

Milton Town Council Meeting
Milton Library, 121 Union Street
Wednesday, January 21, 2015, 6:30pm

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

Councilman Garde	Present
Councilman West	Present
Councilwoman Patterson	Present
Councilman Coté	Present
Councilman Kost	Present
Mayor Jones	Present
Councilwoman Parker-Selby	Absent

5. Public Participation

- Barry Goodinson: I'd like to address the whole topic of the Downtown Development District Grant Application and the article that was in the Cape Gazette last week. This is not a conversation that I'm happy to be having in public or comfortable having and it's a conversation I would have preferred to have privately, but with the article in the Cape Gazette, it's burst into the public arena and I feel like I need to address it publicly. As you know, I helped work on the Downtown Development District Grant application and then in the article, I believe that... well actually over the course of the weekend several people called me and stopped me and said, I'm so sorry that she threw you under the bus and I felt that my reputation was being damaged, as a result of that article and the reputation of Lisa Sumstine and to a lesser degree, Mrs. Rogers. There was no responsibility taken on your part, Marion for the failure of this application and it was all placed in our laps and I am a professional grant writer. This is what I do for a living and the people who live here in Milton, who understand the vindictiveness and the secrecy of this administration knew what was going on with that article. But people outside of Milton, who do not know this environment, my livelihood could be jeopardized and I have worked many years to develop a reputation where I can actually have the time to be doing volunteer work for the community. I work for a couple of very large national non-profit organizations. I write for the Huffington Post. I know what I'm doing and you threw me under the bus in that article and what you said was that you were not involved, you were not engaged, that the people around you had failed you. Back in October I sent an email in response to an email that I had received and you had received from Lisa Sumstine and I said, when I start a project like this, I like to sit down with the client and we go through the application and we figure it out. Who's going to do what? I sent that to you and to Lisa. You never responded. I called up Lisa and I said what's going on here and frankly, again, and this is why this is not a conversation I like to be having in public, but there's a history here of me sending you email and for whatever reason, you don't respond and if it's a group email, you taken my name off the distribution list when you reply. I don't get it and in the past I haven't really worried about it, but when it comes

into the public realm and it damages my reputation, now I need to talk about it. So we worked on this application together, Lisa and I; absent the participation of the Town of Milton, who is going to benefit from this. The Council did vote to have us do this. Implicit in that was that the Town was going to actually do some work. The Town did very little work. I had no direct communication with you. It was all mediated through Lisa. We spoke on the phone repeatedly, trying to figure out ways to work around your non-participation. When we finished the application I felt like it was a good first draft. I felt like we had given the Office of Planning the ammunition to go back to the State next year, to get additional money. I felt like we had done a good job with the narrative, but there were gaps in the application and the gaps in the application were all things that we failed to get from the Town of Milton. So after we submitted it and we did send a copy to Mrs. Rogers. I maintained a copy, because the application was submitted electronically; I maintained a copy and Lisa Sumstine did, so the Town had a copy. I did and Lisa did. We waited to hear. We felt if we don't get it this year, we'll get it next year, because we thought we had a good proposal put together, except for the gaps. I thought well this is the first time the State has done this, so it was an application designed by committee and they were asking for a lot of random and whacky stuff and I figured that a lot of the Towns might have some of the same difficulties we had in pulling together the material, so I was really thinking, we have a good application. I didn't think that any other town had a professional grant writer, writing their proposal and we also had Aurelio Grisanty do maps and photo shop illustrations, all as a volunteer and we put together a pretty tight application. The members of the Planning and Zoning Commission went to a meeting in Dover and one of the Program Officers was talking about this program and was talking about the various applications they've received and what worked and what didn't. We also found out that Milton and Seaford were the two applicant's for Sussex County, so I thought gee we've got a 50/50 chance to get this thing and as a fundraiser, you hear no more often than you hear yes, so no is not an alien word to me. If you heard yes all the time time, fundraising would be easy and Milton and every other non-profit in the world, would have plenty of money. So no is the go to answer. We were expecting that. Then when I heard we were only up against one other town, I thought that we were in pretty good shape. Then when I subsequently heard from this Program Officer what really worked and what didn't in these applications, all the stuff that worked, I knew was in our application. It was tight. It was specific. It had specific outcomes. It was clear. So when I got the call saying that our application had been disqualified because the Town had provided us with a letter of support, rather than a Resolution, I was disappointed, but I thought normally a funder, if you are in the right church, but the wrong pew, the funder will say send us the right form. So I called up Connie Holland and asked her about the application and she said, well you were disqualified because it did not come from the Town of Milton. So I said, well we submitted that letter; this was a document that came from the Town of Milton and as far as we knew, this was what satisfied the obligation to the State and she said, well that wasn't the only reason. Well, we also got a call from someone at Town Hall, saying that they had never seen the application and I said, well that's strange to me, because we submitted a copy of this application to the Town of Milton. So Town Hall does have a copy of this. People at Town Hall should know what's in it. They should have

participated in the creation of it, but did not respond to the email, so we were kind of out there on our own. I asked Connie if she would tell me who that person was that called and she said, I don't feel comfortable doing that. I don't want to get in the middle of something. Clearly she knew that the calling of the State was a blunder and I subsequently found out that it was our Mayor who called; leaving the State no other choice but to determine that the Town of Milton did not submit this application. That is why we did not get... Yes, there were other forms that we needed to have in there, that the Town did not provide, but it was that phone call, along with the wrong piece of paper that sunk this thing. This is not a conversation I wanted to have in public, but when I saw it in the paper, that you took no responsibility for this and you threw other people under the bus; it's not okay. I don't know what the lesson here is, because after you do an event or you reach out to a funder and they say no, or you write a proposal and they say not; you kind of do a postmortem and you say what worked, what didn't work. Sometimes it's just a matter of economics, the funder didn't have the money. In this case, I don't know what the postmortem is. I don't know what the lesson is that's to be learned here. I think now we know what a Resolution is and next time we'll get that right, but the petty secretive personalized stuff that sunk this, I don't get it and I don't think you're going to change, Marion. I don't think that you're going to stop doing stuff like that. I'm going to ask the Council to help in some way, to make this a more grown up thing. This is real. This is not a play thing. This is not a hobby. These are people's lives and it's the economy of the Town and for some reason and I don't understand it... that's why I did not talk to the press about this, because I thought this is not something that you discuss publicly. I don't get it.

Mayor Jones: I am glad you brought it tonight. We expected to hear something, social media's been very busy. I want to make sure that I touch on all your points, though I listened to you without making notes. I called Connie Holland. My conversation was a message. I had not seen the application at the time, that the Resolution box... I had not seen it. The Resolution box had been marked and could someone please; I think I asked Dorothy Morris, to send a copy.

Barry Goodinson: Let me just ask a question. Why did you not ask Mrs. Rogers for that? Why did you not ask me? Why did you not ask Lisa Sumstine? We were supposed to be your team, working with you, on this and I don't get why you had to call the State and ask that question.

Mayor Jones: I had already talked to Mrs. Rogers, Barry, and she noted that the Resolution, but she did not have a copy. That is when I called Connie Holland. I can tell you that call, that's an interpretive part for you, because unless Connie Holland told you that as a result of my phone call, which implied nothing negative towards the writer's or that grant, made their decision...

Barry Goodinson: She did say that.

Mayor Jones: I would be very surprised that that was the basis.

