

Town of Milton
Town Council Meeting Minutes
August 6, 2007

Milton Town Council Meeting was held at Milton Theatre, Milton, DE.

PUBLIC HEARING (7:03 p.m.):

The applicant, Key Ventures, LLC, requesting a zoning amendment for R-3/LPD (General & Multi-Family Residential Use District/Large Parcel Development District) located on Sam Lucas Road, Milton, Delaware. The property is currently zoned R-1 (Single-Family Residential Use District) and is further identified by Sussex County Tax Map & Parcel # 2-35-21.00-44.00.

Mayor Post: Well start with the applicant. Please come forward and state your name.

Doug Marshall: Attorney for the applicant from Hudson, Jones Jaywork & Fischer. Representatives from McCrone, Keith Rudy & , who are the land planners and engineers for the project and they will be explaining the project.

Keith Rudy: Engineer with McCrone, Inc. They are pursuing an R-3 rezoning with an LPD overlay and also a preliminary master plan approval. The project consists of as proposed 355 lots on 66.59 acres. The breakdown is: 39 single family homes, 100 town homes, and 216 condominiums distributed in 12 buildings. Have been to the Preliminary Land Use Service (PLUS) at the State; we've revised the plan and have gotten an affirmative letter from the State with copies furnished to the Town. With regard to the housing types, the concept attempted to promote the idea of having an entry level, for first-time homebuyers, an opportunity to buy into a community and as the family would grow, or individual would grow, they would have a place to continue and possibly upgrade to move from a condominium over to a town house and then finally have an opportunity to purchase a single family home. With regard to specifics contained in the package we've also made an attempt to oversize, or provide larger than minimum home sites with regard to the town house and the single family home. Basically the town houses their lots range anywhere from 2500 to over 10,000 sf. The average town house lot area is just under 3600 sf., so it's an oversized town house. We also wanted to make allowances to have an oversized structure. Typically with a 24' wide townhouse, it gives you an opportunity to do different things. You can have inclusive garages, you can have 1st floor master suites; it gives a lot more opportunity to cater to the clientele which has become very discerning; they're very particular these days. With regard to the single family homes, again the minimum lot size is larger than the minimum per code; it's at slightly over 5800 sf., maximum being over 10,000 sf., with an average about 7300 sf. So again, it's an opportunity to provide a larger than minimum lot. The plan following the LPD overlay ordinance, I believe the net allowable density would result in 593 units. The plan before you is a lot less than that. It's at 355. We have an opportunity also with this plan to incorporate active amenities. You'll see on this plan we have a couple of areas for centrally located community gathering areas. This is also like a little mini park, a micro-park. We've got provisions for a gazebo, benches; kind of a community gathering area that could be utilized for picnics or some type of community day. Then we also have sidewalks on both sides of the streets throughout the community and in between certain portions of the development we have landscaped walkways with benches and lighting and we also made provisions for an athletic field. It could be various

dimensions. I think this would suffice for a soccer field. We also have a tot lot located in that area. At the planning and zoning hearing, there were discussions, and I believe this is also included in your consultants' summaries, interested in amending or revising this area to include parking; certainly we feel that it is a possibility; we can do some pretty simple reconfigurations in that area and accommodate some off-street parking. Summarized, as proposed, the parking requirement meets or exceeds the code requirements for all home types. Discussed the open space and that meets or exceeds the requirement for improved areas. Sidewalks would be on both sides of the streets. There would be significant street trees, landscaping buffering – made provisions for buffering around perimeter of project – again along all adjacent uses and along the frontage. Also made set-asides and allotments for offsite improvements that DeIDOT will most likely require, including road upgrades and the set-asides would also include the provision for a multi-modal trail along the frontage. With that, I will open up for any questions or discussions.

C. Hudson: Sir, you mentioned there were 66 acres you wish to develop?

Keith Rudy: That's correct. This is a portion of the 86 acre parcel. This is only 66.59 of the 86 acre parcel. There will be a 20 acre residual piece that is not part of this application or rezoning.

C. Hudson: So the green area on your charts, of the 66, how much of that is wetland that you cannot develop? How many acres?

Keith Rudy: Of the 66.59 acres proposed for this development, the wetlands have been identified as approximately 4.33 acres.

C. Hudson: Just 4? Only 4 acres?

Keith Rudy: That is correct.

C. Hudson: How much have you set aside for sidewalks and streets?

Keith Rudy: As part of the net density calculations, the dedicated streets and sidewalks are approximately 7.7 acres.

C. Hudson: And the PLUS review, response from the state, said this development, with approximately 355 homes would generate about 195 children. Is there a place...have you set aside a place near the front of the road on Cave Neck where they can wait for a bus?

Keith Rudy: That's an excellent point. We feel that there are sufficient opportunities within a community to place a bus facility; and certainly what we would do going through this process, we will contact the school district and include their input. Many school districts have various requirements or particular approaches. Some districts don't want to come into the community; some don't want to pick up right at the frontage.

C. Hudson: We only have one school district...Cape Henlopen.

Keith Rudy: I have not had the opportunity to present this plan to them and discuss this with School Superintendent yet. That is something that I will do.

Mayor Post: Plus it's something that we can require on the master plan.

Keith Rudy: Absolutely.

C. Hudson: In addition to wetlands, could you tell me how many acres you have there for storm water ponds?

Keith Rudy: We have approximately 5.26 acres set aside for storm water ponds based on this master plan.

C. Hudson: So that adds up to about 17 acres with the wetlands, streets and sidewalks and the storm water ponds. So on about 49 acres, you will have 355 units?

Keith Rudy: That is correct. The set-aside, based on your ordinance, under the net density calculation, it's located on sheet 1 of the application in the lower left hand corner, and the net density calculation is basically the net density equals the site acreage minus

the wetlands, minus the dedicated streets. So the maximum net density based on these numbers will be based on 54.54 acres, more or less.

C. Hudson: Thank you.

Mayor Post: Did you receive copies from Bob Kerr, our engineer with the recommendations as well as URS, which even in URS's recommendations, 13a, it is recommended the applicant provide a centrally located sheltered area for school bus pick-up and drop-off.

Keith Rudy: That is correct. We would be very happy to work with your consultants to meet that requirement.

Mayor Post: Mr. Kerr, as I am looking at # 5 on your Memorandum, that the developers proposed a total of 355 units based on the gross area. This is a density of 8,170 sf per unit, or over twice the minimum R-3 density.

Bob Kerr: That's correct.

Mayor Post: Have you met with DelDOT yet?

Keith Rudy: We have not had a meeting specific to this but through the PLUS review, we received several comments by DelDOT. A traffic impact study will be required to support this project.

Mayor Post: So it's possible if after you meet with DelDOT, entrances or exits could change according to their recommendations?

Keith Rudy: That is correct.

Mayor Post: And what I think I'm getting to is the entrance onto 88. It could possibly change to where it could only exit and enter off of Sam Lucas, possibly.

Keith Rudy: That is a possibility and that will all be part of the traffic analysis study.

Mayor Post: And also, quite frankly, you would have to go with what DelDOT recommends either way.

Keith Rudy: There's usually not a whole lot of negotiation there. Unless there is a particular technical issue that was brought to light, that may change some of the assumptions on basis of design. Yes.

Mayor Post: But I think possibly as a developer you might want to consider that the entrance would not go onto 88 if that is an option when you are talking to DelDot. Personally, I just think there are so many developments going onto 88 that the least that we can put the congestion onto 88 would be a big plus. I mean there is very little right now going on on any developments on Sam Lucas Road, so I am just saying kind of as a good will thing, I mean, we can't, it's DelDot that has that final say, but as you as good stewards, to bring this possibly into the town, personally as Mayor I would recommend you to try to avoid going onto 88 if possible.

Keith Rudy: It is a possibility. There are a couple of concerns that would have to be explored, including with the fire marshal. They are typically concerned at times with only one access point, although I have seen them flexible in that case. Yes, we will entertain that solution.

Mayor Post: But possibly you could redesign it to have 2 separate, one entrance and one exit, from the Sam Lucas. That's a pretty large parcel along Sam Lucas, possibly. I'm just trying to give you some food for thought there.

Keith Rudy: That is a possibility. Thank you.

C. Abraham: Has any thought been given to a community building for meetings or gatherings?

Keith Rudy: That was a question that was brought up at the P & Z hearing and it's an excellent question. When we evaluated the project and we looked at what the density might yield, there was a concern of not having the density proposes 355 as opposed to 593. Clearly the more participants you have, there's less of a financial oweness upon an

individual homeowner for the upkeep, operation and maintenance, and so at the lower yield, it was evaluated that some kind of centralized clubhouse may pose an undue burden on those homeowners to operate and maintain such a facility. And what we want to try to do is we wanted to try to balance the cost of operation and maintenance with the market that we were going for. We wanted to try to have something that was maybe more affordable and not have that monthly burden to have such a facility so that is why you don't see one on the plan before you today.

C. Abraham: And since you brought it up, what price range...do you have figures in mind for?

Keith Rudy: I believe it was mentioned at the PLUS hearing but I can't recall at this time what the price range for the different units were going to be.

C. Prettyman: Going back to C. Abraham, we are building, you are building and thinking about, you are forgetting about the residents that are going to be living there by not having a community center there. Not only that center could be used, but also for our senior citizens that are going to be moving there and having a place where they can meet and possibly take courses with our Technical college or something, and I've watched it grow and we are...I'm seeing more and more developments with houses and everything else but they're not thinking about the residents that are living there and I think you need to stop and look and think about your residents so that they can have some place to go and congregate and meet, social time. Also, something for our youth to do, because if you don't, as beautiful as this is going to look, you're going to have a lot of problems I see down the road. By then you will pack up and go back home and won't see it and we will have to deal with it and I just think we really need to stop and think about a clubhouse that can be utilized there for both youth and senior citizens. Because I mean the outdoors is fine, but we do have winter and rain and everything, but we need to have something inside and on the grounds.

Keith Rudy: I appreciate your comments, thank you.

Mayor Post: I have a question on 2 things right now in my mind. One, are you going to have an HOA?

Keith Rudy: Yes.

Mayor Post: In regarding that, and its just really a thing with our Town Solicitor and it's just something to the future. I think Towns need to look into how they're going to deal with homeowner associations, because I think what you're going to see across the state is that homeowner associations that go defunct. And I am dealing, not personally, but I know that I'm dealing with somebody that's dealing with one up in Camden that has gone defunct and they're going back and forth in who is going to be legally liable because every time you have, whether you have a community building or you have land that needs to be cut, the grass cut, once you deal with a defunct... It was one thing when they operated independently in the County and let it be the County problem, but what we've been doing is bringing in a lot of communities in this Town with HOA's. And HOA's, and we've dealt with already one that really never has materialized which had a community building that was torn down, but that's more of a legal food for thought over here for our Town Solicitor on how the Town can be legally protected as we move forward with accepting HOA's into the Town. And then the other thing was that, and it might be a Mr. Kerr question, but how many acres in an LPD in this size was permitted for commercial use? Bob, do you know off hand?

Bob Kerr: I did the calculation and I'm trying to find it in my notes. The zoning ordinance allows 1 acre of commercial or neighborhood business for each 50 dwelling units, so they would be allowed approximately 7 or 8 acres of commercial, but they have

not requested any commercial and the master plan that has been submitted does not show any.

Mayor Post: And that's why I wanted to put it into context here even when, because I commend that you got it down to 355. I know the first time when there was all this talk it was around 400; it's down to 355 and also we have to keep in the back of our mind that it's also entitled to 7 acres of commercial which you have converted over to residential which roughly is 4 times, probably like another 22 or 23 dwellings; that is because you've chosen not to do any commercial on this site.

