

**Milton Town Council Meeting
Milton Library, 121 Union Street
September 8, 2014, 6:30 p.m.**

**Minutes are not Verbatim
Transcriptionist: Helene Rodgville**

1. Call to Order – Mayor Jones
2. Moment of Silence
3. Pledge of Allegiance to the Flag
4. Roll Call – Mayor Jones

Councilman West	Present
Councilwoman Patterson	Present
Councilman Coté	Present
Councilwoman Parker-Selby	Present
Mayor Jones	Present
5. Public Participation – to receive general comments and specifically receive public comment on updated web design (written comments will be accepted if delivered to Town Hall prior to 5 p.m. on September 8, 2014)

Mayor Jones: Tonight for our public participation, we'll be receiving public comment on the updated web design, written comments. Have we received any written comments? Very good. If you'll be so kind as to call the names.

 - Ed Kost, 230 Sundance Lane: Mayor and Council, I have a comment and a question tonight. The comment concerns the punch list. This is for my background information and Council's, for that matter. The punch list was completed December of last year. The punch list is aging now and I think Council should consider, at some point, having the Town Engineer advise Council on whether the punch list should be updated. There may be new damage out there, that the punch list doesn't reflect, because of construction and just the way things work over the course of time. I don't know when that should be done. I know, at some point, it should be done and Council should put that in some To Do File, someplace. My question concerns the Performance Guarantee and I spoke to the Town Solicitor about this and he's the one who can answer the question for me, and for the audience, for that matter. The Performance Guarantee does not state what a guaranty is comprised of. It just says a guaranty. Normally, in my discussions with my neighbor's, we think in terms of an insurance policy. You're going to get a policy from somebody guaranteeing performance; however, if the Town's complaint is filed and a Judge rules in the Town's favor, the Judge really doesn't care if the guaranty, I believe, is an insurance policy or cash. The Judge just wants a sum put aside for performance and I asked the Town Solicitor if he would comment on this. I think it would be educational for me and for the Council, if Council is not aware of this, that what actually constitutes

a Guaranty. Thank you.

Seth Thompson: And, just for the benefit of the public, we do often kind of think of a Bond as the standard Performance Guarantee, but the language and it depends on which sub-division we're talking about, since some are under the old sub-division ordinance; but there is some breadth in that language, where a Performance Guarantee could include escrowed cash, potentially; a Letter of Credit. At one point, I think, when Chestnut Properties was here, we discussed possibly taking back a mortgage. So it's not just a Bond that could potentially satisfy the requirement for a Performance Guarantee.

- Mo Elgindy, 307 Brick Lane: The issue I'm going to talk about now, I addressed on August 4th. I'm repeating it again, but this time I need an answer for each item and I think you people, on the right hand side, not those people on the left hand side, you'll have the answer. I don't care if you tell me well we'll answer you in a month, two months, but an answer has to be coming to me or to the group who listens to this. The issues are we need the latest Master Plan, that's issue number one. I don't know how many times we asked for that and it seems to me that the developer gives his back to us and he didn't deliver that. That's an important thing and you are the only people who could get that. It cannot be me to get the Master Plan, so can we put a date on that of actions? Can we say, okay, we're going to talk to the developer to get us that? No.

Seth Thompson: Well there isn't a final approved Master Plan. There wasn't one that was presented and there isn't one that's recorded. There is what they call the Charter for the Community, but that isn't a Master Plan, at least for purposes of Milton's Sub-Division and Zoning Ordinances, so if you're asking if we have a copy of it, the answer is no.

Mo Elgindy: No, you don't have a copy, but I said can we get one?

Seth Thompson: Well, and again that... the Town doesn't create the Master Plan.

Mo Elgindy: No, the developer does.

Seth Thompson: Right.

Mo Elgindy: Okay, so are you going to ask the developer to get us a Master Plan or not?

Seth Thompson: Again, normally the process is the developer, when they need something, files an application with the Town; so at that... It's not the normal procedure where the Town would be asking a developer to submit something. Normally the Town serves the administrative and quasi-judicial function when the developer submits it, the Town then reviews it, Planning and Zoning and then the Council and when it comes to Master Plans, I believe your ordinance calls for public input; but there isn't a mechanism in your Ordinances that says if they don't submit it within X amount of time, then the Town will force them to submit a Master Plan.

Mo Elgindy: So are you telling me I have to cross that out of my list? Because it seems to me like you're a good lawyer and _____ an engineer here, I know and when you get A to B, it's going to a certain line and that's about it. I can't say the guy put all these buildings, over 180 places there, built all this, with nothing? Who's fault is this?

Seth Thompson: I don't know if we need to get into the... There's not much I can do with what happened prior to my involvement, but I think it's also important to keep separate, what the elements are. So your Master Plan is really related to your zoning, your Large Parcel Development; that's where the Master Plan comes in; but there's also the sub-division process and the site plan process...

Mo Elgindy: Okay, I'm sure you're going in the right direction, but let me ask you this;

Planning and Zoning did not get a plan for whatever we're doing here? Whatever is being done?

Seth Thompson: I think they reviewed site plans and the sub-division plan, yes.

Mo Elgindy: So who has that?

Seth Thompson: I'm sure it's available at Town Hall.

Mo Elgindy: So, do we have it, if it's at Town Hall? I'm talking to the Mayor now, do we have it?

Mayor Jones: Mr. Thompson said the site plan and the sub-division. He did not say the Master Plan.

Mo Elgindy: Okay, do you have the site plans and how many units will be built in this?

Mayor Jones: If you will speak with Mrs. Rogers, she said she will get that for you.

Mo Elgindy: Okay. Alright.

Mayor Jones: I have a question, if you don't mind me asking on your time; I want to ask Mr. Thompson? If the Master Plan had been properly recorded, would Milton have a copy?

Seth Thompson: Well, if the document's recorded, then it's at the Recorder of Deeds office, so it's really... Milton certainly should have a copy; but if something's recorded, when we use that term, it means it's been submitted to the Recorder of Deeds; it's a public document at that point.

Mayor Jones: You can't double-team us.

Ed Kost: I just would like a copy of the Master Plan. There had to be a Master Plan approved, because that set 538 dwelling units; somewhere there had to be a drawing that showed that number to come to that; because you can't do the sub-division plan, without that basis, somewhere there has to be that drawing. I have one that goes back, but I don't think it's the right one.

Seth Thompson: Yeah and I had Mr. Davis, before he left, go through and actually this was a few year's ago at this point; go through and see what we had in terms of the Master Plan and there was what they titled a Preliminary. I believe it was labeled a Preliminary Master Plan. Now that's supposed to be kind of this broader view; the 30,000 foot...

Mo Elgindy: I know what a Master Plan is. I'm an engineer. What I'm trying to ask you is the Master Plan being revised to what we have now?

Seth Thompson: Well, on some level, I think you can say when you drop below that 30,000 foot level and you're approving site plans and sub-division plans, that don't exactly mesh with that Master Plan, in effect, aren't you revising the Master Plan?

Mo Elgindy: Okay. I respect your opinion. As an engineer, with something changed and revised, there's no maybe. It has to be there. So you tell me maybe we have it, maybe we don't; no, you should have the Master Plan from the developer. I'm telling you. I'm not talking about from my... I'm a registered engineer in the State of New Jersey, okay; I'm not talking from the back of my head. So you have the right to go to the developer and ask him for a Revised Master Plan. You have the right to do that and if you don't do that, he's not going to give it to you, because that's going to cost him money.

Seth Thompson: Again, there is no mechanism... I can't do anything about what happened...

Mo Elgindy: You do whatever has to be done. I'm just telling you this is one of the items

which I'm going to hammer on from now on, until they put me in my grave. That's all I'm going to tell you.

Seth Thompson: That's fine, my answer isn't going to change. There wasn't a Final Approved Master Plan, so I can't turn back time and create one. There isn't a mechanism for...

Mo Elgindy: I don't want you to create one. I want you to ask the developer, does he have a Final Master Plan. Please, I mean, if you don't do this through letters and a timeline and what's been done, we're going to be lost again, like we are now.

Seth Thompson: And I understand... I tend not to send a letter, if I'm not able to then back it up with some sort of recourse.

Mo Elgindy: Okay, what I'm saying is, just for everybody's knowledge and for me to understand did you send a letter to the developer; ask him to give you a Master Plan and you're going to say I don't think there is one; let him tell you he doesn't have one; because this guy's going to go to Court pretty shortly and hopefully we have some documents to let us win in Court. If we don't and we let it fly like it's flying now, it's a plane without a pilot.

Councilman Coté: Can I just ask a clarifying question and maybe it's more of Mr. Thompson? We could ask the developer for an updated Master Plan, but do we have any authority to compel him to produce that?

Seth Thompson: And that's my point. We can ask and if they say no, we're not going to do that, I suppose that's the end of the inquiry in that your ordinances didn't anticipate this scenario where there wouldn't be a Master Plan approved for your LPD. Now there was an ordinance that was approved that set some of the parameters in terms of number of units; but it wasn't a map; it wasn't what you would look at and say that's a Master Plan for a community.

Councilman Coté: Sounds like that we can ask, we just can't force them to do it.

Seth Thompson: I think that's fair to say. There isn't something in your Code that I could point to and say Developer, you knew if you didn't do it within X amount of time, of a request from the Town, you're then in trouble.

Mo Elgindy: Mr. Thompson, all I ask is one thing; just go to the developer and tell him I would like to have a Revised Master Plan. Let's get his answer, so his answer will be in front of the Court when we go to Court; that's all that we need.

Seth Thompson: And... I mean, certainly the town can make the request. I think we know the answer, again, that there isn't a Master Plan.

Mo Elgindy: Don't predict. Just get something on paper. Without having something on paper, you said it, he said it, I don't know. Okay. We have a lot of potholes in Cannery Village, so we want a complete schedule to correct potholes, damaged sidewalks and when the final paving is going to be done.

Seth Thompson: The process for any completion here is the developer, when they're ready to turn over the improvements, they would then go through the punch list process; do whatever improvements were on that punch list and at that point, the town then receives the streets, the sidewalks, the improvements, so...

Mo Elgindy: Can we put a date on that? This has been dragging all summer now. Can we put a date on that?

Seth Thompson: I understand and again we're back to the scenario of your ordinances

don't call for a specific time period to finish the improvements. The developer and we're talking about the old sub-division ordinance, now, but it wasn't okay, once you sell 75% of your lots, you then need to do the top coating. There isn't anything like that here.

Mo Elgindy: No? So what you're telling me, I have no ground to stand on?

Seth Thompson: That's right. The old ordinance didn't provide some drop dead date for them to finish the improvements.

Mo Elgindy: Okay, if I got a lawyer and he's going to give me a different opinion, would you be willing to review it?

Seth Thompson: You can certainly get a second opinion, that's absolutely fine. I don't represent you, so you might have a different recourse than what the town has.

Mo Elgindy: No, I'm just asking you, are you willing to review what my lawyer says?

Seth Thompson: Of course. Yes.

Mo Elgindy: Okay. We asked for that before, this next item, we need the latest piping layout for the propane gas line and associated tanks. The tanks have just been put in, somebody must have plans for that. Somebody has to have plans for this. Did he get a permit? Who issues permits here? Did you get a permit here when he put about four or five tanks there? Does anybody know?

Councilman Coté: Are you asking about the new tanks?

Mo Elgindy: The new tanks.

Councilman Coté: I believe...

Mo Elgindy: No, no. I have enough belief. Let me tell you something. One question, when somebody does construction, somewhere, he has to get a permit and he has to get drawings. Did you issue a permit? Did you get drawings? Or are we staying on the same avenue that we've stayed on in the last 15 years? 10 years, or whatever?

Kristy Rogers: A building permit has been issued, but we did not get as-built plans, until the Certificate of Occupancy is issued; so it would not be issued to use the propane tanks, until we have those plans.

Mo Elgindy: I passed a piece of paper to the Mayor, once; when somebody does construction, first you provide the drawings; then you get approval from the Town to go ahead and do construction; and after he does that, you have to get what I call "as-built" drawing, because nobody builds exactly as what's shown in a drawing. I gave her that paper a long time ago. Then after that, somebody will do an inspection whether or not the tanks have been put in according to the drawings. Has that been done here, or is that the process from another planet?

Kristy Rogers: To my knowledge, no "as-built" plans have been received yet.

Mayor Jones: Mr. Elgindy, that piece of paper that I asked for, from you, that was turned over to our former Project Coordinator, Mr. Davis. As you know, he is now gone. I cannot even say that that copy exists in his paperwork, though I believe I can produce my copy. There were a lot of great ideas on that sheet of paper, kind of an A to Z punch list, however, you were also asking for material that was not and cannot be applied against, if I say it incorrectly, the sub-division plans, the piping and the utilities have not been required under those ordinances in the Town of Milton prior.

Mo Elgindy: When you say utilities, is that including electrical wiring system for the whole community, or wiring for telephone and small wiring?

Mayor Jones: I'm afraid that unless Mrs. Rogers can answer that, I don't want to answer

a Code Enforcement question like that, or a project question like that; but you're very good and very valid ideas were turned over to the right department.

Mo Elgindy: But the guy retired though? Left, whatever? So my paper is sitting somewhere.

Mayor Jones: It doesn't mean they cannot be looked at again, but right now, a lot of the issues that you brought up, are simply... we have no leverage under the applicable rules right now in your community and it is a terrible answer to give you; it's frustrating to give you.

Mo Elgindy: But what I'm asking for, you have what we call National Code; State Code; and Town Code. If you're going to have the Town Code, you should have the State Code.

Mayor Jones: Correct.

Mo Elgindy: And that's a standard for everywhere. If we build everything in the United States, the way we built in Cannery Village, we wouldn't never have a high rise building, standing. This is bad. This is really bad. It's a shame. I'm witnessing this and I'm really getting a headache and agitated every day. I've never seen any inspector look at these tanks when they put them about 10-15' from where my sons and my grandsons were. Nobody looked at that. Now you're telling me there are problems.

Councilman Coté: Excuse me, but that was approved by the Town Planning and Zoning Commission. In terms of your "as-built" plans, do you...

Mo Elgindy: Okay. No, no, was any inspection done when they put them in?

Councilman Coté: That I couldn't tell you.

Mo Elgindy: That's part of the process.

Councilman Coté: I couldn't tell you that. "As-built" plans, I don't know if you get partially built plans, because I don't believe they could be finished yet; because I don't believe they've made the... done the work...

Mo Elgindy: The tanks are finished and have been buried and they're ready...

Councilman Coté: They're being buried, they're just not connected to anything.

Mo Elgindy: It doesn't matter.

Councilman Coté: To be connected, would mean it was finished.

Mo Elgindy: Wait a minute. A lot of stuff has to be done to the tank before you bury them underground. So has that been done? I don't know. You, actually, said Poore's doing it and if it gets blown up, we're going to sue Poore's? Good luck. Because we could get sued as a town, if anything happened to these tanks.

Councilman Coté: Well, it was approved.

Jeff Dailey: Were they properly inspected?

Mayor Jones: That was going to be my question for Mrs. Rogers. In your time in the Town of Milton, have you known of... I know we send out inspector's when buildings and things are finished. Have you known of any utilities to be inspected, or any process that Milton uses for that?

Kristy Rogers: Not for propane tanks. We certainly have the water lines inspected, sewer lines inspected; I'd have to look back in the file to see if First State has done any of the inspections for the propane tanks yet.

Seth Thompson: So just for a little bit more background, Planning and Zoning approves the site plan for public utilities, but that's a separate issue in terms of who then is there to

inspect as it's being installed; and the Town has had it's employee's do some of the inspections, but then for inspections involving buildings, typically it's been First State, a contractor, to handle those inspections. So the question is whether a utility fell under the Town employee's inspecting, or First States' inspecting.

Mo Elgindy: Well let me let you know about electrical inspection in Cannery Village. When somebody wants to put service in Cannery Village, they go to Dover, apply for a permit; and they issue a permit; and somebody from Dover comes over and checked that the installation is correct. Unfortunately, it's not done for the piping system, for underground piping; because I'm not sure, maybe it's done, but there's supposed to be a Certificate issued from the inspector, telling them everything's been done according to Code, according to the drawings; because you don't have anything to stand on. Now we have two things in here we want to correct the water tanks and I spoke to Greg and I'm going to have a meeting with him, because we may; I'm not sure, exactly, I have to look at the piping drawings and everything, we may be could save money by just adding to the pumping service we have for Cannery Village and the rest of the communities. We will look at that. That's one item I have that I have to answer that, after I meet with Greg. Now, during a past meeting, Chestnut Properties, two people were standing in my place here, if that ground had a tongue, it would say that they stood here and they say we will pave all the Lanes in Cannery Village. Now, Mr. _____ later said, I don't agree on that. Now, we don't have meeting minutes for that and I asked for meeting minutes for that. The lady that does the meeting minutes, she was sick, but you have a recorder and you record every minutes...

