they can vote, whether it's a parsonage or whatever, so if technically, I think it reads right. But it will not permit them to vote, which I don't, that's what we got, that's one thing we've, that's not fair, is the two votes. C. Hudson: So if we have out of 1800 people, maybe, you just count the kids, you have 1400-1500 citizens, and that includes all property owners, all corporation owners, all partnership owners, so if you get 10% of those to have a special, you would need 150... Mayor Post: 140 – 150 to bring forward a referendum. C. Hudson: Just to be on the safe side you might want to go for 200 signatures, but... Mayor Post: To raise that a little bit. Deanna: But I thought the discussion was...you don't have any way to tell that. C. Hudson: I think you left it at 10%. C. Betts: I think it's better than 20%. George: How is the 10% identified, I think isn't that what we ran into? C. Hudson: It said of eligible voters and that would include all the property owners. Deanna: But you were going to run that by Brady, I think. Stephanie: Well we don't know how many people are in that house that are eligible voters. Mayor Post: But I see, with Mary, because she is saying, that the lower you keep it the easier it is going to be for them to... C. Betts: And she said to add it, to make it higher. Mayor Post: To make it higher so they'd have to get more names on that petition to be able to bring forward a referendum. If you lowered it, or keep it the same, 150 names is not that much to create a referendum. C. Frey: And you'd have no way to know how many eligible voters there are in the town. C. Hudson: That's why you actually aim for low 200 just to be on the safe side. Mayor Post: It is confusing. I mean I agree with you on that. C. Frey: One of the rental houses in Wagon's. Do you know how many renters are in that house? C. Hudson: It's under J in the red. Mayor Post: You're right. And I don't know, it just depends. Do we want to make it easy for a referendum? George: The only thing you know if you, if you don't know how many (unintelligible)... Mayor Post: Well that's why I'm really wondering if it shouldn't even whatever with instead of a percentage not just have a number. C. Frey: I think you should have a number because you don't know what the percentage is going to be. C. Hudson: But you'd have to have a number only if you knew how many could actually vote, I would think. Deanna: And if you have a number, then as the population increase, the number is going to be smaller soon. That's why, and I think, if you just say 10% of eligible voters, and even if you say we estimate that Milton's eligible voters are approximately 1200 people or whatever. I think that's an invitation to a lawsuit. Stephanie: Is 25% too much? Mayor Post: Well, I think that's a serious John Brady thing because, I think that even he, and you could ask him to look at the percentage to see if that's realistic, because I do think that you don't want to get that percentage too low that every time you turn around you'd just have a referendum on it, because they can get the bids very easy to get that amount of people. And a purpose of a referendum is that it is so compelling to the Townspeople that they want an input on it, that that's why they are going after it. It's to drive those people to take action is how I look at it, making it easy, it doesn't drive any action, really, I mean that.... C. Hudson: The pro-Milton Development Group got 140 signatures because they wanted more public input on the North Milton thing, and I think they were really driven to get those signatures. So my thought is 10% is going to end up being somewhere between 150 and 200 signatures. It's not that easy, I don't think, they really had to work at that. Mayor Post: Let's see what Brady comes back with on that. But, I mean anything, it should be anywhere from at least 100. I think it should even be 200 like 200 signatures for something like a referendum, because the town's growing. But then again, if you do the percentage, you have to have a way to define it, because then it could be challenged. And I mean you can understand why it can be challenged, because you can't just say well we think there's 1400. C. Frey: And it will be challenged. Mayor Post: So you have to be...so how do