Keith Rudy: Correct.

Mayor Post: This again doesn't do commercial sprawl which we've already kind of opened the barn here with in Milton.

C. Prettyman: The spaces between your dwellings for your single family homes and townhouses and those that have garages, how are the garages going to be? Are they going to be like what I'm seeing now where garages are all in the back or...? And the multi-family dwelling, the units and everything, how are they going to be set up?

Keith Rudy: The multi-family does not have any garages and it's just clusters of parking surrounded by the buildings. The townhouses are, they have the capability of being an integral garage and I think we based out parking calculations on having at least one garage internal in each townhouse. The single family homes, clearly they are oversized lots, many of them can accommodate a 2-car garage. We do not have any alleys or any rear loading lots in this master plan as proposed. With regard to spacing between the blocks of townhouses, we will exceed the minimum setback requirement and if you bear with me I will refer to some diagrams and documentation. The proposal is for a minimum of 25' side yard for the townhouse. Now between two townhouse block units, two end units that would be a minimum of 50'. In many cases, it's actually greater and I would refer to the drawing, you can see that we've provided connectivity between the different blocks, between the townhouses, so there again is probably on the order of another 10' or so lets say so it will probably be, in those cases, a minimum of 60' between townhouse blocks. Now for the single family homes, basically the setbacks, by code, and we do not request any waivers for this, setbacks by code are at 10', so there would be a minimum, building line to building line, of 20'.

Mayor Post: I see you have blue on the map.

Keith Rudy: Yes. Storm water. Proposed.

Mayor Post: Ok. Storm water on a good rainy day or on any given day?

Keith Rudy: No. These would all be proposed to be wet ponds, so they would contain water...

Mayor Post: They won't only be proposed. I hope it will be written into the master plan.

Keith Rudy: What will happen is that we will have a discussion at the pre-application should you decide to move forward, we will have discussion with Sussex Conservation District. Moving forward, we will have to do an evaluation of the soils in the vicinity of those ponds. I believe it is safe to say, based on my cursory review of the wetlands and hydrology for the site, that those ponds will be wet ponds. Wet ponds are the first choice for the Conservation District because they will tend to provide the better water quality than a dry pond, so that will be their first choice. Actually their first choice would be what's called a BMP, or a green engineering, which is swales, bio-swales, bio-infiltration. Those tend to be problematic if you have a large project with curb and gutter; this is a curb and gutter proposal, so we would go to the next best which would be wet ponds.

Mayor Post: And I hope that's true, because I've seen with Soil & Conservation they've not always made that their first choice. But I think in the Town it should be our first choice.

C. Prettyman: With the wet ponds, that's going to be stagnant water there and how are we going to control the bugs and mosquitoes?

Keith Rudy: That's an excellent question. There are requirements now by the Sussex Conservation District to have a minimum of 75% of what they would call open water so the depth of your water surface greater than 3' has to be 75% or more of the total surface area of the pond. By providing that volume and providing that depth, you tend to safeguard or limit the anoxic conditions which we're all familiar is the green slime. So there are updated provisions for that. In addition, the vectors you refer to, the mosquitoes, things of that nature, the Conservation District tends to be concerned about the long term maintenance and viability of those ponds. So, they have asked for pond maintenance programs so it's a written program or protocol to guard against those things. The other thing that they are concerned about that also contributes to anoxic conditions is the resident geese. There are ways to use and incorporate landscaping plants that are suitable for wet ponds that will tend to limit those geese from hanging around. Basically I'm told in goose psychology if the goose can't see out past the edge, they don't like to land there because there is a fox on the other side. But these ponds typically will be vegetated landscaped; they will not be a manicured edge like a golf course, those tend to be problematic.

C. Hudson: Sir, if this is approved R-3, 20 acres would go to the Town, is that correct?

Keith Rudy: That is my understanding.

C. Hudson: But, my question is of that 20 acres, 2 acres would be given back to you in an easement so that storm water ponds could be build that would take drainage from your land to those two acres.

Keith Rudy: I'm not aware of that. The plan before you does not propose and easement to this other 20 acres. The plan before you has sufficient storm water management to address the storm water management needs for these 66 acres. Now, there may need to be some type of cross access easement in the final plan, something engineering related, maybe extension of a water line or something, I'm not sure right now what that would be but right now, the plan before you does not have any drainage easement, shared drainage.

C. Hudson: That would be in the Tidewater contract.

Keith Rudy: I'm not familiar with that contract.

C. Hudson: And you say you have not contacted the Cape School District as to the impact that approximately 200 children we'd have on our schools.

Keith Rudy: Not at this time, no. That would definitely be one of things moving forward should you decide to advance the plan.

C. Hudson: But you realize from, I'm sure you've read the PLUS review and you do realize this will have a serious impact on our schools, where they will be overcrowded.

Keith Rudy: Yes.

Mayor Post: Well, I thank you. What we'll do now is open it to public and when the public comes forward, please state your name and address.

Keith Rudy: Thank you.

Michael Carver: I live directly across the street on Cave Neck Road from this proposed community. Unfortunately there's not that many residents along this stretch of road and I really worry about the size and type of buildings that are proposed and the children and people that will be riding bikes and skating and especially... I don't have any idea where all these kids are going to go. There's nothing to do there. Sure, you have one tot lot that might handle maybe 20 kids. Another thing I worry about too is coming from suburban

Baltimore area, kids tend to congregate at night with no place to go. This could promote a lot of crime and it just seems that the quality of life is really going to be diminished for the people that live here and being so far away from the center of Town, it just seems very unlikely that it's going to be successful. I'm not used to speaking in public but I worry about what the results of this is going to be and it seems odd to have condominiums in the middle of a corn field right now; it just seems very odd. Thank you.

Pauline Stucklik: I live directly across the road from this proposed project. I'd like to ask you people to seriously, seriously consider the zoning change from R-1 to R-3 on this project. Some of you people have heard this from me before but I do ask you're indulgence yet tonight. This project would be a drastic, drastic affect in our community. The development will be surrounded on 3 sides by Lucas Road, Cave Neck Road, and Cave Pond, which is a subdivision beside this project. There are 4 farms and 10 single family homes on both Lucas Road and Cave Neck Road. And all the homes in Cave Colony are single family homes, most of them only being one story. Some of the homes in the homes in this area are still occupied by elderly people who were born in them so we don't have a rapid turnover of residents in our area. Residents of the Town live in Town because they like close proximity to their neighbors or shops. They don't mind the constant traffic, the glare of street lights at night and the usual noises of urban life. In our area, the homes are widely separated although they are visible to each other and about the most exciting thing that goes on in our area is when people sit in their yards in the evening and watch the deer grazing in the fields. The thought of having a small city of 300+ living units with the accompaniment of noise, traffic, parking lots, drainage ponds, delivery trucks, street lights, toxic run-off, etc. is really frightening to us. The Key Ventures company has invested money in this property and they're entitled to a return on their property. And incidentally, if they would like to sell any more property at the going rate of what they are selling the 20 acres to the Town, I will be first in line to buy some of the acreage. I doubt if you can buy land anywhere in the US for \$.50 an acre. I would think that they could make a profit with only an R-1 zoning instead of an R-3 zoning. If an entrance to this project is installed off Cave Neck Road, it will be a disaster. Traffic congestion is just about intolerable now. If that road has to be widened to allow for turning lanes, it will be practically impassable. Lucas Road is a narrow country road and certainly cannot hold up to the traffic of trucks and equipment used for construction. I also have concerns about the ecological effects of this project. There are two drainage ditches which carry run-off from this farm into the Broadkill River. If a mixture of oil, grease, fertilizer and pesticides from yards and parking lots is added to the flow from these drainage ditches, that's going to continue to degrade the Broadkill River. I recognize that this Town, that this project is associated with the sewer plant and I know that Milton desperately needs a new sewer plant, but a zoning class of R-1 is much more compatible to the surrounding area than an R-3 classification. We residents in that area do not live within Town limits. We don't pay any taxes to the Town. We cannot vote for council people or we cannot serve on Town committees, but we consider ourselves Miltonians. How you Council people vote tonight on this rezoning will have a profound and long range affect on our homes, our property and those of our descendants. Thank you.

Jim Welu: 30231 East Mill Run, Milton, Delaware. I sat through the P & Z hearing on this and I know they made a recommendation in favor of the rezoning of this property, but if I think if you were to read the minutes of the P & Z meeting you'll find the same results of the meeting here tonight that there was no discussion by the P & Z commissioners of the pros and cons of rezoning. I would say the majority of the time

was spent asking questions about particulars of the development as proposed and no one weighed the pros and cons. It was almost like a given fact that it was going to be rezoned. So I asked some of the commissioners why they were rezoning, why they were recommending that and there was no answer; they were just in favor of it; those that voted in favor of it apparently. And I have heard no discussion by the Council of the Town of Milton of the pros and cons of rezoning this property. You are assuming you are going to rezone it from what I've heard and you're fine tuning little pieces of it. Mr. Post, I would like to address one comment you made in response to someone a few months back when this first came up that this development was not a gateway to the Town of Milton. It certainly is a gateway to the Town of Milton. It is the only way to get to Milton from the East. If you want to go out on Rte. 1 to 16 and come in that way, that's a different gateway. But this is a gateway to the Town of Milton and as I'd mentioned to P & Z being a planning, zoning person myself from previous education, this is a very unusual concept for a community. It is not a community being linked to the Town of Milton, it is a community kind of unto itself and they put the 40 story buildings kind of to the rear as they explained it to P & Z, but from a perspective of the Town of Milton as you drive into Milton, which you are going to face are $\frac{3}{4}$ acre lots, which are not most of them developed at this point, on Rd. 88, and then you are going to be faced with 40' story, 50' x 150' buildings. That's going to be your entrance to Milton. It is not designed to blend in with Milton to go from the $\frac{3}{4}$ acre lots to 10 s.f. single family lots to the higher density and to me this is not going to be a community that's going to be easily linked and part of the Town of Milton. I'm not sure how it can be because I don't think the people on the other side of Sam Lucas have any interest in becoming part of the Town at this point so it's kind of like a barrier between this community and the Town of Milton. If you were to annex the Sam Lucas existing homes in that area, I guess you could in a round about way get into Cannery Village and maybe the back end of Bob Willey's lands on Rt. 5, but I know that Bob Willey doesn't want to be annexed into the Town. One thing I would make, and I guess I think what I have been doing is kind of agreeing with the first gentlemen that spoke that this really is not a community conducive to being part of the Town of Milton and the citizens you've got...all of a sudden you've got, you're coming in on those 40' buildings, but I would like to get back to a concern that you had Mayor Post and I agree with this, in terms of the amount of traffic going out onto Rd. 88. I'm still recommending this be single family and you still could have the concern of the fire marshal and access to the community of two exits. I think it's a 50' strip of land that they own as part of the annexation that goes out to Rd. 88, Cave Neck Road. That could be kept as a cleared path, not available for residential use; not available for domestic automobiles. But it could be designed in such a way that emergency vehicles could access it or leave it as a way to get onto Cave Neck Road. And I'm not sure exactly...it would have to be graded in such a way that they would need the bio-swales along the sides so that it would not hold any water; it would have a certain hardness and you could also even have 2 strips like some of the old driveways did that would be capable of handling a heavy vehicle but would not have access for the ordinary cars. And I've seen this done in some communities where they actually have gates up so people can't drive through there but they are easily opened by emergency vehicles. Thank you.