Mayor Jones: They were actually reviewed and approved by the Council at our last meeting and the date of those minutes is April the 21st.

Mo Elgindy: Okay, so I could look at that on your website, right?

Mayor Jones: Yes.

Mo Elgindy: Most of our issues are related to miscommunication between the developer and the Town of Milton and we, the resident's, became the victims of such behavior. We really became the victims of such behavior. Now we keep having a question mark, every time we ask a question. I'm not saying that it's fabricated, but I'm just saying this is not the right answer. We need an answer. I've been living in the United States for 43 years; I moved to three states. I never attended any meeting with them. This is the first time. That means we're not running things right. The Cannery Village community contributed taxes to Milton of approximately \$125,000 a year. Meanwhile, the benefit we gain from such contribution is minimal and you and I know that. If taking a developer to Court is the answer, please do so and don't delay, because if we pay that much money and you want only \$18,000 to take him to Court, go take him to Court. Because that guy's not moving. He's moving at his own pace. He doesn't have to drive through the potholes and through all this mess and we get mosquitoes because of all that stupid water laying everywhere. He's not going to do it. Take him to Court. This is the end of freedom; let's go to Court and get that guy to straighten out his act. Now for all these items, we'll need a progress report during the monthly meetings for above issues, to understand when our misery will end. So, thank you.

Mayor Jones: Thank you Mr. Elgindy.

Kristy Rogers: I also want to make a quick note. I did email members of Chestnut

Properties to come to Town Hall for a meeting and they have yet to respond to my email, three weeks ago.

Councilman Coté: Just really quickly, I'll take this opportunity. Chestnut Properties was not... I spoke with them and they were not forthcoming about when; their indication was that they're still working on it; on getting together the things they need to get together, whether it be the contractor and who's going to do what, when; they're working on it and I'd say they sounded positive, but there's always a question mark attached to that, because it's been what, 8 or 9 years that the roads are the way they are.

Mayor Jones: Mike, are you finished, because we have this on the agenda for this evening?

Councilman Coté: Yes.

- Alex Donnan, 103 Pond Drive: On behalf of the Economic Development Committee, I want to bring you up-to-date on our sign project, which has been going on for quite awhile. The signs are in. They were installed last week, eleven signs are in. Now, that was Round One. Round Two is to go back and try to get the signs that they denied; for various DelDOT reasons and that will be our next exercise, trying to get some additional signs. In addition, the law has changed again on the large Welcome signs; the big 8' X 4' Welcome to Historic Milton; Welcome to Whoever. They were outlawed for several years. The law was changed again in July; they're now allowed again, so I'm going to order them as soon as I get the rules; I'm in touch with the rule maker; the rules aren't out yet on what they have to be made of; they have to be a breakaway type sign, for purposes of safety, so it looks like we can get a couple of those and try to get them in strategic locations; so progress. Just wanted to get everybody up-to-date. It's nice to have something done.

Mayor Jones: Thank you, Alex.

- Barry Goodinson, Chair of Planning and Zoning Commission: I want to speak to the proposal that's been set forth to change the Town Planning and Zoning Ordinance that requires the Council to send changes to the ordinance to the Planning and Zoning Commission before our recommendation. Right now, the law says that the Council "shall" send changes over to Planning and Zoning. Planning and Zoning then has an opportunity to have public hearings, have a conversation about it and then consider the changes to the zoning ordinance and then make a recommendation back to the Council. The current law currently says that if the Planning and Zoning Commission rejects the changes, that the Council would like to make, then the Council can override the Planning and Zoning Commission by a four-fifths majority vote. Back last year, the Council sent a proposal to Planning and Zoning asking to change the "shall" to they "may" send the changes to Planning and Zoning Commission, so if they feel like it they can; if they don't feel like it, they don't have to. It came to Planning and Zoning. We wrote a letter back to the Town Council, unanimously rejecting that attempt. The Council then voted and they voted to not change the "shall" to "may"; because they did not have a four-fifths majority and it did not pass. They've since reintroduced the motion to change "shall" to "may" again, and they also want to change the four-fifths majority to a simple majority and this came to Planning and Zoning. We discussed it and we wrote a letter, it's in the packet and we unanimously rejected this change, both the change to the "shall" to "may" and the change to a simple majority from the four-fifths.

I'd like to read some of the reasons why, because I think it's important. I don't know if everyone's had an opportunity, but I think it's very important that we put this out in the public sphere. I won't read the whole thing, but I'll read a few of the salient points.

1. This action flies in the face of our Town's founder's desire to establish a system of checks and balances, that is essential to prudent and democratic governance.
2. This action reduces government transparency and due process, by truncating decision making processes and eliminating opportunities for public engagement and comment.
3. This action, which is purported to create a more business-friendly environment, creates an environment of uncertainty for perspective businesses and investors and therefore, in fact, creates an environment that is antagonistic toward new business development.
4. And this is important, I think to the conversation that we just heard. This action does nothing to address what we believe are the real obstacles to business development here in Milton. In speaking to existing and perspective property owners, we are told that the confusion and obstacles are often presented by town staff, who provide inconsistent, contradictory and changing information. If the Council's true intention is to create a more business-friendly environment, we believe this can be more effectively accomplished through more judicious hiring, training and supervision of Code related personnel. The framer's of our town's Planning and Zoning ordinance understood that a high bar must be established to overturn the recommendation of the Planning and Zoning Commission, in whom specific responsibilities are invested and in whom particular expertise and specific knowledge is maintained. A four-fifth majority vote was established to maintain this high standard and to minimize the development of factions that could overturn these informed recommendations.

Barry Goodinson: These are just a few of the bullet points and I ask that you pick up the packet, or go to the town website. The conclusion here, I just want to read to you. The Council's move to marginalize the Planning and Zoning Commission comes at a particularly troubling time. Through the Commission's Comprehensive Planning process, we are amassing vast amounts of data in a deep and clear sense of the communities needs and desires. This information and expertise should be utilized and embraced. Instead the Town Council seems to be trying to create an intentional and permanent way to ignore the expertise of the Planning and Zoning Commission and the express desires of the community. We urge the Council to honor the wise intentions of the framer's of our town's ordinances and more closely partner with and more intentionally utilize the expertise of the Planning and Zoning Commission. The changes that the Town Council proposes to Town Code Section 220-99, 1) eliminating the requirement that zoning changes be referred to Town Planning and Town Council by the Planning and Zoning Commission for review and recommendation, making that referral instead of discretionary and, 2) changing the current four-fifths majority to overturn the Commission's recommendation to a simple majority, fly in the face of the town's founder's desire to establish a system of

checks and balances, that is essential to prudent and democratic governance. We unanimously and vigorously oppose both changes for the reasons stated above. So I think it's important that we all be part of this conversation, so that is speaking on behalf of Planning and Zoning. Now I want to reset the clock and I want to speak on my own behalf and what I'm going to say now has nothing to do with... I've not been authorized by Planning and Zoning.

- Barry Goodinson: 313 Mill Street: This is just me, Barry Goodinson, speaking as a private citizen. I think that this effort to change the “shall” to “may” is representative of a larger trend that I'm seeing here and that I hear talked about around town, that's pretty alarming and that's a trend that seems to be cutting the community out of public discourse and conversations about important issues, here in town. This topic has been under consideration since December, but I've never heard anyone stand up and publicly say, these are the reasons why we want to do this. These are the problems that we're encountering in development here in Milton and therefore, this is why we want to sort of case aside Democratic processes, to this other purpose. I haven't heard anyone explain that to us. Now, the conversations might be taking place between Council Meeting or Council Members or privately, but it's never been presented to the community and we're smart people. We should be part of that conversation. I know that some of you are feeling battered by the public discourse, but you know I think all of us have been in relationships where we don't feel heard and the human tendency is if you're in a conversation, or in a relationship with someone who doesn't hear you, and doesn't listen to you, you start to speak louder and ultimately you start to yell. That's what's happening in this town and it's troubling. I think Planning and Zoning, we have made a real concerted effort and undertaken a really time and labor heavy process to have these public meetings. We're having 15 public meetings, which is a lot of time, but we're doing it specifically because this is a town that is desperate to be heard and we really want the Comprehensive Plan, when it's done, to be representative of the people's opinions and expertise and dreams and that's an important thing and we're getting great feedback. And on the converse, we're seeing people who are very, very angry about what's happening here, so I think there's an opportunity here that when you are voting on the “shall” to “may”, it's an opportunity for you to signal to the community, that we're going to open up this process; that we're not going to stop; we're not going to be talking quietly; we're going to be doing it publicly, so it's not just about this particular thing. It's about a larger trend that I'm seeing, so I guess this is more of a challenge, or I'm begging you, to signal to the community when this comes up for a vote, that you're going to vote this down and you're going to signal to the community that you're going to listen to us. Thank you.
Mayor Jones: Thank you.

- Ginny Weeks, 119 Clifton Street: I have a couple of questions for you. I'd like to know who is responsible for the writing of the Comprehensive Plan? I mean the actual, physical writing, when things are being done well, who are we going to compliment and when they're not, who are you going to talk to, to say, I've never in the whole time we've been doing this process, been able to figure out, who's going to write it? Whose responsibility is it to get it done?

Mayor Jones: Where did Mr. Goodinson go? I would assume at this point you and Mr. Godwin have had a number of conversations about this? I know we've put onto the

Comprehensive Plan's budget the transcriptionist for putting that on paper. Now, that comes from verbal dictation that I understand Mr. Godwin is undertaking at this time. Is that correct?

Barry Goodinson: Yeah.

Ginny Weeks: I'll take an intermission.

Barry Goodinson: Yeah, the process right now, we've been having these community meetings. We're meeting this coming Thursday. We're going to meet with the planner from the engineering firm. We're also going to look at certain sections of the Comprehensive Plan, so I've started a Draft of the section of the Comprehensive Plan that focuses on Historic Preservation; that focuses on Town Center; that focuses on the river. We've had these conversations with the community, so I'm going to work on those. Hal is working on the transportation section and the outlying areas, so we'll be writing the first drafts; then Planning and Zoning will kind of... and they're going to be rough working drafts and Thursday we're going to be rolling up our sleeves and I've got lots of gaps in my section and lots of questions to ask. So, that's the process. I think perhaps at some point we may have to change the budget, because we put a lot of money... I think we put it in primarily for temporary help, or something like that; because I don't need a transcriber. I write. So I don't know what Hal's going to be doing, if he's dictating and then it's going to be transcribed, but that's... I think I would like to see more money put into more planning expertise, rather than temporary assistance, but that's the answer that I have.

Mayor Jones: And we did work on your budget the last time we met.

Barry Goodinson: Yes. Thank you.

Ginny Weeks: Thank you, so the final decision of the final Comprehensive Plan to be submitted to Council, will be between Mr. Godwin and Mr. Goodinson? They're responsible.

Mayor Jones: No, by the time you're looking at a final, you will have pulled your planner in and he will have reviewed your final draft work.

Ginny Weeks: So the three of them are equally responsible for the final product?

Barry Goodinson: And the other members of Planning and Zoning.

Mayor Jones: Right.

Ginny Weeks: Right. Well, when I talk about you, I mean Planning and Zoning.

Mayor Jones: Everybody's input is channeled through Planning and Zoning, works with the moderator, Mr. Godwin and the planner, who will review all the drafts. Yes.

Ginny Weeks: Right and so who signs off on the last one? That's what I want to know.

Mayor Jones: The Planner signs off. A Certified Planner has to sign the document.

Ginny Weeks: So he's the last word. Okay. I saw this on the website, it's a request to establish a place and time for a public hearing on a zoning amendment relating to amendments to the Zoning Code. Which part of the Zoning Code? I mean this is a very... I don't know if this would pass FOIA, to be honest with you. I don't know if you could give this to anybody and they could tell you what you're going to be talking about.

Seth Thompson: That's the Resolution that would establish the public hearing on the "shall" to "may" and the three-fourths, simple majority. So there won't be a vote, other than...

Ginny Weeks: Okay, because nowhere does it say "shall" to "may" or three-fourths, so

nobody knows why you're establishing a public hearing.

Seth Thompson: Okay, but that's the ordinance and I suppose I could do a better job of putting more detail into the title of the ordinance?

Ginny Weeks: Right. From this, I didn't know if you were going to rezone property or what you were going to do. Okay. "Shall" to "may" - I can't agree with you more. We have a long tradition that comes from way back when and that Kennedy... President Kennedy wrote a book on called Advise and Consent and you want to do away with that in Milton. I want you to know tonight, Mr. Coté, Mrs. Parker-Selby, Mrs. Patterson, Mr. West, Mayor Jones, tonight you're going to vote on the second reading of this. You can defeat it tonight. It's wrong. It's wrong.

- Mary Hudson, 406 Union Street: I don't think I've been back to a Town Council Meeting since I was on the Town Council, three years of my own term and 10 months to finish out Noble Prettyman's term; but I have a very strong feeling about changing the word "shall" to "may". When I taught fifth grade, I also taught American History and I think at some point in time the people sitting on the Town Council had American History and you understand, or at least I certainly hope you understand the meaning of checks and balances. The reason why there's a House and there is a Senate. The reason why things go back and forth between Planning and Zoning and the Town Council, checks and balances and to eliminate one half of that, it just reduces the balance of power and puts too much power into the Council. The other thing is due process. We're all sitting here, listening to people, having an opportunity to speak. If things are not referred to the Planning and Zoning then half your opportunity to speak, is gone. When I was a counselor in a men's prison, even the inmates had full due process, convicted criminals still had full due process. By eliminating Planning and Zoning or simply by not referring something to Planning and Zoning, you're taking away the resident's due process and as Ginny Weeks, let me quote her, "It's wrong". Okay. I just wanted to say that for our town, you want to bring business into this town, I wouldn't think of a single construction company or business company who would want their project or the business to go through Planning and Zoning. They could get negative comments, they could get negative press, it slows them down; well that's the way it is. That's the way it should be. There should be comments. There should be recommendations before things go to Council for a final vote and to me, what you have here, when you take away... when things are not referred to Planning and Zoning, to me that could give the appearance of impropriety to the Council. I haven't heard anybody use the word "corruption" and I hope it never goes that far, but there's the opportunity for that when... or the opportunity at least for the appearance of impropriety, when one half of our system has more power than the other half. If you eliminate one half and you put everything onto the Council and it's just... it's wrong. I really, sincerely hope each of you will look into your hearts and your souls tonight and think about the reputation of this town and you want to bring, not just business into this town, you want to bring resident's into this town and they want to have trust in the Council and that means having Council and Planning and Zoning, that are both effective and are both working together and not just say "if" it's referred; which means that you can just about bet 100%, or at least 99%, it's not going to be referred, because businessmen are going to call you up; maybe one at a time and say what can I do for you; or whatever they're going to say to you. Whatever reason they're

going to give you, don't refer it and that's the appearance of impropriety and so I would ask you please, each and every one of you, to look into your consciences, your hearts and your souls and defeat this and do not vote for it. Thank you.

Mayor Jones: Thank you.