Barry Goodinson: When I spoke to her and I said I don't get it; you're telling us that it's because we supplied a letter, rather than a Resolution and she said, well there was a call. That's...

Mayor Jones: And I made it very clear to Mrs. Sumstine that I was the one who made that call, that's the email that I sent her. I explained that to her and I did leave that

message for Connie Holland. I cannot say that this wasn't already in place. By the time I talked to Connie, actually talked to Connie Holland about this, her question was who had submitted it and making it sure it was submitted by the Town of Milton. Yes, I went over the history of Lisa having come here, the Council endorsing the project. That is correct. If I'm not mistaken, Lisa and Mrs. Rogers were supposed to meet. Me, personally, being involved and supplying the information, wasn't very practical. It was going to come from Town Hall. That's I referred Lisa. If I didn't answer you, I'm sorry. But I would have referred Lisa to Mrs. Rogers and I'm glad this has come up. I've been very distressed by the Cape Gazette comments. I'm not sure what... I don't want to point the finger, as throwing somebody under the bus. I can tell you that the responsibility I want to take at this time, personally, is that when the idea of completing this grant came to Council and we agreed to go forward, that I did not ask for the grant to be completed in a timely manner and have it returned to Town Hall to be looked at before it was submitted. For that I take full responsibility. This. This.

Barry Goodinson: Which is not anything you said to the Cape Gazette. You took absolutely...

Mayor Jones: But the Cape Gazette didn't report everything I said to them, either. Mr. Goodinson, I found the article very slanted and then I found the cartoon that followed it irresponsibility on top of irresponsible reporting. There, I said it.

Barry Goodinson: And I have to disagree. I disagree.

Mayor Jones: I'm not pointing the finger at the volunteers who did this piece of work. I'm not and I don't think the article stated that.

Barry Goodinson: Marion you can't have it both ways. You can't publicly throw people under the bus and then piously say I'm not pointing fingers. It doesn't work that way.

Mayor Jones: Pointing fingers doesn't work either, Mr. Goodinson. It doesn't and for the work that you did we are grateful. We, I think collectively, the Council knew Mrs. Sumstine was carrying this ball. I can't answer for everybody. I do not believe we were ready yet for this. I believe we will be in a better position after your Board brings the Comprehensive Plan to us and we have an adopted Comprehensive Plan. We also have the ability as I told the reporter who did the article, we would also have the ability to speak to the folks in Seaford about what their first year in the grant meant.

Barry Goodinson: If you didn't think we were ready, then why did you vote to move forward? Or was your hands off approach, your pocket veto of the process? I'm not going to participate. I'm going to sink this thing and if I can't sink it by not participating, I'll call the State and sink it.

Mayor Jones: That is not what happened. That is not what happened. I supported Mrs. Sumstine's efforts.

Barry Goodinson: How? How? Actively, how did you actively support this process?

Mayor Jones: I do know I met with her in between the time that the Council approved and then you were working on the document. Support, how else, Mr. Goodinson? But to give her access to town information. That was available. I think that was clear to Mrs. Sumstine. We didn't expect her to know all of this on her own, or you, as a writer.

Councilman Coté: Excuse me. We keep talking about Mrs. Sumstine and she's not here.

Barry Goodinson: Right.

Councilman Coté: We don't know what she would say, so maybe we can move off of her.

I have in front of me the Delaware Downtown Development District Program Application Completeness Checklist.

Barry Goodinson: I have seen that.

Councilman Coté: It has 30 items on it. Sixteen are marked not provided or not filled out.

Barry Goodinson: And again...

Councilman Coté: Two of those they put okay, because it was optional, so fourteen of the things we needed to do, weren't done.

Barry Goodinson: Right and where were they to come from? The Town. My point is if you felt that we were not ready to move forward with this, which is a perfectly rational conclusion, then you should not of had us move forward with it. If, however, if you were going to move forward with it, you needed to have skin in the game and you needed to be doing something and when you didn't do something, which again is perfectly fine, but when you didn't do something and then you're asked about it, you don't blame the people who did all the work, while you stood by and did nothing. That's all I've come here to say is I don't expect any resolution. I don't expect this to be fixed. I think we're in good shape for next year to get this done well, but I really felt it was important for me to publicly defend my reputation that you, Marion, damaged. That's the only reason I'm speaking. Thank you.

Mayor Jones: Thank you.

Councilman Kost: Mayor Jones, the only thing I would do is recommend that in the future when this application is resubmitted, that it be handled by someone on staff at the Town Hall and not given out to volunteers. I think that would be a much better way to handle this situation in the future.

Mayor Jones: Thank you.

Councilman Garde: If I may, I dissent from that, in that if we have really competent people in preparing these types of documents, who are volunteers, I think we should take advantage of their expertise and their willingness to work with the town and for the town without compensation, I think we're missing the boat if we turn off our experts in numerous fields, not just grant writing, but in numerous fields where we have expertise, I think we want to continue to tap it.

Barry Goodinson: I agree, there are a lot of very smart and talented people in this town and you should use us.

Councilwoman Patterson: I have to agree. When this came up, I did not, except for when Mrs. Sumstine came in a couple of months ago, as a councilperson, I can only vote on what comes up to me at these meetings and I own a very successful business, just up the road, so I have skin in the town and when you read articles like that in the paper, it's kind of a hit job and then the cartoon, this town is growing. I drive through on a Friday and Saturday night, it's packed. I am so busy at work now, I went from part-time to working 50-60 hours a week. Milton is growing, despite all of this. I do think, when I first read the article that it's too bad that we don't have grant writer's in this town, not knowing the background and I do think we need to lean on our population here. We have some very smart people that come from all over, both Delaware, that are from here and outside and we keep getting caught up in this because our town is a little bit smaller, but we have pieces that keep getting missed up here on Council and sitting up here, we meet once,

maybe twice a month and things do fall through the cracks. So it was good hearing both sides and it is frustrating.

Councilman Kost: One of the things I noticed in reviewing the grant; I read the application, there's assumptions made in it that really don't work. The assumption that the town center is going to be changed. That's part of a zoning district. The only way that can be changed is to come before Council and rezone and the Comprehensive Plan carries no weight in that area, at all. This whole assumption that we were going to become part of this document is based on inaccurate information. Sam, that's why I was worried about who wrote the document. This assumes certain things that are incorrect.

Councilman Coté: For my two cents, I'm volunteering, we should use the volunteer's that make themselves available, but the volunteer's need to understand that they're volunteering for the Town and personally, if I was missing 14 things and I knew I was missing 14 things, I wouldn't have sent it in. While the volunteer's are good to do some work, either Town Hall or this group here is responsible, so part of your volunteer work is to make sure that all the i's are dotted and t's are crossed.

Barry Goodinson: When people refuse to communicate with you, it's hard to cross t's and dot i's. You can't have it both ways. I've run non-profit organizations and we treat volunteer's like staff and they have to be supervised and they've got to be supported and when you abdicate that responsibility, that's on you.

Mayor Jones: I have to say, I'd like you to repeat that because I'm not exactly sure, because what I feel like I me, personally, I did turn that over to someone. I did and trusted that that volunteer, as I would any job assignment, so correct me if I'm wrong, because this is how I thought about it.

Barry Goodinson: You're wrong.