Lynn Ecklund: 406 Union Street. I too am against rezoning the property from R-1 to R-3. Just a couple of brief comments. You are talking 355 dwelling units. 216 of those are apartments, or as you call them, condos. I believe its 12, 40' tall buildings, each one housing 18 apartments. That's 61% of your 355 dwelling units. That to me is not Milton. Now you're talking 100 of your 355 units as town homes. Adding that to the 61% of apartment complexes, you're talking 89% of your 355 units as either apartment

complexes or town homes, leaving a scant 39 single family homes on, as you put it, oversized R-3 lots. I don't think that that conforms to the sense of character or community of Milton. I don't like it. I'm opposed to it. I've listened to everybody up here at this table talk about how much they love the character and the community of Milton. I don't think that this fits in with that and I hope you vote accordingly. Thank you.

Marion Jones: Behringer Avenue. I mentioned to Mr. Kerr tonight out in the parking lot that I kind of felt like this was Groundhog Day. We've visited this subject for a long, long time. I think this is an out-of-sight and out-of-mind community. I bring your attention to a comment on the website, under your bio Mr. Mayor, one of your objectives is development in keeping with Milton's heritage and architecture. I cannot find a 150' x 50' building of apartment or condos anywhere in Town. During the July P & Z meeting, I have to reiterate with Mr. Welu, it was very frustrating to see the immediate land owners come out and speak in opposition, but I did not feel like their concerns of density were addressed, so I hope that as these people speak to you tonight, you do take that into consideration. Finally, what strikes me about this entire project is that there is no continuity between this parcel and the Town of Milton. No matter how you develop it, whether R-3/LPD or R-1, mother's will still not be able to walk their children down Rt. 88, Atlantic Street or Front Street to reach the parks in Milton, or the museum or the banks and in like, we cannot access their land safely. At the P & Z meeting, this developer talked about a possible athletic field in this community and maybe the residents of Milton would be allowed to use it. I wouldn't hope that you are developing a gated community here. We are all Milton. I don't see any question why one community cannot use the other's space, other than if you have a homeowners association paying for the amenities at the Key Ventures property, not very likely they will be available to the rest of the Town. So, please just keep in mind that everything around there are, as Mrs. Stucklik said, single family homes and/or farmland, so they may not be attached to the Town, they may not have a vote, but they have a voice. Please listen to them. Thank you.

Stephanie Parker: Broad Street. I'm afraid I need to echo some of the sentiments that have already been expressed tonight. This community will not blend with the Town of Milton. In the past this Council has stressed with other developers that it wanted the development to blend with the Town; to become a part of the Town and not be an enclave just by itself, yet what I have heard from the Council members tonight, that is exactly what you want this project to do. You want this project to have its own community centers, its own this, it's own that. As Mrs. Jones said, those items will most likely be paid for by the homeowner's association's dues of those members and not open to the other residents to the Town of Milton. This will be another whole little town all by itself. You're not asking for anything to encourage anyone living in that area to come into the town to use the amenities that we already have and that we hope to have in the future. I hope that if the Council is going to approve this that they will certainly take some steps to encourage this area to actually become a part of Milton and not a little town all by itself.

Bill Bell: 422 Chestnut Street. Mostly I have a few questions for Town Council to either let me know that they've already asked or perhaps you can ask. I heard the words affordable housing mentioned. I heard that no one could recall what the sales price of the units would be. One of my questions was, were they apartments that were going to be rented or were they condos, and I believe I understand it that they are going to be condo units. My questions would be is DSHA involved in anyway, especially since we're using the word affordable? And this question is probably more for Mr. Brady. Is there a way to legally require certain percentages amongst the community to have however many 100

affordable units available for sale to people who really need them I think is a great idea, to have a whole bunch of units that are very affordable that are available to a small handful of people with good sized pocketbook so that they can then rent them out to people all year. I don't know that that's such a great idea and I have heard that in other areas they have made stipulations for what percentage of the units will be owner occupied. And I don't know if that is something you've thought of or have already asked or is even legal to require, but I'd certainly like to see somebody asking about that or inquiring into that, because I am all for affordable housing for people to purchase and own. I'm not necessarily for affordable housing for people who have a lot of money to purchase and profit from and on the backs of those that can't afford. Thanks.

C. Hudson: May I ask, do you have any intention of having any of these as rental apartments?

Keith Rudy: As discussed in P & Z meeting, these will all be single family residents to be sold. Whether or not they will be owner occupied or rental properties, whether or not they'll be, they'll certainly be affordable whether or not they will be affordable to the people that some think they should be, will all be determined by the market, which is the way that it currently works here. But, the developer has no, this developer has no thoughts about not selling them or to build them and rent them like an apartment building. However, whatever the market dictates, and hopefully that won't be a situation that there are buildings that are built that can't be sold, can't be absorbed, that they would be forced to rent them. But I think that situation would not, should not occur because they will build them in phases based on the market. (7:58:08)

Mr. Marshall as the developer that's building this can they put in there that the owners are going to buy them and live in them because I can see that the owners going to buy them and rent them down the road. We're talking about affordable living. Affordable is anywhere from \$100M up. I would like to see moderate pricing, which is under \$100M. I've learned that in my traveling to meetings that we always talking about affordable is and you all sit there and smile at us because you know that's \$100M and up. And that's not affordable, so I want to go with the moderate prices and also ask the developer if its going to be done I would like to see it where if they purchase that home they live in that home and should not rent that home. Because if the neighbors hear I buy a home and then by neighbor buys one and then they sit there and rent it. We take care of property if it's ours. I'm not crazy about this development at all because of a lot of things that are going on. I still think that we need, and as they have already said, to get back to making it look more like what the area looks like out there. I'm just really concerned about this because a lot of people are coming here, buying, turning around renting.

Mr. Marshall Well, obviously homeownership is a big, big part of the American Dream. And, we would like to sell them to people who would live in them, but to put such a draconian restraint on alienation; I don't know that that's constitutional. However, I know that some homeowners associations are trying to do that. I think that's discriminatory. People, who cannot afford to buy places, certainly should have the right to rent them and to put such a clause in the homeowners association to me would not be fair. Everyone who lives in a community wants it to be all owner-occupied, but facts sometimes don't allow that. Husbands die, wives too, but not as often. I guess alternatively they will as often, but not as soon. But, to restrict someone's right to be able to rent it in a situation where they have a hardship, or not. The right to use your property to occupy it or rent it is a right under our constitution.

C Prettyman What I'm saying Mr. Marshall is I've seen so much of it in this town where people have come in and bought homes and they say they love our town and then they turn around and don't live here, they become rentals. I just have a problem with continuing.

Mr. Marshall I understand that.

C Prettyman You're building a development right there on the 88 Cave Neck Road close to the shore. I guess we're now a shore property. I just have some concerns.

Mr. Marshall I respect those concerns. There concerns of all the people here tonight. The problem is we've in a catch 22 situation because if you want to have affordable housing, you have to have more density in order to provide that. If you have more density, then you have more cars on the road. It is a difficult situation that growing towns are dealing with.

Mayor Post I think this is something we would have to look into with the council.

C Prettyman we still haven't gotten to the cost of a condominium, a single family home. You've danced around it, and danced around it, but we haven't gotten any cost on these issues. What it would cost for someone to live in that development. Whether they're living in a condominium, townhouse, or single family home. I'm talking in dealing with those that are moderate prices up.

Mr. Marshall At this point I'll say that that will be market driven
And unfortunately we're still a long way away from that. We don't know what the economy will be like once the constructions are completed and CO's are issued. There are just so many unknowns. The developers have no idea how they'll be priced. The opportunity is certainly there for reasonably priced housing because of the location, the transition between single-family outside of the town. These are single family and multi-family and then you come to the Cannery which is multi-family and then you come into town. Also, in order to get the people into town, some people are complaining they won't have anything to do and they can't get to town. And other people are saying they should stay there and

Mayor Post but the bottom line is that you're not going to have a price tonight.

Mr. Marshall No.

Mayor Post Are they any other people here that want to speak so we can close this public hearing?

Mayor Post closed the public hearing at 8:05 PM

200th Anniversary

Mayor Post prior to going to public participation we are going to do a presentation tonight. We've had a very big festival. Very hard three days in this town and you know what we're going to do something nice. So, what we're going to be doing, is we're going to pay tribute to the people who have put countless hours in this town over the past 3 years to pull off the festival that we had this weekend. And, I just say it shows you when a town works together what they can accomplish. And there's no more meaning that this weekend when they say it takes a village. Because that's what it did this weekend. It was everybody working together government, citizens, organizations, everybody. I think to me it was probably one of the most spectacular weekends I've ever spent in the Town of Milton. At this time to start this off Councilwoman Betts would like to say few words about this weekend directed to the members.

C Betts Good evening. I would like to thank all those who made the 200th anniversary such a wonderful event. It took the cooperation of everyone working together to make this a success. It showed what good than can be accomplished by working together as a town. I hope I do not miss anyone, but I feel that a special thanks go to the following:

200th Anniversary Committee
Milton Mayor and fellow council people
Town Manager & Staff
Milton Police Dept
Milton Maintenance Dept
Milton Fire Co
Milton Development Corp
Dr. Wager & the balloons
Chamber of Commerce
Milton Garden Club
Rising Sun Lodge
Oddfellows Lodge
Churches of the Milton vicinity
Lions Club

And all the volunteers and citizens of Milton, all whoever helped make this a success. This was a safe and enjoyable weekend. Mayor Post and I were talking yesterday that nothing but good has been said about this weekend. I hope the spirit which was shown this weekend will continue to betray the good image of Milton that it so deserves. I think Mayor Post has a few things. I want to thank everyone.

Mayor Post At this point I would like to have Charlie Fleetwood, who was the Chair of the 200th Anniversary, to come down, and the Committee as well. Any of the Committee members. I greatly want to apologize to this committee for the hour they have been so graciously waiting. I did tell them 7. I judged time incorrectly. What we're going to start off with is. I have something I want to present to Charlie Fleetwood so if you would come here. As the Chair of this 200th Anniversary, it's the Town of Milton Tribute. "Be it hereby known to all that the entire Town Council of the Town of Milton joins Mayor Don Post in paying tribute to Mr. Charlie Fleetwood in recognition and appreciation of his commitment and dedication toward the improvement of the Town of Milton along with his outstanding contributions and leadership while serving as a Chairperson for Milton's 200th Anniversary ad hoc committee. Over the years Mr. Fleetwood has chaired numerous committees, including serving as a town council member, he has made great contributions to the town through projects and events, such as Governor's walk, and the concerts in the park, helping to make the town what it is today. The Town Council joins the Mayor in expressing to Mr. Fleetwood their extreme gratitude for his excellent service and hopes to maintain this service for the Town's future needs. The Town Council approves this tribute for presentation to Mr. Charlie Fleetwood on this 6th day of August 2007."

Those people who were really the backbone to getting Charlie's efforts. I'm telling you, you guys did a phenomenal job. This is a prime example of how a committee can independently operate from the government and really make an accomplishment. You all ought to be proud of yourselves and give this group a hand as well for everything the

have done. Charlie gets another item too here as well because, I'll read these: "The Mayor and Council of the Town of Milton, DE hereby express their deepest gratitude to Charlie Fleetwood as a valued community member in appreciation for your loyal and dedicated service to the citizens of the Town of Milton". We are providing certificates. I'll reach one of them. And as well we had the special edition bag made "In appreciation for the Town of Milton, Milton 1807 – 2007 200th Anniversary DE"

And to Barbara Fleetwood, "The Mayor and Council of the Town of Milton DE hereby express their deepest gratitude to Barbara Fleetwood as a valued committee member in appreciation for your loyal and dedicated service to the citizens of the Town of Milton"

Beverly White "The Mayor and Council of the Town of Milton DE hereby express their deepest gratitude to Beverly White as a valued committee member in appreciation for your loyal and dedicated service to the citizens of the Town of Milton"

Patty Millman "The Mayor and Council of the Town of Milton DE hereby express their deepest gratitude to Patty Millman as a valued committee member in appreciation for your loyal and dedicated service to the citizens of the Town of Milton"

David Dodd "The Mayor and Council of the Town of Milton DE hereby express their deepest gratitude to David Dodd as a valued committee member in appreciation for your loyal and dedicated service to the citizens of the Town of Milton"

Emery West "The Mayor and Council of the Town of Milton DE hereby express their deepest gratitude to Emery West as a valued committee member in appreciation for your loyal and dedicated service to the citizens of the Town of Milton"

Charlie I give this to you so you can present to Russ Mc Cabe.