- Jim Welu, 30263 East Mill Run, Milton: I couldn't agree more with the previous three speakers. I'd like to add to that thing about transparency in government and public participation. It was noted on the agenda that there might be a replacement, I think, of a member of the Planning and Zoning Commission. I would suggest, from experience that I experienced growing up in Montgomery County, Maryland and other people here from the area probably know, that when there's a vacancy, people are recommended to apply to fill that vacancy. Then the people that appoint them, interview them, or the Board interviews them, then the people that make the appointment, make their appointment. That's their power. But the process ought to be opened to those who would like to apply and they would have to be interviewed and their resume's reviewed, their expertise reviewed. I think that would make for a much more open process, than us coming here and being told so and so is being appointed, or recommended for this Board or for this Council and you vote and that's it. There may be many people would like to serve and they have many, many good qualifications and I think they should be reviewed. Let me put my glasses on. Private water wells. I presumed the Code was written in such a way that there would be no water wells; which is to make sure that people were not using impure water in the new water system that the town finally had, and to make sure that it functioned properly. I'm suggesting that maybe the Town Charter ought to be changed to no private residential wells. Things have changed. We have a brewery. We have a car wash. We have sub-divisions with massive lawns, compared to the old Town of Milton and I don't think we should restrict these people from having their private wells, unless there's some major emergency. Let's say that our underground water starts to evaporate and we run into a real water shortage, and the town has to maintain water for the homes. I don't think that's going to happen very soon. I think that would be an exception to not permitting private non-residential wells. Question I have. Seven, eight years ago there was a \$33,000 account that the town held as an asset. My understanding it was secured by Tom Draper from the State Government for the purpose of improving the sidewalks on Chestnut Street, as he was preparing to develop Cannery Village. I presume that money is still there, in some special account; specifically for sidewalks, in Milton, on Chestnut Street. Leah Betts, I'm sure, can confirm this, because it was in our discussions when we were discussing trying to get the sidewalks on Chestnut Street approved, years ago when I owned a property on Chestnut Street. I hope that money is still available and I would hope it would be used. I understand that we are in store for a \$175,000 tax increase in the Town of Milton, at least that's what is proposed, if I understand it correctly and someone said that's one house, \$150,000 and now add to that, one street sweeper for \$27,000 and we're getting very close to the \$175,000 in an increase and I don't know that the town really needs the house. It was never discussed by the public. The decision was made in the middle of the night, almost; after a long, private, Executive Session, after all the citizens that were here, went home for the night. So we had no idea what was going on. I don't know if the people know that in the budget that you're reviewing right now for approval, there's not only a \$27,000 charge for a street

sweeper, but we're going to be paying that same amount, committed, every year, for the next seven years. It's going to take that much money to buy a street sweeper. I have a question on a street sweeper. I know they work very good on horizontal curbs...

Councilman Coté: If I could interrupt for a moment. The street sweeper is on a wish list, but I don't think it's seriously being considered. It was on the original wish list.

Jim Welu: Maybe it's not. It was in the budget report I got from Kristy. I don't know whether it's not... I hope it's only under consideration and can be rejected, along with the "shall"/"will" vote tonight. My question on the street sweeper and Greg may be able to answer this, better than anybody, how well do they work? I know they work very well with curbs. I don't know how well they work with the new curbing that goes in the new sub-divisions, that's kind of a curvature and I don't know how well they work on places like Bay Avenue and streets like that, where there is no curb and there's a lot of gravel. I don't know if they pick up a lot of gravel and not a lot of leaves and dirt. I think it's something that needs to be explored, before we invest in a street sweeper, to see whether it will be effective in this town. I think that's it. Thank you.

Mayor Jones: Thank you, Mr. Welu.

- Richard Miller, Grist Mill Drive: My role tonight, I think I'm the last public speaker, is to serve as an interlude between the serious business that's been discussed and the next bunch of serious topics that will be discussed. I want to talk about a project that is very lighthearted and it's probably a good transition to the regular meeting. On October the 3rd the third annual Pumpkin Carve will be held and to just give you some brief background on how it's done. There's an alliance of the Milton Farmer's Market, Dogfish Head Brewery, Fifer's Produce and the Cannery Village Civic Association on the two Friday's before the actual October 3rd event. We make available pumpkins for distribution. Now with any program, there's no free lunch. In order to get a pumpkin, the child or adult has to bring a canned good, so that it could be donated to Casa San Francisco; so on September the 19th we'll be distributing pumpkins, collecting food; the same on the 26th, distributing pumpkins, collecting food. On the 3rd of October, those pumpkins will come back to the Farmer's Market, carved and ready to be judged and folks will come to the pumpkin table and vote for their selection in three age categories, so this is the third year that we're doing it. The only added element this year, in order to expand and make it even more interesting, last year at the Historical Society there was an auction and the Cannery Village Civic Association bid and won a free day's use of the 1926 America La France Fire Engine. We're going to use that fire engine, the day of the pumpkin carve and again, the price of admission for a child to get on that fire engine, is going to be a can of food; so we're going to have a mess of fun and a mess of food and it's all going to depend on you. Thanks.

Mayor Jones: Thank you.

- Fred Manajian, 120 Village Center Boulevard: I thank you all for the opportunity to be able to come up here and talk to you all. On a lighter note, I'd like to express our prayers and thoughts to Chief Phillips. He's undergoing an operation right now and I was advised that his surgery has been somewhat successful, but there may be problems along the line, so I hope that people would consider him in their prayers, for a fast recovery and be able to get back to work. Thank you. On another note, most of the issues that have been addressed in here are naturally very important. Basically in all of the time that

I've lived here in this County and in the Town and coming to the meetings, I've noticed that we all want to achieve the so-called Utopia, to get everything right and I think the Council had the votes of the people, to secure that and I'm not too sure with the recent things going on, I'm not too sure that they were able to get there, so I don't know where the people stand on the elections, or the future elections of the individuals, but there seems to be a lot of discord going around and I don't know where it's coming from, but it's happening. It happened in previous administrations and it's happening now. It's like we elect officials, officials are sanctioned to do a job, they attempt to do a job and the word we use today is "transparency". Transparency is a double-edged sword. It has a micromanagement tool to it and sometimes when you attempt to do certain things, that you're given the authority to do, somebody's always over your shoulder, checking you out and that's a problem. That's why I don't like transparency. You can't get a job done. A lot of the issues that we dwell on in this community are infrastructure; they're the roads, the sidewalks, the police protection, the sewer, flood abatement and the water improvements. All of those issues represented to the Councils and the general public, for years. We've been dealing with these issues for years. This is not all new stuff. The problem, I see, is the unavailability of funds. The town, in itself, in its structure, in its tax structure of getting money as Mike will see and show even on the thing, is that we have one recourse, it's to increase taxes to pay for our current budgets; but with costs going up and everything else, we just don't have enough money. One of my proposals would be, rather than getting it in increments of a proposed tax increase, we had a tax increase two years ago, just to balance the budget. That was a 20% increase, so I don't know what percentage increase is on the proposed budget now; but I would suggest that we address the entire infrastructure problems, not carte blanche; but in the totality of it. Address the total cost outlay, determine the amount of money that we would need to spend, as a community. There are avenues of grants and other state and federal areas, to garnish money, but if we were able to take those figures and run them up and say well, I know it's in the millions; I know it would scare everybody, but that's what we need. The gentleman there from Public Works knows what needs to be done. He could see that the amount of money that it would take to get water, roads, sidewalks, whatever there is, the roads... whatever it would take, is a lot of money. It's just a lot of money but if we could, somehow, address it in its totality, maybe, just maybe, the community would agree to a tax increase. Maybe if we said this would be a new Milton, we would wake up one day and everybody's wishes, the roads, the water, the sewer plant, all of those issues, police protection, the gentleman on the police force; they've been decimated. Why? It's very simple. Nobody's going to take a pullet for \$28,000 a year. I wouldn't send my son and I know you all wouldn't send yours, or your grandchildren.

Mark Quigley: What's it worth to take a bullet, if it's going to come down to money?

Mayor Jones: Mark. Mark. Mark. Please.

Fred Manajian: Excuse me.

Mayor Jones: No, no, no, no, no, Mr. Manajian finish up.

Fred Manajian: I understand his point.

Mayor Jones: I understand what he's saying.

Fred Manajian: But it is the same thing, across the board. Dedication. You could talk about dedication, you could talk about performance, you could talk about walking into a

situation where you're feeling am I in the right position? Why did I even take this job? What I'm trying to say is that, no matter how you look at it, you can look at it being clairvoyant, or you can look at it being unrealistic, but the reality of the stuff today is the buck. The dollar. You don't have the dollars, you don't do anything. The gentleman there in Cannery Village, when we were talking about Cannery Village, they hold the money, they hold the purse strings, they write the laws, they got them all passed. We're sitting here beating our heads up, week after week, month after month, trying to get a job done from them. They're in the driver's seat. We all know that. Two people came up here, talked to the people, talked to the Council, told them we're going to get the job done. Look, I know those boys. They're not going to do it. Why? Because it's money out of their pocket. They don't have to spend the money, they won't spend the money. You've got to force them. The place you hit them is in the pocketbook. You don't hit them in the pocketbook, I do you no business. Another issue, as far as the water, we had a big scare with the water; all the emergency repairs that were talked about, necessary, when the water fees that people pay, do they go into a separate account? Do they retain themselves in a separate account? Are they used only for water? They don't move around? They're not transported to pet projects?

Mayor Jones: It's called our proprietary fund.

Fred Manajian: Proprietary fund.

Mayor Jones: And those funds are then reinvested in those same like...

Fred Manajian: It stays there in the water fund?

Councilman Coté: Yes.

Fred Manajian: So that is actually one of our only cash cows that we really have?

Mayor Jones: Yes.

Fred Manajian: Right. That's the only one, other than to tax the people. But all I'm trying to do is I feel that we need to approach our taxation with some realistic thought in mind. I don't want another tax increase. I know there is a disparity. If you do the math, we have a disparity on the taxes; there are units probably within the town limits, that pay a lot less than some of the other newer constructed units. Case in issue like Cannery Village. Cannery Village pays three fees, Homeowner's Association – get nothing for it. County taxes, what do we pay for? Get nothing for it. Town taxes, we pay taxes. What do we get for it? Nothing. Nothing. Nothing. Nothing. Everything comes up nothing. So here we are, we're going to discuss, we're going to push forward some more tax increases. What do you want people to do? Thank you.

Mayor Jones: Thank you, Fred.

- Barbara Wagner, 409 Federal Street: I just wanted to call people's attention to the fact that in Friday's Cape Gazette the Lewes Historic Preservation Commission is sponsoring a Historic Preservation tax credit workshop. It's Friday, September 26th at 7:00 p.m. It's at the Lewes Town Hall. It's open to the public. It's going to be presented by Joan Laravee, who's the coordinator of Delaware's Historic Preservation Tax Credit Program and tax credits are available to those in the Historic District here in Milton and it would be a good opportunity to learn how they work and how they could benefit those of us who live in the Historic District. I have a second reason for wanting to talk. On August the 22nd I made a complaint that there were nests of skunks up around Federal Street and I see that the third reading of the nuisance ordinance is coming up tonight and I don't

know where skunks fit, but there was a beautiful letter in the August 29th Cape Gazette, written by a Randy Meredith of Milton and I'll just read a little bit of it. "Our neighborhood has been beseeched by wild cats and bloomed with skunk nests, due to the excessive littering of cat food in empty lots. I understand, people want to care for animals, but their actions are grossly irresponsible and they've made an unsafe situation for the community at large. Consider the recent rabies outbreak in Milton. If it had entered the cat population and it still may, Milton would have been very unsafe for our wonderfully active community. Milton has many public events and everyday people are out running, walking, bicycling, and playing with their children. It could have been like a horror movie, with hundreds of rabid cats attacking. Are there any laws, regarding interfering with wild life that pertain to this situation? Perhaps, this falls under littering or animal abuse, or perhaps the nuisance." Thank you.

Mayor Jones: Thank you.

- Mark Quigley, 207 Ridge Road: This goes back to the first gentleman who spoke and the previous one, about the Cannery Village issue. I think it needs to be reminded and I'm surprised nobody on the Council here said anything about it; Cannery Village does not have that performance bond. That's the reason why you're going to get nothing done there. It's clear. I'm on Planning and Zoning and when we approved the tank deal, the Solicitor was there; we had several meetings, or it was a long meeting and our hands were tied. The current Planning and Zoning hands are tied and we could have not approved it or we could have approved it, to at least enhance some of their services. So that's one. You can go to Court probably and you can spend a lot of money, but knowing Delaware, there's a good chance you're probably not going to win. There no performance bond. Somebody in the town made an error, they never had one. That's why your roads are the way they are and on and on and on. Two, I wanted to see... you hear rumors around town, all the time, small time, I hear John Booros resigned. Is that true, or not true?

Mayor Jones: I will address that in just a few minutes.

Mark Quigley: Okay, so that's not going to be answered now? Okay, another rumor you hear, I wanted to ask John tonight. I heard the rumor that he's possibly applying for a town position. So with that, I wanted to ask John, with applying for the position and I know being on sidewalk committee for a long time, and I understand no sidewalks, or very little has ever been repaired or completed, what would make him qualified to work for the town, if he can't do the job on that level, a volunteer level; and a State employee for 38 years, in the same position; what would make him qualified to be a town employee? I think we need to think outside the box, the town needs to act and perform like a business. There's only one person on this Council that I believe has any real business experience and that's Councilwoman Patterson. They have that big operation that they have dumped millions of dollars into, to try to earn a living in town. Has John applied for the position?

Mayor Jones: I'll be reading that in just a little while.

Mark Quigley: Okay. This is the transparency that me, as a citizen of the town, a taxpayer and the rest, it's a simple question. Yes, he did apply. I'm going to talk about it later. Or no, he did not apply. This is the dance. I think the people of Milton are sick and tired of it and it's terrible and the truth is, I'll be the first one to say, I supported Marion

and I think she just got caught in a political melee with this individual here and it's sad. Then I read on Friday the taxes are going up. Again, this comes back to business. The town does not operate like a business; we purchase things we shouldn't purchase; it's just... again, it's wrong. See, north is always north. It never changes and right is always right. Gravity is always gravity. It's always going to happen and it's funny, because, I'm friends with some folks that have been seven, eight generations in Delaware and the word about Milton is, folks get involved and they have this great idea and when they're servicing from afar, but when they get in a position of authority, they loose their brains and it's sad, because Lewes went through this, don't think we're any different. Rehoboth went through it years ago and they matured through it. Lewes went through it and they're actually going through another little turbulent time right now, but they're very, very stable and they also sell their own electricity, so that's another place they make money. We sell sanitary systems to an outside company and now we're beholden to them. We should look into buying the thing back, operating it ourselves and running it like a business. For years Milton's had extremely low taxes and I don't know, listen, I get the economy drop, but I've been in business since I'm 16; five businesses, all successful. I don't get it. Honestly, I don't get it. It's just not that hard. We're spending people's money. We're spending the public's money and it's increase, increase, increase and the gentleman said about the police, his son, he wouldn't have his son work for \$28,000; you know, that's obviously one opinion. When somebody takes a position of servant, employee, they should do it from the heart and people still do it from the heart. Paying people more money is not going to get you a better public servant. The police are doing a better job with less bodies on the road and it's strained. I understand that. My whole family civil service police, up in New York and Long Island. I was half way through becoming a Deputy Sheriff up there, myself; after I sold businesses, before I relocated here. So I get the whole civil service thing. The Public Works Department, they've been doing a good job, but it's also... here's something I brought up at Planning and Zoning and it popped into my head; I didn't plan to speak tonight. The micromanagement that this town does, everybody here should be ashamed of themselves, ashamed, really. You have some decent people. You have guidance. You need guidance. You put Kristy in a position. She's a lovely girl. She does a great job. But I'll tell you right now, you're probably pushing too hard on her and she's up for the test, even when she went on vacation I said to her at one of the music festivals, I said how you're going to do on your interviewing while you're on vacation? But that's another whole, inside story. That's all I have to say. Run the town like a business. It's simple. Not hard. Thank you.

Mayor Jones: Thank you.

- Leah Betts, 113 Magnolia Street: I know what they're going through and I've been there, but again, I do think that I've heard so much gossip around town, that it's not good for our town and tonight when I noticed two more council people, again were not here, nothing said; their names aren't called; I think that the people of Milton have a right to know if they have resigned, or not. I don't think it's fair to taxpayer's that we elected you all and if someone has resigned, I do think it's up to the Council to let the public know. Also, if you're going to appoint two new ones, if this is true, I heard today there may be a third one; but I do think you should put out... I don't think you should just between yourselves, appoint someone. I think you should give everyone a chance in the Town to

submit an application.

Kristy Rogers: That's all the sheets I have, except for the public hearing for the budget.

6. Public Hearing – Fiscal year 2015 Budget and Fee Schedule – written comments will be accepted if delivered to Town Hall prior to 5p.m. on September 8, 2014

Mayor Jones: Do you have any written comments?

Kristy Rogers: No.

Mayor Jones: Do you have anyone who particularly signed up for that purpose?

Kristy Rogers: I have those that have said that they wanted to speak, but they have to fill out a sheet, where it was a public hearing notice. At this time, an orderly line for those that want to speak regarding the budget, will be taken at this time.

Mayor Jones: If anybody wants to speak on item number 6, which is review of the Fiscal Year 2015 Budget and Fee Schedule, if you will just simply come in an orderly fashion and state your name to the microphone.