we figure out what it, how many, and I can't believe that there is no way to figure out how many eligible voters as small as this town is. George: Registration of an eligible voter, whether, also have to register like a register voter who has property. Can we require that registration of those voting in a referendum? C. Hudson: Is there some way you could get a list of how many people in town who have licenses so you know at least how many people are over 16, would that help? Stephanie: It would be easier to use the county registration, department of elections card just for referendum (??). C. Frey: You know where you might find out? You may find out through the school board because you don't have to be a registered voter to vote in the school board. Stephanie: Another thing is, when you are talking about J, the last sentence about personal identification indicates a citizen in the town of Milton. I'm wondering if any of the new election laws cover special referendums and what we can require these... George: We'll check that too. Stephanie: So if you keep a percentage, would it be easier just for referendum purposes use the counties...? Mayor Post: Well, I think the key is to talk to John Brady to say how we can legally write it and get an accurate count if we use the percentage. So how do we define what the percentage of, and there has to be. Even the census must reflect, there must, for the Town of Milton we must have data to show how many residents age 18 & over, or whatever. George: The census information will be so obsolete by the time you try use it that it's so askew.

Section 3N: C. Hudson: Actually that's 6 public places. C. Frey: I think we were going to re-change that anyway, weren't we? Stephanie: In the beginning of a Charter review, Mary, we were concerned with that some of these individuals would not let us place them. Mayor Post: I think we went down to 4. I think we've gone and we are going to make it uniform throughout the entire Charter and I'm not specifying but I do think we were going to keep the website in there and the other 4 sites... C. Frey: Did we go down to 3 newspapers also? Mayor Post: We need to check that to see. C. Hudson: But why wouldn't you list them because then somebody who went on the website, are you going to post it somewhere so if somebody wants to know where they can find it? Mayor Post: You're right, but that's something you could do on your website. Stephanie: We have a special referendum on there. George: We are working on changing those but they will not be ready until Tuesday. C. Hudson: But some people don't have computers. Stephanie: We were going to leave the bulletin board outside of Town. C. Hudson: I'm not opposed to listing them. I think it was actually a good idea to list them. Mayor Post: The problem, the more defined you are the more you are held to that type of thing, and I mean there's pros and cons to that and that's the only problem. For example, you have in your Charter and one of the buildings burn down, but you've got in your Charter that you are going to post it in front of the whatever, but things happen like that. Deanna: I think the goal was to say that they will be in public places so the people will just see them. George: That's where as we go back to the review where we said we were going to try to be consistent throughout the document. Let's get that done.

Section 3O: C. Hudson: Could you ask who would be responsible or held accountable to record this? Mayor Post: Who is responsible for recording the annexation at this time, when an annexation comes in to town? Is the person annexing or is it the Town? George: We would normally get a description of the plot. The deed, as we create a property record, and the property records are put on the books and we make sure that they bring to us a recorded deed. Mayor Post: And is 90 days something that could be done? George: I would think that they... Stephanie: Barring that nothing is wrong and any description aren't wrong, just as a personal, my house took six months to record it because one thing was off. C. Betts: It takes the recorder of deeds that long too, more than that to record them. C. Hudson: I think it should be 90 days after the Council vote or in the case of a special referendum, no more than 90 days after said special referendum. Mayor Post: Good point. C. Hudson: So do you want to keep it at 90 days or, it might be a little short. Mayor Post: See that's why I don't understand why you don't protect yourself and put like 120. To me it's better to have a little bit of extra time. It doesn't mean that if you

can do it and get it done in 30 days. That's why we are dealing with issues of incorrect timelines. You have more state responsibilities now to report to and I don't see what it will hurt to say like 120 days. I mean, why would you want to hurt something like that; you're going through the whole process, because you're a few days short or something. Does it matter, I don't know. Explain to me the big deal to say a 120 days. George: Well you could always include the verbiage to opt out of the 90 days along the lines of... Mayor Post: But that bothers me to because then it's always like a weaseled way out. I think you need to have to do something within the time period but do you have to set. I think by saying that you are giving away with that whole clause. Deanna: It simplifies it if you have a bigger time because then you don't have another whole process. Mayor Post: But to set out that you can vote to opt out, you could do that with every section of the Charter if you want to do that, and that's not the purpose. The purpose is that you adhere to these things. C. Hudson: Make it 120 days? Mayor Post: 120 days? George: 120 it is.