Janet Lang "The Mayor and Council of the Town of Milton DE hereby express their deepest gratitude to Janet Lang as a valued committee member in appreciation for your loyal and dedicated service to the citizens of the Town of Milton"

James Jefferson "The Mayor and Council of the Town of Milton DE hereby express their deepest gratitude to James Jefferson as a valued committee member in appreciation for your loyal and dedicated service to the citizens of the Town of Milton"

Dennis Hughes "The Mayor and Council of the Town of Milton DE hereby express their deepest gratitude to Dennis Hughes as a valued committee member in appreciation for your loyal and dedicated service to the citizens of the Town of Milton"

Charlie Fleetwood While I'm up here, one of our parade entries gave a plaque to present to the town, from Indian River Fire Company.

Mayor Post That's very nice, Thank you. We'll "The Mayor and Council of the Town of Milton DE hereby express their deepest gratitude to Dennis Hughes as a valued committee member in appreciation for your loyal and dedicated service to the citizens of the Town of Milton" put that in Town Hall.

Mary Katherine Hopkins "The Mayor and Council of the Town of Milton DE hereby express their deepest gratitude to Mary Katherine Hopkins as a valued committee

member in appreciation for your loyal and dedicated service to the citizens of the Town of Milton”

Karen Duffield, Charlie I’ll leave this one as well.

Donald Carey “The Mayor and Council of the Town of Milton DE hereby express their deepest gratitude to Donald Carey as a valued committee member in appreciation for your loyal and dedicated service to the citizens of the Town of Milton”

Tom Arkinson “The Mayor and Council of the Town of Milton DE hereby express their deepest gratitude to Tom Arkinson as a valued committee member in appreciation for your loyal and dedicated service to the citizens of the Town of Milton”

Leah Betts “The Mayor and Council of the Town of Milton DE hereby express their deepest gratitude to Leah Betts as a valued committee member in appreciation for your loyal and dedicated service to the citizens of the Town of Milton”

Mayor Post let’s give them all one big round of applause. I also want to tell you that we are planning a dinner for all of you at you next committee meeting you can establish a date that would work for you and as well we would like to dedicate a tree in the park with dedication for the 200th committee members for the work that they’ve done for this weekend. All of us up here thank you from the bottom of our hearts.

Charlie Fleetwood I do want to thank the Mayor and Council for all their support of this committee. The previous Mayor appointed those folks back there for the most part and Don Post allowed us all to stay and continue to serve and we thank you for that. Everybody here worked very hard. I got to look very good because I was the chairperson, but I’ll tell you without them, it would have been a disaster. We needed that many people to pull this thing off, but a lot more people volunteered. The ones you saw in the fluorescent green shirts. They were all volunteers for Fri, Sat and Sunday. Without them this wouldn’t have happened. Bill Phillips, the Chief of Police and the Fire Dept. we could have never done it without them. We kept the town clean, we kept it safe. We had no incidents misbehavior. We had two people with heat problems on Saturday. I think everybody on this committee, I know I did, had a lot of problems with heat on Saturday. It was over 100 deg in town. Thank you all very much. We did it because it’s our town and it’s our people and we did it for you. Thank you very much for allowing us to do it.

Mayor Post I’d also want to say another special thanks to Ginny Weeks. She’s the one who organized the canvas bags. She went, drove, picked them up, had them designed for us. She was great help as well. Again, thank you for all it was a great success. It really made it proud this weekend in our town. Thanks

Mayor Post called the regular Council meeting to order at 8:20 p.m.

Councilwoman Betts offered a moment of silence.

Mayor Post called roll.

PRESENT: Councilwoman Hudson

Councilman Prettyman
Councilwoman Abraham
Councilwoman Betts
Mayor Post

Others Present: John Brady
Bob Kerr

Presentation and Approval of Minutes

Committee Reports

Sewer & Water – C Abraham: The Water and Sewer Committee met last month on several bill discrepancies. We'll be meeting again this Wed at the library at 6:00 PM to discuss some of the same bills and couple new one.

Streets & Sidewalks – C Betts: There will be a workshop on August 23 which will address the sidewalks that need repair. Property owners with sidewalks that need to be prepared adjacent to their property will be receding certified letters requesting their attendance. Also, in a letter from Cabe Associates regarding the 2007 street improvements the contract amount has decreased from \$132,997.92 to \$119,639.80, which is a savings of \$13,338.12. This project included Spruce Street, Chandler Street, Waples Street, Betts Street and Hemlock Street. I think the 2007 street improvement project for the Town of Milton was a huge success. I hope those people are happy with their street.

C Prettyman: Excuse me, C Bettes, what time is that meeting and location.

C Betts: 7:00 PM at the theater. As far as I know now.

C Betts read a letter DELDOT : The honorable Don Post, Mayor of the Town of Milton, 115 Federal Street, Milton, DE. Dear Mayor Post: Nominations for outstanding project awards have submitted by the employee for the Department of Transportation and I am honored to say that the project of the Town of Milton contributed Mulberry Street drainage and sidewalk improvements have been selected for an outstanding project award for 2006. The nominees were evaluated on behalf of the awards committee of Ralph Reed, Director-Planning; Jim Mc Nitch, Director-Maintenance & Operations; Steven Kingsbury, Director-Delaware Transit Corporation; Tom Greeve, Central District Engineer; Rob McCleary, Assistant Director-Engineering Support; Michael Simmons, Assistant Director-South Project Development; and myself we congratulate you on the selection. The recognition of this achievement emphasizes a dedication to innovation and excellence that the Town of Milton should be proud of. There is no better recognition than from those who work side by side with your representative who joins me in thanking you for a job well done. We at DELDOT extend our sincere congratulations and appreciation for your contributions as we strive to make our communities better. Sincerely, Robert Taylor, Chief Engineer.

John Brady: Mr. Mayor C Betts had one more item on her road committee which was on the approval to close the street for a block party. Unfortunately, this was not given proper notice as required under the town code. I am going to ask that you change, so that this is given the proper consideration that you set a special town meeting for the night of the budget workshop on Aug 16, 2006 to consider an agenda item for closing Tobin Street on Aug 18, 2007 for a block party. In addition, to cover two other items that came up tonight that was passed out, including the resolution to comply with the Delaware

Source Water Bill and Executive Session about pending for potential litigation and update those items to be heard prior to the budget workshop on Aug 16, 2007 with additional agenda items as may be developed after tonight's Executive Session on potential litigation for that to be held prior to the Budget Workshop meeting set for 7:00 PM and that the agenda for the Budget Workshop be noted to say 7:00 PM or after the conclusion of the special town meeting.

C Hudson: Mr. Brady what about the concern that Mr. Welu had about the proper notice for the Howard property.

Mr. Brady: That would be something I'd be talking to about in potential litigation that arose at the course of the meeting that I will talk tonight and also will discuss tonight and have suggested that changing to the additional items to be posted on agenda tomorrow that there is a question I have now I need to follow up on.

C Hudson: Thank you.

Health & Environment: C Hudson – We met on the 4th Tuesday of this month. We had a special guest speaker. It was Jessica Watson who came from DNREC. She spoke to us on storm water ponds because a number of homeowners associations throughout the town will be owners or the storm water ponds and responsible for the storm water ponds. She talked to us about the different types of problems that are incurred, how they develop, what maintenance issues that need to be dealt with, what it's going to cost to deal with the storm water ponds, and the different kinds. You have the wet ponds, the dry ponds, the infiltration ponds and why it's important to keep them maintained and how to establish control over the ponds and control over the geese that are there. So we met on July 24th at 6:00 PM in the library and it was a very good meeting.

Emergency Preparedness: C Hudson: We met on July 17th 6:00 PM in the library. We had a very enthusiastic group. We were discussing exactly how many radios we would need, how many vests, how many signs, what kind of signs. We wanted to finalize the numbers so that we could present those to Cooper Rockwell, our liaison, and also to Chief Phillips because Chief Phillips is filling out the forms for the grant that we need to get for the money for those items. The grant money will come from the Delaware Emergency Preparedness Agency and we wanted to move forward with that. Hopefully, also get grant money for training materials.

Parks & Recreation – Mayor Post. I did call a Parks & Recreation meeting. The chair of that who councilperson has been absent for several months and we only had one attendee committee member and we did have two participants in the audience to mainly discuss an overview of the park. The park is in deplorable condition right now. The equipment is very outdated, the gazebo has been deteriorating. I think the gazebo has been place maybe 20 or so years now, so now what we're looking at is a major overhaul of the park. There is a professional design company that is designing it. I would assume we'll have the new layout within the next several weeks and then we will put that out to bid. The gazebo as well we're looking at moving the gazebo back, building it up higher, because that's why there's been the rot underneath, as it was built very close to the ground. Raise the gazebo and not only that make a much bigger gazebo, 30 to 35 feet wide, with a larger deck for a band. Anybody who was over there last night would see that we're growing in this town so we really need to make some changes there and really bring in some really neat equipment for kids and make this a really special park. That will be moving forward and we'll be seeking funds as well. We have limited amount of funds

now and I think there some proposed in the next budget and hopefully we can move this forward.

Planning & Zoning – C Prettyman. We accept it as written. I make a motion.

C Braham: I second.

Mayor Post: Motion carried.

Milton Development Corporation – C Betts. BLES made approximately \$3,700. \$10,000 received to date for the ads of the booklet for the 200th Anniversary. There is \$3,000 outstanding. The people seem very pleased with the booklet. The Milton's 200th Anniversary kick-off was a great success with the dinner show. We were sold out and standing room only. Tidewater sponsored the sponsorship of the kayaking canoe race. The sponsorships totaled \$12,750. We had 107 votes entered in the kayak race. Coming attractions are five original one-act plays Aug 17, 18, 24 & 25 7:00 PM; Aug 19 is a matinee at 2:00 PM. The advanced tickets \$15, seniors \$12, students \$12. Tickets at the door will be \$18 for adults, \$15 for seniors and students. Reservations can be placed by calling 684-3400. The Milton Theater will be holding auditions on Sun Aug 19 and Mon Aug 20 from 6:30 PM to 8:30 PM for their upcoming production. Five men from the ages of 21 and up and two women from the ages of 21 and up are characters which are needed for this production. The show will be directed by Tommy Sailey and produced by Chess Warner. Rich with both humor and honor Dracula is a widely popular play that paints a wickedly theatrical picture of the famous vampire who thrives on your fears. Performance dates are October 12, 13, 14 19, 20, 21, 26, 27 & 28. The Sunday matinee will be at 2:00 PM and all other dates 7:00 PM. You can also call 645-7223 or to reserve your tickets at 684-3400.

Board of Adjustment – Mayor Post: There was no report.