- Jim Welu, 30263 East Mill Run, Milton: Just to get into the public record, I am opposed to the town buying a street sweeper, at this time.
- Leah Betts, 113 Magnolia Street: I'm making a habit of this. I was wondering and I talked to Kristy before I came tonight. I was wondering if all of you had decided or learned about joining the state for the insurance, because I understand that the State is giving \$100 per person for healthcare from the state and I just wanted to make it known to you that maybe if you looked into it, it could save a lot on the healthcare plan and I asked Kristy, if, by chance, did you go up on the healthcare this year and she said they did put in, but I think in nine months; I know you can't join it right now and it would maybe be nine months before you could get the help from the State, but if you did join the State, I think it would be a benefit to the town. Thank you.

Kristy Rogers: I have submitted a letter of intent to the State of Delaware to join their health benefits for the employee's. That does not open until January the 1st and actually I have a meeting with them next week to learn about their rates.

Leah Betts: I'm happy to hear that, because it will save the town a lot of money. Thank you.

- John Oates, 115 Arch Street: I'd like to mention public safety. Some of you folks know there was an incident, my wife took a fall August 20th, in the park; there's a variety of reasons why; some maintenance issues, some things the town can do something about, some things that the town has to reach out to other outside the town. In this case, DNREC, to try to get issues rectified. I would like to see some consideration in the 2015 budget for public safety, emergency funds. At this point in time, we're being told that something as simple as enhanced lighting, one or two additional light posts, are problematic given the state of the town budget. One of the primary missions of town government is public safety. This is not something that can be put off, well we'll see if we can get the money from the County or the State; two months from now; four months from now; we've reached out; we're hoping get a response. I would like to see money in every annual budget put aside. We have all kinds of public safety issues and one of the most glaring being the sidewalks on Chestnut Street. That is a major project. The issue in the park, can be resolved, rather inexpensively, relatively speaking. Three, four, five light posts, one near the bridge, the other side of the park is dark as well. This is not

- something that should be put off.
- Jeff Dailey, 211 Grist Mill Drive: It is my understanding that the repairs to the Shipbuilder's water tower will be in the 2015 budget. Is that correct?
Kristy Rogers: Some of the expenses are actually in the current 2014 budget, as council discussed two meetings ago, to approve the next step of further engineer exploring of the foundation. At this point, they are in design review for the foundation, as well as a site plan and the bid package.
Jeff Dailey: Very good. I just want to share with Council and the public, a walk down memory lane. It wasn't that long ago that \$4.? or \$3.4 something million dollars was being assigned to a comprehensive water renewal program and we were looking to commit ourselves to that and two referendums were defeated and much talk of wells and new water towers going up, etc., etc. Back then I challenged the town's then consulting engineering firm to when they have their reports ready, please don't give us just one option, give us lots of options; give us a Smorgasbord so we can really see what direction we wanted to head in. So a year later, or months later, when they finally gave us the review, what did we get? One option and that was defeated by referendum and then another referendum was defeated. My point is, now we've got a situation with the Shipbuilder's water tower and we're looking at expending \$50,000 and upwards to repair one thing, so that we'll maintain the status quo. Maybe we should looking at what it is we need to do and how long this existing water system can support projected growth. I have an inside story that the State has approved X number of sub-divisions in the Town of Milton and if suddenly, those sub-divisions were bull dozed into being and houses started selling, we don't have a water system that can support that. Now, you could say well how could the State of Delaware do that? We live in Delaware. Okay? Enough said. So Mo are you hearing this one, because now we're up for the next thing? I would like to see some recommendation for repairing, replacing, maybe even buying into what I call looping from Artesian or Tidewater, and I know that isn't popular, but instead of spending perhaps \$50,000, \$100,000, or more to repair the Shipbuilder's water tower foundation, maybe we should be looking at a Comprehensive Plan and as I understand it, we have an augmented new membership on the Water Committee; maybe we should get the Pennoni folks in here and talk to us about this. Here we are again, with one option. Exactly where no town should be. We should look at all the options and we don't. Thank you.
 - Ginny Weeks, 119 Clifton Street: I disagree with Mark. I think you get what you pay for. So I'm asking you to please consider, somehow, getting the money to get a proper planner. I know we have the Pennoni Planner. I mean one who works for us, for the city, who's responsible to us. Somebody who's there every day. Somebody who knows when people come in and want to open a business. Get somebody really good. Pay them what you have to pay them, so he's competent, so when people go into Town Hall, they get answers. Pay somebody to get it done, please. Thank you.
Mayor Jones: Anymore on the budget? Before you get up, Mr. Welu, Mr. Quigley hasn't been up yet, so hold on.
 - Mark Quigley: To address what Ginny just said, the town sends us up for educational classes, up to Dover. We get to speak with the folks who actually review the plans and go over them. They clearly said, that we are capable of doing it ourselves, the

Comprehensive Plan. We don't have to spend \$50,000, \$60,000...

Ginny Weeks: I wasn't talking about the Comprehensive Plan.

Mark Quigley: Oh, I'm sorry, what were you talking about?

Ginny Weeks: I'm talking about running the town. Get somebody in here that really knows how to run the town.

Mark Quigley: Well, that is what I was talking about. Run it like a business.

- Jim Welu, 30263 East Mill Run: The issue that I raised earlier is... My real question is kind of outside the budget, but to bring up the point John Oates made just about the Chestnut Street sidewalks; there's money in the Milton coffers for that; at least I would like to get somebody to confirm that, that that \$33,000 that the State gave to the Town of Milton has not been spent on something else. We owe it to the State to use that money for what they gave it for; that was to repair the sidewalks of Chestnut Street. Now, at one point, Leah Betts, I know when she was on Streets and Sidewalks Committee, was thinking that should be spread equally over all the sidewalks that needed repairs in Milton. I mean there were some on Federal Street, there were a few on Union, but mainly Chestnut Street. I think that money should be looked for. It's got to be someplace, or somebody spent it illegally, contrary to the wills of the State of Delaware and that should be used, as soon as possible, for the sidewalks on Chestnut. The amount of sidewalks on Chestnut Street is far reduced now, because of what the State did there a few years back, on the Safe Sidewalks to School Program; they did a number of the sidewalks on Chestnut Street and I think we can finish them up with the \$33,000. Thank you.

Councilman Coté: Just a comment on the \$33,000. I think we've done a little searching for that and cannot identify it in any one account. Going back to the 2010 Audit Report, one of the problems that was pointed out in that Audit Report, was that a lot of the documents that would support information prior to that, were missing; were missing or non-existent, so I don't know... we can search a little bit, but we can't go back in history too much because a lot of the document's aren't there.

Unidentified Speaker: Where did they go?

Councilman Coté: That's a good question, where did they go? And I guess if they were gone by the 2010 audit, it would be people who were in office prior.

Unidentified Speaker: Well were there audits done before that too; there should be audit sheets for prior years, also.

Councilman Coté: There should be audit sheets, but the document's that support those, may not be there.

Unidentified Speaker: Yeah, but it's like any other audit. I mean, I was in a bank and you do an audit, you have to list everything you've got.

Councilman Coté: It's not like every other audit.

Unidentified Speaker: Well, you see, that's _____.

Councilman Coté: I mean, one of the things they pointed out, was the auditor's point out, was the \$1.3 million in a Suspense Account, which...

Unidentified Speaker: It blew away.

Councilman Coté: I mean, people seem to think it was... The opinions... I wasn't here for that... People seem to feel that it was... the general feeling that I got was that it may have been legitimately spent, but the records just aren't there to identify the specifics.

Leah Betts: Emery I'm sure was there at the same time in 2010?

Councilman West: No. It was 2011 when I got on.

Leah Betts: I don't know anything about 2010, but the \$33,000 was in a special account, for the sidewalks. We had an auditor come in, per Mr. Lester. He had a new auditor come in and I don't think anything was found out of place. I did hear that there were some materials, or some records, that were not present; so I don't know, but I know at one time, around when I left, or they told me it was still there, was the \$33,000. I don't know what happened to it, but I did hear that some of the records were not available. I know about the time that they said it wasn't available, but we did have a... the State Auditor came and did not find anything, I don't think, wrong with the audit.

Councilman Coté: Oh well, the State Auditor Report and I can't... if we could look it up.

Leah Betts: It was told to us that, you know...

Councilman Coté: The State Auditor's Report said that we can't tell you whether these statements are right or wrong. Essentially, that's what they said.

Leah Betts: Really?

Councilman Coté: Yes. Because there were a lot of things missing.

Leah Betts: Well that could be from... but I did hear some of the records were not available.

Councilman Coté: Yes.

Leah Betts: But I want you to know that the \$33,000 had been in a separate account.

Councilman Coté: Well...

Leah Betts: Where it went to another account, I don't know.

Councilman Coté: We don't have a separate account with \$33,000 in it.

Leah Betts: Well it was there for a number of years. Thank you.

Councilman Coté: Okay.

Jim Welu: I would just like to add that it was not legitimately spent, since it was never spent on Chestnut Street sidewalks. It may have been spent by the town, for legitimate things, but it wasn't legitimate expense for the reason that money was given to the town.

Councilman Coté: I can't help you with that. It's before me and records have not been identified.

Councilwoman Patterson: I have to agree. I talked to the State Auditor, Tom Wagner, about it and they kind of just set us on the right path.

Mayor Jones: Are there any other comments from the public?

- Pat Manajian, 120 Village Center Boulevard: To Mike, do we have any bank records going back to then?

Councilman Coté: I haven't looked for any. I don't know what's upstairs in the attic, or what got thrown out when they moved from...

Pat Manajian: Okay. Do we know what bank they dealt with?

Councilman Coté: I'm guessing Wilmington Trust.

Pat Manajian: You can request going back, because their records are kept, going back to what years you want and get bank records on what accounts that they had then and see where the money went; when it was taken out; what it was and all. They have all that records.

Councilman Coté: Okay.

Pat Manajian: Because it's either on film, or not.

Kristy Rogers: Looking on a spreadsheet, there is a line item of our savings account, that shows sidewalks, \$30,000. There's no documentation to support where that \$30,000 came from; if it was from a budget in a prior year, allocated \$30,000 amount; if it was in a Grant.

Pat Manajian: Well, you can go in and look at dates, too and see what dates it was put in, what dates it was taken out and all.

Kristy Rogers: I have and I can't find a direct... a deposit, specifically for \$30,000.

Pat Manajian: That's why I'm saying, you can go back to the bank and do that.

Kristy Rogers: I've also found a folder upstairs in our cabinets called "Chestnut Street Sidewalks". All that's in there are letters from resident's throughout town saying how is it fair for Chestnut Street sidewalks to be completed, when mine are just as much in need of repair? That's where I think the push back came from.

Pat Manajian: Well what I'm saying is the \$33,000... If they're talking \$33,000 into a separate account, then there should be records for a separate account for that dollar amount.

Kristy Rogers: It wasn't a separate account. It was just in the savings account.

Pat Manajian: Alright, you can go back to that savings account and see where it was put into and the date it was put in and if any money was taken out on that, like that dollar amount.

Kristy Rogers: Nothing can be found. I've tried.

Pat Manajian: Well call the bank and ask them you want records, dating back that far. I'm a retired banker, so I know, that you can go. They keep everything on film going back in years.

Kristy Rogers: I have asked them.

Pat Manajian: Well then you can check the dates and see when money was missing and all.

Mayor Jones: Pat, the only thing I'd have to say is, that those records that Mrs. Rogers is referring to, were the records that were used by the Auditor's when they delivered the comments that they were able to take us to a good place; but there was still an awful lot of material missing; so they would have been able to review all of those bank documents.

Pat Manajian: Yeah, but all the bank documents...

Mayor Jones: I get your point about returning to the bank of record, but I just wanted you to know that that information that you are talking about, would have been reviewed by that audit group, as well.

Pat Manajian: But they can pull up the deposit slips, see who deposited it and everything else and see what signatures and all are on it; and that way you can go back and find out who did it, what date and everything else; go back to the times; because everything is kept on film with them and there should be records. That way it would clear it up too, with auditor's, when the money came in to, when it left and everything else; who did it and you have names and everything else that way. That would help anyway.

Mayor Jones: Thank you.

- Barry Goodinson, 313 Mill Street: I guess my comment is, it's tangentially related to the budget and that's when we come to these meetings, we're often hearing about things that

fall through the cracks and we've heard about things that fall through the cracks, all the time; whether it's collecting fees from developer's, we were at a Planning and Zoning public hearing recently and there was a question about do developer's pay fees to the town and the project manager said yeah, but you know we sometimes collecting them, fall through the cracks. Then there was a discussion about notifying emergency personnel about kind of the particular configuration over at Cannery Village and how it needed to be entered into the County Emergency Response database and we were running around with our hair on fire, trying to come up with a very expensive signing system, so emergency personnel could find people at Cannery Village. We were told, oh well, you know, we never got that information over to the County Emergency Response folks. There are a lot of these things that fall through the cracks, that are costing us huge amounts of money and so as you're looking at hiring someone for that Project Manager position, who is in a position to save this town money, or to actually lose this town money with bad decisions. I really think that it's incumbent upon you to make sure that we hire someone who knows a hell of a lot more than we already know and you know, I was going to talk earlier about the crazy rumors that fly around town, in the absence of real communication and real information. When people aren't talking, and these people just speculate and that speculation becomes public rumors and one of the rumors that's been flying around is this notion of hiring Mr. Collier, onto the town staff and I dismiss that as a crazy rumor, borne of public paranoia over amassing of power in a small number of people. I completely dismissed it and now that I'm hearing that it's possible, it really is incumbent upon you, Marion, to make sure... you explain to us why Mr. Collier is so much better than any other applicant for that position. I don't know anything about John. He's a very nice man, he's my neighbor. I don't know anything about him professionally, but as someone who pays taxes, and someone who has to deal with... try walking around town on the sidewalks, with this. I nearly killed myself recently. As someone who has to deal with that type of stuff, I want to know that whoever is taking that position, knows more than we do and brings expertise around these issues, that we don't currently have. It seems to me that hiring someone who's already here, isn't bringing us anymore information and anymore skill, than we already have, so when you get to that... thank you.

Mayor Jones: Mr. Dailey, before you step up to the microphone, I would like to follow up on something Mr. Goodinson said. It's a good opportunity since there are a number of Cannery Village folks here tonight. A couple of weeks ago, Mr. Larson came forward with some information that was quite disturbing, that one of the EMT's on an ambulance run, could not find his location. I don't know if any of you were here at that meeting, but I did go forward the following day and contacted both the President of the Fire Company and the Chief and inquire about that. If that was a matter of mapping, then that was fairly serious. They actually had an Executive Session that evening, I took a little bit of time, reported back to me, I reported back to Mr. Larson that you can bet that the Milton Ambulance and Fire Company has all the mapping required to find you in Cannery Village. As a matter of fact, Mr. Hopkins, who is the President of the Fire Company, assured me that all you had to do was enter the information into what they call their CAD System and it is there, it's fully loaded in. I just want you to know that for an assurance purpose. He cannot say the "why" those driver's were not able to find Steve

Larson that night. It can be something as simple as a computer glitch, with down time, at the same time someone tries to enter that information; operator error; there was nothing that was actually manually added to the report, or that there was a problem in finding the location. S that's why it was important to let you know that according to our Fire Company, all those records are up-to-date.

- Jeff Dailey, 211 Grist Mill Drive: I remember Denise saying they were close, but it was no brass ring. They watched them pass by a couple of times and we'll just chalk that one up to the unique streetscape of Cannery Village and leave it at that. Discussing the budget, I have mentioned on more than one occasion that perhaps this Council, this Mayor would invite themselves to adhere to a budget ceiling, whenever taxpayer dollars are going to be expensed, an automatic trigger, a public hearing takes place at the \$10,000 mark, the \$20,000 mark, the \$30,000 mark, whatever you want to put it at. The same thing is true when there are giveaways and lost revenue, that this Mayor and Council is about to vote on. Again, trigger's a public hearing, if there's something that's going to be given to a business, an entity, a resident of this town that's going to cost other taxpayer's money, that would be an automatic trigger. Those kinds of things prevent towns from having 11% tax increases; 5-7% tax increase would be far more palatable and maybe that's what you'll arrive at. These are things that could be done but I just get blank stares whenever I suggest that. Thank you.

Mayor Jones: Anyone else? Closing that portion of the meeting.

7. Additions or Corrections to the Agenda

Mayor Jones: We do have some material here that I, without objection, you might want to consider removing from this agenda. Number 14.c., the Memorial Park Gazebo Policy is still a work in progress and is being finished. It's vital, as far as it applies to our Fee Schedule going into the budget. We do not have any new paperwork there; you can consider, anyone making a motion, striking that.

Councilman West: I make a motion to strike that.

Councilwoman Parker-Selby: Second the motion.

Mayor Jones: Do we want to make this all in one?

