

Town of Milton
Special Town Council Workshop Meeting Minutes
Milton Library, 121 Union Street
July 30, 2007

The meeting was called to order at 7:00 P.M. by Mayor Don Post.

Moment of Silence given by Councilwoman Betts.

Pledge of Allegiance

Mayor Post called Roll Call:

Present: Councilman Prettyman
Councilwoman Abraham
Councilwoman Betts
Councilwoman Hudson
Mayor Post

Also Present: George Dickerson
Stephanie Coulbourne
Deanna Duby
John Brady

Additions/Corrections to Agenda

No additions/corrections to agenda. C. Betts made a motion to accept as submitted. C. Prettyman
Second it. All I favor – Aye. Opposed – None. MC

Executive Session

No executive session at this time. Will be held at next Council meeting.

Meeting purpose is for Final Review of the Proposed Charter Revisions that have been presented by the Ad-Hoc Charter Review Committee with the comments given by Council members and the Public present at the Public Hearing to be established, set up, and structured to be sent up for Legislation.

Mayor Post: We have done numerous workshops; we've had the public hearing; also the committee has also had numerous meetings regarding this charter. We can just review the comments and decide if there are any we want to entertain to include into the document and then go forward and have this ready for adoption at the next Council meeting, but by the following meeting. We can go section by section and review comments from the Public Hearing.

Section 1: No changes/comments.

Section 2: No changes/comments.

Section 3: Comments were given. Mayor Post: Deanna Duby questioned 200 ft. notification by the person annexing and whether the responsibility of the applicant or the town. Section 3b does include

**Special Town Council Workshop Minutes
July 30, 2007**

and it does put it on the applicant and they are to provide proof that it was sent out. Ms. Parker questioned the zoning being altered by the granting of variances by the BOA. Section G on Page 4, the very last sentence is confusing as the BOA does not grant zoning and it's not variances, its zoning. It's possible that you would just enter "are considered fixed" period. When a parcel is brought it and it's approved, that's it for that stage, correct? Mr. Brady: Unless the applicant applies to P & Z to change the zoning. Mayor Post: So then can it read "the granting of zoning changed by P & Z"? Ms. Duby: I don't recall putting BOA in there; it was probably done by mistake. Yes, our change that we submitted to the Town Council it does say BOA on it, but it was probably an error on our part. Mr. Brady: Currently the zoning code has provisions on how to handle a situation like this, and as you change it, can only be changed further as provided by ordinance, then that refers it right back to zoning ordinance so it follows right into the zoning code. C. Abraham: It can only altered by ordinance. Mr. Brady: I would change the word – delete the whole phrase "altered" through "adjustment" and change it to "change further is provided by the zoning ordinance". So the last line would say "can only be changed further as provided by the zoning ordinances". Mr. Dickerson: Currently, of the zoning ordinances, would require an applicant to make an application for a zoning change, and it would that. Mr. Brady: Once it comes in from an annexation agreement, if after it was annexed, the owners chose to apply for different zoning, they would have to follow the established procedure that's already outlined in the zoning ordinances. Mayor Post: Comments by Ms. Parker were about appointing 3 members of Town Council. "Shall appoint not less than 3 members", and I think it was just a question of the quorum issues and regarding P & Z or Town Council, whether this was recommended by both. The Ad-Hoc committee that it would be set up from the Council and then under our review, it was agreed upon to keep it as such. Ultimately, it's coming back to the Town Council as is. The issue of the quorum: any time you have a meeting that 4 people show up it's going to be a quorum. One thing you could put is that "the Mayor of Milton shall appoint 3 members, not less than, just say "shall appoint"; just spell out how many can be of that committee and don't leave it open for guess. So why not just say "appoint 3"? Next is Mr. Collier's comment's regarding Sections G & J and the Special Election Board for annexation. Section G - that's the changing of the zoning and we've already corrected that one. Section J – this is referring to the percentage of eligible voters for special referendum of annexation. Stephanie Coulbourne: Mr. Brady, can the Town have a special board for election of referendum based on the new...? Mr. Brady: That was my comment. Because of the new Chapter 15 provisions to the municipal election laws, separate election boards for special purposes were eliminated. You now have to have one election board for everything. So, under the one election board for everything, we can have the requirements, which I think are in L, are fairly clear that it's every citizen who has not – every property owner has one (1) vote and every citizen not a property owner has one (1) vote. It does not require that they be registered prior to the thirty (30) days before the election to vote, so that looks like to me to be a "show up and vote" kind of thing on the day in question. Mayor Post: So you are saying it's okay as written? Mr. Brady: Well, my only concern is the timing issues you have in K, reading the K and M together. Since you have to have ten (10) days to special referendum, ten (10) days notice, following the vote for petition to hold it – 3 newspapers having a general circulation; four (4) bulletin boards fifteen (15) days prior – you could get to a situation where with holidays something came in the 24th of – a petition was filed on Christmas Eve, you could get it to the point that you may not have enough legal days to have it posted and have election by the 24th of January, to meet all the requirements that are in this section here, because just getting something published and turned around, I guess my belief would be that K should be changed to forty-five (45) days and the rest of the time periods should be at least fifteen (15) days. First notice should be within fifteen (15) days and the special election should be within forty-five (45) days, because I see no period through the year where there are more than five (5) in a forty-five (45) day

period, five (5) holidays. But I see several in a thirty (30) day period where there can be 3 or 4 more legal holidays – the month of February; November - we're up to 3 legal holidays now, if you file something – that's my concern that you don't want to have it fall off because there wasn't enough time by the time it was filed. So I would suggest procedurally forty-five (45) days. I also believe, in K, there should be something in J... Mayor Post: It says thirty (30), do we want to change that to forty-five (45)? Mr. Brady: I'm thinking that J & K should be changed to forty-five (45). Mayor Post: So anywhere it says thirty (30), change to forty-five (45) and anywhere it says ten (10) change to fifteen (15). Mr. Brady: And the last thing I would suggest is that you do put in here in reference the Town Board of Elections in this Special Referendum here, that they are the ones who run it, and they can contract with the county Board of Elections to use the electronic machines. Mayor Post: That will be another number, right? Or will that be added into one. Mr. Brady: There's only one place I found ten (10) days, and that was in F. There was several places that I found... Mayor Post: J has several places... Mr. Brady: But that's on the hearing. Mayor Post: Was that okay to stay thirty (30)? Mr. Brady: That's okay for that, but the petition or filing the vote for referendum I think needs to be... those thirty (30) days are okay. What I am trying to do is this. K should be 45. M should be 15, the first 10. I do believe it should say, since we're changing it, that to accommodate the filing of a petition, that we are giving thirty (30) days to file the petition, thirty (30) days to vote on the request, but forty-five (45) days from the date of filing that petition to hold the election. Mayor Post: So the dates in J would read how? Mr. Brady: The first two thirty (30) days are fine. The 3rd and 4th thirty (30) is fine. The last thirty (30) is the only one that needs to be changed to forty-five (45). Mayor Post: What should we say about it being the same, that's holding the regular elections in Town? Where should that be placed? Mr. Brady: Under L, there should be a line here where it says "the books and records", the Town Board of Elections. Mayor Post: The books and records of the... Mr. Brady: Under... after that sentence; the following sentence. The new sentence should be inserted that something to the affect of "the Town Board of Elections shall supervise the referendum", "any special referendums held under this provision". And that is a new sentence at the end of L. I should say "The Town Board of Elections shall supervise any special referendums held under this provision". And there is one line that I did not read earlier and I apologize. Under subparagraph F, after the last sentence, it should say "All meetings of the committee shall be in public with notice as required under the State FOIA act". And I believe that handles the question, the concern that was in the beginning of the comment from Mr. Collier on Page 2. Throughout the Charter we have said that we're in full compliance; we are to comply with FOIA. This is just one extra line in there that should clarify that FOIA covers everything including the actions of this special committee. Mayor Post: And then there was a question in regards to the person annexing record their plot, and then up here again, thirty (30) to sixty (60) days after rerecording the same plot as a subdivision. That refers to Section N. Mr. Brady: I have to be very careful here as the recorder of deeds, it doesn't look like I'm trying to get double recordation fees for the county, which I'm not. I believe it is clarity that you shouldn't have to record the same document twice, is what I believe the concern was. You have to record the document when there are changes made and approved, but I do think a section in here, "this paragraph should not be construed to require the annexing party to record the same document twice" should be enough to clarify it. If there was a change or something, sometimes things come in and change it at some point afterwards, that would have to be recorded again and there are provisions for that. Mayor Post: Deanna, do you have any comments on that, I mean? Ms. Duby: No I didn't read it as requiring it twice, but I'm... Mayor Post: I don't read it as requiring it twice either. I'm reading it where it's required 120.... Ms. Duby: It certainly wasn't our intent. Mayor Post: 120 days. So all we need to do is just make a note to assure that it is not twice. I mean, I don't think that's anybody's intention but I don't read it as twice. C. Abraham: Not that this is a big issue