Mayor Jones: This was turned over to somebody who wanted to fill out the application. She was very excited and there was a lot to be gained from it. Why would I stand in the way of her enthusiasm, Mr. Goodinson? I believed that she had a point, but the points that are missing on this application...

Barry Goodinson: The things that are missing from the application were the responsibility of the town.

Mayor Jones: If I missed an email and did not answer you, was that enough notification; if it was not me, of the town; asking again, what was needed on our part to complete the grant? That's part of what I found missing in the process and if it wasn't me who could provide you with the answer, I am sure Town Hall could be contacted. That's what baffles me.

Barry Goodinson: Let me tell you about my interaction with Town Hall. I needed a map from the engineer. I called Town Hall and said can you give me the name of the engineer and the phone number and I was told no we're not allowed to share that, everything has to go through us. You can't speak to them directly, because if you call them and they pick up the phone it starts the clock running and it's going to incur an expense. Which I get. Now the fact that I was getting up at 3 in the morning to work on this thing and not charging you what I normally charge my client's to do this and you were saving a hell of a lot of money, didn't figure into your calculus of cost savings. So I Googled him, found his phone number myself and called him and got some of what I needed. Then we needed to get something else. We needed a map and again, we were playing telephone.

You wouldn't speak to me. You don't return my calls. You don't return my emails, so I have to do it through Lisa. Lisa then speaks to you. I get a call saying the map that you need is available at Town Hall, go pick it up. That was your instructions to me. The application needed to be submitted electronically, so I needed an electronic version; so I thought well, I'm not going to try to explain how to do this thing, so I was not walking as well as I had been, as I am now; so I get myself over to the Town Hall, to get the map; find that the handicapped spot is occupied by the Code Enforcer's truck, so I can't find parking at the Town Hall. Then I get inside, John Collier... You had said get this map. You didn't tell him that it could be done electronically. He gave it to me and then I said do you have it available electronically? He sent it over. So I made this stupid trip over there for nothing, because of this convoluted, we can't talk to people thing. The process that was put in place, if we had sat down at the beginning Marion, as I do with every other client and gone through this process, we would not be having this conversation right now.

Mayor Jones: The final day and the map debacle that you're talking about, occurred on the final day. Mrs. Rogers was out that morning. Lisa and I texted back and forth all morning long and I texted directions and talked to town staff about what she said she needed. If that was not what was provided for you, I don't know where that error could have occurred.

Barry Goodinson: I've been doing this for a long time and I know that there's always stuff that pops up at the end and I try to minimize all of those little surprises at the end, which is the reason you sit down. If you get furniture from Ikea, you read the directions before you pull out the Allen Wrench and that's what we were trying to do here. I wanted to sit down and go through the process. You wouldn't do it. I don't know why, but you wouldn't do it and to place the entire process in an untenable situation...

Mayor Jones: Wouldn't do it, I'm sorry, would mean I refused to do it. Mr. Goodinson, in all honesty, I don't ever remember refusing to meet with anybody about this.

Barry Goodinson: Marion, you never refuse. You just don't act.

Mayor Jones: Okay and for that I also have to say, if it's a matter of your reputation, nothing was ever intended, nor even thought in terms of that, with that article.

Barry Goodinson: That's the problem, it was done without thought. Thank you.

- Gwendolyn Jones, 204 Atlantic Avenue: I want to read a two page letter, so try not to let your eyes glaze and I'll try to keep it to the three minute limit. "On the agenda tonight is listed Future Tasks and Status of the Police Ad Hoc Committee. It is on this topic which I'd like to address this month's Town Council Meeting, as a matter of public record. It is both public knowledge and well known for quite some years in Milton that issues surrounding Milton's Police Department have been one of the central areas of concern; sources of contention and dissent, even to the point of contributing to the probable downfall of prior administrations; mainly, most recently, those of Milton's Mayors Donald Post and Clifford Newlands. In addition to what until recently was the record of the upward spiraling budget of the Milton Police Department to nearly 50% of the town's budget, there have been issues of what may be regarded at least as outstandingly poor professional judgment, if not outright abuse of the position of power and violation of the public trust by certain members of the Milton Police Department. As one of the members of the Board during the public hearing on the possible termination of Milton

Police Chief, William Phillips, in the summer of 2009, records of the allegations are available and I have the video; Mary Hudson mentioned the Police Department as a “quasi-military organization”. If there was any basis and accuracy to that thought, he was and is, ultimately responsible for any and all actions of those under his command. Yet both my experience and others has been that of Mr. Phillips' skill at deflecting, diffusing and otherwise marginalizing such complaints, including intimidation, such as harassment. Personally, I'll be glad when I'm no longer paying his salary. Mainly, most notably, is a matter of record, the scandal of a Milton Police Officer spreading baseless assertions regarding an oriental woman recovering discarded food from a dumpster at the Food Lion, to feed a group of feral cats and spreading such untruths and racial slurs, maliciously implying that as a source of the food prepared by the oriental take-out in the same plaza. This was spread throughout the SussCom network, mainly the numerous complaints brought before this Council, as a matter of record; from resident's implicating one or more of Milton Police Officers in potential abuse of an excessive use of force, above and beyond what would seem to be appropriate, such as the pulling over, during a traffic stop and forceably removing the driver in front of his wife and screaming kids, on the way to the hospital during an emergency and forcing him face down to the roadside gravel. Or other events that reported to me personally, of the gentleman being followed from his place of work in Milton to his home outside of Milton and being pulled from his vehicle and again, kneeling him in the middle of the back, with a gun to his head, all over a library book, which he had already returned. I, myself, have filed a complaint against a Milton Police Officer driving like Steve McQueen, zigzagging across both lanes, full throttle, through moving traffic on Mulberry Street in front of the elementary school and I have in writing seven instances where Mr. Phillips harassed me regarding misuse of my name, despite his having the documents. I suspect that these previous particular complaints, stem from the actions of a single officer, who'd been previously employed seasonally at four of the beach resort towns, who's father and grandfather were both lifelong officers and which, I suspect, he was trying to play the cowboy and fill shoes bigger than his. Milton resident's deserve better as the police are funded through our taxes. Such are the concerns which arise from trying to overpopulate our Milton Police Department with as many staff as possible, within the limits that wouldn't break the town budget and drive out resident's and bring down the property values. If we spent more for each officer, in the interest of quality over quantity, what's the guaranty that we'd get the quality we deserve? Is Mr. Cornwell up to the job? During the most recent Police Ad Hoc Committee meeting in December, the question of offering the closing of the Milton Police Department was brought up as a result of the Mayor, Mayor Jones' motion. I don't know whether this was during that meeting, or during Council; but yet at no point was this mentioned during the meeting, leaving Lynn Ekelund and the members of the Police Ad Hoc Committee to be the focus of the resulting vehemence voiced during that meeting. Some of those who spoke in support, don't even live in Milton and some even said they'd be happy to pay X amount more for municipal Police Department. I know, I have the audio/video record of that meeting. Unfortunately, those who spoke, weren't required to state their address, or we'd have known right there and then who was in support of spending Milton resident's money, while not footing the bill themselves. Well, I say to you now, here's an excellent

opportunity to put your money where your mouth is. Imagine, our police budget concerns would be solved. Lots of grief seem to be directed at the authors of a letter on the topic, printed in the Cape Gazette, writing as private citizens. At no time in that letter did Lynn Ekelund ever identify herself as Chair of the Police Ad Hoc Committee. Similarly, John Booros, then a member of the Milton Town Council, spoke out against the water referendum, as a private citizen and also caught lots of grief from Jack Bushey, who was late attending the next Water Committee meeting. A possible point of concern is although Milton's current Mayor, Mayor Jones, is employed by the Rehoboth Police Department and her valuable insights regarding the inner workings of municipal Police Departments is undoubtedly regarded as an asset; as is Beau Gooch on the Committee, as the former (I don't know for sure) Police Officer, there may also be the possibility that may be viewed as potential Conflicts of Interest, at least in matters of the Milton Police Department and it's staffing and budget, or even some inter-municipal department Conflicts of Interest. I hope the former is true. In closing, I voice my thoughts here, in support of the Milton Police Ad Hoc Committee of reviewing the membership of that committee for potential Conflicts of Interest; that the membership reflect the resident's of Milton, without police entitlements and strongly in support of requiring that any who comment during such meetings, identify themselves with their home address, so that we may all know who are the most vociferously in support of spending Milton resident's money and receiving those benefits, while not paying a single penny for them. We deserve a voice as Milton resident's. Thank you.”