Councilwoman Parker-Selby: Oh, you want to do one?

Seth Thompson: Well we have a motion on the floor, you might as well vote on it. You might as well vote on the current motion.

Mayor Jones: Okay. All those in favor say aye. Opposed. Motion is carried. We have item 14.e. I have no new information. Mrs. Rogers stated any new information in possession of the town and I have something under the Mayor's Report if anyone would consider striking that item.

Councilwoman Parker-Selby: I move that we strike 14.e.

Councilwoman Patterson: Second.

Mayor Jones: Any further discussion? All those in favor say aye. Opposed. Motion is carried. I have not received a recommendation regarding 105 Milton-Ellendale Highway from the Code Enforcer.

Councilman West: I make a motion to strike that.

Councilwoman Patterson: Second.

Mayor Jones: Any discussion? Yes, I have discussion. Can we be expecting that, since we already heard some information from him, but no true recommendation? Are we still expecting

that in writing?

Kristy Rogers: The Code Enforcer at this time is issuing a formal demolition order. That's the only update I have on the property.

Seth Thompson: And Mayor and Council, part of that was my concern. Certainly brevity is a virtue, but I think when it comes to taking that significant of a step, it needs to be better spelled out to the property owner, that's what they're looking at and your Code talks about a few additional requirements that they have the right to appeal; that sort of thing. So, I indicated that the Code Enforcement Officer should issue a more formal notice. So that's where we are.

Councilwoman Parker-Selby: This is to the owner of the property?

Seth Thompson: Correct.

Councilwoman Parker-Selby: Definitely. Yes, because I was concerned about that.

Mayor Jones: So we have a motion to strike that, at this time, and a second. All those in favor say aye. Opposed. Motion is carried. The Shipbuilder's water tower foundation. Mr. Wingo do you even have a verbal report on the update?

Greg Wingo: Right now Pennoni are working on trying to get the report together for the next upcoming meeting. I believe they should have everything complete for us by September 22nd for the Council to review.

Mayor Jones: So having no supporting documentation, do I hear a motion to strike that issue?

Councilman West: I make a motion to strike.

Councilman Coté: Second.

Mayor Jones: Any discussion? I have one bit of discussion to Mr. Dailey. You made a very good point about the comprehensive cost of our water system and you also had said to me before, do the resident's of Milton understand that this \$56,000 is really just to pay the engineer at this point, to come up with the plan for the alternatives? What I want to make very clear to you is what I understand from our Public Works Director, that regardless of the five-year, or the long range plan that the Water Committee is undertaking at this present time, I just want to confirm that that 75,000 gallon unit on Shipbuilder's, is absolutely vital to run the system that you're running right now, regardless of upgrades.

Greg Wingo: That's correct. We need it to keep up our own pressure. The bottom line is if you don't have that tower and something happens to it and you do away with it, with the pumps that we have right now in place, you wouldn't be able to keep up to pressure.

Mayor Jones: And I also just want to confirm, as I look to Mr. Wingo, that Mr. Dailey the reason this actually sidestepped the Water Committee, was because of the importance and the deterioration of the foundation. Mr. Wingo asked if it would be best to be brought directly to Council for expediency. Did you want to make a comment?

Jeff Dailey, 211 Grist Mill Drive: As unpopular as it is, the thought of looping in with a Tidewater or an Artesian, they have come before us and they have said, we'll put the lines in place; you don't have to use any water until you need to, if ever. So if we were to take down, not literally take it down, but if we were to take that water tower off line, the amount of time that it would take for them to tie in, either one of those companies, is not going to be that much more than the report we're still waiting for, the bidding process, and the endeavor to create a new foundation for that water tower. All I said, a few minutes ago, when I was up here, was this. We need to look at all the options and I was just joking with my neighbor; we'll fix the Shipbuilder's water tower to the tune of how many 10's of thousands of dollars it's going to be; okay, we'll fix it and then we'll look over our shoulder and hindsight being 20/20, we'll say gee,

we missed an opportunity; maybe we should have looked at this, this, this, this; or an entirely comprehensive fix. I understand we've got to have the Shipbuilder's water tower at this moment, but it's a year from completion. We've not talked with any of the other suppliers. We've not looked at the other options. So we're going to do the expenditure, without any help from the State Revolving Fund, which if we were looking at a bigger fix to our water system, we might be looking at help, we might be looking at a referendum that Jeff Dailey might be saying vote for this one. This is the right one. But we won't have that opportunity and we will have expensed \$100,000? \$150,000? We're waiting on the report from Pennoni. We don't know how much this is going to cost. This is not running the town like a business, unfortunately. Thank you. Thank you for letting me speak.

Mayor Jones: Thank you. Okay, so we have a motion and a second to strike, with no new information on 14.g. All those in favor say aye. Opposed. Motion is carried. Also, under 15, New Business, the appoint to Planning and Zoning Commission, I reached out to Mr. Goodinson today in reference to some of the problems I've been having in interviewing. That does not have a name to offer. I've reached out and asked for some guidance and some information from the Chair, so with your permission, I'd like to hear a motion to remove that, as well.

Councilman West: I make a motion to remove.

Councilwoman Parker-Selby: Second.

Mayor Jones: Any further discussion? All those in favor say aye. Opposed. Motion is carried.

8. Agenda Approval

Mayor Jones: We need to approve the agenda, as changed.

Councilman West: I make a motion to approve the agenda, as amended.

Councilwoman Patterson: Second.

Mayor Jones: Any further discussion? All those in favor say aye. Opposed. Motion is carried.

9. Presentation and Approval of Minutes: May 7, 2014

Mayor Jones: Having had a chance to read these, are there any additions or corrections; if not do I hear a motion to approve?

Councilman Coté: Motion to approve.

Councilman West: Second.

Mayor Jones: Any discussion?

Councilwoman Parker-Selby: Discussion is same as it always is. I have a problem with how we have these minutes, because when I read the minutes, there are so many incorrect things in them, as far as grammatical situations and I'm not just going to sit up here all night and tell everybody what's wrong and what have you. But there are so many things that are not completed, because I guess she didn't understand it, or what have you and I still want to say that I would like to see... it might cost money, but we've got to get someone to transcribe and give us the main points of our meetings, so it would be a quick read and if anyone wants to go and hear what everyone said verbatim, they can go to the office and hear the tape. I'm going to say that probably until I get off here, but that's bothering me.

Mayor Jones: We have a motion and a second to approve the minutes. All those in favor say aye. Opposed. Motion is carried.

10. Mayor's Report

Mayor Jones: I have a couple of things and I'll read them in what I think is the importance of order. It is important for the Council to convey information as they know it, to the public. Timing, sometimes, precludes the Council from having gathered like tonight, to offer you information about resignations. As discussed with Mr. Thompson and myself, there's a great deal of me that believes that a person's resignation is a rather private matter. In the case of Mr. Collier, Mr. Collier's resignation arrived on the 27th of August. It is the first time we have gathered tonight, to share this with you. I asked him how he wanted this presented and he indicated that he would like his letter of resignation read into the record and as Mr. Thompson indicated, it certainly does reduce the ability to have the former council person come back with disagreeing with the characterization of the resignation, if I were just to give you information. So I will read you first, John Collier's resignation letter: "August 27, 2014 to Mayor and Council, in care of myself. Dear Mayor Jones and Council. Please accept my letter of resignation from my position as town councilman of the Town of Milton effective August 27, 2014. I tendered this resignation in order to pursue employment opportunities with the Town of Milton and wish not to cast the appearance of any impropriety on parts of the Mayor or Council, or town officials. I have greatly appreciated the opportunity to serve the citizens of the Town of Milton, as well as the pleasure of serving with the members of Council. Should there be any further information I may share with the members of Council regarding any matter during my time of service, please do not hesitate to ask. Respectfully." That was delivered to both myself and Mrs. Rogers. In reference to Vice Mayor Booros. Vice Mayor Booros is still your Vice Mayor. He is still an elected official in this town. Though I received, as Council did, correspondence as far back as July, on some committee's that Vice Mayor Booros planned to withdraw from, he has not given a resignation date and therefore, I do not wish to make a statement on his behalf. When that date is more clear, just as Mr. Collier... I believe Mr. Thompson has reached out to ask if there's any statement that he wanted to make at this time; and it was declined; at this time. Because there is no date, for sure. That's all I can tell you in reference to resignations from the Council. Also, for some information, an idea that was borne out of Vice Mayor Booros' idea a few years ago, I want to remind you that October is breast cancer awareness month and he did a great job, in a very short period of time, lighting up the town pink and I know some of our businesses participated. If you have a pink bulb, or you can find a pink bulb, please consider putting that in your front window for the month of October. We'll encourage our business community downtown to do the same. Will our town be participating again, this year? Okay. Also a point that I want you to know is that two new recruits have gone into the Delaware State Police Academy; Mr. Talin Taylor of Lincoln, Delaware and Mr. Chris Whitehouse of Philadelphia, so we are very pleased to know, although it will be a little while, the process has begun. Did you want to add anything, Captain, to those two recruits, just saying anything about those two new recruits joining?

Captain Cornwell: Both of them went through the entire process. Our process is... I explained that at the last meeting. There's a lot to our process. One of them is about a 55 page background. We actually go where they live. Talk to everybody. They go through extensive testing and also psychological and stuff like that. So we have two very good candidates that hopefully will bring some professionalism to the town and to help us serve and protect the resident's of the town.

Mayor Jones: Thank you.

11. Discussion of Written Committee Reports

Mayor Jones: You have in front of you the Police Ad Hoc Committee Report and the Economic Development Committee Report. The Ad Hoc Committee is to let you know that this group has started to meet again. I presented to you the topics, which the Council themselves sent forward to the Ad Hoc Committee for review. I would ask, though, that you pay particular attention and ask if you have read the Economic Development Committee's recommendation for a media consultant.

Councilwoman Parker-Selby: I did read this and I looked for the cost factor there and my question would be, knowing that this is a cost factor, can we afford it? That's basically what I asked myself, looking at our budget now. I'm all for this type of position, but there's another \$8,000. Can we afford it? That's my question. From what I've seen, I don't know.

Councilman Coté: Well and there would be the hiring of the individual...

Councilwoman Parker-Selby: Benefits, too.

Councilman Coté: And I don't know that there would be any benefits, because it's a contract, it's proposed as a contract hire, as opposed to an employee, which we'd have to look at in a little bit closer detail, because sometimes the IRS doesn't agree with contractors vs. employees. Then we also would have to have some idea of once we have that person, what's that person going to do and how much money do they have to spend and I don't know if we have... we have some Economic Development Committee money, but I don't know if this is considering something over and above that, or as a use for all of that?

Mayor Jones: It's over and above Councilman Coté. This would be... if it's my understanding, this is completely separate from the Economic Development Committee's budget and this would actually be presented as an administrative cost.

Councilman Coté: That's for the personnel part.

Mayor Jones: That's correct.

Councilman Coté: But, the person would be doing some work and basically doing some advertising, some promotion of the town, in some way, shape, manner or form, which will cost some money and that's the money that I'm asking whether that's the \$5,000 that Economic Development Committee has, or whatever they're recommending is over and above that; whatever this individual who could be hired, would be recommending. If that person can't spend any money and can't do much of anything, it doesn't seem like a lot of benefit. Some of the things, Facebook pages don't cost much, if anything, but some of the advertising and other promotional work that's in here, will cost money and I don't know if we have an estimate for that, or where it's coming from. Is it the \$5,000 or is it over and above? Is there a plan for that?

Mayor Jones: You're welcome to go to the microphone Mr. Howard and then I have a couple of comments.

Bob Howard of the Economic Development Committee: It's my understanding the Committee's intent is that that primarily we're looking for a presence on Facebook and that it takes... it's a small thing to put a page up on Facebook, but it's quite another thing to keep it updated frequently and it loses its value if it's not kept up-to-date. As far as advertising that we talked about, I think it's the committee's position that the advertising money that would be spent, was the advertising money that's in the Economic Development Committee budget. So we're not looking for this person to spend additional money, unless somebody identifies something new in the course of their performance.

Councilman Coté: Thank you.

Mayor Jones: I took a completely different approach to this and that is that certainly society is galloping towards social media. I just as soon have the administrative staff of this town work on the things that need to be fixed in the infrastructure portion, rather than social media. Social media comes in the form of this town's really developing relationship with our Chamber of Commerce. Our Chamber already supplies some of what you have asked here. For \$210, joining the Rehoboth Beach, Dewey Beach Chamber of Commerce gets you advertising in the Rehoboth area, \$210; that's a year's membership. It's well worth the cost. If you're talking about where you want to advertise and the markets you want to go to, \$210. It's not Facebook, but it's one of those approaches to get your word out. This position, if it were up and running, would take the place of the Economic Development Committee, as the way I see it's function here. Promotion of the town, the town's website. It starts with town promotion advertising and I know that everything on this list of duties, does not cross over with the Economic Development Committee, but so many of these things already are available to us, if we just align ourselves with our own Chamber, promote our town, the Chamber promotes our businesses, without a doubt. I don't know where the separation came years ago, but working with Mrs. Sumstein now on a regular basis, I can see her work paying off for the town, with the businesses being opened downtown, occasionally we'll get a nice email about how busy things look downtown and I attribute a lot of that to her effort, so that's a fairly large expense, administratively and on one hand I certainly see the effort that you're putting forward; that the Internet... it says here, the Internet visitors looking for reasons to come to Milton. I think those are supplied already in other websites. I don't think that Milton has to reinvent that, through a special Project Coordinator. That's just my take on this position. I think a lot of what you want can be absorbed and this money that you have here, to me that would be better spent as Milton's own investment in it's business Chamber. It's paying off for Milton, right now. The last time we met, we used some of the Economic Development Committee funding to match her funds for this media film, which I think will pay off for Milton, big time, as it comes down the line. So, I don't know how the rest of the Council feels about that, but right now I think that a lot of what you're looking for is already available to us, we just have to develop our relationship.

Councilwoman Parker-Selby: The film, I just found out about the film Saturday, is this film going to be put where, on YouTube or where is it going?

Mayor Jones: Well right now it's purpose... I did not bring that with me. That was spelled out by the Chamber Director, where that would be used, but a buy-in will allow it to come in to Milton for a website, for advertising on the television, if you wanted to.

Councilwoman Parker-Selby: So what she's doing will be a part of what they're requesting here? I'm hearing you and I'm trying to associate Chamber... because I would like to see our Chamber a little more visible, like the other Chambers.

Mayor Jones: The media project she's working on right now actually was the drone over top of the Kayak Races, where you saw the pictures being taken of the park and that same person is going to take pictures of the Holly Festival and the other events here in town, so that it's made into a compilation of a film, small video, that will be now used, not only by the Chamber to promote the town, but because the town decided on a buy-in to that project, will also be available to the town. That was a \$600 buy-in for that.

Jeff Dailey: Way cool.

Mayor Jones: Well spent. I believe money very well spent and so when we're talking about advertising dollars, even in the Economic Development Committee budget, aside from this, I'm

almost thinking that you push that money towards the machine that's already in place. So we'll talk more about that at the budget time, but that was my thinking when I received this from the Economic Development Committee. Does anybody else have something to say? I didn't want to take up all the time.

Councilman West: Lisa's been doing some promotion, where she's down in the park interviewing people and it's on the website too and they're good.

Mayor Jones: So I appreciate your taking the time. This is certainly thoughtful. I just don't think we need to reinvent the wheel. Maybe we can talk some more about that?

Bob Howard: Yes. When we made the recommendation, the primary emphasis was on Facebook and some assistance from Mrs. Rogers with the maintenance of the website. We didn't feel it appropriate to recommend that this is something to be picked up with the current staff; we don't think... we think they're probably over taxed already, as it is. Again, it's for a part-time position. It's for a contract person that if we tried it and it didn't work, or didn't appear to be worthwhile, it's not like hiring an employee, so the contract can be terminated. If it only happened for six months, it would be half that amount, so we do think it's important and as the point we made in the recommendation letter is, we're in competition with the other towns in the County. The way that Milton's budget is going to grow is by the town growing and getting new resident's and new properties in town. It's a recommendation.

Mayor Jones: And I appreciate that. Thank you.

Bob Howard: You're welcome.

Mayor Jones: Any other discussion on the written committee reports?

12. Department Reports: Administrative, Code, Police, and Public Works

Mayor Jones: You have Administrative, Code, Police tonight. Congratulations on being named Employer of the Month by the Delaware Federal Credit Union.

Councilwoman Parker-Selby: Is it the police?