Town Manager –

George Dickerson: I was handed a letter tonight to read into the record. I've been asked to read that in, so I'll do that now. The following is from Councilman Ed Harris. "This letter is formally follow-up my resignation from the Milton Town Council. I feel I cannot dedicate the time necessary to fill my duties as town councilman and it would be in the best interest of the town to have some who can concentrate on the important issues facing this community. This past spring, as many of you already know, my 84 year old mother was in need of a quadruple bypass heart surgery and I was needed by my family. Her recovery has been slow due to her age. Everything was going well until recently when on a return trip from southern Maryland my parents were involved in a serious automobile accident. A man that had been out golfing and then drinking decided to get behind the wheel of his car and ended up flipping his car five times landing on theirs. Both of my parents sustained injuries. My mother had severe facial injuries as well as a broken arm and ribs. I am not sure if she will rebound from this accident. I find myself in the position of being their primary caretaker and trying to help them scale their lifestyle down. I will be moving them closer to me from the Washington, DC area. As I look back at what has been accomplished with this current administration I am proud to say I was involved. Hard work and dedicated people give their precious time to help move Milton forward. On the other hand, it seems that we spend more time trying to battle the negative counter-productive moves of a small group of people who can't move on with their lives. This has caused the Town of Milton thousands of dollars in not only legal fees, but employee and administrations time. I don't understand on one end trying

to raise funds for playground equipment for the children of the community, then take money from our budget to cover the added cost of having our attorney as well as staff constantly working on buffering negativity. Legal battles, employee requests which a waste. Can you imagine if all those funds had been applied to something positive and productive? I would like to thank the hard work of staff for all they do for the town along with our Town Manager, George Dickerson, has spent more time and effort to make this town livable for everyone and is the epitome of integrity. He has my utmost respect as a Town Manager and as a person. To our Mayor, you have much broader shoulders than I had ever imagined. Your commitment to make Milton a better place is to be commended. Thank you for those of you who had asked me to reconsider my resignation. I need to set my priorities and my family comes first. Maybe a better place for me will be back in the audience, those good old days when I could express myself freely. Thank you.”

George Dickerson: The first thing I have tonight under my report is I want to introduce someone. As many of you know that our Code Enforcement Officer, James Craig, had moved on. We had advertised for several weeks and there were several applications received. As we were screening those applications there was one individual that rose above the rest with the qualifications, who was actually working in the Code Enforcement field. The application that we have Robin Davis and myself had interviewed this person. From the very onset of the interview it was one of those interviews where you knew immediately this was a person to fulfill the job. That person is here tonight with his family and I want to introduce him. His name is Lendon Dennis. I see he has his family here. I have not met him. He goes by CC. This is Mr. Dennis here. He is the new Code Enforcement office. Mr. Dennis comes to us from the Town of Cambridge, MD. He worked there for two years as a Code Enforcement Officer, and was very involved with those things. Not only housing inspections but those things that are important to Miltonians, which are keeping up properties that are in disrepair, grass cutting, those kind of issues that all of you have called Town Hall from time to time that you see in the neighborhood. We welcome Mr. Dennis. CC if you'll introduce your family, I know that they are here.

CC: First of all I just want to congratulate you all on your 200th anniversary. The town was really looking good and you did a good job. I want to introduce my wife, her name is Rosita, my oldest here my son DJ he's 9, my middle girl her name is Alexia she's 8, and my youngest her name is Sierra she's 5. I hope I do a good job. Luckily in the town that I came out of was a real, real bad town. Really some bad issues and we worked hard to get it where it came to be right now although there were still issues there. However, the Town of Milton is fortunate that you all have some good quality homes here and it seems like the people are taking care of their properties in a better way compared to where I came from. However, there are some issues and I'm looking to maybe to deal with those issues. If you have any questions feel free to call me at anytime and I can sit down and talk to you and be glad to help you out. Thank you for having me.

George Dickerson: The next item I have is that we're required by Charter each year to post in the local paper for anyone that would choose to dispute their tax bill for the next tax year which would be in this case 2008. We ran the ad in the local papers. No applications for appeal were received by the deadline of July 16th for our next tax year so we just wanted to report that. The council members here tonight have received on July 30th the first draft of this year's budget. With that draft was a request and some tough choices that are going to have to be made. Today was supposed to be posted to our

website, and Stephanie acknowledges that it as posted to our website today. So that draft budget and all of those tough decisions that council is going to have to make with regard to the capital improvement projects that they chose to fund for the fiscal year '08 will be out there. Now that it's posted there's also a public comment which will be accepted until August 14, so any of you who have any comments after you review that on line or if you don't have a computer if you'll stop by Town Hall, we'd be more than happy to print you out a copy. There is a budget workshop scheduled for Thursday, Aug 16, right here at the Milton Theater and it will be at 7:00 PM. The final draft of the budget after the comments and the workshop have been in will be prepared by August 20 and at the Sept 4 Council Meeting we hope to vote and adopt that budget with whatever changes that Council so desires. Now I need the publics help. You heard from Beth Crumrine from DNREC speak last month I believe with regard to the stenciling program of our storm drains. Everything that goes down our storm drains actually ends up in our river. There were some brochures that she handed out about the stenciling. We're looking for volunteers to help us. That project will take place on Sept 8 from 9:00 AM to 11:00 AM. That means we have 60 some down Mulberry Street, but a total of probably a couple of hundred in the town. We're looking for people that day we can designate into groups who will apply an adhesive and attractive stencil which was here last month to those drains to make people aware that everything that goes down those storm drains eventually ends in our river then out to the bay and so forth. So we're looking for volunteers for that. Anyone that chooses to volunteer can give Stephanie a call at Town Hall and we'll put you name on the list to help us with that date. The rain date that was chosen for than event is Sept 15th. Actually what we're going to do is block off part of the Municipal parking lot to allow those volunteers that day so we can have a central location to meet and then everyone can kind of walk out to their areas to apply the stenciling. So we need volunteers.

There's a hand-out from Mid-Atlantic Products which is a playground and park equipment company. After the Park & Rec meeting which the Mayor called there was a company that was available with the park equipment, the swing sets, the little spring rides for the kids and those types of things. Also, at their cost look, the representative came down, looked at the area that we have within the parks and was able to do a design. Part of the design that they sent is so small a scale that I have to get larger copies. It's not very legible. I do apologize for that and we've asked for other copies. The lady that was doing the design was not available today and that doesn't much help here tonight. What the design will be for to look at the playground equipment and kind of make decisions if you will as to what type of equipment will be placed in the playground to replace that old stuff that we have out there now. Today in the State News and I believe this week in the Cape Gazette our trash disposal company, who is IDS, that contract expires in October. Today we have placed in the paper notice for request for bids for our trash disposal and those were actually published today. That closes sometime the end of this month, and then the bids will be open at Town Hall for our new disposal. Part of that you heard me talk about I believe last month that we also included the recycling element to that. We're getting bids for just trash pick up the way we have it now, but we're also inclusive of adding the recycling feature and possibly looking at what those prices are.

Complaint Report – George Dickerson: The Complaint Report that you have before you, let me get my copy. These are the complaints that come to Town Hall. This was the new tracking system that we were using. If you remember I reported last month we had actually 22 outstanding complaints at Town Hall, of some complaint, depending on how

they came in. So far, YTD, we've found 112 complaints, and of those we only have 16 that are outstanding that are waiting for legal opinion or some other issue to come forward. That's the tracking and it's broken down by whatever they may be as far as from a building permit to animal, storm drain, and water, whatever the issue may be.

The resolution, which Stephanie will be handing out to you next, is a resolution to comply with Delaware Source Water Bill and Ordinances for water resource protection areas and environmental protection regulations. This is passed out tonight for your review so that you have the opportunity to look at it, Council, and then at the Sept meeting possibly would be the first reading if you have any questions after your review this month. Basically what this is, is that the General Assembly has required through their legislation that well head locations, water recharge areas, those types of things are actually a protection and it will speak to those issues that the General Assembly had passed with regard to that legislation. We had a minor report issue, if you will, in that the police department in their basement store some of the Town Hall records. As a result of that we had a leak that occurred from a pipe that had burst in the basement and it flooded some of our records. We had Delaware Public Archives, who are responsible for the retention of records, come down and look at all those records as to which was good, which ones we were able to salvage. They were able to place some of those in permanent records by scanning those documents in and preserving them that way and keep them so those documents could be shredded as they saw fit. They were the ones that made the call as to which documents that had met the time requirements.

Eagle Eye Development – George Dickerson: The next thing about that is you will be getting a request from Eagle Eye Development. This is for a proposed lease. I talked with Mr. Brady, which regard to this. There's a small portion of land out by the sewer plant which is owned by town that jets out there into the river a little bit and this is a request from them by the letter asking for a long-term lease where that if they develop that particular area, that the town lease them that property on a long-term lease so they could put a boat dock there as they see the boats could tie up there when they develop that property. So that's for your review also.

Governor's Walk Extension - I now have Scott from Cabe Associates here and he's going to tell you little about the hand-out for the Governor's Walk extension. We had talked about that and Scott's going to give you a small presentation on where we're going to do the connectors and you should have a map there also showing that.

Scott: Several weeks ago George contacted us about designing some improvements to the existing Governor's Walk in the park area. There is actually two areas where the sidewalk can be extended. I met with Allan and we reviewed those and we prepared this preliminary plan for you all tonight. The first area, if everybody has their maps, is located behind Irish Eyes near the end of Front Street down by the Broadkill River. There's a red line that goes between the existing hardware store and the existing sidewalk that was put in several years ago, originally designed by Dave. You'll notice there's a letter A there that corresponds to a previously prepared plan that we did. You'll see there's a plan on there for future brick sidewalk that extends from the existing one along the river over to near the foot bridge. There's some existing utilities down there that are a potential issue. There's also an issue that the town does not have an existing right of way to build and maintain the sidewalk so we would be working on getting that right of way presumably with Mr. Brady's office. The second section extends from the existing sidewalk near location C in the photograph. In that location we will need to design the

sidewalks to go along the existing parking lot next to the boat ramp and driveway between the two foot high post there and those existing trees. There's one potential issue that those trees are pretty much at head height, so something's going to have to be done to those trees. We don't know what that is yet. Looking towards the marina from location E we can construct a sidewalk between the existing track and the trees, then moving up to the marina if you look at photograph F there's a pole that was recently relocated so that the marina area could be saved and there's some existing pilings there. I talked to Allan and we're thinking about moving those and constructing the sidewalk right along the front of that parking lot. That will allow people to travel along there without having to walk through the parking lot and then it will be extended up to the existing sidewalk. That's the preliminary plan. We are working on putting together a proposal for preparation of design documents to be finalized.

Mayor Post: Technically this sidewalk would connect the preserve on the Broadkill phase I over to the Wilmington Trust Bank parking lot ultimately. There's a brick walkway that has been disconnected behind the Wilmington Trust parking lot. Then there were some issues going across the Jones property that had been resolved. Now it's my understanding that there's another little glitch there that I guess legally they'll be figuring out what has be done. Scott: I don't know all the details. The only connection that's not brick sidewalk is across the actual parking lot. You all cal review this plan and then we can proceed with the preliminary for your consideration with the design plan.

Written Reports

Maintenance Report – C Prettyman: I make a motion to accept the report as written.

Mayor Post: Do we have a second?

C Abraham: Second.

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

C Betts: Comment to the motion. I've had several people call me and tell me that the maintenance department has been very helpful to them and that every time they called they were there and they really appreciate their help. I would like to thank the maintenance.

Mayor Post: And I as well, Allan, you guys did a great job as always. We have a motion and a second to accept the Maintenance Report. Motion carried.

Code Enforcer Report – C Prettyman: I make a motion to accept the report as written.