Mayor Jones: Thank you.

6. Additions or Corrections to the Agenda

Mayor Jones: Are there any additions or corrections to the agenda?

7. Agenda Approval

Mayor Jones: Hearing none, do I hear an approval for the agenda?

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

Councilwoman Patterson: Second.

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

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

- a. An Ordinance to create a new section entitled “Source Water Protection Area” within Chapter 220 of the “Zoning” Code (third reading)

Mayor Jones: This would have come out of your packages from earlier in January, the Source Water Protection Area within Chapter 220 of the Zoning Code.

Councilman Garde: I'd like to make a few comments, if I may.

Mayor Jones: Sure.

Councilman Garde: First of all I'd like to thank the drafter of this. He or she, I think I know who it was, a volunteer I might add, who drafted this on our behalf from a document on the DNREC website. The drafter actually selected from several options the items that he/she thought would be appropriate for our inclusion and according to my review, the selections he made were essentially the most restrictive of those which were offered. I could make it specific if anyone is interested, but after having reviewed it, I

think there are some tweaks in the drafting that still need to be done and I believe that the Table on Page 8 is incomplete, as written, and I have some suggestions, but I don't know if everyone's prepared to go through them. It might take some time. But nonetheless, I think the Table as currently written is incomplete and the drafting things are where the drafter left XXX3 as a reference; those are generally A3 and there are a couple of small items like that, that could be tweaked. Also, there should be the insertion of the word "Milton" at the bottom of page 15, under Section A-9; where it says new development in _____, the blank should be filled in with Milton. That's not a significant item, but it's the type of small drafting tweaks that are needed to be updated. Aside from that, I had reviewed it the first time as a member of the Water Committee, just reading the document and I was told it had been drafted from a model that the State had and it looked pretty good.

Councilman Kost: Question. Who actually wrote this?

Kristy Rogers: Hal Godwin had worked on the draft and presented that to the Planning and Zoning Commission during the July Comprehensive Plan meeting.

Councilman Kost: Who is that?

Kristy Rogers: Hal Godwin. The Council had voted for him to be a moderator during the Comprehensive Plan process.

Councilman Garde: And his comments were also among the comments that the Water Committee used to try to expedite the Council to approve a Source Water Protection Ordinance because it was an integral part of having a correct, or acceptable, Comprehensive Plan and also to make sure that if we ever applied for any drinking water funds, that this particular box would have been checked. On the State website, Milton is listed as developing a Source Water Protection Ordinance.

Councilman Kost: I'd love to be able to ask the drafter a couple of questions. My questions mainly concern, where does this Ordinance fit inside the zoning ordinance, because in many ways it's amending the current zoning ordinance? It's adding an overlay to certain parts of the Town, which causes changes to the zoning ordinance, literally; where you can build; where you can't build; coverages; things of that nature and I'm not sure exactly how this fits into the zoning ordinance. It doesn't have a specific place to go, as far as I can tell.

Seth Thompson: And Councilman I would view it somewhat akin to 404 Wetlands; so it's not necessarily... I certainly understand your point, the practical affect is you're not going to be able to build certain things here, here and here. The way these have been structured, they don't really fall within your zoning ordinance, so in other words, this wouldn't amend your Chapter 220. It wouldn't create a new district. Again, I think people view the Historic District as an overlay. This is more like your 404 Wetlands, where if it's an area that's affected, you're not allowed to do certain things in that area.

Councilman Kost: What I'm worried about is if someone comes in with an application to build a home and they look at the zoning ordinance and they're not aware of this, we literally could give somebody a building permit and then find out that this says you can't do that, because these other restrictions apply to that particular area. That's my real concern and I agree with what's proposed. I just don't understand quite how it's going to be integrated into our current ordinances, so that the people who are administering the ordinances know what they're supposed to do and do it properly. That's usually how we

get in trouble.

Seth Thompson: I think that's a good point, that sometimes things get passed, but then they are not actually implemented, or they're not readily available to the public, so my vision of this is that General Code will create a new Section and I supposed that's a question we can ask of General Code; will create a new section in Town Code. I know they typically do that alphabetically; I shouldn't say Section, a new Chapter; based on Source Water Protection Area and you're going to see that in the title. It won't fall immediately next to Zoning, just based on the alphabetical listing, but that's where it's going to be, at least that's my understanding. I think General Code is going to put it into your Town Code as a new Chapter; it's going to be right there. I think General Code typically puts a cross-reference at the beginning of Chapters. I imagine they will do that here. Again, that's something that we can ask them. Mr. Collier, do we do cover letters to General Code saying this Ordinance was passed on this date, that sort of thing?

John Collier: That's what happens. Let me give the Council some background to this Ordinance. First of all, because the population of the Town of Milton now exceeds 2,000 resident's, it's a State requirement as part of the Comprehensive Planning process that you adopt a Source Water Protection Ordinance. One of the things that this does and the reason why it shows it's mapping, is that these areas become part of your Comprehensive Plan map, which is one of the underlying controls for how your zoning districts are resolved, so it won't be without some notoriety, when somebody comes forward and says I'm interested in building here, the first thing we look at is the Comprehensive Plan map to look at what the zoning is and within that map it identifies, okay this parcel you have Source Water Protection Area, a well head protection area, so that is an area that's not buildable under that zoning plan, or there's some special considerations that have to be made, but there is a level of protection so that we do not issue building permits in an area that we've legislated to protect.

Councilman Kost: I'm a little confused. You started to mix zoning and Comprehensive Plan together and my impression of the Comprehensive Plan is, it's a guide. It's not a legal document, like a zoning ordinance is a legal document.

John Collier: The Comprehensive Plan is a guide, but the map is adopted and it holds the same affect as the law. To give you an example, if on our Comprehensive Plan map we show that an area is R1 and the Town decides to allow it to be rezoned to another zoning classification, you also have to amend your map. You can't zone contrary to what your map says.

Councilman Kost: Let me back up a second and...

John Collier: I think I'm following what you're trying to say...

Councilman Kost: No, no, no. I'm following what you're saying, but I'm going back to a previous conversation about the Comprehensive Plan itself. In the application that was submitted, it talks in here about the Comprehensive Plan changing the town center's zoning area. So if the Comprehensive Plan gets passed with that in it, we've automatically changed the zoning map, is that what we just said?