either, but also on N, where it says “Failure to achieve”, that sentence, and it says “120 day period requires Milton Town Council to vote on the annexation petition, whether or not the Town Council, or Milton community”. Should that be “citizens of Milton”? It just sounds, I don’t know if we’ve used that term all the way through. Shouldn’t it be “citizens of Milton in a referendum have voted”, instead of saying Milton community? Not that it’s a big thing; it just sounds different than how we’ve been speaking. Mayor Post: Who can vote in a regular election vs. and annexation is going to be different. C. Abraham: Like they’re citizens, where it’s citizens of Milton that vote, so why aren’t we saying citizens here? Just a word. Mayor Post: Anybody have any thoughts for a better road? Mr. Brady: Or “citizens of Milton in a referendum have voted on the annexation petition”... C. Abraham: Yes, that’s what I... Mayor Post: That’s fine. It’s from the first paragraph at the top, up from the bottom. C. Abraham: And get rid of community. “Citizens of Milton in a referendum have”. Mr. Brady: Insert after the word “or”, “citizens of Milton in a referendum have voted”, so I’m deleting the word “community” and eliminating a comma.

Section 4: Mayor Post: The Ad-Hoc committee recommended change of 2 years to 3 years. Mr. Collier had a concern of “block running” and so the ultimate solution then is 4 years, because it needs to be an even number. C. Hudson: Or stay with 2 years. Mayor Post: But 4 years would be better or stay as 3 years. C. Hudson: Better in the sense that you don’t have the expense of an election for the Mayor, or whoever runs for Mayor doesn’t have to get all that expense in trouble but the point being that if you do it every two years, you run with 2 different Town Council People every time, as opposed to every 3 years you run with basically the same 2 people. So... Mayor Post: But isn’t that kind of irrelevant because the Council election and the Mayoral election is totally different? You vote for one for mayor? I think it’s kind of irrelevant. C. Hudson: It all depends on if, for example, you ran with the first time with Ronda and Jack and if it was every three years, then it would come up you, Ronda and Jack again. So that’s the point that Mr. Collier is trying to make is that it comes out to be a “block vote”. C. Betts: Not necessarily. Mayor Post: Not necessarily. I disagree on the “block voting” concept. It’s only how you interpret it. C. Hudson: I’m just stating my opinion that I think it, even though other Town’s do it, I think it should be every 2 years, so that you run with different Town Council people each time. C. Betts: But you’re not running as a team. Mayor Post: No, you’re not running as a team. You may choose to do that, but you’re not running as a team. C. Betts: But your not, you shouldn’t run as a team. You should run it as an individual. C. Hudson: As he said, it’s a matter of choice. You may run as a block or you may run as an individual. But it would be staggered for you if it were in the Charter that you ran, as the Mayor, every two years. You wouldn’t have to be concerned about are you going to run as a block or are you going to run for an individual, because that’s still open to your personal choice when you run for election. Mayor Post: Well, I think 3 years is good and I think, otherwise, 4 years if they’re worried about the block running. C. Betts: I can’t see the block running. Mayor Post: You don’t know what is going to happen. So then would we like to leave it as the three? C. Betts: I don’t see anything wrong with it. C. Prettyman: I guess I’m with this two year but I think the three year, well... C. Abraham: Kind of truthfully, I always thought it should be in reverse – Mayor on longer than the Council. That’s how I always felt. C. Hudson: Well, the president of the U.S. gets 4 years and the senator gets 6 so you can look at it either way. President gets 4 and a representative gets 2. So, you can look at it any way. Mayor Post: What do you want to do? 3 or 4? C. Prettyman: I really don’t see the need to change it from the 2 to the 3 but I would rather if it ... okay, then if we went with the 4 what would Council...still be 3. C. Hudson: There’s now way it should be 4. Mayor Post: I’m for keeping it as 3. C. Hudson: I think it should stay as 2. C. Prettyman: I just don’t understand the need for why you want to change it to 3. C. Betts: Its fine with me, 2 or 3, whichever you want to do. C. Prettyman: It just doesn’t make any real sense to change it to 3 years. Mayor Post: Well, then do 4, because I think