Mayor Post: Do we have a second?

C Abrahams: Second.

Mayor Post: We have a motion and a second to accept the Code Enforcer Report as read. Any discussion to the motion? Motion carried.

Police Department Report – C Prettyman: I'd like to make a motion to accept it as written but then I'd like to make a comment.

Mayor Post: Ok why don't we make the motion first?

C Abrahams: Second.

Mayor Post: We have a motion and a second to accept the June/July 07 reports. Any discussion to the motion?

C Prettyman: Yes, there is. Since Chief Phillips is here this evening maybe he can help me to understand. I have been looking at our juvenile arrests in the last couple of months and it's getting higher and higher. Is this a new way you're doing it? Did you change something? Or is it that juvenile crime is getting higher in our town? Mr. Phillips was

discussing several of the reasons why the number was so high and C Prettyman said he would bring it up at the next School Board Meeting.

C Betts: I would like to thank the Police Department for removing the abandoned cars and unlicensed vehicles. It certainly is an improvement to our town and neighbors are really appreciating it. I thank you very much.

Mayor Post: We're cracking on the abandoned cars, the untagged cars and that's the way we're going to take action. They will be towed. So far, 12-14 have been moved so far. People are cooperating. Once they get the notice the vehicles are moved. We have a motion and a second to accept the police. Motion carried.

Correspondence

OLD BUSINESS

Rezoning Request from Key Ventures LLC from R1 zoning to R3 LPD

Mayor Post: We've had the public hearing earlier regarding this. Do we have any motion?

C Abrahams: I'd like to make a motion to amend the zoning from R1 to R3 LPD with final approval of the master plan for Key Ventures LLC tax map and parcel 2-35-21.00-41.400.

C Betts: I would like to second the motion as approved by the recommendations of the Planning and Zoning. I feel this is the best interest of the town. If it this approved, the town will possibly net approximately \$1MM which will pay for capital improvements, such as streets, parks recreation equipment and hopefully, we could obtain a new meeting place for the town in the senior center or the boys and girls club or both. The R3 LPD is zoning that exists now and the applicant could have applied with or without the 20 acres. This will provide a place within the town limits for our sewer plant otherwise we would have to seek elsewhere in the county. This will also enable the residents on Sam Lucas Road to have the opportunity to be accessible to all the entities of the town.

Mayor Post: We have a motion and we have a second. Now we will open it up for discussion.

C Prettyman: Excuse me, Mayor Post, I'm confused right now and maybe the attorney will be able to help me. With C Betts second and the statement she just made, she has recused herself on all this. This is still a part of it and now I'm getting, I'm confused where we are with, I just want to know, I'm tired of all this legal stuff we're going through, but I just don't want us to make another step.

Mayor Post: C Betts never recused herself.

C Prettyman: I know Mayor Post: She voted on the annexation to bring it into the town.

C Betts: I voted on the annexation.

Mayor Post: She's only accused herself of the Tidewater because of connection with some distance at Tidewater. There has been no recusing.

C Prettyman: Ok, I stand corrected.

C Hudson: C Betts recused herself in the Tidewater vote but this is essence tied with the Key Ventures project because if it goes R3 then 20 acres go to Tidewater.

Mayor Post: That has nothing to do with the zoning.

C Hudson: It has every thing to do with the zoning.

Mayor Post: No. Then you would have said then that she would not have been able to vote on the annexation because to the annexation to bring it in as R1 which I didn't hear you questioning her on R1, and you let her vote. And I didn't see that question when you

knew the annexation agreement specifically spilled out. They request that all annexation agreements have done in the past in this town.

C Hudson: Well, I'm questioning it now.

Mayor Post: Well question it.

C Betts: This is just my mention of the sewer plant, I didn't care who was servicing that area, whether it was Artesian or Tidewater, that's not my decision. I could care less. I'm voting for the R3 change. From R1 to R3 has nothing to do with Artesian or Tidewater.

Mayor Post: I want to make some comments because I've listened to the public hearing and I do want to clear up several issues. First of all on the comment regarding the gateway. The gateway of Milton is potentially going to be a Wawa and condos and apartments, which immediately sit on 88. All of 88 of Cannery Village is zoned for commercial facing 88. With already the potential site of the Wawa, or convenience store, which certainly does. That's what's permitted and that's what the site plans show. As well as that, they show condominiums and apartments. I would also like to stand corrected that it's very intriguing that people want to comment on the gateway of the back entrance of Milton but some of these very people went and commented in support of 4000 homes that are the gateway on 16 in the town of Milton. Some of these very same people went and endorsed Elizabethtown. But yet they're concerned about 300 and some homes that are going to sit back off of RT 88. Single family lots are proposed on this development facing 88. I personally, like I stressed to prefer no entrance onto 88, but those are things that are out of our hands. There are certain things we have no say so in. We can make recommendations but it doesn't mean it will happen. I just want people to consider the fact that here tonight there's, I think this has all been taken out of perspective, this is very equal to the size of the white property that was brought in. I certainly have not seen anyone comment about wanting to restrict rentals and we've have not more bigger problems than even in old Milton with rentals and then all of a sudden we're interested in telling people then can't hold rentals.

Well guess what, I don't think it's legal. My mother herself moved to Paynters Mill and Paynters Mill has renters all over it. I don't like it, but I don't think legally you can do anything about it. I would be fine if you want to do that or do a tax on rentals, but you know what it's time we do things fairly. It's interesting, I sit now on five annexations and I've heard any of the comments ever made on any of the five annexations which is very intriguing to me. If I hear this thing about the gateway one more time, but yet see the endorsement of 4000 homes that will stretch several miles to the gateway, the main gateway, into the Town of Milton, please don't question 300 and some homes off of 88. I think there's a big difference here. I think there's a lot bigger picture here and I really have to question it all, but I personally feel and you certainly will hear all of my points of why because when this goes to vote we will state why we support this and why we oppose it. But, we certainly will state those things on the record. As far as me, I think I've certainly seen condominiums in other developments, such as Cannery Village, I've also seen commercial plastered all over this town. Nor have I seen anyone step up, but possibly C. Harris and myself, concerned about destroying the downtown, with commercial being allowed on the Carey parcel, allowed on the Dr. White's parcel, all over Cannery Village, and now 50 acres on Elizabethtown. Again, people going marching and planning at the County, endorsing Elizabethtown, but yet they want to see all that acres and a 1000 of sewer spray irrigation, 1000 acres out there. So you know, I've thought hard and long about this issue, and I am very proud to make this decision tonight for the people of this town. And I've also learned that you cannot make everyone happy. I'd certainly love to have the deer and those little rabbits running all over but guess what I have them no longer behind my house. I didn't hear anybody comment

about that when they took a beautiful parcel of land, and now turning that into a development. Or another beautiful parcel of land up on Lavinia Street which pushed many moderate or lower income residents and yet we were fine with removing those people and displacing them and taking one of the most beautiful parcels of land and now putting that into a development. Here we sit and hear everything under the roof of why we shouldn't do this. 300 and some houses which is probably one of the least of all the ones we've done. We did this with Dr. White and also every annexation agreement stating the same. How many houses? Why type of zoning they want? Now they're coming back in to rezone, nothing different. But it's intriguing that all of a sudden it's a major difference with this parcel of land. So, we certainly can open the door for other comments.

C Hudson: Thank you. Speaking of the difference between R1 and R3 on this property there are basically two questions that come to my mind. One do we need R3. That's the first question. And, the second question is do we want R3? Going back to do we need R3? For the people who live out there on San Lucas Road, this property has already been annexed. And if anyone is adjacent to it would like water or sewer I recommend that you immediately get on the phone and call Tidewater and start negotiations. Charles Jones asked about property his relatives have on Lavinia. Does he need to be annexed? The answer was no. Can he negotiate privately with Tidewater? The answer is yes. So anyone whose out there on San Lucas Road would like to have sewer and water, I recommend you call Tidewater immediately. The other thing is do we need R3? That comes with 20 acres that goes to Tidewater. Back on Feb 24 Jerry Esposito stood here and said that he had already put money in the budget for land elsewhere if he didn't get these 20 acres. He has in a sense his own comprehensive plan of what his company needs to look ahead and see what they need to have for developments coming in. They have put money aside for land. They don't need the 20 acres. We can have R1 out there. Also, we can have Tidewater. The reason I'm concerned about R1 vs. R3 is because this may be the last large parcel that requests to be annexed and has requested to be annexed into our town. Because of legislation that has been passed by the state, expansion has now basically become a free for all for anyone who's out there, any developers, they no longer have to request annexation to our town to get sewer and water. They can go to Tidewater. They can go to Artesian. Or like Pemberton out here they can just sink they're own septic tanks. Each home out there has it's own septic tank and it's own well. So, what may happen is this may be the very last large parcel that's annexed into this town and I would like to see it to be the best possible development we could make it. So concerning that issue that comes down to do we want R3? And many, I don't know about many, I've counted 7 people today that stood up and basically spoke against R3 and they spoke for R1. I've heard Town Council Members speak for R3, but when you look at the various things that have been brought up, i.e. the traffic on Cave Neck Road, you look at the crime, 200 kids on a soccer field, we have parks in this town and that having these parks has not prevented the kids from committing crime in this town. And when you're going to have 200 more kids out there with very little of anything to do to keep themselves occupied. Another thing that was brought up was the location of it. The chief know that his men will have to drive outside of town to get back into town. So, also, we're going to need an increase in staff to take care of that because it's going to be a serious problem. We already have, numbers of times it's not just C Prettyman who's brought up about the crime but numerous occasions C Abraham has also brought up about juvenile crime. And then I look and see where we're going to have 355 homes on 49 acres, that's pretty well jammed in there pretty tight, because you take out for wetlands, you take out for storm water ponds, you take out for streets and sidewalks, they

haven't even talked to the Cape Henlopen School District about what's going to happen to these kids, where are they going to go to school, the impact it's going to have on the schools, the impact these people are going to have on our streets and sidewalks, the activities in this town, I do not see that we need to actually have our R3 out there. If you're talking moderate priced homes and you bring up Elizabethtown, first of all Elizabethtown is outside of our town limits and they're going to have about 400 moderate price homes for people who need to have moderate priced homes in this area who want to have them. So we do not need to add another 355. 89% will be apartments or townhouses, and only 11% will be single family homes. Elizabethtown is going to provide close to 4000 homes and a good many of them are going to moderately priced or low priced so it comes back to is do we go with R3 and give Tidewater 20 acres if which 2 acres will be given back by easement to the Key Ventures property so they can storm water draining from their property onto basically town property that we're going to have to maintain so that they can free up some more acreage so they can build some more homes. I don't think we need R3 and if you're talking about gateways we have basically 6 gateways. We have Federal Street, Union Street, Mulberry Street, and then we have Chestnut Street as well as Cave Neck Colony. Each of these streets is a gateway into this town. It's going to be a problem with crime, with crowded housing, with nothing for them to do out there, and this does not fit into the culture and historic nature that we've had in this town in the past and that I have spoken up previously to say I would like to our history and our culture preserved the way it is. That's one of the reasons I bought a home here, a single family home. We already have Park Royal Apartments, we already have Milton Landing, so we already have existing apartment complexes here, and we have townhouses. I don't see the need to build more at this time. Pretty much that covers it. I've said no before when this was annexed in. I said strictly R1, I did not want R3 then. I went on the record as saying then I didn't want R3 and I do not want R3 now. My vote is going to be for R1. Thank you.