John Collier: No. A portion of the Comprehensive Plan is the map itself, but the only thing that holds any legal weight is the map. The written document is just an assembly of suggestions, wishes and wants, but the lines that your draw on the map hold the same weight as the law.

Councilman Kost: So by submitting this application, if that had been submitted and no one really paid attention to the map, and it got in the Comprehensive Plan, we would have literally amended the maps in the zoning ordinance then. That could be the end result of all this, if this thing had gone forward without the Council really taking a good hard look at it.

John Collier: That possibility exists, but one of the reasons that I sit where I sit, is to observe these things and make sure that these things don't happen and I'm cognizant of the process and it's not as easy as submitting a grant proposal and drawing a line on a piece of paper and saying this is what we envision it to be, because at the end of the day, you as a Council have to look at that map; you have to evaluate it and you have to adopt it. The Board that recommends this for you, has no power other than to recommend it come forward for Council's consideration.

Councilman Kost: That's what I thought. Thank you.

Seth Thompson: If I can chime in really briefly. The Comprehensive Plan does have the affect of law and certainly on the County level the maps are the important item, the written dialogue doesn't have that same effect. When it comes to Towns, the interpretation is normally that the words do have the effect of law and whenever you deal with any sort of rezoning, when it comes to a particular parcel, if we can break those two issues out, so there's the map, meaning these are the districts and then there are the regulations within the districts, so we're not dealing with the regulations within the districts, these are the approved uses, that's sort of thing. We're dealing with the map itself, so the drawing of the districts. If you change your current zoning maps, via the Comprehensive Plan process, you have changed your official zoning map and you need to do that by Ordinance, essentially at the same time. If somebody were to come forward and say my parcel is currently zoned Town Center, I'd like it to be C1 and that would run counter to your Comprehensive Plan, you're going to have to amend your Comprehensive Plan to do that. For that reason, a lot of people, if they have multiple residential districts; you guys have R1, R2, R3, some Comprehensive Plans are a little bit broader in nature, so that they're just residential. They just show on their map the land zoning as residential; so you could change on your zoning map from R1 to R2 and not contradict your Comprehensive Plan. You guys in the past, have chosen to have your full zoning map attached to your Comprehensive Plan, so those two things match. But very often, you will see a more general map on your Comprehensive Plan to allow for those changes without having to go through the process of amending your Comprehensive Plan.

Councilman Kost: What you just said to me in terms of process now, is the Comprehensive Plan is supposed to be completed by the Town, sometime in May?

Seth Thompson: Right, so there's...

Councilman Kost: Let me back up, I'm rolling backwards now; which means really the Comprehensive Plan should be delivered to Council probably in March, so we have a chance to read it, have a public hearing in April, so we can approve it in May, which means that Comprehensive Plan has to be done in the next couple of weeks, period, to actually maintain the time schedule we're supposed to be on.

Seth Thompson: I agree.

Councilman Kost: We're in big trouble is what you just told me, in a way.

Seth Thompson: The one element of this, I know the Town has voluntarily gone into the broader approach of doing a large scale Comprehensive Plan review, as opposed to the five-year update, which is smaller in scale. But logistically and I think you're probably correct, you need a certain amount of time, because public hearings need to be held and that often does produce a better product. There are people out there with very good ideas.

Councilman Kost: A lot of people may not realize proposed change in Comprehensive Plan to the Town Center, rezoning whole sections of Front Street; that's what was proposed.

Councilman Coté: We don't know what was proposed yet, because we haven't seen a draft yet.

Councilman Kost: It's in the Resolution.

Councilman Coté: That may be. What's in this development district application may be a cut of the draft, but we don't really know that yet because we haven't seen one yet. We have not seen anything labeled Draft of the Comprehensive Plan. Now, we do know that the individual who was here and is gone, is Chair of the Committee that is putting that together and put this in here, along with some other things that weren't adopted by Council. But we don't know what the draft says and because it's a draft, it could be in a state of flux and at the last Planning and Zoning meeting they were trying to get submitted to each other all their drafts and this is going possibly be hundreds of pages, so you're right, we're going to have a hard time, if we don't get it soon, we're going to have a hard time getting through it all; so we know what's going on and we don't see anything that's untoward, or that's not possible.

Seth Thompson: To bring it back to this particular issue, it is an overlay, so this particular Ordinance isn't rezoning any individual parcel. It just exists where those particular areas on the map show up. I think your concern was when somebody goes to develop their property or goes to change their property or purchase property, they need to know what they can and can't do with that, so I fully expect that these maps are going to be included in your Comprehensive Plan, just like your zoning map would and I expect the Ordinance to be in your Town Code, just the way your zoning ordinance is; it's going to be the same level of availability, if that's the concern.

Councilman Coté: And Town staff has said that they're aware of both the Source Water Protection map and the zoning map and they will look.

Seth Thompson: Initially I referenced the cross-referencing that General Code does, so for instance if you look at I think it's your Building Construction Ordinance, you'll often see the Housing Standards Ordinance referenced at the top, so if you're looking online, you know to click on something else that maybe applicable, or maybe related.

Mayor Jones: I'd like to insert something here, just for all of Council, particularly Councilman Kost. At the request of Mr. Godwin, who the Town asked to come forward and work on the Comprehensive Plan, I did write a letter to the State Planning Office requesting an extension. I will not know the answer to that until the legislature meets in February, but I'll keep the Council apprised.

Councilman Garde: Thank you. With respect to the agenda item that we're looking at, I do think that I'd like to make a formal suggestion that we not approve this as 220-20, to whatever it's called; that we approve it as a new ordinance and give it a new number;

take it out of the zoning and I believe that's in line with what you said, but the draft, as it puts it in the Zoning Code and I think based on these discussions it would be imprudent to have it there as long as we can have it someplace else. As drafted, the top of the page says it's 220-22, at the top of page 3 and I think if we gave it a different number and tweaked the drafting to conform it to that, it would make a lot of sense. I'm not talking about changing any of the substance, just tweaking the drafting to update the references and then it might be prudent to reference the new ordinance in the Zoning Code someplace; maybe in the introduction to the Zoning Code that says there are several overlays we need to look at. We need to look at the Flood Insurance Rate Maps, we need to look at the Source Water Protection Map, we need to look at the Zoning Map as is and if the Comprehensive Plan will have a prediction of the future or a growth map and we have to make sure that the growth area map says what we want it to say and that is taken into account in any new construction or zoning ordinances; so there are a number of overlays that are applicable to any new development and I think it would be prudent to put that someplace in the Zoning Code.

Seth Thompson: Councilman Garde, it looks like 220-12 it discusses the Delineation Of Districts, so basically including in that Delineation Of Districts the existence of an overlay and then cross-referencing...

Councilman Garde: Cross-reference it to the new number, that would work perfectly in my view, counselor and it would get rid of some of the confusion that Councilman Kost has brought up about putting it in the Zoning Code. If it can stand alone, let's make it stand alone.

Seth Thompson: Your zoning ordinance is a very long chapter in your code already, so on some level it probably does make sense to say and please check this requirement, as well; the same way when you're doing the sub-division. I know that sub-division and zoning often go hand in hand, but that's a separate ordinance, because not everybody is dealing with the sub-division of land when they're going through their zoning issues.

Councilman Garde: Exactly, so if there were to be a motion, it would be... it's not a motion at the moment, but to approve this as a separate ordinance not under 220 and to insert reference into 220 to the existence of the new ordinance.