Mayor Jones: I'm just looking at the Administrative report right now. And you have the Code Enforcement report. Mrs. Rogers, can you tell me what 316 Front Street is?

Kristy Rogers: I think he meant the Marina.

Mayor Jones: Okay, thank you.

Councilwoman Parker-Selby: I have one question here. I looked at the word fugitive and it said seven. Did we have seven fugitives running around? I'm sorry, I'm ahead of everybody. We had seven fugitives. What does that mean? Fugitives in Milton? Seven was besides the word fugitives.

Captain Cornwell: Fugitives, that would be either local or fugitives from other states, but generally it's local fugitives.

Councilwoman Parker-Selby: So we had... explain why that's reported here like this; like you all took action here?

Captain Cornwell: There were seven people that were wanted in the State that we arrested.

Councilwoman Parker-Selby: In our area? Oh, we did it. We arrested them.

Captain Cornwell: Yes.

Councilwoman Parker-Selby: Oh, wow. That's interesting. Thank you.

Mayor Jones: Are there any questions about these reports?

Councilwoman Parker-Selby: Madame Mayor, I move that we accept the reports. Do you want to do them one at a time, or all the reports under one vote?

Mayor Jones: We can do all of them if you're accepting them.

Councilwoman Parker-Selby: I move that we accept the reports, as given.

Councilwoman Patterson: Second.

Mayor Jones: Any further discussion? All in favor say aye. Opposed. Motion carried.

13. Finance Report and Revenue/Expenditure Report

Mayor Jones: Councilman Coté, is there anything here that is of particular note or concern?

Councilman Coté: I believe we're in reasonably good shape. Currently the General Fund is at 83% of the annual expenditures, as of July, which would put us on target with the budget and that does include, correct me if I'm misspeaking, that does include the reclassification of the property purchase. In water and the utility fund we're always a little bit ahead in the utility fund, in that proprietary fund. I think we're at only 73%, instead of 83% in the utility fund, so we're pretty much on target with the budget for 2014.

Mayor Jones: Are there any questions from Council?

Councilman Coté: I did have one other point that I wanted to make and it relates to something that was addressed at the prior meeting, where it was suggested that there was an excess of funds in the transfer tax account. It was pointed out by Mr. Newlands that there should be over \$400,000 in the transfer tax account and he's correct about that; however, the way we use our cash, the budgeted amount for transfer taxes gets used in the upcoming months, so while there is \$400,000 in the account, there's almost \$200,000 of that is budgeted to be spent and the cash will be used, so there's really only roughly \$200,000, \$225,000 roughly, in that account that's essentially savings, so we don't get too carried away with the possibility of using \$400,000. \$200,000 of it is spoken for already through the 2014 budget.

Mayor Jones: Any questions Kristen or Emery, in reference to the...? We're good? Alright.

14. Old Business – Discussion and possible vote on the following items:

a) Fiscal year 2015 Budget and Fee Schedule

Mayor Jones: We are still working on the 2015 Budget.

Councilwoman Parker-Selby: We are still working on it, we don't have to vote on this tonight, do we?

Mayor Jones: We do not. Actually you're missing from the Fee Schedules, you're going to be missing that Park Gazebo Usage Policy, so that will be a finished product of the Fee Schedule when it is complete.

Seth Thompson: As a technical matter, your Charter requires a vote, but it can be a vote to table. You do need to pass the budget...

Councilwoman Parker-Selby: Well I think I would like to, because hearing people tonight and looking at what I've looked at, I just kind of want to digest it a little bit more, before any final vote, so I move that we table this.

Councilwoman Patterson: Second.

Mayor Jones: Is there any further discussion on the budget?

Councilman West: Yes. Where you've got the Gazebo Usage Fee, does that include any clean-up fees that if the town has to do?

Mayor Jones: Well, right now, working with Mr. Thompson there's a number of considerations. It has to do with the number of people that may want to rent the park for any given event, the amount of staff on behalf of the town that it's going to take. I was given a

figure for just cleaning up from the Bargains on the Broadkill and the Kayak Race, it took the Town of Milton 24 hours to clean the park. That's a lot of manpower that is simply absorbed by the town, with nothing to defray the cost of the park. That's why we are considering a fee at all. Not for this, by any means, to be a money-maker, but only to recoup what we use for personnel and utilities in the park, at any given time it's rented.

Councilman West: Because I know, after the Concerts, there's hardly any policing to be done. After that Fourth of July event, there was hardly any policing to be done. But I've been down there, people at Bargains on the Broadkill, the Canoe/Kayak Race, and the Horseshoe Crab Festival, when they get done, that's where they leave it. They've got no respect and if you hit them in the wallet, it will cause them to think twice before we have to pay our people to do it. My thing is, if they want to use the park, we've got a nice park, they ought to respect our park and if they can't respect our park, then they're going to have to pay for it. What is 24 hours of manpower worth?

Mayor Jones: That's three men, a full day's work.

Councilman West: That's right.

Mayor Jones: So those are considerations. I don't think that we will ever be able to charge for a true cost of potentially what it could be, but you try to offset that by the consideration of whether or not we're going to require a deposit and whether or not a certain number of folks trigger whether or not that applicant needs to have increased toilets brought there, at their own cost. The cost of Milton's extra use of their toilets being cleaned. So there's a lot to be considered, but that's all on that budget item and so we have a request to table and a second. I don't really want to take that vote until Councilwoman Parker-Selby comes back.

Councilman Coté: Well, I would like to make some observations and Mr. Newlands presented a few of us with his version of the budget, at the last meeting and I did say that we would look at what he presented and try to work with it. Some of his suggestions were changes to an estimate, for insurance, because we don't have the quotes yet. Insurance renews on October 1st and they haven't given us all the quotes we need and we have the meeting with the State Insurance people next week, so rather than use a low estimate, we're going to leave that estimate where it is and hopefully, we'll have some really good news when we get the real prices. Things that were removed were that and I want to clarify, a little bit. He made suggestions. Somebody referred to them as errors in the process that were made by Town, by current people. They were not errors made by the town. He chose to say well I'm just going to eliminate spending, so we're not going to do any road repairs. We are not going to get the safety equipment that the Public Works Department when they're working on the roads, the safety signs and both of those are unacceptable. We went through on a number of things and just found the majority weren't doable. For the most part, his suggestions are probably not going to be adopted. We can't just keep... One of the reasons we have road issues, and excluding where I live, is that we've put some of that work off for a number of years. We put off buying the safety equipment for the Public Works Department for some years. Eventually we have to catch up and we have to bite the bullet and do those things.

Mayor Jones: We have a motion on the table and a second to table this. I have just a couple of points, so it's not the first time you hear them when we get together again. I have talked to Mrs. Rogers in reference to possibly dropping the Administrative Occupational Health line and placing some of the extra money in for random Alcohol and Drug Testing for the

police and the Public Works; which has even been recommended to me by supervisor's in that department, so that would be one of the shifts that I would ask Council to look at. Not very popular with Mr. Wingo, but I believe that extra position on Public Works may require review in six months, but mine is one opinion of many. I just want the Council to know that that's one of the places I'm looking. Also, since we met last time, I met with Mr. Savage. Mr. Savage of Pennoni presented an estimate to Mrs. Rogers, approximately \$3,900 for the topographic map, which is what he recommends is needed before they can go further into developing an ADA compliant ramp into that house; that does meet standards and is in compliance, as well as some of his work with Mr. Wingo, as it refers to DelDOT and the entrance onto that property. So Mr. Crellin had made that comments during one of the budget reviews, we went forward, met with Pennoni. That is an initial cost, just to do those studies to get started. I don't think it's enough, but it is something that will start the process, particularly of that driveway and ADA compliance. So that's just something I want you to know that I'll be bringing back up when we review the budget more fully. Is there any further discussion?

Councilman Coté: Well, just another item to be looked at is the legal fees. I know there was an estimate made for a specific project that was included in last year's budget and we didn't do that. We didn't get to that and the possibility still exists that we may, so we have to include that. I think we have to include that similar amount for going forward for 2015.

Mayor Jones: Are you able to be any less vague than that? Can you name the project? Obviously you're not.

Councilman Coté: I don't want to. I think that's a...

Mayor Jones: We'll discuss that further.

Councilman Coté: Okay.

Mayor Jones: Are we ready to take a vote on tabling the budget? All those in favor say aye. Opposed. Motion is carried.

- b) An ordinance to amend Chapter 152 of the Town Code, Entitled "Nuisances" (third reading)

Seth Thompson: Okay, this ordinance we discussed a few times previously. This is our third reading. Just to kind of walk through what the ordinance does, in the enumerated list of Nuisances, it corrects Canadian Thistle to Canada Thistle and then adopts by reference the State of Delaware Department of Agriculture's list of noxious weeds. It reduces the grass length that would be considered a nuisance from 10" to 6" in height and then turning to the second page of the Ordinance and this is what we discussed last time. The accumulation of earth, rocks, stone or other debris on any sidewalk. We then changed parking strip, to parking space. Added in a public right-of-way and then on an unimproved lot, that is not an active construction site or integral to an approved use. So for that last item, that would be if it's a materials yard, obviously that's an approved use and they don't have an issue with accumulating earth, rock and stone there. Moving to Sub-Section G of that section. This is where we changed it to any vermin carrying animals, as opposed to limiting it to rodents and skunks, Mrs. Wagner will be happy to know, that is still expressly provided for in there. We've added in tires. This doesn't override our specific tire ordinance, but tires are one of the items that can accumulate and as long as it's capable of harboring obnoxious insects, that would be a defined nuisance. The rest of the ordinance then corrects references, in terms of who has authority in handling nuisances; so it references the Code Enforcement

Officer.

Mayor Jones: I have a question. On 152-2(g), Vermin-Carrying Animals. Vermin are the animals. So what are the vermin carrying?

Seth Thompson: The Vermin-Carrying is a description that currently exists. I assumed somebody knew something more than me that flea carrying animals, or that was what it was intended.

Mayor Jones: I would have thought vermin were the skunks, but, the things that skunks bring us, I guess are what the vermin are. Okay, I just wanted to qualify that that meant the diseases. Okay. This is the third reading. I think the last time it came back to us, devoid of marsupials and further descriptions and went right to animals.

Seth Thompson: The one item that we did discuss last time, that I failed to mention in my summary a few minutes ago, we removed the limitation where the enumerated nuisances would only exist in a place of density of population normally considered as a built up area, or where the concentration of houses exceeds five houses on any one side of the block. We removed that limitation, so this ordinance would apply to all areas.

Jeff Dailey, 211 Grist Mill Drive: Thank you for allowing me to address this. Mrs. Wagner was correct in the feral cat connection. People in my neighborhood of Cannery Village leave their garage doors opened part way so they can feed the feral cats and in the winter the feral cats can come in and dine; skunks follow. This is a huge problem for a town like Milton, where we have the high density neighborhoods of Heritage Creek, because we've got all of the forested area, all the fields and guess what, the little skunkettes and skunkboys come in and populate our neighborhoods and I think you're really going to want to make sure that in this nuisance ordinance this covers this. Skunks are attracted, unfortunately, by dog feces, so if people aren't picking up, like along the side of H. O. Brittingham Elementary, that is going to bring skunks. These are facts of life and there are neighborhoods and there are documentaries on this. The skunks are attracted to the feral cats. They team up with them. If you're going to rewrite this, it may require a fourth, fifth, or sixth reading, because we might as well get it right. Thank you.

Mayor Jones: Thank you.

Seth Thompson: To be clear to Mr. Dailey's point, the way the ordinance is drafted, you don't actually need to have the animals already there. Now granted, that's a much easier step than proving that the rubbish is attractive to the animals, but it says it's capable of harboring, so in other words, we don't need to wait for the skunks to nest. If the conditions are right for them to nest, it's in violation of the ordinance.

Mayor Jones: Any comments from Council or the need for further definition? Are we ready to vote on this?

Councilman West: What's the reason behind changing from 10" to 6"?

Seth Thompson: I think that was the Code Enforcement Officer's suggestion, that grass at 10" is really quite high and 6" would be a more appropriate number.

Councilman West: Now certain times of the year, people let their grass grow to seed.

Mayor Jones: I don't think that that... I don't want to speak specifically for Mr. Trotta, but when I had a discussion with Robin Davis, the complaint was that by the time you site a homeowner at 10", it's well 12" and above by the time somebody gets there to cut it, so in order to try to help eliminate that factor, the reduction in the original violation was recommended by the Code Department.

Councilman West: I don't agree with it, because like I just said, some people at certain times of the year let their grass grow into seed, to reseed the grass, without having to pay high dollar for it. Some of these people have got real nice laws that they paid real high dollar for and a lot of your lawn services will tell you, let it grow to seed. So you're going to find somebody that is trying to help their lawn be better?

Mayor Jones: I don't know, Councilman West. That's a pretty fine line.

Councilman West: I'm a poor old farm boy and I know how this stuff works, when it comes to grass and stuff.

Councilwoman Patterson: How tall is it when it goes to seed?

Councilman West: About 10". It depends on the grass.

Mayor Jones: And it depends on whether it's been left to just be neglected or whether it's been left to go to seed. There's a huge difference.

Councilman West: Yeah, but the way this is written, if somebody wanted to do that, they can't do it.

Mayor Jones: Well and frankly if someone is allowing, consciously allowing their yard to go to seed, they're doing it here in the fall. It's not going to be during the prime cutting; I don't believe it would be during prime cutting in late spring into summer.

Councilman West: I've seen it all different times of the year; from the spring, all the way through the summer and into the fall. I've seen it... you know.

Mayor Jones: I believe that 10" on the recommendation of the Code Enforcement Officer, what they're saying is, by 10" it's already out of hand and...

Councilman West: Well then you need to specify that in here.

Mayor Jones: I honestly don't know how you're going to charge the Code Enforcer to make contact with a vacant lot owner, to try to discern...

Councilman West: He's got to try to use a little common sense.

Mayor Jones: To try to discern on whether or not that's negligence or if they're letting it go to seed. It's a problem. Mr. Goodinson would like to add something here.

Barry Goodinson: It seems to me that you mentioned that you're a farm guy and I think that letting the grass go to seed, in a farming community, makes perfect sense. But in a town where...

Councilman West: It does in town, too.

Barry Goodinson: Well in a town when you're living in close proximity to one another; where people are looking at people's... and the other issue, too, is when the grass is tall enough to go into seed, the weeds are also tall enough to be going into seed, which creates a nuisance for the neighbor's and when people are living in close proximity to one another, the weed seeds that are in one person's yard are going to blow into another person's yard. So I think it is a legitimate concern.

Mayor Jones: Thank you.

Councilman Coté: 152-6(c) – The application for penalty shall not be held to prevent to enforced removal of any prohibited condition.

Seth Thompson: That language currently exists in the Code as I read it, you can cite somebody for violating this Chapter, but that isn't your only recourse. The Town can then go and abate the nuisance itself and charge the person for that.

Councilman Coté: Okay. Does that need to be stated in here and do we need to state the recovery of the cost of the Town authorizing that to be done? If we have to pay somebody

to come and get a half a dozen old tires, or whatever it is, do we get to recover the cost... does this allow us to recover the cost of that?

Seth Thompson: It looks like this particular chapter doesn't do that. It's kind of like the tires, where there might be some overlap with another section of the code.

Councilman Coté: Well, I picked tires, but if we pick something that's not in another section; if we pick one of the nuisances that's not in another section, like somehow we're going to remedy stagnant water.

Seth Thompson: If you look just above it at Section 152-5, it talks about the Council directing... we're adding in the language that the Council is going to direct the Code Enforcement Officer, but the way the language currently reads, it says "The Council may use the appropriate legal remedy." I think that's a somewhat vague reference to exactly what you're talking about, where the town elects to abate the nuisance and then bill the property owner. We can spell that out.

Councilman Coté: I mean it always seems to me that we're ahead if we spell out the issues, if we spell out everything, rather than leave it to interpretation.

Mayor Jones: And if 152-6(c) is erroneous in any way, we'll make that one just as clear as we can, too.

Seth Thompson: Right and I don't think it's erroneous, but it is a little bit obtuse.

Councilman Coté: Non-specific.

Seth Thompson: Right. Yes.

Mayor Jones: So do I hear a motion to table this for another round?

Councilman West: I make a motion to table this for another round.

Councilwoman Patterson: Second.

Mayor Jones: Any further discussion? All those in favor say aye. Opposed. Motion is carried.

c) Memorial Park Gazebo Usage Policy – **Struck per Council vote**

d) An Ordinance to amend Chapter 220 of the Town Code, Entitled "Zoning", relating to amendments to the zoning code – Planning and Zoning Advisory Report received (second reading)

Mayor Jones: You have had in your package the Planning and Zoning advisory report presented to Council. I hope you have taken the time to read this report.