**Special Town Council Workshop Minutes
July 30, 2007**

the concept of 2 years is not enough in leadership responsibility, so I will totally disagree with you sitting in this seat. So I'm very willing to say, whoever is sitting up here, 3 or 4 years. C. Prettyman: I would think that the person running for the mayor would already have leadership skills, and that's the reason why they are running... Mayor Post: It's not the leadership of the Town, it's a little different. C. Prettyman: ...so I would not like to see that this person for mayor is going to come in one year to learn leadership and then 2 more years possibly be able to lead. I would think that person would come in with the leadership skills and everything to be able to facilitate. I don't see the necessity of the 3 years at all. C. Hudson: I don't think having it at 2 years kept anybody from continuing leadership when the Town felt they were good enough to be re-elected. Mayor Post: I think that is very...that has nothing to do with that C. Hudson. So I think that you really don't get it is the problem. C. Abraham: Its accomplishment, timing. C. Hudson: Exactly my point. It is accomplishment. Mayor Post: It's that it's accomplishment; it's the structuring and it's the key...and the thing is, is that I do, I think the more the time, the better the person serving the Town has to be in that role. So, then why don't you make the council 2 years, if you're worried about somebody saying that they should be able to do this and that in 2-years time. C. Hudson: If the council is two years then you come right back where the Mayor runs with the same people. Mayor Post: Well no. I'm saying then change the Council to 2 years. I think the whole concept of the block thing is ridiculous. I think that's the most absurd thing I've ever heard. Because first of all, that's not...that's people's choice. C. Betts: But you don't know... Mayor Post: If you feel you're running with 2 candidates, you can choose whoever you want to run with. You'll have 4 people that's running any time a mayor is running, and that Mayor can side with 2 people any time they want if they choose to do it. It could be somebody sitting at this table, it could be somebody not. C. Betts: Or those 2 council people may not run again. I mean I don't think that has anything to do with it. Mayor Post: Right. I think the whole thing is kind of silly. C. Hudson: Having a 2 year term when someone has the confidence of the residence didn't stop someone, I know previous mayor's from having lengthy terms of office... Mayor Post: I think it has nothing to do with confidence. I don't think you quite grasp it. It's getting the work done internally. So has nothing to do with the confidence, you can have all the confidence... C. Hudson: It has a lot to do with confidence and trust and... Mayor Post: Well, that's just your interpretation. C. Hudson: Exactly and I interpret that that way. Mayor Post: That's fine. The issue is on the table...3 or 2...or 4? C. Hudson: 2. George Dickerson: For clarity, I would direct the question to John, which I think will help facilitate this moving forward, in time to clear you up. The issues that I have, the question I have for John, if at this point in this juncture that the Council in a workshop discuss it, obviously they can't specifically vote and there seems to be some rancor ensuing with regard to the number of years that the mayor should run. When it comes before Council in final format, and its, they would have to make the vote then, then for this specific issue should we notate that there is a disagreement among council members, and call for a vote on this issue? Mr. Brady: You're correct. You can't make a final decision tonight. With regard to this, it sounds like there's going to be an option A and an option B and perhaps an option C. One option may be 2 years; one option may be 3 years; one option may be 4 years. You're going to have to vote up or down the options, and whichever one survives that night is what's recommended to the legislature for adoption. So, but it sounds like there may be another option out there. From some discussion I've heard, it says here the Town Council 3 years, maybe something that some people may want to discuss also. So it sounds like what we do in Section 4, with the public comment that's been received and discussion, rancor is a tough word. I like friendly disagreement. C. Hudson: George, I don't think Mr. Post was displaying rancor. I agree with John, that's not a good word to use. Mr. Brady: So, I just, and I'd just make a note that Section 4 will probably, when it is posted and it looks like, because of the timing, I don't think we can get this turned around to be on the August agenda. I think this will be on the

**Special Town Council Workshop Minutes
July 30, 2007**

September agenda. And we'll have it where there will be options for Section 4 and it will also give the public and opportunity during the public session at both the August and September meetings to make comments on what they would like. Mayor Post: Perfect. That's great and we can move along.

Section 5: Mayor Post: Ms. Duby questioned the deletion of items G-J. Mr. Brady: They have been deleted since that was done. Mayor Post: Ms. Parker's comment referred to K and the resignation. Mr. Brady: There is no letter K anymore, and because of the deletion's it has moved up to H and I believe that is what Ms. Parker was referring to. And G wasn't totally deleted; only in part, because it had misdemeanor or on probation, and I had to delete that because our State Constitution does not bar you from serving a public office for certain misdemeanor's or being on probation. C. Prettyman: I have problems with H because I don't think that because you are running for the mayor's seat you should resign, I mean, just like our Senator, Joe Biden is running for president. He's not resigning and, these other... I just don't think that that... Mr. Brady: The research and the amended research that I said at the meeting in July that there were two other Towns that I found, Camden and Bethany Beach, that if you filed to run for mayor, at that point you filed to run, you resigned your council seat. The question was posed at the previous Council Town meeting, are there any Towns in Delaware that require you to resign to run? And they were two that I found that required you to resign to run. There are other Town's, such as the current Milton Charter that does not require you to resign your council seat to run for mayor. The determination is, it sounds like again, that if you're going to have friendly disagreement, and discussion on this, and it will be voted up or down on the next meeting, that specific provision H. Were there any concerns about any of the other provisions? The change to G? Because I tried to make G fit to what our State Constitution said. C. Hudson: I just want to go on record right now since Noble brought it up, mentioned it already with H, that personally I feel that should be deleted and there's actually a third town that I have found that has this clause that if you file for Mayor, you resign. I believe that was Dover where they have right now about 10 people have signed up to run for Mayor and they've had a big dispute whether they need to resign. Some of the people are on the Town Council but since it's a special election, their attorney said that they did not have to resign. But I feel that what this does is it actually punishes people who are on the Town Council who wish to further serve their Town by running for Mayor and I just want to go on record in saying I feel this should be deleted. C. Noble: And also, with this being that, here you may have been a councilman for several years and you decide you want to run for Mayor, you have already been giving to your community or to the Town and everything, and I feel that you should not have to resign because you have knowledge, you have gifts, you have talent that you have learned over the period of years as a councilman and that leadership to move up into... those are the people out here saying what they want for their mayor and everything so if you run for the mayor and you don't get it, okay, that is fine. But the people said I don't want, or I didn't vote for that person, whomever. So they select; it's the people and I don't think we, as councilman or mayor, should say a councilman must resign to run for the mayor, because you are going to lose a lot of talent and experience by that person running and then having to resign. C. Hudson: Well, it's like the mayor said, when he said why not longer years for the mayor? Here's a person who's put in a lot of time, has a lot of experience, has more agenda items to finish, complete work still to be done, and just because the person decides to run for mayor is punished, it seems to me that the people who voted for this person are also punished because they put the person on the Town Council and then the Charter says well you have to give up all those years of donating your time, your effort, your labor and give up what the residents voted you in for and just because you decide to file for mayor, that's why I think it is wrong. C. Betts: When you were voted in for council, they voted you in for 3 years term. So why wouldn't you want to fill your term as 3 years, and then if you wanted to run for mayor at the end of your term, I think you would be fulfilling your duties to the people of the town because they

*The Council minutes provided are a summation of the meeting to be used for informational purposes only. An official copy of the meeting can be obtained through Town Hall located at 115 Federal Street by filling out a FOIA Request and paying any cost associated with the request.