Mayor Post: I'd just like to make a few comments to C Hudson. For it to be the last parcel to come into town I question that, it's quite possible. So then I guess if this is the last one that would ever come into the Town of Milton then we certainly would want the density to be able to keep our tax revenue going because certainly that's how we have been looking at this from every application I see coming in for justification for an annexation is for tax revenue. So if were talking about that this is the very last that would ever enter the Town of Milton I certainly think that there would be a reason to consider that. I also want to talk about the land costs. I getting a little confused because the land cost here is that this sale of this parcel. We looked at this parcel during land acquisition when they wanted to acquire this for paying \$3MM for this land. We were recommended from Land Acquisition Committee to pay \$3MM for this land of tax payer's money. Figure out the math, figure out the business deal, where it's costing the town about \$500,000+ and we're selling it for around \$1.5MM. We're going the opposite way. Not quite the right business sense. Also, we're getting 2 acres for the maintenance yard which will release valuable real estate land both for the sewer plant and the maintenance yard to get it out there. I totally don't understand the easement issue of the 2 acres. I'd have to read the contract, but I don't think it's going to happen. Many times things in a contract, I think there's an option there, obviously that's between Tidewater and Key Ventures, because quite frankly if this goes through that's between them, not the Town of Milton. We get 2 acres for the maintenance land that we own outright. Also, we talk about kids. It's interesting, I look at Wagamon's West Shores, there are some kids, but it's become a retirement community here just as well. I think it's good that we have kids.

I certainly think we want to continuously say my goodness we don't want any development here because we don't want any children, but maybe you want to consider that same theory of no rentals, maybe they want to see if they can change the law where they can sell houses with no children. So you don't want to have any rentals out there so maybe you don't want any kids too, interesting concept. Also, the location, making a comment that you're driving out of town to get to another development, just want to put that into perspective as well. You drive out of town when you go to Wagamons West Shores. And, also I would like people to some maybe if you like do a FOIA request for the Robino property, because you'll see the high density on just a few acres that I don't even think it is correctly written in the annexation agreement. I think they were provided much higher density than the zoning they were allowed. I think it was just a mistake of how many houses they were permitted compared to the land that was brindled down. And, also an interesting concept, is that they're not even bringing the streets into the Town of Milton. I pity those poor 44 homeowners when they have to replace streets as well as having those sidewalks I believe out there in that project. So that's just my few comments on that.

John Brady: Mr. Mayor before you vote, I've reviewed the motion as made by C Abraham and the second by C Betts and I believe there's one word missing required under 4.8.8. And I would ask that they consider amending their motion to make it legally. They're missing a word. The word is preliminary. They need to add the word preliminary before master plan to be in compliance with 4.8.8 of the zoning code. Mayor Post: Would you like to amend your motion C Abraham?

C Abraham: Yes. Would you like me to read it in its entirety?

Mayor Post: Yes

C Abraham: Motion to amend zoning from R1 to R3/LPD with final approval of the preliminary master plan for Key Ventures LLC tax map and parcel 2-35-21.00-44.00.

John Brady: With I believe C Betts's amendment that all the conditions recommended by P&Z continue on and be conditions, including the conditions according to the motion at P&Z the Cave Associates report and URS report.

C Betts: I second.

Mayor Post: So we have a motion and second on the floor, it's been discussed, we will do a roll call vote and we will state why or why that person wants the property zoned or not zones. We will start with C Hudson

C Hudson: No. I firmly believe that could have R1 and Tidewater and We could continue the culture and heritage and the style of Community that we know and love.

C Prettyman: No, It has taken that area totally different. It should be kept Single family homes. Things can still be done with Tidewater I just think that it would keep that area and keep our town in More of a mode as historical as it is with the single family Homes coming into our town.

C Abraham: Yes, I believe it promotes the growth and is within Milton's Growth area. It helps provide the citizens with the much Needed improvement associated with growth, it will also Bring in impact fees to help with the infrastructure, the Surrounding residents do need sewer. I feel comfortable with The property and it's going to be under managed growth I also think about the other development on the other side of

Town where the county didn't mind mixing large Development with existing farms and residents.

C Betts

Yes – it's in the best interest of the town. If this is approved The town will possibly net approx \$1MM which will help Pay for capital improvements, such as street improvements, Parks and recreation equipment, and hopefully a new meeting Place for the town and senior center, boys and girls club. The R3 LPD is the zoning that exists now and the applicant Could have applied with or without the other 20 acres. Doing this Will provide a place within the town limits for our sewer plant. Otherwise would possibly seek elsewhere in the county. This will Will also enable the residents on the Sam Lucas Rd. to have the Opportunity to be accessible to all the entities of the town.

Mayor Post:

I, Don Post, the Mayor vote yes. Reason why, to rezone this This parcel to R3 LPD. The town faces potential fines of \$10,000 Per day by a letter issued by the State of Delaware for the current Sewer plant. Tax payers are currently paying almost \$100,000 Annually to haul the sludge from the current sewer plant. The Current plant is almost to capacity due to pre-sold EDU's and Will be detrimental to the future infill and outside growth of Annexation for the Town of Milton. For 4 or 5 years the Town has failed to locate land for a new sewer plant. With even the chair of Land Acquisition Committee stating that land wasn't obtainable, but yet at the same time developers bought up the surrounding Town of Milton. The density of Key Ventures project is compatible to other annexed areas of the town. The of the proposed development is manageable. The land provides us the opportunity to build the sewer plant within the town and not the county because the land is contiguous. The land will will resolve a serious and costly problem for the tax payers of Milton. The land will provide good revenue for the Town of Milton. The land will provide relocation of both the Current sewer plant and the maintenance yard that is a Valuable asset to the tax payers of Milton and will provide Opportunity for future development along Front St. for Expansion of the downtown. R3 LPD is a zoning that Currently exists in the town which the developer could Apply for with or with providing the 20 acres to the Town of Milton. The zoning was recommended for Approval by P&Z for R3 LPD. The zoning will increase Property tax base for the Town of Milton. The developers Have reduced the number of dwellings from the original Proposed amount by almost 50 residents. The location is Beneficial to the Sam Lucas area providing good solutions To a troubled area. The proposed development will provide Land as well for recreational use for the Town of Milton. Finally, as pulled from the engineers report the developer Has proposed a total of 355 units based on the gross area This is a density of 8,170 sq ft per unit or over twice the Minimum of R3 density. That's why I vote yes.

Mayor Post: And the motion has been carried.

Proposed Zoning Ordinance Change Separation of Historic District Commission from the Board of Adjustments with it's second reading

John Brady: Mr. Mayor an ordinance has been proposed to separate the historic district commission from the Board of Adjustment. The first reading was done at the June 2007 Council Meeting. Let this be the second reading. As I previously said there should be three readings on ordinances of this type, so if there's a motion to suspend the remainder of the reading, then that's something you could do at this point. Otherwise, I have to read the 21 pages to you.

C Prettyman: I'd like to make a motion to suspend the reading of this ordinance.

C Betts: Second.

Mayor Post: We have a motion and second, any discussion to the motion? I would like to give the Board of Adjustment the opportunity to put in writing any comments prior to the next council meeting. So we have a motion and second. Motion carried.

Review and approval of proposed tree ordinance

John Brady: We've not had a first reading of the tree ordinance. It was distributed by the Town Manager previously to council for consideration. Technically according to the process it should get read in. The version that's in front of you has a couple errors in it and I'd ask that this be deferred until Sept or the next council meeting whichever comes first, so I can make the couple corrections from the draft you have in front of you.

Mayor Post: Can we have a motion to defer to the next council meeting?

C Prettyman: So moved.

C Betts: Second.

Mayor Post: We have a motion and a second. Any discussion to the motion? Motion carried.

Katherine Greig, 326 Union Street, Milton Garden Club – I'd like to extend my congratulations to Charlie and the rest of the 200th Anniversary committee for planning everything, to the Mayor and Council for supporting it, and for police dept, the maintenance, and the town employees, to help make it work. It was a fabulous weekend. Just when you thought it couldn't get any better the Navy Seachangers performed. That was like the crowning touch to everything. As far as the Milton Garden Club Tour of houses and homes in the previous years, the most tickets we've ever sold was 247. This time we more than doubled that. We are very pleased and thankful to all the people who bought the tickets and supported us. We're already planning one for next year. We don't know how we're going to top this one. Eighteen gardens, six houses and about 40 special events, but one thing Mayor Post it has been a very dry July and the people of Union Street in those 18 gardens want to know if they should send their water bills to you or C Betts. On a serious note, I sent my husband down to the library to water the planters, he called me and said one of them is gone. And we filed a report with police but after talking with some of Allen's men we discovered that two nights earlier there had been some vandalism. Some things were thrown into the river. Allen and his men searched and searched that river and they found the planter. Not only did they find it, they didn't just call and say Katherine you're planters in the river. They got it out, took it back to maintenance shed, cleaned it up and returned to me. And you know in this day of disgruntled employees and people who hate their jobs. I thanked Allen, I thanked Jim, who helped do this. I want all of you to know that this went beyond the call of work. I

really appreciate the fact that they went that way. When I was a teacher it was said you need to be best friends with the custodians, the cafeteria workers and the secretary. Since I've been President of the Garden Club my new best friends are Allen and his men. I would like to say that I hope that people will look around, especially in the evening hours and if they see anybody looks like they're doing anything to please try to report it to the police. Chief Phillips, if we ever catch these people, I would like for you to help me work with the courts to get the assigned to community service with me.

Marion Jones – It was a great weekend. Great effort on everybody's part. I have a curiosity question though. Perhaps for C Hudson. Is there a reason you had a car of your own on Saturday?

C Hudson The question is why was I riding in a 1940 Ford as opposed to the carriage that was provided. Earlier I had called around to see where I was going to ride and I was just a bit confused whether there was a separate carriage for the Mayor, separate carriage for the Town Council, separate carriage for any of the previous Mayors. So having received different answers from different people and then Lynn told me she read in the newspaper that another version, so what I decided was that I wanted as many members of my family with me as possible. Because this is a special occasion and I don't think I'm going to live to the next one, 50 years from now, so following in the footsteps of former Mayor Bill Post, who had his own carriage, I decided I would try to get my mother and my partner Lynn to ride with me because this was extremely special occasion. And while my mother who is this month going to be 85 declined the honor of riding in the 95 deg heat Lynn rode with me in that Ford, it was gorgeous and I was extremely proud to be in the parade with my partner and that's why I did it. Mr. Mayor your have an issue on the agenda tonight. It's the proposed zoning ordinance change second reading under old business. In May the Mayor and Council referred that issue to the Board of Adjustment for an opinion of which I sit. In the June meeting of the Board of Adjustment we discussed it and there were questions raised and a person was appointed to come here during July's meeting and raise those questions so that that information could be taken back to the board and an opinion could be given. So I just wanted to catch you up to speed to say without those having been presented to Mayor and Council we haven't rendered an opinion yet, so if you'll keep that in mind. The other are the trees in the downtown parking lot. I helped Catherine and here garden club by weeding and maintaining those two beds in the Magnolia Street parking lot. They're very unforgiving, it's subject to a lot of travel, a lot of trash gets into those places. One of the things that I've encountered in the two years I've helped there are the maple trees that sit in those particular flower beds. One, they're very close to the water and everybody knows what maple roots do to that, but they also travel because of the lack of water with the surfaces there. They travel along the top of that bed and they make maintenance and are really productivity of perennials and annuals very difficult. I see, and I'm very sensitive to a tree ordinance that's on the agenda, I think it's great, and I think we need it. But I am respectfully requesting that the Mayor and Council consider removing the two maple trees in the downtown parking lot flower beds and replacing them with something more in keeping with a low lying, because they don't really serve a shade purpose, perhaps something more in keeping so that this fall with Catharine's generous donation of some perennials we might be able to get those beds up and looking as beautiful as some of the other beds or at least the one at Magnolia and Union. You just can't work in those beds and get them to produce anything. Being sensitive again to the trees and wanting to replace them with something I wish you'd take that into consideration. Thanks

Linda Rogers: I just simply want to take this opportunity to thank Charlie and the committee and the Town Council for the work for the anniversary. I also want to recognize the work that all the individual citizens did with their homes, their gardens their yards, I mean Casa San Francisco has never looked better and I have to look at it every day. So I just wanted to state my appreciation to everyone in the town for what they did to make this town be beautiful and do their part, even if it was just to trim a branch.