Section3P: George: Deanna, why did the committee speak to the Board of Assessment of Sussex County? Deanna: I think this was just the way it was in the old Charter. George: We have our own assessor. Deanna: I don't remember. George: Because someone could say well my property is not on for some reason with the Board of Assessment, so you couldn't...that would be a problem I can see. Deanna: (Read verbiage of old Charter) I think that one meeting I missed was at the very end of annexation, so I don't remember, especially this because I wasn't there. The last section, the old Charter has some stuff in it about the Board of Assessment. Mayor Post: What is the Board of Assessment's of Sussex County? Is that the recorder? Deanna: That's the county property assessor. Mayor Post: So it could just be a backup that if it has, it could be on that one or if its not on say a proof for some reason. Deanna: This just basically says even if you have tax exempt property and you want to annex, you still have to go through these procedures. George: Agreed. Mayor Post: And I think that it doesn't matter whether it's the Board or whatever, whichever book its on. C. Betts: I think it has to be on both. C. Frey: I don't think a church would be on the County Board of Assessment. C. Betts: Oh yes it is. C. Frey: Even though they are not assessed? Mayor Post: They will want to have that record for when it's transferred. C. Betts: It could be transferred to someone, to another church or Deanna: So I think this was just to say even if you have tax exempt properties, you still have to go through the process. Mayor Post: When are they in session up there? George: They are out of session for 2 weeks right now. Mayor Post: Does anybody know if they go in session in June? Stephanie: Don't they end June 30th? Deanna: Isn't there usually a date that anything that needs to be considered has to be in? Mayor Post: When they go out in June, when do they come back? George: I don't think they come back until September. You can rush all you want to get this done and to vote the hours that it takes to do it, get it up there, it doesn't mean it's going to be acted on. Mayor Post: I'm aware of that as well. Stephanie: They are out from June to January. Mayor Post: Council Meeting is June 4th. How about back from Brady on May 23rd. C. Betts: They told me and we talked about the other night, it should be in their hands of by the middle of May, no later than the end of May. It's up to you what you want to do. Stephanie: We could always have a special meeting. Mayor Post: That's what I was thinking. If we can get it back on the 22nd, and we review it at a workshop on the 22nd, and have a special meeting on the 24th. We've spent a lot of time on this and maybe he could footnote specific areas that we need to look at. We've discussed it all, we've made our comments and that would give him if there were any tweaking that needed to come out at the workshop on the 22nd, he would have two days to get it back to us on the 24th for vote. Stephanie: But you don't have time to give your tweaking to the public for a public hearing. Mayor Post: We could do the public hearing on the 23rd. Stephanie: What I'm saying is Brady has to tweak on the 22nd and it doesn't the public time for a special (??) to review all the comments made on the changes. George: These workshops, which have been open to the public