**Special Town Council Workshop Minutes
July 30, 2007**

elected as a council person, not as a mayor. And I feel if you wanted to fulfill your obligation to your citizens, that you would fulfill it through the years and when your time was up, if someone wanted to file for mayor, that would be the time to do it. You're not fulfilling your obligation if you... C. Hudson: No, you're doing more than filling your obligation; you go from town council to mayor. You are continuing to give to the people. C. Betts: Then you can do that at the end of your period of time that you were elected. Mayor Post: I think this is classified as something to vote up or down. C. Prettyman: And I have one more thing. I hear you C. Betts, and I look at our Mayor and he put one year in and he ran for mayor and he didn't finish his time. So you're saying... C. Hudson: That he did wrong? I don't think so. C. Prettyman: ...and everything. I don't see the rationality there that you're using and as I say, I just feel that you're going to...the town has spent monies and the individual has spent a lot of their personal time in serving their community and by those people that are out here put us here, and feel that those people that put us here, if we choose to want to run for Mayor, we should be able to do that without having to resign our seat because even if we don't get the mayor seat, we still will be able to serve the community as a councilman without losing all that experience that has been given to us in meetings and workshops and things that you have paid. You're going to be putting new people on, spending more money, and you, know, an ongoing thing and I just think that we need to stand back and look at the big picture. Mayor Post: Well, I think that this is going to be something we need to open; vote up or down and we need to make not of that and I'd like to kind of paraphrase councilwoman Hudson that I certainly think if you've gained support of your followers then you shouldn't be worried about having to resign your position. It's the same thing with the Mayor, whether you are running for 2 or 3 years. C. Hudson: Right, you shouldn't have to resign. You shouldn't have to worry about resigning. Mayor Post: No, I'm not saying you shouldn't have to worry about being elected if you choose to resign your position because you have complete confidence in the people that put you in office. C. Hudson: I still say it should be deleted. It's punishing the council member who chooses to run for mayor. Thank you.

Section 6: Mayor Post: I think all the fact is that this section all, because I am reiterating what Mr. Brady said that it is all going to be governed by Title 15 of the Delaware Code. Comments were made about the 60-day window and the requirement of ID at the polls. Stephanie Coulbourne: We changed it to 60 days so we could meet the State's requirement for filing of all postings. Mr. Brady: And that should be changed on Page 11, I; it should say "legal primary resident for...60 days", not 120. Sixty is what the new law came in wasn't it? C. Prettyman: It's 60. Mayor Post: But is there somewhere we're going to just say or what the State, that State code, and put it in here....? Mr. Brady: Well, we did. Mayor Post: So if it changes we have to automatically.... Mr. Brady: State code says a minimum of 60 days. Mayor Post: A minimum, so we could say 120. Mr. Brady: You could say 120. Mayor Post: Which I think is what the Ad-Hoc Committee wanted was a 120 days. Mr. Brady: The issue becomes this 120 days since the, and this is just under constitutional law on voting requirements, it would be a strict scrutiny and there would have to be an over-compelling state interest in having a 120 days when state law allows 30 days to walk up and register to vote. The question would be what and says that the state law for a state election says 30 days, when federal law says you can register the day of the election, it would, and the state law for municipal says registration has to be that you have to be registered 60. It can be a minimum of 60 days. Would there be a compelling state interest to justify 120 days? My opinion is that that may be difficult to enforce in district court if somebody would challenge it. It's 4 times what's required under state law to vote in the state election, 2 times the amount of time that was recommended under the state law and 120 days more than what is required under federal law to vote. It's something to keep in mind to why my professional opinion would be 60 days instead of 120. Mayor Post: If it says a minimum of 60, then the state should have just said 60 days and I think they'll change

*The Council minutes provided are a summation of the meeting to be used for informational purposes only. An official copy of the meeting can be obtained through Town Hall located at 115 Federal Street by filling out a FOIA Request and paying any cost associated with the request.

**Special Town Council Workshop Minutes
July 30, 2007**

the law if they had a problem with it anyways, so, I would say can we compromise and say 90 days here and would that be a little bit more of a comfort level? Mr. Brady: 90 days would probably be a little easier to justify than 120. Mayor Post: I think the issue here is also talking about people just don't move into town for a few months and then all of a sudden can vote in an election which we have seen in the past happen. So I think we're looking at more of a permanent structure. Mr. Brady: If they move in at the timeline to vote then the law permits them to vote. Mayor Post: So that's why 90 days and then they're going to have to bring the proof of their utility bill... Mr. Brady: It currently says 120. The new state law says a minimum of 60, and so I think we need to put this on the list to discuss at the September meeting as to 60, 90 or 120 days. I would not recommend 365; that clearly will not survive constitutional scrutiny. Stephanie: I think one of the questions was, was it preceding the voter registration, the date of the election, clarification on that? Mr. Brady: It's the date of election is how I read the new law. You have to be registered 30 days prior for the state and a minimum, at least 60 days prior to the election. That was the big issue in Rehoboth because that 60 day time period was very close for their election. Mayor Post: Now how about the ID issue? Mr. Brady: The ID issue...it would be nice if everyone had a photo idea, but the state law says there were some people that came in and said we don't get photo IDs and they gave the example of the, and I'm going to say the age, they said the 70 year old grandmother who doesn't drive. There's no reason to have her go to Motor Vehicle to get a photo ID and that she doesn't need the ID to go to her doctor; that she doesn't need the ID for any of the other things that she does and that's why they've put in that provision, if they are known to the election judges and sufficient proof to be known to the election judge. Mayor Post: Is that terminology in the state? Mr. Brady: That's what the state law said. C. Prettyman: Mr. Brady, in that statement you just made, I know myself who practically lives in doctors and hospitals, but every time I go for blood work, I have to show an ID. So, the 70 year old person, maybe they get blood work once year. I mean, I think that... Mr. Brady: I raised the question about DART, the specialized transit, because you get that automatically if you don't have a driver's license and they don't require federal ID's. And the voting law, when they adopted it, didn't not require a photo ID and I can't see where the town requiring a photo ID would be permitted under the state law. It's under the other acceptable forms of ID. C. Prettyman: So we have to feel that that person who brings in whatever piece of material is that person, because we have no way of really telling if it is or not because they have no picture ID. Mayor Post: Can we require a bill like a...I thought...we have a whole list. C. Prettyman: You can still have a bill and I could bring a bill in but it still doesn't say I am... Mr. Brady: You're absolutely correct, but I guess the bottom line is... C. Prettyman: That, I see, that is where it's going to really bite us because we do not have a picture ID to say that I am "Jacob Reed". I can bring in blank, blank, blank bills and with this modern technology that we have the computer, you can pick up and type up a bill and print it off and make it look like a bill and it's not, you know, so I just... Mr. Brady: I'm not trying to assess blame and I don't disagree with you. It is desirable; the first option that I think the law said is it's desired that the applicant to show their photo ID. In lieu of an ID, they can provide a social security card, other type of acceptable ID which...well, social security cards don't have photos on it and they say right in the front, not valid for identification but they are. I am just telling you what the law says. Stephanie: It states current utility bill, bank statement, credit card statement, paycheck... Mr. Brady: And it's funny because you can't do an I9 form without a photo ID so you're basically saying that somebody who isn't driving, isn't getting a paycheck, and I really thought at some point to get a social security card you have to show a birth certificate and some other type of ID that showed you what you were. I guess the footprints on the birth certificates are the best we can do these days. C. Hudson: It's just that we are acquiring so many new people into this town it's hard to sit there and visually identify people. Mr. Brady: You are absolutely correct. I'm not allowed to say blame Smyrna. Mayor Post: So you're