Jame Welu: First of all I would like to recommend as many people as feel they can tonight to dip in their wallets and pull out \$10 for the Cat Snippers. I've watched Susan work in this town over on Cedar Street and I've seen her on Poplar Street and I know she's all over town. She works all day and after work she's out there, feeding cats, trapping cats. I think they do a wonderful job. If we have a lady with cancer that needs a cat taken care of let's let the first \$80 tonight so that that can be taken care of. As I was coming here tonight, I was thinking we're only a little bit more than half way through the year, but maybe you've done already tonight what I was going to recommend you do this early in the year is to name Charlie Fleetwod and all the people that worked with him the Citizen of the Year early, but I think you've already do it, so thank you very much.

I'd like to get into a more serious issue. At the meeting last month I commented FOIA violation in that the town had not properly advertised the agenda for the meeting on the public bulletin board that Tom has which is actually at the police station, but is the public place for announcing meetings. And it had to do primarily with the conditional use application for the house down on Union Street by the doctor. I think it's still a FOIA violation and it wasn't addressed by the council to the Town Council. When I raised this with someone a week ago it was like you're just causing the town move expenses. I don't want to cost the town more expenses. But I would recommend that our Town Attorney I think has had a chance to think about this. I think it's time to re-advertise that conditional use, properly advertise it, properly note it on the town bulletin board. And I was even more struck with the need to revisit this issue after the Young Funeral Home went the way of demolition this past week. I just think we're having a terrible negative affect on Union St. coming from Rt 16 down 5 into town. I really don't want to have to go through the work of filing a FOIA violation with the Attorney General and I think in the light of the fact that major place to advertise these things is the town bulletin board and since the meeting was not noted on the town bulletin board. I found three citizens who when they found that the conditional use had been granted said they were not aware that it was on because they had looked at the town bulletin board and did not see any town agenda noted there at all. So I would respectfully request that I think this issue needs to be re-visited and hopefully with two new council members appointed tonight, I think, I don't know, it might be good for the entire council to review this issue with proper notice. Thank you.

Mayor Post: We'll now close the public participation and call to order at 8:37 pm. A Milton Town Council meeting on August 6, 2007 and we will begin with a moment of silence let by C Betts. The Pledge of Allegiance was said by all in attendance.

Mayor Post called roll:

Present: Councilwoman Hudson
Councilman Prettyman

Councilwoman Abraham
Councilwoman Betts

Any additions or corrections to the agenda?

C Betts: I would like to open up a motion to amend the agenda to move the executive session to the end of the meeting.

Mayor Post: Any other?

Presentation of Minutes:

C Betts: I'm going to ask that presentation of the minutes be tabled until next month.

C Prettyman: I second.

Mayor Post: We have a motion, and a second to amend the minutes and move the executive session to the end of this meeting.

C Betts: I would amend the meeting to have it under new business the Cat Snippers request.

C Prettyman: I second.

Mayor Post: All in favor say aye. Aye by all, opposed – none, motion carried. Now we need an approval of the agenda as amended.

C Prettyman: So move

C Betts: Second

Mayor Post: All in favor say aye. Aye by all, opposed - none, motion carried.

NEW BUSINESS

Employee of the Quarter

C Abraham: I have three employees of the quarter. I do not believe they're here this evening so these will be passed to their supervisors. The first employee of the quarter, the Mayor and Council of the Town of Milton, Delaware hereby recognize Sherry Jordan as Employee of the Quarter for the period of October through December 2006 in appreciation of her consistently loyal and dedicated service to the citizens of the town. Briefly, Sherry did some investigative research which saved the town from having to pay back an old grant. Second employee of the quarter is Dustan Russum for the period of January thru March of 07. In brief, works extremely hard for the Town of Milton, completes his tasks daily, performs additional duties when asked, comes in to work when called, also stays after to help with emergencies. Third is Corporal Mathew Rockwell. He's employee of the quarter for January thru March 07. There were a couple nominations for him. One being on his day off he assisted an 82 year old woman who was in such a predicament with her car broke down that he spent several hours helping this lady out on his off duty hours.

Recommendation and appointment vacant council seats

Mayor Post: As you know we have two vacant council seats. We've got C Harris whose period would end 09 and then we have C Frye whose period would end the end of this term which would be in April 08. We will start with putting a name up that I want

forward as Mayor for consideration and that would be for filling the term of C Harris and I would like to put up the name Deanna Duby.

C Betts: I'll make the nomination to approve Deanna Duby as the council person. She's been a chairman of the Charter Committee and worked diligently with that committee and I think she would be an asset to the town.

Mayor Post: But would you clarify that you're making that motion.

C Betts: I making the motion for Deanna Duby to replace Ed Harris for the council seat to expire in 2009 as council person for the Town of Milton.

Mayor Post: We have a motion and we have second.

C Prettyman: I second.

Mayor Post: We'll do roll call vote

C Hudson	-	Aye
C Prettyman	-	Aye
C Abraham	-	Aye
C Betts	-	Aye
Mayor Post	-	Aye

Motion carried.

Mayor Post: The second one I'm putting up to carry out the term C Frye is Joanie Martin Brown.

C Abrahams: I'd like to make a motion to approve Joanie Martin Brown to take the place of Jack Frye to finish out his term this year.

C Betts: I'll second that motion.

Mayor Post: We have a motion and second. We'll do roll call vote

C Hudson	-	Considering she has put in a great deal of time and effort To promote beautification of this town I say aye
C Prettyman	-	Aye
C Abraham	-	Aye and also with that she would bring a lot of knowledge With her. I know so, she sat on some of the water & sewer Committee meetings.
C Betts	-	Aye and I feel she'll be an asset to the council
Mayor Post	-	And Aye because I think we need some environmental, I Think she is a strong environmentalist and I believe there Is some good in that. So I too will say Aye.

Motion carried to fill that vacant seat. And I really want to welcome these two people because it's going to be vital with moving the town forward that hopefully bringing some new blood up here will put a new angle on things. At this time then I would assume that what we could do is the oath of office for the council appointment for Deanna Duby and we could install her tonight. So Deanna Duby could you please come forward.

Stephanie Coulbourne: Raise your right hand and repeat after me.

Deanna Duby: I Deanna Duby due solemnly swear that I will support the constitution of the United States, the laws of the State of Delaware, and the Charter of the Town of Milton, that I will faithfully discharge the duties of the Office of Council of the Town of Milton. And I will always take action with the best interest of the Town of Milton guiding that decision to the best of my ability so help me God.

Mayor Post: And then we will do the installation for Joanie Martin Brown at the next regular council meeting or the special council meeting. The committee recommendation will have to be added on the special meeting.

Minor lot line adjustment Cannery Village Phase IIB

Joe Reed: I'm a partner with Chestnut Properties. The owner for Cannery Village and we're here tonight presenting this. Brett Jones from Crone Engineering just a few minor lot line adjustments which actually result in the elimination of one lot but just to accommodate a little bit larger product, a product that has been selling better. We're eliminating some of the 28 ft wide product. I will introduce Mr. Jones who will give you the presentation.

Brent Jones: Hi it's actually Brent Jones, I'm a professional engineer in the State of Delaware. What we are proposing to do is adjust some of the lot lines. On the first section here there are 8 lots. They're looking to do 7. Take them from 28 ft wide to 30-32 ft wide that will accommodate a product that's actually selling, something that's really moving for them. The other one, which you can see there's a section of four, it's supposed to be two duplexes. What they're planning on doing there is moving the interior lot lines out a little bit so it's evenly spaced throughout. So those are approximately 32 ft across, instead of 35 on the end and 28 in the middle that way they can still get the proper spacing in between for the setbacks. This one over here is a very similar case to that. They're looking at adjusting the interior property lines so they can get the proper setbacks, get a wider unit in there, and it really doesn't affect anything because they still have the same number of lots. Any questions?

Mayor Post: Overall this is just minor line changes.

Brent Jett: Yes

C Prettyman: I'd like make a motion to accept the revised lot line changes for lot 140 thru 143 and for lot 152 to 155 and lot 123-130 and make the adjustment with 123 to 129.

C Abraham: I second.

Mayor Post: We have a motion and a second. Any discussion to the motion? Ok we'll go ahead and do this roll call vote:

C Hudson	Aye
C Prettyman	Aye
C Abraham	Aye
C Betts	Aye
C Duby	I will abstain. I didn't have the documents to review
Mayor Post	Aye

Motion carried.

Cat Snippers - Tina Thorgood – I'm up here for the Milton Cat Snippers. First I want to say to the Mayor and Town Council members, Becky let me speak this evening. Three years ago a group of concerned citizens ask to allow to humanely reduce the stray cat population by using a procedure called trap, neuter, release, which has been very successful. Since your approval our request we have assisted in the spaying/neuter of more than 400 cats and found good homes for hundreds of kittens throughout the local adoptions and pet smart programs. We regularly arrange to bring low cost spay/neuter vans to Milton. In fact, they'll be here again on August 29. We monitor existing colonies throughout Milton and spay/neuter new cats who come into the colonies. Unfortunately, the cost of the spay/neuter had increased. Each cat costs us between \$60 -

\$80 to spay and neuter. We are out of funds and have turned needy people away. Which tears us up, what do we do. We constantly try to raise money by having auctions on Ebay using collection boxes in Milton stores and having booths at various town functions. On Saturday we did a 50/50 drawing and took donations. Everybody was very kind, generous. In the whole day we acquired enough money to spay 3 cats. It's very, very frustrating. The need is more than the funds that we have. We would like to request that the Milton Cat Snippers be added to the town budget this year in the amount \$2000. Any financials the town council could provide would be very much appreciated. That would be enough money to spay/neuter 25 cats. We have people on the outskirts of town that we're constantly turning away that consider themselves, because they have a Milton zip code. We just don't have the money to do it. We have tried to get people to donate partial amounts if they can't afford to have it done, but there are so many. We had a lady today that has 25 cats, she's sick with cancer, and we had to tell her no. No solution to tell these people what to do. Our hands are tied when our pocketbooks are empty. Actually Susan and Donna are the compassionate people who go out. They do a heck of a job. They work full time. We have probably three calls at least on our answering machine every night that someone has a mother cat with kittens, what do I do. It's a lot of time and energy. I try to use my big mouth to get them money so they can accomplish what they need to do to get it done. Anything that the town could do for us we'd really appreciate it.

C Prettyman: I'd like to make a motion to give them something at this point.

John Brady: Should I interpret your motion councilman to have it discussed at the workshop next week?

C Prettyman: Yes.

Mayor Post: So we have a motion and a second. Any discussion to the motion? Motion carried

Executive Session:

Mayor Post: Can we have a motion to go into Executive Session?

C Betts: I make a motion to go into Executive Session.

C Abraham: Second.

Mayor Post: We have a motion and second.

This part of the regular session was ended at 10:16:12 and Executive Session started.

Adjournment

A motion was made, second and carried to adjourn the meeting at 10:45:22

Respectfully submitted,

Stephanie Coulbourne
Town Clerk