anyway, speaks a lot with regard to the work that council has done here. But you still need the document in finished format, in draft form, before voted on, needs public review. Stephanie: What if Brady got it back to you by the 15th? What if Brady got it back to you by the 15th? Mayor Post: May 15th? Stephanie: Now keep in mind, you have the theatre the 3rd Thursday of every month. Mayor Post: Thank you Stephanie, you resolved the issue. May 15th we can have our workshop. We'll have the public hearing on the 22nd. Stephanie: We can't do it that on that date. It's the Board of Adjustments meeting. Mayor Post: Ok. May 15th, the workshop. George: May I suggest that May 15th, which you've identified as a workshop, the only purpose is to review a draft document. Do you really need a workshop to do that? If we set the time line that the draft will be back from Brady and he's review it, can it be just disseminated? You are working against yourself with too many meetings. By the 15th, that the draft document will be back from Brady and then passed out to all of council and we can also post it on the website at the same time. And the other thing is that you do not have to on the 23rd, you can have the public hearing on the same night you have council to meet to vote on it. Then we could do that on the 24th. Stephanie: School boards have their meetings the 4th Thursdays. C. Hudson: This is a rather lengthy document, and might it produce a considerable discussion, even amongst the town councilmen if you go through it and make sure everything is the way you hoped it would be? Would there be enough time for that? George: I think we'd have to set the burden on council members once they receive the document on the 15th that they must review it with any comments or changes prior to the 24th. I think that it's the way it would have to be; just stick to some sort of timeline. Stephanie: And then if you are to change anything on the 24th, based on public comment, you've got a real short window there to get that change in and get it up to the Assembly, and you've got a holiday in there. George: Can we agree in concept on the idea of doing that and let me check with John to make sure when the last drop dead date is that we have to have it up there? Mayor Post: Fine, but I want a round about time line that we discussed somehow. George: The first thing I am going to do is identify the drop dead date. That will give us all a better sense of when it has to be there. Stephanie: So are we canceling the 18th and 25th meetings? George: There's no need to have those. C. Betts: Ronda wanted these passed out. They are concerns with the charter changes. Mayor Post: Are you familiar with this? George: I've dealt with this issue in the past but... Mayor Post: And I think it is something, again, that maybe needs to be talked to with John Brady. George: The issue has always been that some charters do say that a 1 mile jurisdiction of town limits. Now the definition and interpretation of what I've dealt with when I was former chairman of the Dover Police Chief Council. The 1 mile jurisdiction as it was determined to be from my involvement in it, it is good to have it in the charter. I think we need to have it. It is not for them to routinely patrol that, only to protect them if they are called outside their jurisdiction within a 1 mile radius in an emergency circumstance. Mayor Post: That is what I was going to say. Could something that would refer to for 911 responses only be put in? George: It's hard to train police officers to not go out there, but if they respond on their without being sent, that's the problem; that's where we really should not be sending an officer out there. As hard as it is to sit there and not go outside our jurisdiction, we all understand that, in emergency circumstances, you would think that. But if you're not called to respond - I've seen SusCom; I've seen domestics where people are abusing and beating each other - and a municipal agency is there, but because of either court history with the response that they did, they just don't call on them to respond. In other times, it works the other way where within that 1 mile radius that SusCom abuses the municipality by sending them all the time. Mayor Post: We are in a little bit of a different situation because we are looking at 4000 homes being built in the Town of Milton. Will that make us responsible to police those homes? George: Here's the difficult balance. A moral obligation to save a person's life or to protect them from serious physical injury, or an accident victim, and you let your police officers respond to that because it may save a life.

Rather than being called on, and I think those ground rules, I was always able to talk and negotiate those ground rules, another words, in certain circumstances, yes, please send my officers out there. You have to have enough people to do that yourself. And I can guarantee that the build out occurs if it's not annexed in, those calls for service by our police department will... Mayor Post: But they might be called, but legally we have no obligation to respond. George: I know, but you have a moral obligation. Mayor Post: No, I don't think we do. When you read that in here, I don't see that. All I see is that we are going best to 1 mile out. I think we need to put this to more discussion, because I have a little bit of a problem with this. George: But you can set the parameters by policy within the police department that determines, that somewhat gives guidance, as to what is expected of the officer if he has to respond outside. Mayor Post: But I thought currently, and I might be wrong on this, that if the state police asked them to respond, they can respond. George: They can. George: If the General Assembly allows it, and you have the 1 mile on there, and they would approve it and they will look at this very hard, and then you have, there are policies that can be set to regulate it, I believe from a legal standpoint, you lessen your liability in having to respond to those where you don't have the 1 mile jurisdiction. That's my opinion. Mayor Post: I am going to close now. Thank you everyone.

Adjournment: 7:04 p.m.

Respectfully Submitted,

Julie Powers
Executive Secretary