saying you can't do picture ID? Mr. Brady: You can't require; we can suggest and the law says you can ask for it but they say... C. Prettyman: Since we are still here with this voter registration and election, I'm trying, because of our Town Hall and I noticed the last election, is it possible we could put in here that we would like to move election to Mariner Middle school or HOB where there is plenty of parking, easy access or seniors to get in or out because I did hear a lot of complaints about the congested street and getting in and out and a lot of people didn't even realize that they could go around behind the building to come in that way. So, I would like to see that we change our polling place somewhere, it's in here, it's in F, to where we could have it at either Mariner Middle or HOB, either would be an appropriate place as they are handicap accessible and easy for people to drop off and they don't have to worry about crossing the street and... C. Betts: I don't have a problem with that. C. Hudson: I don't either. Mayor Post: I think the Town Hall is the perfect place to have the election. C. Abraham: I don't care one way or the other. C. Prettyman: I was out there and I saw the congestion, saw that, the two-way traffic and everything, and I did hear from several residents that they didn't even...they wanted to vote, they didn't vote and I just think that we are here for them and I think it would be a good idea just to have something that is really convenient for them all to get in and get out. Mr. Brady: Councilman, you look on page 10, paragraph A, which is under 7, I think the committee actually considered that; "held at a place designated by the Town Council". C. Hudson: So they could designate a school? C. Betts: They could designate anything. Mr. Brady: I think they put it in here that they could designate if they felt it was...and then that would be the subject each year of a vote that would have to be done by the January meeting. It should be calendarized so that in January that Town Council votes at the location for the election in March so the notices would be appropriate. Mayor Post: Well, just for the record, I think I believe in keeping things in the downtown as much as possible and I certainly think the Town Hall is accessible. I even notice many people handicapped that certainly were able to access it from the rear and they had no problem. And I was out the majority as well and I find it kind of interesting that it's a problem. I mean, how many years did we have it at the police station and I think that location was probably ever better than where the police station was. C. Hudson: Actually I thought it was easier to get into the police station because you had that little ramp that goes right up into the front door. You didn't have to park behind to get in so, anyway, it was actually easier to get into the police station. Mayor Post: That will be voted on by the Council. C. Prettyman: I agree with you Mr. Mayor. I like to keep things downtown, but I also liked to make it convenient for all citizens to be able get in and out safely. I just think that having it at one of our schools would be really conducive for all. **Section 7:** Mayor Post: Comments by Ms. Parker referred to the term of Mayor, if changed, would it start at new term and also about the residency period. The term would not start until after the next election; the new Mayor would be elected for the new amount of time. C. Hudson: Does this mean that anyone on the Council does not have to resign their position to run for Mayor? Mayor Post: No, because that is a procedure of the Charter. This is a term limit. C. Hudson: Alright. Mr. Brady: I think what I said in my opinion at that time was as follows. If for example the Mayor's term went and the General Assembly approved this in January, that would not automatically extend the current Mayor's term, it would make it that the subsequent Mayoral term would be 3 years. And if there was no changes to Council members terms there would be no changes. The New Castle County case I cited was one where in the past NCCo swore in their Council members in January after November elections. Due to a change in the legislation, the same legislation that doubled their council, it changed their swearing in date to the Tuesday following the General election. There were 4 members of Council that got voted off and they were saying "we should get paid" and then the key word I said was they didn't lose their emollients of office, the key word that came up it said "mullience of office", that's emollients what I was trying to say, and that meant they got paid until January although they didn't have any work to do.

And that was one of their emollients of office they got to keep that. If you change the term, you got to pay the people off for the rest of their elected term. But, you don't...they lost their opportunity to participate in decisions because their successors were sworn in as the law changed. That's what I was trying to say. But I said, if for example the General Assembly passes Charter change after next years elections, then it would not go for that Mayoral term, it would go for the next Mayoral term. Mayor Post: The second thing under Ms. Parker is the US citizenship, passport and birth certificate which is letter I, page 11. Mr. Brady: That was documents required as proof. That's requirements under the new state law and so I was just using the new state law. Mayor Post: So if somebody comes in to register they'll have to have a passport, birth certificate... Mr. Brady: ...Or other proof to the satisfaction of the voter registration committee that they are: a US citizen; domiciled in the Town of Milton; over the age of 18; not convicted of a felony, but if convicted of a felony have been either pardoned or compliant with the legislation that permits convicted felons to be able to vote after their probation is done and their restitution has been paid. Mayor Post: And then she talked about the 120 days which we've addressed and talked about whether it was, and you defined when that would be. And under Mr. Welu's comments, that was that vacancy thing again which you've just defined. Mr. Brady: Subsection O is the trend now under Section 7, that they would rather have a special election than the flip of a coin. C. Betts: Going back to the licenses. Why is it duplicated? On pages 11 & 12 it says "If voting in person...one must provide a current...driver's license or ID card. Mr. Brady: The requirements to register had to show all these different documents to show you were a resident. Once they were shown all the documents, the only thing you had to show to vote was that you were the person who was registered and some proof sufficient to them either a photo ID, an ID card or personal recognition by a majority of the election officers. C. Prettyman: Also, they could use their voter registration card. Mr. Brady: Correct. C. Betts: But that doesn't say that. It says either a current driver's license or ID card. Mr. Brady: We don't give a voter registration card for registering in the Town of Milton. They do give a voter registration card when they register with the state. C. Betts: So that's the same thing as their ID card, right? Mr. Brady: Well, the ID card was the one from motor vehicle that has your picture on it. C. Betts: But it doesn't say you can use what he's saying. It says it can attest to a voters ID, identity and address, but it doesn't say if someone doesn't have an ID card or a driver's license then they can evidently vote, right? Mr. Brady: No. It's the state law.

Section 8: No changes/comments.

Section 9: Mayor Post: Mr. Collier question Monday holidays, whether we are going to hold it on Tuesday or following Monday. We have had one issue where it was a holiday and then I think it was a presidential funeral and I think that was why we suggested moving it up one week. And we meet now; it's certainly not an issue of getting things done because we meet 2 or 3 times a month at times now. And, so I mean it was recommended moving it to the following Monday, if that Monday falls on a holiday. And then there was a question of allowance and compensation which Brady responds to allowance here as a reimbursement of mileage. And Section B talks about the compensations. C. Prettyman: They don't state what the amount such allowance a private automobile shall be paid. So we don't have a rate there. Mr. Brady: I think the IRS publishes a rate and that's the commonly accepted rate. Currently, the IRS is about a dime more than the state, because they've adjusted twice last year because of gas increase, so if you put in here... I would delete "such allowance...serving of papers" and replace that with "allowance for each mile necessarily driven in a private automobile at the IRS reimbursable rate". It would be my recommendation, remember you can't agree to anything tonight at a workshop, but you vote that up or down at the next meeting when you vote on this, so my recommendation would be to delete the wording that says "such allowance...serving of papers" and replace it as "such allowance to be paid at the same as the IRS approved rate". Mayor Post: You don't

**Special Town Council Workshop Minutes
July 30, 2007**

want to do the Federal rate? Mr. Brady: That is the IRS rate. Mayor Post: But that's the Federal; it's not even called the IRS; we do the Federal rate.