Seth Thompson: This is the Ordinance that seeks to amend how we amend the Zoning Code, so this is the "shall" to "may" and four-fifths super majority. It's listed, really the procedural vehicle where we stand now is under New Business, where if the Council wants to go forward, since it is an amendment to the Zoning Code, you need to vote in favor of a Resolution setting up a public hearing. So that would be the next procedural step, if the Council wants to go forward with it and that's under New Business, because it's a new Resolution. So there really isn't anything to do at this stage.

Councilman Coté: Is it possible to separate the issues. There are two issues. There's "shall" to "may" and there's four-fifths, to a simple majority.

Seth Thompson: Right, to have two separate Ordinances.

Councilman Coté: Two separate, so they could be dealt with separately, so if you like one and don't like the other one; you don't have to vote one way against one of your positions.

Seth Thompson: Right. Yes, that's certainly possible. It would really need to be drafted as two separate Ordinances and both of them obviously affect Zoning, so they're both going to be subject to that public hearing. As new Ordinances, I think they'd have to go back to Planning and Zoning. Now I think you could probably guess what the recommendation is going to be.

Councilman Coté: I was hoping we could just separate them. Planning and Zoning has dealt with them in a rather definitive manner.

Mayor Jones: Twice.

Councilman Coté: Well I think they only dealt with one of them twice.

Seth Thompson: So you're saying you don't want to send it to Planning and Zoning.

Councilman Coté: One of them they only dealt with once. Is there a way that we can... I don't want to... I'd rather not have to send it back to them, so they get to go through the same routine again, to give us two answers to two questions, that they've already given us.

Seth Thompson: Right and procedurally, what can often happen is the Council can approve an Ordinance as they amend it at that meeting, so I guess I'm just very concerned that here... we're not quite changing Canadian Thistle to Canada Thistle.

Councilman Coté: I just don't want to have to... I would prefer not to have to say yes to both or not to both. I would prefer to have the choice to go yes or no on either of them.

Seth Thompson: Again, if you didn't want to introduce two separate Ordinances, the method for doing that would be moving to amend the Draft Ordinance, after obviously the public's been given their opportunity for comment and then if that Motion to Amend passes, then the one element is in front of you to vote. So in other words, let's just use concrete examples, you know it's abundantly clear after hearing from Planning and Zoning and hearing from the public, that the members of Council don't want to do the "shall" to "may", but they do want to do the four-fifths super majority, down to a simple majority. It would be... you would move to amend the Ordinance.

Councilman Coté: Okay.

Seth Thompson: So that you would only be dealing with the super majority to a simple majority.

Councilman Coté: Okay.

Mark Quigley: I have a question.

Mayor Jones: Let's see if Council has some questions, first, just one moment. Does everybody understand what Seth just said? Okay? That's first. Mr. Quigley.

Mark Quigley: Why don't you explain to everybody, especially the folks out here, why exactly you may want to change it and why it's a benefit for the Town, for you to do that? And why you choose not to vote on it?

Mayor Jones: Before you answer that. Thank you Mr. Quigley, actually the person who brought this up for reconsideration is not here, so I just want you to know...

Mark Quigley: She just brought it up now.

Mayor Jones: I understand.

Mark Quigley: So I can only address him.

Mayor Jones: The Councilperson who brought this back to up, to come back to the agenda, is simply not here. I just wanted to make that point clear, that's how I got it.

Mark Quigley: I understand. I get that, but he's bring that up tonight with everybody here, so let's have him explain why he's bringing it up.

Mayor Jones: I understand. Thank you.

Ginny Weeks: May I ask a question?

Mayor Jones: Yes you can. Do you have any response to that?

Councilman Coté: I mean, I am willing to say what I think, but...

Mayor Jones: Okay, hold on one second.

Ginny Weeks: I just want to ask a question. This is advertised on the agenda as a Second Reading, so you could vote on it tonight, right?

Seth Thompson: Well, it has to go to a public hearing.

Ginny Weeks: Before the second reading?

Seth Thompson: Before there's any vote.

Ginny Weeks: I mean, there doesn't seem to be a written procedure on how we pass ordinances around here; most places you have a first reading and then you have a second reading and before you have the second reading, you have a hearing and then you discuss what you want to do and you put it in... you amend it at the second hearing; then it comes back to you clean at the third hearing and you pass it. But we don't seem to do that.

Seth Thompson: You're right that the Town doesn't have...

Ginny Weeks: We don't seem to do that here. So I want to know, so you don't have to vote on the second reading in this... you don't have to vote on the second reading. It's on the agenda as a second reading. You can just simply table it?

Seth Thompson: Well, whenever you're dealing with Zoning, it has to go to a public hearing, and that has to be noticed in the newspaper at least 15 days in advance.

Ginny Weeks: Absolutely.

Seth Thompson: I think, based on that, even voting against something, should really be after the public hearing.

Ginny Weeks: Basically what I'm asking is, can they not amend it tonight to say remove the "shall" and "may"; leave in the simple majority and send it onto a public hearing?

Seth Thompson: They can do that, if that's what they want to do; if that's all they want to present at the public hearing.

Ginny Weeks: But can they amend it so "shall" and "may" go away and don't come back?

Seth Thompson: They can.

Ginny Weeks: Which would solve Mr. Coté's problem, right?

Mayor Jones: If that's his issue.

Ginny Weeks: If that's his issue.

Councilman Coté: If that's my issue.

Mayor Jones: He hasn't been very specific.

Ginny Weeks: If that's his issue. I'm just trying, because we don't have a structure; we don't have a written structure on how we do this, so I just wanted to understand because usually for a third reading, it's like a final approval; it comes back to you, it's clean and you're done with it.

Seth Thompson: And you're absolutely right, that the Town doesn't have some formal process where it's always a first reading and then at a second reading, there's amendments, you're right.

Ginny Weeks: You guys put in a lot of hours; you put in a monstrous amount of hours; but you table a lot of things and maybe if there was a little bit more structure that wouldn't happen. Thank you.

Mayor Jones: Yes, Ma'am.

Councilwoman Parker-Selby: So you're saying that the Town does not have a direction as to how we're supposed to do these ordinances, in writing that like Ginny was saying?

Seth Thompson: That's right. Some municipalities say we're not going to vote on anything at a first reading; we're always going to have a first reading. They might say whether or not they'll accept comment at that first reading...

Councilwoman Parker-Selby: So what do we have to do to put something in writing, so we don't have to go through or the people after us, don't have to go through some of these kinds of things? Can we do that as this group, or what? Some of this is wasting my time.

Seth Thompson: You certainly can councilwoman.

Councilwoman Parker-Selby: Do I have to make a motion or a direction? What should we do to get that cleared up, so people behind us don't have to go through this.

Seth Thompson: Now we get to... This is going to be very meta, I suppose, but that's not the issue tonight, but that could be set up.

Councilwoman Parker-Selby: Yes, I'll bring it up next meeting, but we need to look at that. Thanks, Ginny, I like...

Seth Thompson: Now we need to look at that.

Mayor Jones: Process.

Seth Thompson: Now the one concern, I think past administrations had, if something needed to be addressed fairly quickly, you know three readings; and was a fairly small issue; three readings didn't... kind of seemed to be overkill, basically.

Councilwoman Parker-Selby: But I'm used to three readings on Boards I've been on before, so that's... I'm getting educated every time I come to one of these. I'm thinking we already had something that we had to do, this, this and this, but now I'm hearing we have to get something in place to clarify. Again I thank you Ginny Weeks for that, because I'm sitting here assuming okay we're going to go through this and go to a second and third and then that's it. We've got to get this cleaned up, big time.

Seth Thompson: No, you're right. As a general matter, I think the Council hasn't acted on first readings, but there's nothing that lays out that protocol.

Councilwoman Parker-Selby: Okay, well we've got to get it straight, I think. I'll bring it up again next meeting.

Councilman Coté: Mr. Quigley keeps looking at me like he wants me to answer his question.

Mayor Jones: Okay, it's your turn.

Councilman Coté: So I guess I will offer a few comments and thoughts. One is I spoke with a former member of a past Planning and Zoning Commission, who's opinion I respect very much and he disagreed with the "shall" to "may" and he explained his thoughts and I can live without "shall" to "may". On the other hand, having sat in a couple of meetings, one instance there was a discussion about rear addressed homes in an unbuilt sub-division, in Milton and the solution that was offered to resolve that discussion was do what they're doing in Cannery Village. The person who made the suggestion didn't have an idea what Cannery Village was doing to solve that issue...

Barry Goodinson: When you stand up there... did not clarify who the person was...

Councilman Coté: Excuse me, Mr. Goodinson, I'm not done yet.

Barry Goodinson: Okay, I just wanted to understand what you're saying.

Councilman Coté: So that person didn't know what they were doing in Cannery Village; didn't know how that solution was going to work there.

Barry Goodinson: Were they a developer or were they a Planning and Zoning member?

Councilman Coté: It was a Planning and Zoning Member who offered that suggestion. This particular person was sitting here, who made that... yes and you all agreed. I don't know if it was unanimous, but for the most part you agreed.

Barry Goodinson: No.

Councilman Coté: And the rest of you didn't know what we were doing in Cannery Village, but you agreed and now it takes four-fifths to overturn. Yes. Don't shake your head no.

Barry Goodinson: Well you're wrong. That's not...

Councilman Coté: No I'm not. Then the other instance and it's been brought up a lot and the decision was appealed and the appeal failed and it has to do with the tank farm.

Procedurally, people who were voting and making a number of motions, shouldn't have.

Then, the Chestnut representative stood in front of you for an hour or more; one individual kept making motions that were seconded by maybe someone who shouldn't have, just to get it done, rather than up is up and down is down; if you're wrong, you're wrong. It was I promise to get this done, but you can't make me guarantee it and the expiration on the promise was last December. So four-fifths to change that, as well. In the State of Delaware I have heard two numbers of how many towns require super majorities to overrule a Planning and Zoning decision. One number I heard was two towns. One number I heard was one and Milton is included in both of those numbers. An individual who is a current Commission member, his comment was basically we make rules, we don't care about enforcement. Don't tell me he didn't say that. He said it. Okay?

Mark Quigley: You're wrong. You're wrong and I'm not...

Councilman Coté: No, I'm not. He said it to me. He said it to me.

Don Mazzeo: He was speaking for himself. He wasn't speaking for the Commission.

Mayor Jones: Hold on. First of all, you need to go to the microphone.

Mark Quigley: You know what, _____, you speak out all the time at our meetings, hold your hand down, okay?

Mayor Jones: You would need to go to the microphone.

Mark Quigley: You do it all the time at our meetings, cut the crap, get to the real business.

Mayor Jones: Mr. Quigley, you're out of line. You're out of line.

Mark Quigley: He's misinterpreting what happens.

Jeff Dailey: Whoa, just wait, just wait.

Mark Quigley: That's what's out of line. Where's the \$33,000? That's where everybody should be up in arms about.

Mayor Jones: Mr. Quigley, take your seat.

Mark Quigley: Find out where the money is.

Jeff Dailey: Mark, it's okay, just wait.

Mark Quigley: I know it's okay.

Jeff Dailey: Just wait.

Councilman Coté: It doesn't seem so.

Mark Quigley: You're playing games.

Mayor Jones: You asked Councilman Coté for a comment.

Mark Quigley: This way you can hear me.

Mayor Jones: He is giving that comment to you. Please wait until he finishes, to respond.

Councilman Coté: I think I'm through.

Mark Quigley: Well that's good. Maybe you should resign.

Mayor Jones: Just identify yourself.

Barry Goodinson, 313 Mill Street: I'm going to be pretty inarticulate, but, in terms of you talking about the whole issue of enforcement. Unfortunately, it has been told to us repeatedly that Planning and Zoning is not an enforcement body. We have no ability, so when Cannery Village came to us and they wanted to move the tanks, we went back and forth and we basically said, look, why would we believe you that you're going to do what you're saying you're going to do around the tanks, if you didn't do what you said you were going to do around the pavement and we were told that we couldn't ask that question, because Planning and Zoning was not an enforcement authority; we were simply a Planning and Zoning Commission, so we had no authority there. So initially, I voted against the moving of the tanks, because I felt that we wanted to force them to do what they had said they were going to do; but then we were told that the community had run out of gas on a couple of occasions, the previous winter and we were going into another winter and people were concerned about heating fuel and did... and the guy said, so if you don't want people to run out of gas, fine, don't approve it. That was the position we were in. Then, I'm trying to think of some of the other things that you said. You're wrong on a lot of this.

Councilman Coté: No I'm not.

Barry Goodinson: You are. You are. It's insulting that you would come before this community and basically take out of context the things that were said. We can go back and read the transcripts and I'm happy to do that.

Councilman Coté: Okay.

Barry Goodinson: Because some of the comments you made and of course, I can't recall them right now, were absolutely wrong.

Councilman Coté: I don't believe... Go ahead, Seth.

Seth Thompson: It's okay. There are just a couple of things I want to correct. These are obviously very important issues, people are very passionate about this and there's a lot of back story to each individual scenario. It is helpful to think what this specific ordinance is dealing with and what it would and wouldn't affect. So, this ordinance focuses on amendments to your Zoning Code, so it's your zoning map, it's your Zoning Code with regard to what's a Permitted Use, what's a Special Permitted Use, that sort of thing. It doesn't have to do with individual site plan approvals, so that's just important to understand, so for instance, Mr. Goodinson is correct, when they went through the site plan approval process, each individual application has to be gauged. That application had already been received. Now your town has a Clean Hands Ordinance, so if somebody's not in compliance with their obligations to the Town, the way that ordinance works, those applications aren't supposed to be accepted; but once it's accepted, at that point, somebody like the Planning and Zoning Commission, where they are serving an administrative/quasi-judicial function, can't say well this application is in front of me and it meets the requirements, but because you did something else, somewhere else, we're going to deny this application. That was the position they were in and in terms of enforcement, it is a quasi-judicial administrative body, where it says have they gone through and met the requirements? Now it's then up to town staff to make sure that there's follow-through at that point. So the Planning and Zoning

Commissioner's shouldn't be driving around and looking at these things. That's really what...

Councilman Coté: I agree with that.

Barry Goodinson: One thing I wanted to get. You had said that someone on Planning and Zoning and I don't believe this is true, said that we would replicate at Heritage Creek the signage that was done at Cannery Village. I specifically remember saying myself, it's not working at Cannery Village, why would we want to replicate a flawed system? And that was when we heard from Robin Davis, that the whole issue about putting the data into the County system and he never did it, blah, blah, blah. So, again, we said, we don't want to replicate the flawed system and you're telling us that the Planning and Zoning Commission said completely the opposite.

Councilman Coté: I would like to address that, because one of the things that was ongoing at the time was a town program, the Town Ad Hoc Committee, to improve the signs in Cannery Village, to be better directionally. If you don't let trees grow in front of them, they work pretty well. The improved signs were the yes, the improved signs were the ones that were being recommended, or suggested. Being on that sign committee, it struck me very clearly, during that meeting of what was said. The developer agreed, even though they didn't know what they were agreeing to, as the resolution to that problem and I have issues that I have to take care of.

Mayor Jones: Thank you. If we hear no amendments to the change, or request to go forward with the Ordinance to amend Chapter 220, the Council can simply forward this onto a public hearing at this time, so that we can hear even more public information and input, is that correct?

Seth Thompson: This time on the agenda we would wait until we got down to 15.a.

Mayor Jones: I understand that. But that can be the action here?

Seth Thompson: That's correct and procedurally the way it should work is the Council should vote on that Resolution to schedule the public hearing, or if the Council declines to schedule the public hearing, obviously that amendment can't go forward. That's required, both in your Code and in State Code. That public hearing has to occur.

Mayor Jones: I'd just like to wait a moment to see if Councilman Coté wants to amend what we send forward, or if any of you would like to amend what we send forward, but I'd like to wait for his presence here, just for the participation.

Ginny Weeks: I didn't get to say this during the public participation of this meeting, but I would request that when you schedule this, that you schedule it for a regular meeting, because when you do it at the third week, or on a Wednesday; people don't know, it doesn't get in the newspapers; people don't read it'; they're accustomed to coming to the regularly scheduled meeting and this is an important item and I would request that you schedule the public hearing for a regularly scheduled meeting. Thank you.