Mayor Jones: Do you need that in the form of a motion?

Seth Thompson: No, if there's opposition if people can voice it and then Mr. Collier and I could work on getting that together.

Councilman Kost: My only comment would be that this also references the Comprehensive Plan and apparently it's going to affect the Capital Improvement Plan for water, where we can drill a well, so as long as we reach out and make sure we touch all those keys, I'm not opposed to any of this. I'm more worried that we do things and then find out later the end result of what we've done, the hard way.

Councilman Garde: One of the things that is in there Councilman Kost, is a requirement for a minimum of an acre for driving a new well and so if there does become a Land Acquisition Committee to look into this, that would have to be a constraint that was not there before.

Councilman Kost: Exactly.

Councilman Garde: It was not there before and it shall have been there when that goes into effect, assuming we adopt this ordinance.

Mayor Jones: Any other discussion?

- b. Recommendation from Streets and Sidewalks Committee regarding downtown parking
Mayor Jones: You have a list entitled Street Sign Posting and also a couple of maps. Mr. Wingo thank you for this information. These are your proposals on where these should be placed and the times that should be placed on the signs?

Greg Wingo: That's correct.

Mayor Jones: I have a question about a couple of them, about halfway down, the rest of the parking spots on Union Street will be posted two hour parking, 9 a.m. to 10 p.m. I know that we had some discussion... I have that one and the one at the very bottom, which talks about the south side of Federal from 9 a.m. to 11 p.m., two hour parking; that that would definitely prohibit somebody who wanted to come in, have some dinner and be in the park. Those signs originally say 5, is that correct? That is what's on the signs now, correct?

Greg Wingo: That's correct.

Councilman West: Madame Mayor, this was discussed and it shouldn't be past 6:00. It should be from 9 a.m. to 6 p.m. on both of those and they did change up the parking in front of the Vintage Pasta and in front of Federal Street Gallery, it should be 15 minutes, which I agree with and the two handicapped parking spots we spoke about, which are easy to do without any inconvenience, it's a matter of repainting the lines, but my recommendation, this 9 to 10 p.m. and 9 to 11 p.m. should not be that, it should be 6 p.m. on both of them, because you're handicapping these businesses downtown after 6 p.m., because it's just like the theater does their business after 6 p.m. If you get somebody that comes in there at 7 o'clock and the show runs until 10 o'clock, they're going to have to pay a fine. That should not be. Irish Eyes does a lot of their business after 6 p.m. and when they have live music in there, people are there past 10 p.m., so I still say we should make this 9 a.m. to 6 p.m. on both of these and leave the rest of them stand, as written.

Councilman Garde: Which ones are those?

Councilman West: Number 6, the middle way down and the very last one.

Councilman Garde: Six and the last one. Okay. So you're willing to leave 11 p.m. on the liquor store, 15 minute parking?

Councilman West: Yes, yes, because that's his hours of business.

Councilman Garde: Sure, just confirming.

Councilman West: Because that was his recommendation when we had a public hearing. Am I right or wrong, Greg?

Greg Wingo: The Street Committee has gone over a lot of these times, so to speak. At the last Streets and Sidewalks Committee meeting that we had, honestly we didn't have enough committee members show up, so the few that were there, we discussed it and kept the conversation going about this. That's one of the reason why you don't see that it's coming from the Streets and Sidewalks Committee, because we didn't have enough for the meeting and the times from 9 a.m. to 10 p.m., the reason why we put that in there for the two hours parking with that time, in case somebody went to Irish Eyes for dinner, normally an hour and a half or two hours and we figured that would free up a little bit of parking as people are coming in and out. A two hour time period was pretty

good for downtown, for the restaurants.

Councilman Kost: Councilman West, that was our thinking. I was at the meeting and we were talking about the turnover for the restaurants, as opposed to someone coming down at 6:30 p.m. and parking for the rest of the evening, tying up a space for that long period. We were looking for some way for people who came down later in the evening, they could stay there overnight, but we're looking for some sort of balance. That's what we were attempting to do.

Councilman West: But your handicapped and the theater and Irish Eyes, because of that, if they have shows and stuff in both of these places, then the people that are there are going to get arrested and that's not right.

Councilman Kost: I agree with you, but we were looking for some way to balance both needs. As you know, balancing needs occasionally get's tricky.

Greg Wingo: And we also want to add, if you're going to the theater for a four hour show or something like that, we have signs for the town parking lot. It's right there. This was a thing to try to open up these parking spots for the restaurants, the coffee shops, the liquor store to try to assist the people going in and coming out, for their business.

Councilman West: I agree with that, but when you've got the streets full, the parking lot full, and behind the library here and behind Irish Eyes and the M&T Bank parking lot, I don't agree with this. It should be 6 p.m.

Greg Wingo: This recommendation came from Greg Wingo, the Public Works Supervisor, because we didn't have enough committee members show up for the last Streets and Sidewalks Committee.

Councilman West: Right, but I spoke to the business people downtown and they agreed that 6 o'clock was fine. But after that is not being fair to them.

Councilwoman Patterson: The only thing I can think is so on a Wednesday night when we have Music in the Park, which starts at 7:00 and sometimes people will come and stay until 9:00. It's usually over at 9:00, but it ties up those parking lots for the businesses, like the restaurants, or the theater; while they're enjoying Music in the Park it would be better if they parked at either M&T or the public parking lot; that way the traffic keeps moving on Union Street, right there. Six o'clock is early, because then if somebody parks there, they could be there the whole rest of the night and so there's no new business coming into the restaurants because everything's tied up right on that main street, as opposed to parking more long term in the other public parking areas. It's just a thought.

Councilman West: Irish Eyes does not have a problem with that, because when those Concerts in the Park, they do their best business of the week and they are upset when we have bad weather, because it hurts their business. People are parking where they park, they start coming in here at 6 o'clock and some people are coming and going; they're not staying for the whole concert. They'll listen to part of it, then they'll leave, but Irish Eyes has got a constant influx of people in and out, all night long. That's why I say it needs to be 6 o'clock because there are some nights you can roll the streets up, there's other nights that we could have a flood here and the automobiles would keep the streets bogged down. Six o'clock is a good compromise. It boosts it up one hour.

Councilwoman Patterson: I want to thank you, this is a nice layout. All the pictures are very helpful and you really did a thorough job looking at things, including in front of

the library. I think that little parking area right there is a 15 minute drop off, is a great suggestion. Adding additional handicapped spot in front of the library, is excellent and the one up near the Irish Eyes Restaurant, so there's some thought put into this, so thank you very much for presenting this to us.

Greg Wingo: Thank you.

Mayor Jones: Mr. Wingo, I have a question about some of the 15 minute spots and I regret that on the street, I think, that the signs are going to become very confusing, because they're varying times. Are we offering a new 15 minute parking spot in front of Vintage Pasta because the Federal Street Gallery has one?

Greg Wingo: No, right now basically it's a two hour parking all the way through that stretch. The Vintage Pasta in the mornings they have people pop in and out to get their coffee, so I'm trying to make it fair for every one of the businesses that we do have downtown; not to say that this is your parking spot, but giving their customers an opportunity to swing in there for 5 or 10 minutes to pick up coffee, or to take out and what have you and then pull out of there.

Mayor Jones: And so these times that will be posted on these signs, coincide with the operating hours of these businesses, to your knowledge?