Section 10: No changes/comments:

Section 11: Mayor Post: Mr. Collier commented on the Roberts Rules of Order and his objection to the Mayor to suspend those rules at his discretion. C. Hudson: I think that takes the vote away from the Town Council and that one sentence I feel should be deleted because I think it should be by majority vote to suspend Roberts Rules of Order and not at the discretion of one person. C. Abraham: Why would you suspend the Rules? C. Hudson: Well, there are times when you don't want to follow the agenda or you may wish to make the meeting more informal; sometimes if you'd like if you decide you want to allow somebody to speak out of turn; there are times when the council may decide to vote to suspend the Rules so it's not as formal. For example, when we had the Howard discussion, we basically were not following Robert's Rules per se because people were allowed to speak at different times; they were allowed 2 and 3 different times; and it may allow a better flow of discussion at times to suspend them. Mayor Post: That is a fine example. First of all, we never adopted Roberts Rules of Order. I highly recommend against it because how people want to interpret things and can misconstrue things and also make legal issues, so I highly recommend that we do not lock the Town into something like this and that the Mayor should be able to have the discretion on it. And I believe also, and I just want to remark if she wanted to use the example of Dr. Howard, I think she's incorrect on that because it was a public meeting and at numerous meetings the public has spoken outside of public comment so that public hearings in Town Council meetings, the public does speak. And that's the decision of the person running the meeting. C. Hudson: Of course they were speaking. Mayor Post: If we want to continue and tighten and manipulate and let people interpret on their own, I think you are just opening problems like we've already seen. C. Hudson: That's exactly what happens when the Roberts Rules or Order can be suspended by one person is that you can have manipulation. The Rules have built in that Council can vote, by majority, to suspend at will and that makes so you're not locked into it at any time. But it does allow for rules and procedures and a way of doing things that are more democratic and less toward personal discretion of one person. Mayor Post: Permitting people to talk is less democratic, okay...interesting. C. Hudson: That one line should be... It says right here, the Council should generally follow Roberts Rule of Order and the Solicitor should be the Parliamentary. And I think the Town Council as a whole should decide when they should be suspended. I don't think we should give away our individual votes and our individual powers... C. Abraham: I don't agree. But I think you have a leader in the Mayor at Council meetings that... C. Hudson: He has one vote. You have one vote. Ronda, don't give it up is all I am saying. C. Abraham: I'm not giving up anything. I'm just... C. Hudson: I don't want to give up my vote on when we should follow Roberts Rules of Order and when we shouldn't. I don't want to give that away to one person. I don't think any of us should give away that vote of when to follow the rules and when to not. C. Prettyman: Well, wouldn't our Solicitor, because they say the Solicitor is the Parliamentary, so would he be the one there to guide us. C. Hudson: If we're following Roberts Rules of Order, yes. Mayor Post: It's not just Roberts Rules, its procedures, following the procedures how they're permitted. C. Prettyman: No, he would be the one to follow everything through the whole thing because he is the Parliamentary. Mayor Post: Exactly. C. Hudson: But Noble, once the Mayor suspends the Roberts Rules of Order you need a Parliamentary because then it's a "well anybody can do anything" if there are no rules to follow, then anybody could speak up at any time and anybody could do anything at any time because you're no longer following a set of rules which were made to provide order during a meeting, you don't even need a Parliamentary. C. Prettyman: Mr. Brady, could you comment on that for me because I am kind of con-foreign-fused in a little country here and I see it as being Parliamentary that you would be over it whether it was Roberts

**Special Town Council Workshop Minutes
July 30, 2007**

Rules or not that you would keep us in line... Mayor Post: Right, and that's how I perceived it. You're exactly right. C. Prettyman: I don't know, can you clear that up? Mr. Brady: Roberts Rules of Order have been around for a long period of time. Generally, however, they're not followed in many legislative municipal bodies. Masons Manual on Legislative Procedures, which is now in the 5th Edition, is the one that is presumed to be followed, and that usually handles the procedural rules. Even if the rules were to be suspended there are certain things that are still required. You still have to have a proper motion; you still have to have a second. The law and the Charter requires that the roll call be done and the people have to do an aye or a nay and their vote has to be recorded by both the clerk and the secretary in the official minutes. The point made by C. Hudson is valid that if you have a, when here it says "at the discretion it can be suspended" you don't want to have something where it is perceived improperly but there will still have to be the requirements for motions and votes. Just because a rule is suspended it doesn't mean that the majority doesn't control on passing or defeating a motion or things like that but it is a point that I understand why C. Hudson is making the point and when you vote on this not earlier than the August meeting, since there isn't sufficient time to put proper notice out for, but at the September meeting then I think there will be an interesting discussion on what language you want to you use on 6 & 11. Mayor Post: You are the one that rules on anything you see as out of line during the meeting. Mr. Brady: I have to stop you when you start to go down a path that you shouldn't follow and I try hard. There are lots of Attorney General rulings that tell where you try hard and you fail, but at least you try hard. C. Abraham: The reason I question it is, and I think I am looking at it is by the Mayor suspending that, for an instant would be in a meeting where say the public isn't allowed to speak, but because of the nature of what we're discussing is very important to hear, he may suspend the rule of orders just to hear to entertain what is being said. C. Betts: And get clarity on it. Mr. Brady: I guess the example you would have done would have been, and we'll just say hypothetically, the motion had been made and second on an issue and discussion was being done and a question came up where you needed an answer from the applicant, generally speaking, under the rules, the evidence would have been closed at that point. So by suspending the rule, you would allow it to reopen to get that question answered so the members of Council would have all the information possible in order to make an informed decision. So I can see that point but I understand also that Councilwoman's concerns that having it where generally that at the beginning of a meeting the Mayor could say "well tonight I'm suspending Roberts Rules for everything". And I think that that would be reserved for rare occasion if that power was to be utilized. C. Hudson: It doesn't even have to be at the beginning of a meeting; it says at discretion, but then on the other hand, how long does it take to say I make a motion we suspend Roberts Rules of Order, there's a second, there's a vote by the majority of the Council, and they're suspended. It takes but a moment to do that and then make a motion that we re-establish Roberts Rules of Order, somebody seconds it, you vote it back in. It takes but a minute to do that without giving up the Councils powers and right to vote on it. So it doesn't need to be at the discretion of one person when it's built in to Roberts Rules of Order that you take a simple majority vote and very quickly done at that at any time during the meeting and the Council retains its right to vote on it; each and every one of us retains our rights to vote on using the rules or suspending the rules at any time during the meeting. So that's why I think that this is unnecessary. Mayor Post: I think it's just opening Pandora's Box. C. Hudson: When one person has that much power is does open Pandora's Box. Mayor Post: And I think, no, I disagree. To allow people to follow from such strict guidelines so that people can interpret something however they wish and as well as trying to keep a transparent government to have the people involved. I see nothing wrong with it. C. Hudson: Well that's why we have rules so that we can have transparency in government. Mayor Post: Whatever. We'll discuss this in September and we can just

agree to disagree. C. Hudson: That was arbitrary, that's okay. Mayor: Well, thank goodness there's a lot of different diverse reasoning up here. I'd hate for everybody to always be yes people.

Section 12: No changes/comments.