Mayor Jones: Okay, thank you. Okay, with Councilman Coté here, our options are to just send this forward for the public hearing. Mrs. Weeks did request that this public hearing be held at a regularly scheduled meeting, so that it is well announced. We also waited for you to come back to see if you had wanted to recommend an amendment, as it went forward to public hearing?

Councilman Coté: I would recommend that we eliminate the "shall" to "may" change and just have it be the four-fifths to a simple majority.

Seth Thompson: Is that a motion to amend?

Councilman Coté: Yes, I'll make that as a motion.

Councilman West: I'll second that.

Mayor Jones: Is there any further discussion? Reiterate, so everyone understands what's going forward.

Seth Thompson: So if this motion passes, then the draft ordinance would be amended to only have the change of the four-fifths to a simple majority and that would be what gets scheduled for the public hearing, if indeed you guys vote in favor of the Resolution to schedule that public hearing. You couldn't then amend after your public hearing to add back in "shall" to "may". That would be...

Councilman Coté: I don't want to do that.

Seth Thompson: Okay.

Councilman Coté: And this won't send it back for another visit to them? It has to come back to us?

Seth Thompson: Correct.

Councilman Coté: Okay. Then yes, that's what I would like to have a motion be.

Mayor Jones: Okay, so you have a motion on the table and we have a second. This is to present it for a public hearing with the amendment of elimination of the "shall" to "may" question and the only thing going forward for the public hearing would be the four-fifths majority.

Seth Thompson: We're not quite to the public hearing portion yet, that's at the Resolution stage. But this is just amending...

Mayor Jones: I understand. Is there any further discussion? All those in favor say aye. Opposed. Motion is carried.

- e) Cannery Village punch list, development standards and subdivision approvals – **Struck per Council vote**
- f) Code Enforcement Officers' recommendation regarding 105 Milton-Ellendale Highway – **Struck per Council vote**
- g) Shipbuilders Water Tower Foundation, including possible vote to approve substantial repair expenditure - **Struck per Council vote**

15. New Business – Discussion and possible vote on the following items:

- a) Resolution 2014-009 to establish the time and place for a public hearing on a proposed amendment relating to Chapter 220 entitled “Zoning”

Mayor Jones: So we move directly into the Resolution to establish the time and place for a public hearing on the proposed amendment change.

Seth Thompson: Kristy, do you know if there's enough time to have 15 days in the newspaper? We're obviously a week later because of Labor Day, so if the Council's looking at the next regular monthly meeting...

Kristy Rogers: It would appear on the 16th of September, as long as I send that notice by Wednesday.

Mayor Jones: Just 15 days, actually, if we go to the 6th.

Councilwoman Parker-Selby: So the next meeting is when we're...

Mayor Jones: October 6th. In keeping with that wish, to post it at a regular meeting, that would make it October the 6th. Should we schedule the public hearing portion of this meeting at 6:00 p.m.?

Councilwoman Parker-Selby: That sounds good. Get it over with.

Seth Thompson: Are we worried that people will feel that that's specifically designed to...

Kristy Rogers: Let's keep with 6:30.

Councilman Coté: Yes, I think we should just keep it at... Yeah.

Councilwoman Parker-Selby: You can.

Mayor Jones: I wanted to give a little more time. Okay and that will be on October 6th.

Councilwoman Parker-Selby: That might take awhile.

Mayor Jones: I certainly assume that will be at the library. So we need a vote on that Resolution for time and place.

Councilman West: Do we need a motion?

Mayor Jones: Yes, Sir.

Councilman West: I make a motion that we establish the time as October 6 at our regular meeting at the library for a public hearing on the proposed amendment related to Chapter 220, entitled Zoning.

Councilwoman Patterson: I'll second.

Mayor Jones: Is there any further discussion? All those in favor say aye. Opposed. Motion is carried.

- b) An Ordinance to amend Chapter 209 of the Town Code, Entitled "Vehicles and Traffic" relating to parking (first reading)

Mayor Jones: If I may, only a word on this one. We have begun parking wars downtown. I guess worse things could happen, simply because we're having parking wars because there's lots of activity downtown. I know that I have personally, Mrs. Rogers has been present when I've discussed with the police whether or not it was time to start to enforce the two-hour limit and the consensus and feeling was that you don't dare do that unless you consult your business community, because they will be impacted. We now have in front of us particularly brought to our attention, that we do not have the ability to enforce the 15-minute limitation, which if I'm not mistaken, occurs in two signs on Federal Street and I know of nowhere else that it does occur. One of them actually is almost could be listed as 15-minute parking up until 5:00 p.m., simply because that establishment is not open past 5:00 p.m. So there's that consideration, but that's down the road; but that is how this has come to you, in terms of amending the Vehicle and Traffic.

Councilwoman Parker-Selby: Now some people rent, am I understanding that? Do they all have ample parking, the renter's here in town? Because some parking is closed off to... I don't know.

Councilman Coté: Is that an item for another night, as opposed to this ordinance?

Seth Thompson: Right. The two things that this ordinance does, is really probably it makes a change that I think was just poor wording, with regard to parking on or across any driveway; of course you're going to park your vehicle on your driveway. So I think that was just poor word choice, so the goal was to correct that so that the ordinance prevents somebody from blocking a driveway and then the second element, is it's adding in... it's recognizing the fact that the State of Delaware might have designated certain areas on it's highways that are two

hours or fifteen minutes, in addition to the Town having designated areas for either two hour parking or fifteen minute parking; and it's also changing that from... it's expanding that from the two hour parking limitation from 9:00 a.m. to 5:00 p.m.; to anytime. So that's really the affect. This isn't changing the number of parking spots that would be required for any particular use.

Mayor Jones: And along with this simple change, indicating the fifteen minutes, my question to Council, even before enacting this, should this issue be sent to Streets and Sidewalks for some opinion, some reviews, perhaps as Councilwoman Parker-Selby said, we have renter's, perhaps those two hour limits need to be until a certain time at night.

Councilwoman Parker-Selby: Yeah, I would...

Mayor Jones: So I think that some of the parking issues and I don't know that they can be solved with what we have; there certainly is an issue, including I believe we do not require parking for downtown businesses over the provision of parking to be supplied for downtown businesses, to just allow the police to start enforcing this rule rather be a brutal message, I think, to both the people that are parked there and their businesses. Business owners may want to put up signs, notifying their customers that this is now in effect; the Town would certainly want to advertise that we're getting ready to start to enforce that, because when you go from doing nothing to something, it can be very dramatic.

Councilwoman Parker-Selby: And our town is so small, you don't have that many parking spaces.

Councilwoman Patterson: I understand the fifteen minute issue, it's been brought up; but the two hours, I mean, for people coming in and having dinner, that's not quite enough time to actually complete your meal.

Councilwoman Parker-Selby: You want to relax.

Councilwoman Patterson: I guess it's all the way down Union Street.

Mayor Jones: Or, if you park there, have dinner and go to the park for the concert; there's that too.

Councilwoman Patterson: That tool.

Mayor Jones: So I think it deserves a little bit of study. I hate to put it out in that direction, but if you're going to amend your ordinance to now include the fifteen minutes, to me, the impression is that Council means to enforce this. Otherwise you're just amending the ordinance.

Councilwoman Patterson: Just to focus on the fifteen minutes.

Mayor Jones: Yes, Ma'am.

Unidentified Speaker: Why can't we go back to having meters in Milton, on the streets and in your parking lot over here, just like Lewes, Rehoboth do too? I mean, I work in Lewes, so I know, I mean for 25¢ you getting fifteen minutes.

Mayor Jones: But see that recommendation may be something that comes back to Council from Streets and Sidewalks if we offer it to them to have a look at options like that.

Unidentified Speaker: Because I mean you're going to say fifteen minutes. These people park up on the sidewalks, so then you're repaving; doing the sidewalks all over again, because they're broken up.

Mayor Jones: You're not the first person that's mentioned parking meters downtown. So, again, since we're here, since we're amending an ordinance with the effort to enforce it, I think this needs to be looked at in a little more depth.

Unidentified Speaker: Yeah, cause you can do it like where you're 10:00 a.m. to 5:00 p.m., or so and it's money, revenue into the town and the police can handle that by collecting the funds, too; just like we do.

Mayor Jones: But, on it's face value, are there any further discussion about what this ordinance intends to do?

Councilman Coté: Well, it's very clear... to me it's clear what it intends to do. I'm just not sure the language is... I get confused reading it. I know what the intention is, I just get confused reading it.

Mayor Jones: What's confusing?

Councilman Coté: I mean, for the period of longer than fifteen minutes or two hours. Well, it doesn't specify that... I would think it should say, shall not be longer than the posted time limit for the parking space; regardless of whether it's fifteen minutes, a half hour, two hours, or whatever it is, because it's just funny words about fifteen minutes or two hours. Now we know that the signs are one or the other, but I think the language could...

Mayor Jones: If we're doing it, let's make it simple.

Seth Thompson: Uh-huh and you could do that. I suppose it's possible that Delaware changes it to one hour parking; so in other words, if you just leave it at the posted interval, you don't have to worry about that. You don't have to come back here to...

Councilman Coté: Change is...

Mayor Jones: And actually that's a great idea, because if we did get an advisory opinion, those times may change anyway. That's true, so I like that posted.

Councilwoman Parker-Selby: Didn't you mention earlier, Mayor Jones, discussion with our business people? Have we done that yet or are we going to?

Mayor Jones: We have not. This is just coming about as a result of parking wars; literally shop owner's walking into other establishments complaining that there's parking in front of their establishment too long. We don't want that to go on.

Councilwoman Parker-Selby: But I think we need to have somebody meet with the business people and let them all have input into that.

Mayor Jones: I agree. If Streets and Sidewalks takes this issue up, I think that the downtown businesses should certainly be invited.

Councilwoman Parker-Selby: Yeah, because we're a small town and right now it's beginning to boom a little bit; people are coming in and I'm not necessarily wanting to rush them into Rehoboth or Lewes, even though I know there's money there, but I kinda want to pull the people in; then later on we start getting the parking meters.

Mayor Jones: So Mr. Thompson will you bring this back to us?

Seth Thompson: I can either do that and then you can forward it on with the new language to Streets and Sidewalks, if that's what you want. We could probably compress those two things, into one step though, I would think. In other words, I don't think you need to see a couple of different words again, here, to then forward it on and delay the process.

Mayor Jones: Okay.

Councilman Coté: Yes, we can just forward it, as amended?

Mayor Jones: Yes, what shall the amendment read, where the signs or posted period of time?

Councilman Coté: Or no longer than the posted... yeah.

Seth Thompson: I used the interval before, but we could say posted time.

Councilwoman Patterson: I like interval posted on the sign.

Seth Thompson: Interval posted...

Councilwoman Patterson: That's what you said before.

Seth Thompson: Great. With the interval posted on the sign. Okay.

Mayor Jones: So, with that, I'm sorry to step on Mr. Thompson, but depending on how we go, do I just kind of get a verbal sense from the Council, that it would be okay to send this forward for a better review of our downtown parking? Would that be okay?

Councilman Coté: Yes.

Mayor Jones: Alright and that will also include business owners?

Councilwoman Parker-Selby: Yes, the business people.

Councilman Coté: That's good.

Mayor Jones: Fine, so let's go back to voting on this amendment to the Town Code. Do I hear a motion to adopt with the amended changes?

Councilman Coté: So moved.

Seth Thompson: Sorry, to adopt it?

Mayor Jones: I'm sorry. To amend the Town Code to read as the changes were.

Councilwoman Parker-Selby: It's that time of night.

Mayor Jones: I apologize. Did you all understand what we're doing?

Councilwoman Patterson: Yes.

Mayor Jones: And we have a motion.

Councilwoman Patterson: I second.

Mayor Jones: And a second. All those in favor say aye. Opposed. Motion is carried. I'll carry that forward to Streets and Sidewalks.

- c) Two options proposed by the Delaware Government Information Center, for an updated web design

Mayor Jones: Mrs. Rogers. We have a couple of options in front of us for this would be our home page?

Kristy Rogers: Yes.

Mayor Jones: Okay. I think this... Me. Personally. My personal opinion is I like the steamboat, but I think that picture of the gazebo is far more absolutely Milton.

Councilman Coté: Milton.

Councilwoman Parker-Selby: I'm a gazebo person.

Councilwoman Patterson: Yes, I agree.

Councilman Coté: Do we like the little scrolly heading or do we like the bigger...

Councilwoman Patterson: I still like the scrolly heading.

Mayor Jones: I like our branding. Me, personally. That's what that represents.

Councilwoman Patterson: Plus, you should never have everything in all capitals, anyway. It's much harder to read. It should be always be capital, lowercase in terms of marketing.

Mayor Jones: And, Mrs. Rogers, is the color depicted in these samples correct, as well? I like that more on that tan greeny thing, than I do that blue. So are you looking for a motion on choosing one of them?

Councilwoman Parker-Selby: That first one. I'm for the first one.

Mayor Jones: Would you like to put that in the form of a motion.

Councilwoman Parker-Selby: I move that we adopt the gazebo website.

Councilwoman Patterson: I'll second.

Mayor Jones: Is there anymore discussion on this issue? Councilman West, anything? All those in favor say aye. Opposed. Motion is carried.

d) Appointment to Planning and Zoning Commission – **Struck per Council vote**

e) Amended Fiscal Year 2014 Budget

Mayor Jones: Last, the amended fiscal year 2014 budget. In a nutshell, would you like to tell us what this is? In less words than are here, because we could read this.

Councilwoman Parker-Selby: Before he does that, let me ask, did we do the home occupations thing?

Mayor Jones: No, that was a document that was not properly put in there. You can throw that out from Plan 2.

Councilwoman Parker-Selby: I thought I missed something.

Councilman Coté: Just a quick thing, on the budget amendment for 2014. Basically, all we're doing is putting the purchase of 112 Federal Street into the Revenue and Expenditures Report and adding the transfer tax money, that was used to purchase it, as revenue and the cost of the purchase as a capital expenditure. It was Mrs. Rogers who discussed it with the auditor's. They didn't seem to favor anyway. They didn't say don't change it, or do change it, because we had it recorded in the capital assets section of the accounts and so we just chose to... I know there are some who would like to see the number there and I don't know... hopefully, they'll see both numbers, the revenue number and the money's already been... that transfer tax money was spent basically last December, right?

Mayor Jones: Right.

Councilman Coté: And so it's already out of the account. It's out of the \$400,000 we talked about earlier, so that was just a... And when the auditor's look at the books at the end of the year, they will change it back to a capital asset.

Mayor Jones: Okay. And do we need a motion to vote on this amendment, to this change?

Councilman Coté: Motion to amend the budget as noted in Mrs. Rogers memo and it amends the revenue by \$150,000 and the expenditures by \$153,000.

Councilman West: I'll second that.

Mayor Jones: Any further discussion on this item? All those in favor say aye. Opposed. Motion is carried.

16. Executive Session:

- a) Discussion of the content of documents, excluded from the definition of "public record" in § 10002 of this title where such discussion may disclose the contents of such documents, specifically commercial or financial information obtained from a person which is of a privileged or confidential nature;
- b) Discussion of the content of documents, excluded from the definition of "public record" in § 10002 of this title where such discussion may disclose the contents of such documents, specifically records of labor negotiation;
- c) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation, when an open meeting would have an adverse effect on the bargaining or litigation position of the public body

d) Preliminary discussions for the sale or lease of real property

Mayor Jones: Do I hear a motion to go into Executive Session?

Councilwoman Patterson: I make a motion to go into Executive Session.

Councilman West: Second.

Mayor Jones: All those in favor say aye. Opposed. Motion is carried.

17. Discussion and possible vote on Executive Session items

Councilman West: Madame Mayor, do we need to make a motion on this thing?

Mayor Jones: Yes, we need a motion on a.

Councilman West: Do we need to make a motion to come out of Executive Session again? No. Alright, I make a motion that we allow Mr. X to pursue the Key Ventures deal.

Councilwoman Patterson: No.

Councilman West: No? I'll rescind that then.

Seth Thompson: You may want to revise that.

Mayor Jones: Refer to Item 1 on Executive Session and the motion will be to authorize Mr. Thompson to continue negotiations. Is that a fair motion?

Councilman West: Okay, then that's how I make that motion, as said.

Councilwoman Patterson: Second.

Mayor Jones: Any other discussion on Item a? All in favor say aye. Opposed. Motion carried. We have no other actions for Executive Session?

Councilwoman Patterson: No.

18. Adjournment

Mayor Jones: Motion to adjourn?

Councilman Coté: So moved.

Councilman West: Second.

Mayor Jones: All in favor say aye. Opposed. Motion carried. Meeting adjourned at 11:43 p.m.