Greg Wingo: Yes.

Mayor Jones: Okay and does that become cumbersome if something changes hands and a new sign has to be put up posting new hours?

Greg Wingo: No, well we were planning on doing, if it went any further, is not only do you have the sign there for the parking space, we will also paint right there on the parking spot and that would just continue until the Council decided to do something different. It's really not my call. It's the Council's call.

Councilman Kost: What we attempted to do, also, was to make the times two times, 15 minutes, 2 hours, uniform; 30 minutes seemed to add another layer of confusion, so we wanted to eliminate that problem if we could.

Mayor Jones: It would. Would these all be new signs, Mr. Wingo?

Greg Wingo: That's correct.

Mayor Jones: Because I also appreciated the pictures you sent and one thing I do notice about the signs downtown is they're almost obscured among the other things that are there. It becomes almost more litter-like in and among the trees, then it does good signage, so maybe some new signs would definitely catch some attention, though I encourage us still to be good partners with the community and our businesses in announcing these changes and it is our intention to enforce them. You did a nice job and thank you very much.

Greg Wingo: Thank you.

Mayor Jones: So Councilman West on those two points, did you want to take that back to 5 or 6 o'clock on these?

Councilman West: To 6 o'clock.

Mayor Jones: To 6 p.m. Is that in agreement with Council?

Councilman West: And also on the Federal Street Espresso, to save any confusion, make that at 6 o'clock also. That way that parking spot will be uniform with what Union Street is and leave the other side...

Mayor Jones: I know the two we want down til 6 o'clock. What other piece?

Councilman West: The one under the Union Street, one parking spot in front of Federal Street Gallery Espresso, will be posted 15 minute parking from 6 a.m. to 5 p.m. I know that's his business hours, but make it 6 p.m. there also.

Councilman Garde: Just for uniformity?

Councilman West: To make it uniform.

Councilwoman Patterson: Is that just for Federal Street, so you wouldn't worry about Union Street like Vintage Pasta to 5; we could do uniformity there, that's the second bullet down?

Mayor Jones: Anything that is doing unfortunately is tying up a prime parking space for another hour after the closings of the businesses.

Councilman West: Well just leave those two at 5 p.m. then, but change the others from 9 a.m. to 6 p.m., those two, Federal Street, Salon Spas 9:00 a.m. to 11 p.m. and in front of Irish Eyes and in front of the theater on Union Street 9:00 a.m. to 6 p.m. Then I'd like to make it a motion that we adopt these, as amended.

Councilman Garde: I'll second that.

Mayor Jones: For the purpose of discussion?

Councilman Garde: I only have one question, which is a normal question; how are we going to pay for these new signs? They're not in the budget. They don't come for free.

Councilman Kost: How much does the sign cost, Greg?

Greg Wingo: You're probably looking at each sign, I'm going to say, between \$30 and \$35 apiece.

Councilman Garde: I would have guessed more, but that's okay.

Councilman Kost: Ten signs?

Greg Wingo: Yes.

Mayor Jones: Is this something that DeIDOT provides, once they make the approval. I see it has to go to the State, is that something they provide in their sign shop?

Greg Wingo: No, what I put down there is adding the handicaps, or adding any parking spots on a state maintained road, I have to also get permission from DeIDOT before we go ahead and act on it, so if the Council was to approve it, then I would make the call that I need there and as long as I can get it in writing that they're okay with it, which I don't see any problem with it, then we can go farther with the ordering of the signs.

Mayor Jones: Thank you, I appreciate you looking out for nowadays we want everything in writing.

Councilwoman Patterson: When we're talking about the signage. I think it's page 9 of the packet, there is a sign in front of Irish Eyes and it says 2 hour parking, 9 a.m. thru 5 p.m.; that's a nice layout, it's nicer than just the ones with just the words on them, because you see the two hour and I think it's a little more straightforward. I know this is going to be a little difficult initially, until people realize that the parking is there. But I did like the way that was laid out.

Councilman West: Also, these signs can't be repurposed, if you change this 5 p.m. to 6 p.m.; all they would have to do was change the 5, because the sign shop in Dover has got the capabilities of doing that without destroying the whole sign.

Mayor Jones: Well when you say refurbished, I would say something much brighter and newer. I think the problem is that the signs have become built into the landscape. You can hardly notice them.

Councilman West: Like I'm saying, they can refurbish these signs.

Councilwoman Patterson: They refurbished those too?

Councilman West: Yup.

Councilwoman Patterson: Okay.

Councilman Garde: My last question is, would this come out of the General Fund or the Proprietary Fund?

Mayor Jones: General Fund.

Councilman Garde: It's not considered Public Works?

Councilman West: The General Fund.

Councilman Garde: Okay.

Mayor Jones: Councilman West, just one last thing. We are changing the 15 minute sign in front of Federal Street Galley to 6 p.m. Is that correct?

Councilman West: No, I rescinded that because we're just going to change the two signs. The one on Union Street from 9 a.m. to 6 p.m. and the one outside of Federal Street Gallery from 9 a.m. to 6 p.m.

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

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

Mayor Jones: This is the document now needed to enforce what we just worked on, correct? With these changes?

Councilman Garde: To make it an ordinance, Counselor, do we need any whereas clauses and some other boiler plate language, or can we just adopt this as is?

Seth Thompson: I tend to do the WHEREAS, because then it's abundantly clear where the Town got the authority to adopt the ordinance. Is it absolutely necessary? No, but I do like that so that people understand this is our power given through the Charter to adopt this ordinance. It isn't mandatory, no, especially when it comes to something like parking, something that's inherently governed by municipalities. If it were a topic that just isn't as ingrained in our society, I think that might be a little different. The one tweak I would have. It looks like they're using my formatting, where new language is underlined and deleted language is struck. I think the two hours, between the hours of 9 a.m. and 5 p.m., at any time; that should really just be struck through. It seems like it's being added and deleted at the same time.

Mayor Jones: Oh, I see, okay.

Councilman Kost: It looks like Section 1 should be "no vehicles shall block any driveway, either public or private". The language is a little stilted.

Seth Thompson: So in other words, put it in the...

Councilman Kost: Simple, straightforward...

Seth Thompson: Right, so you're striking B and you're also just adding "block" as opposed to "blocking".

Councilman Garde: Right.

Mayor Jones: Anything else on this piece? I need a motion.

Councilman Garde: I make a motion that we adopt an ordinance to amend the Town Code, Chapter 209, entitled Vehicles and Traffic, as amended, by deleting the word "B"

and making it block and deleting the underline under two hours, between the hours of 9 a.m. and 5 p.m., at anytime.

Councilman Coté: Second.

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

d. Abatement of nuisances at 307 Atlantic Street – update

Mayor Jones: Mr. Collier.

John Collier: Okay Council in your package was included a Memorandum regarding the update on this. At this time, as of the close of business today, we have not received return notification that they have signed for the certified letter that was sent and until such time that we receive that, the clock doesn't begin ticking on the time period they were given to correct the deficiencies and there's no action required of Council at this time. Also included in this, for your information, it was requested that the Town Solicitor do a search regarding liens on the property. You will find that that information is included within your package and I'll let it be your own guidance, at this point.

Mayor Jones: May I ask a question before we move on? When the certified letter is not accepted, there's still the question of he was asked to board up and seal and prevent the nuisance, clean up what you had originally said; what happened? When does the clock tip?