Section 13: Mayor Post: Disqualification. I think where it's going is that it doesn't state is that whoever is appointed to Town Council must meet the same qualifications for somebody who's running for office. C. Betts: Wouldn't that already be done when your name is put up? Wouldn't you already be...? C. Abraham: You talking about the disqualification part? No, the part they are talking about is if during your term you are already in, and you shall be found guilty of anything, this is during, this is not...something criminal "during"... C. Hudson: You could take out "found guilty" and just insert the word "convicted". There is a slight difference. Mr. Brady: You can plead guilty and you could also plead no contest, but when you're found guilty, found guilty is by a jury or convicted by a jury or a trial judge, the issue though becomes sentencing. Until you are sentenced, although you may have entered a plea or you have been found guilty, until you are sentenced, you do not have the impediment of having the guilt, the felony, on you until the day of sentencing. And that is the issue that has come up. For example, you saw recently Congressman Bob Nay in Ohio entered a felony guilty plea 3 weeks before the election but he did not resign his office until election day, after he entered his guilty plea because he was not sentenced yet, and that is the same thing under Delaware law that once you enter a guilty plea, you are deemed to be convicted of the felony until you are sentenced, and that's why Sherry Freeberry is awaiting sentencing in Federal Court in September, but she is not deemed to be convicted of that felony of purposes of the other rights that you lose for conviction of a felony. The Bar suspended her because she plead guilty, but that was something collateral, separate. George Dickerson: So this reads better because this says found guilty? Mr. Brady: Well, see found guilty I guess the way...I think shall be during shall be sentenced for felony. I would suggest when we do that sentence for felony that they immediately lose their office. I would hope that if that situation came up they would resign before sentencing, but sentencing, that would be when their office would be forfeited upon sentencing for a felony. C. Betts: I always thought it what found guilty. I never knew it was sentencing. If you are found guilty, you are guilty. Mr. Brady: Well, I will tell you the little lady run for city council in Wilmington, even though she had been sentenced because she had not been... George Dickerson: My question is, is it permissible in this verbiage to be correct and enforceable the way it is written here? That's my question. C. Betts: Just because you're not sentenced, you've been found guilty; you're guilty as far as I'm concerned. Mr. Brady: Remember, you can be found guilty and then on appeal you could have it reversed. C. Abraham: You know how long appeals can be. George Dickerson: Is it legally permissible the way it is written here? Mr. Brady: It may be, I think I would say I would recommend that in September it be more precise but. You asked was it sufficient right now for purposes of ending the discussion, probably yes. Deanna Duby: I have a question. It seems to me that Mr. Collier's question addressed all of the qualifications that were listed in the previous section for holding office and he said why would we just take the felony and the residency and say if those change under office you get dumped, but what about the others. When I read the others, most of them aren't going to change, because you're not going to become less than 21. There is one other one and that is you can't be delinquent in taxes when you file. So the issue is you want to cover in this section that as well, if you are delinquent in taxes or your utility bills, whatever, while you are serving, that that is fault. C. Prettyman: Going back to page 7, couldn't we just move c, e & f right over to this section? C. Abraham: Just move it over.

Section 14: Mayor Post: This is in regards to the definition of personal and professional services. Mr. Brady: If you want some language that may clarify that it could be as follows: For purposes after 6 as a new sentence, for purposes of this section, personal and professional services shall...professional

services shall include legal, engineering, planning or other professional style services and personal services shall mean cleaning, domestic or other temporary services, employed by the Town. If you are looking for clarification, I have that, I can clarify that. I only did that too quick for you Madame Town Clerk, that's why I wrote everything down and I'm going to hand you my copy tonight when I leave.

Mayor Post: That's fine. Mr. Brady: But I do believe the comment was valid that personal services, professional services do have a term apart from personal services and just to clarify it.

Section 15: No changes/comments.

George Dickerson: Deanna, may I ask you a question please. Going back to the top of that section, and we may have just missed it in our workshop. Item # 1, the aggregate amount involved is not more than \$5,000 in a fiscal year, what did your notes say? Was that 5 or 50 there. Deanna Duby: I think that we had put in one figure and you all upped it. George Dickerson: Well, in A it says \$50,000. Deanna Duby: Actually what we did, in the old Charter, the current Charter, it says \$500. We upped it to \$2,000 and then I think in discussion you upped it to \$5,000.

Section 16: Mayor Post: The comments from Ms. Parker are about the FOIA. Mr. Brady: Right, and I took those words out and now it says "anyone desiring legitimate information". Mayor Post: I looked for that, and I thought it wasn't even in there. Mr. Brady: Not anymore. I tried to delete. Mayor Post: That's on page 18, section b, that's been taken care of.

Sections 17 – 26: No changes/comments.

Section 27: Mayor Post: Mr. Collier's comments were about the empty buildings and the separate tax and our Town Solicitor was talking about the City of Wilmington asking for the Charter change to permit this and I think it is a good thing to have in there, where he's talking about vacant buildings and having the ability to impose tax on empty buildings. C. Abraham: Can I back up just a second even though it wasn't highlighted but I've mentioned it several times? I had a question about the one-mile jurisdiction for the Town. Mayor Post: I thought we had that in here later? C. Abraham: No, it's in there for the Health board, but it's not in there for the police department. Mayor Post: I thought it is in a different area. C. Abraham: No, it isn't, but if you can show me. 22 I believe. The Board of Health has it as, in Section B, page 23, the very last sentence it says "extend to an area outside the Town limits for a distance of one (1) mile". Maybe you meant to put it in the police section. Mayor Post: I saw it somewhere here in blue. George Dickerson: That's public health. C. Abraham: See what I mean? It's there but not in the police force and the reason I'm asking is to extend it is I think it's just an extra safety precaution, help and assistance for citizens that close. Mayor Post: Look at page 39, Section 30 under streets. Mr. Welu had this long...we had this long discussion...it was there, 1 to 3, it was just back and forth. Mr. Brady: Where is it? Mayor Post: So where would it be? It has to be in that area somewhere. C. Abraham: If an incidence starts within Town limits they can travel, but what I'm talking about, for instance, Mrs. Stucklik had an issue arise where she needed the police quickly. Its state police territory, she had to wait for them. Our police are right there but cannot go unless they call and get, I guess, permission from the state police to go. Well, by the time you do that, whatever is going on is going on. Mayor Post: So you're saying they don't need special permission if they... C. Abraham: Not within 1 mile. Mayor Post: If you put it in the Charter. C. Abraham: It would not be used, I know people would say they don't need because they'll be running radar, if they were to run radar out there, any money that was collected for fines would go to the state, so it's not going to benefit the Town in that aspect. This is a responding issue. C. Betts: I think that was brought up. Mr. Brady: Yes. I did. C. Abraham: I'm thinking of safety, public safety, response time for people just... C. Hudson: Who's going to be responding to North Milton? 4,000 homes out there and their not paying one cent to our police? C. Betts: That's true, too, Mary. C. Abraham: We will be called as backup, we will be called because they are there at the request of the state. C. Betts: But we won't have to go until we are called. C. Abraham:

**Special Town Council Workshop Minutes
July 30, 2007**

At the request of the state, we'll be asked to go. C. Betts: We have to go if the state... we don't have to go if the state doesn't call us. That's what Mary's talking about, right? C. Hudson: Yes. C. Betts: 4,000 homes, 4000 people will be calling Milton because its within one mile. I can understand that. I agree with that. Mayor Post: That's the problem. I mean, I don't see if you don't have to, we shouldn't. George Dickerson: I heard Joe Conoway from Bridgeville address what his police department is going to do (unintelligible) and Joe said we will be happy to respond to assist the police agency of jurisdiction such as state police. When their car is on scene, we will send our unit out to make sure that the trooper is not hurt or (unintelligible). C. Betts: I agree with Mary because if you've got those 4,000 houses out there, they can be calling... Mayor Post: I'd like to put anything we don't have to be required to do. C. Abraham: Are they within a mile of us. C. Hudson: Oh yes. They're contiguous. Mayor Post: That would require the whole, probably the one mile stretch. They'd probably cover... C. Abraham: I don't know what it comes down to. Is it voluntary or if the state tells them to go, do they have to go. You know they'll be calling. George Dickerson: Actually, if it comes down to it, can you tolerate the moral issue that advises us to not responding and someone is seriously hurt or killed? Then it comes back to why didn't the officer assist. C. Betts: We had that. They had the Millman case that way. C. Abraham: That's what else I was getting ready to say, could we have responded? C. Betts: But if the state, and I do see what she's saying. Mr. Brady: Ok. I'm reading 22 and 23 at the moment, and in our current code, they have just repeated it into the proposed Charter. It has it within the Town limits of the Town. It does allow them in the case of pursuit of an offender. The power and authority of police support shall extend outside the territory limits of the Town of Milton. And it does say here in the Town Ordinances for an area outside the Town limits for a distance of one mile. My comments I raised was when S. Bethany tried to change their one mile to three miles and the Governor vetoed that Charter change, saying that was an extension down to Fenwick Island and that was not going to be permitted by the Governor. You've also asked about a pending house build that is on the list to be signed by the Governor. If she signs that bill, the regional dispatch center, which is known as Suscom, could dispatch a Milton unit into a non-Milton area and they would be given full force of state police while they are out there. And the issue why the Governor hasn't signed the bill yet is that she is slightly uncomfortable because it puts the liability on the dispatch center and the State and not on the Town for any acts that may happen while they are outside their territorial limits and that's giving her angina for the moment on that issue. C. Hudson: Plus the fact that if they're in N. Milton, they are not paying us anything and then our police are not here protecting us and we are paying for it. Stephanie: So if 911 asked them to respond... C. Betts: They'd have to. Mr. Brady: They have no choice. Mayor Post: Not for traffic or anything else. George Dickerson: I disagree. You can't make our police respond outside the Town. I'm telling you, you can't do it. Mr. Brady: I believe what the Town Manager is saying is that if the police officer doesn't get there fast enough... C. Betts: After they're called, that's right. But they would still have to go if they were called. George Dickerson: The Town of Milton has no responsibility or obligation to have a unit respond outside of its jurisdiction, I'm telling you. Mr. Brady: And you can notify the state police as such and then... George Dickerson: The way some Towns are going to handle this issue because of growth outside, they are going to say to the dispatch center, please do not call and ask my units to respond outside of here unless it's an absolute emergency or to clarify serious physical injury or death, or an accident scene where somebody needs to go and perhaps you can save a life being there, but then there's some kind... Mayor Post: But for a burglary or if somebody just broke in... George Dickerson: But something like that you... C. Hudson: Is that what Georgetown is doing right now? Stopping things at their borders? George Dickerson: I don't know what Georgetown is doing but I'm telling you the issue is that because the state police being so short manned, which has been the case in the 30 years that I spent in Delaware law enforcement, I'm

telling you they always call on the municipality to go out there and there's nothing that the municipalities get because of it on any given time and then sometimes, there's been issues in the past where I will call them somewhat rogue police officers have gone out and misused their authority within that jurisdiction. C. Prettyman: I have to agree with you on part of that because I can see, I mean we have our officers here to protect the Town of Milton and they may be involved in something here and they get a call out there and then what are they going to do, up and leave here? And not give the service...it's a real touchy situation. George Dickerson: I think it's not just going to be the police that's going to have to handle this, you as Council are going to have to say because of the moral issue that I lay out before you, there is nothing wrong with having a mile jurisdiction, in my opinion, that covers to going out. The question is that each time that they are sent out there, the tendency from dispatch centers are, okay, it will be a serious call right now and the next time will be can you just run out there and see if there's a car parked...I know, I've experienced that. C. Abraham: I'm just thinking from a citizen's point of view I'm happy with whoever gets to me the quickest if I am in fear of my life. C. Betts: But the state should, if they can't be there... George Dickerson: Worst case scenario is always this. You have a municipal officer respond to a scene outside their jurisdiction and for some unknown reason they have to use deadly force, and they shoot someone and they kill them, then you can rest assured you are going to be brought into civil litigation and you're going to be sued as a result of that; where did they get their training; who trained them; was it our...I mean a whole gamut of issues open up. Mr. Brady: And that's what the Governors currently looking at on that bill. George Dickerson: This is a tough issue, folks. C. Prettyman: Okay, let's move on. Where are we at? Mr. Brady: Section 27, Collection of Revenues. Mayor Post: We already discussed that; that was the empty building.

Section 28: No changes/comments.

Section 29: Mayor Post: Mr. Collier referred to page 31, item 17 in regards to trees. C. Prettyman: We have an ordinance coming up in our September meeting, our August meeting. Mayor Post: Mr. Brady said that it would be his professional opinion that this was enabling legislation that would have to be clarified by an ordinance, then the ordinance would reference this. But in the current Charter, I could not find enough enabling language to permit an ordinance for trees. I want to clarify that the power was given by the legislature to do a tree ordinance. So that stays. Then below that again with Mr. Collier about the collection of taxes, this was about transfer tax, the 50% charge to purchaser. Again, this will stay the same because it talks about the (?? 8:57:21) of Town when they sold the property, the new buyer would have to pay the state portion of the transfer tax. In regards to this, how it's written, will enable legislation to the fullest extent the state permits, so it gives us the flexibility of the maximum of the state law how written. Correct? I'm reading your comments.

Section 30: Mayor Post: This is that one mile thing that Mr. Welu... Mr. Brady: We talked about that. Mayor Post: And we've discussed it and that's over with. Well, we didn't... Mr. Brady: Is it one mile for public health? It's not one mile for the police. Mayor Post: Right.

Section 31-32: No changes/comments.

Section 33: Mayor Post: Mr. Collier, that was just a housekeeping thing; item B, collection of charges to the Town and changing the Town Clerk to Town Manager, because it gave the power to the Town Clerk.

Section 34-36: No changes/comments.

Mayor Post: I think that is it. Anybody have any questions? We have the appendix attached which is the preliminary site plan requirement for annexations, the Appendix C promoting public integrity/ethics form, public disclosure declaration form. Now we need to rewrite that, highlight the few things that will have to be voted on up or down and that should be ready to go.

Special Town Council Workshop Minutes
July 30, 2007

Mr. Brady: I would like to have a brief Executive session. C. Prettyman: I make a motion to go into executive session for litigation. C. Abraham: Second. Mayor Post: We have a motion and a second all in favor say "Aye". Opposed – None. MC.

Adjournment: 9:00 p.m.

Respectfully Submitted,

Michele Lepter
Receptionist