Seth Thompson: We always have to look at the exact ordinance. I think Mr. Collier probably tracked the ordinance language in the letter. It might be a good practice to send the certified copy and a copy by regular mail, to the same address; that's typically what I do. Some people will just not claim that certified mail. If you have the wrong address then seemingly the one that was sent regular mail should be returned to you. It's really when they were notified, so unless the ordinance requires them to sign for the certified mailing, receipt of just a regularly mailed copy should work. They do that in terms of service of process, now as well and if it comes back, unclaimed, that's generally good service too, so unless your ordinance specifically says “And the person has to sign the return receipt”, that wouldn't be the benchmark. It would be below that.

John Collier: The way it's stated in the letter, it's upon receipt of this letter and the knowledge of the receipt, is when they actually sign; after a certain period of time, if they do not sign, it's returned to you from the post office and you get notification that it's been returned and to me, that's when the clock starts ticking on the timeframe.

Seth Thompson: I'm looking at the exact language of this particular ordinance in Section 152-3, it says “Serve a written notice on the owner”, so it doesn't mandate signing a certified return receipt. In fact, if we saw the owner in town, seemingly that's good service as well, based on the language in this ordinance.

Mayor Jones: Thank you for this information. Does Council have any questions on this property? Councilman Garde?

Councilman Garde: No. I think that the Project Coordinator has referenced all the correct... Was this included in the letter to him?

John Collier: Yes, that was an attachment.

Councilman Garde: “The State of Delaware Requirements for Asbestos Inspection and Remediation”.

John Collier: Yes, Sir.

Councilman Garde: I have no comments then. That covered... I would only say that there was at least one citizen who contacted me by email who was concerned about asbestos, in general and trying to make sure that the Mayor and Council insisted upon proper compliance with Delaware's law and I believe that this letter, as prepared by the Project Coordinator, does exactly that.

Mayor Jones: I have a question, Mr. Collier and Mrs. Rogers, this is an example where we're still looking at a demolition permit which can last a year. You had talked about looking into that. Are you continuing to carry that idea?

John Collier: Yes.

Mayor Jones: Thank you.

Seth Thompson: And just to finish my comment earlier and continuing to read down this section of this particular ordinance, it looks like if the Town is unable to serve notice personally, then the notice can be posted on a conspicuous place on the property.

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

a. Capital Improvements Plan – Water Committee Recommendations

Councilman Kost: I have a request concerning the improvement plan. Is it possible to divide this up into two parts and prioritize the parts. Some of the things in this plan are for repair type work and some of it has to do with acquiring land and drilling a new well. They're two separate situations and I'm not sure if they... they're just kind of lumped together and it would be a little bit easier to follow.

Greg Wingo: The only thing that I have in here, we have from 1 to 9, are basically the improvements that are obviously going to have to be looked at at a future date. I wanted to put the repair of the Shipbuilder's water tower as number one, because I believe out of anything that we have going on in the water system right now, that is number one. So I didn't want to leave it off, but we are moving further with that tower. At the bottom, I actually had the replacement of the mains and repairing and replacing all the street valves altogether on this list and the Water Committee and Councilman Garde had made a few comments about that to try to treat that a little bit differently and perhaps trying to, in the next budget year, having a different line for your maintenance for that, set aside. Actually, where we're at on this list, we could actually start at number two.

Councilman Garde: I would only say this as a member of the Water Committee, the reason to bring it to Council is to ensure that Council is of the same mind, that there are Capital Improvements that are needed in the relatively short term, to the water system in order to ensure that we can provide water as required by our Charter. So it was more or less to involve the Council and not keep it as strictly a Water Committee thought process, but to bring it out in the public and say that there are Capital Improvements that are necessary and to try and plan for them in the near future and certainly in the next budget cycle to budget for some of these items.

Mayor Jones: Well Councilman Garde and Mr. Wingo, the recommendations from the Water Committee obviously involve land for a new well and drilling a new well. We know that Artesian Water Company's come before the Water Committee twice and we know that Tidewater has come before them once; with a discussion of inter-connectivity. What I find missing from this recommendation is the Water Committee's

recommendation to not pursue that and we have talked about this. It's one of the elements in the larger picture and I realize that your committee does not recommend it, but I want to hear that your committee doesn't recommend it, because it's an option on the table.

Greg Wingo: At the last Water Committee meeting, just so Council is aware, we did have a brief discussion about the inter-connectivity here and it will be on the agenda for the next Water Committee meeting for us to discuss and how we're going to move forward.

Mayor Jones: That's fine, but it's devoid in this recommendation and it is a major piece that I know is known throughout the town and it's benefits, as well as it's drawbacks, I hope that Council will be interested in hearing; whether that's a report from you or whether it's a report from the company's themselves, I know, as a member up here, it is something I would want to hear and I'd want others to hear, before a definitive plan is made. It's just an option.

Greg Wingo: With the Water Committee, as the sitting Chairman here, I would like to discuss this as I just addressed the Council, that we will have it on the next agenda and we will do this as a committee.

Councilman Garde: I think the Mayor's comment is a valid comment and one that the Water Committee has planned to take under advisement and plans to deal with and make a further recommendation more formally than I think had been done in the past; even if it's to bring them back, because the members have all changed and there are new people. So the Water Committee will address it as Mr. Wingo has said.

Mayor Jones: And I do appreciate this Capital Improvement Plan that you've presented and keeping the Council informed, but that's a missing portion from this and I, for one, wouldn't want to make a vote to approve this particular Capital Improvement Plan until I have heard about the other options. No endorsement. I just want to hear the material.

Councilman West: Madame Mayor, as a former member of the Water Committee, I have heard both sides of the story on this inter-connectivity. Each time that both parties came to the table, their story's changed every time and they're not in this to look out for the Town of Milton. They're in it to look out for their interests, to make money. As long as we can improve our own water system, we do not want any inter-connectivity, because if anybody got their bill from Tidewater for this quarter, mine is over two times what the water bill and once you inter-connect, then you might just as well figure that your bill for your water is going to double, because they can go to the Public Service Commission and get whatever rates that they want; because they're slick enough to do it.

Mayor Jones: Councilman West I think we should be very careful to predict what water rates would be from any company in inter-connectivity, because these companies actually have contracts with other towns that that information can get...

Councilman West: I know that and I know...

Mayor Jones: It's a matter of information...

Councilman West: I talked to some other towns Mayor, due respect...

Mayor Jones: I understand.

Councilman West: And they are in the same predicament of feeling the way the townspeople do over our connectivity with Tidewater.

Mayor Jones: I appreciate your comments. It's an issue that has come before the Water

Committee and is devoid on this recommendation. Like I've said, even if the Water Committee comes and says why they don't think the presentation was never heard by Council. I'm not endorsing. I'm not signing on with anything that is inter-connectivity. I'm talking about the information available to not only Council, but the public.

Councilman West: Well when I was in those water meetings, Madame Mayor, out of due respect, when we were trying to get that referendum passed, every meeting was open to the public and both of those water companies were there and they presented to the people and the people were not happy.

Councilman Coté: I would thank the Water Committee for the list and based on this discussion, we know that there's another possible item to consider in the list. I don't know that there's any... We should consider some of these things for a budget, but we can't consider any of them for our budget, because there's no dollars attached to this list; so we wouldn't know what's feasible; what's possible, so I thank the Water Committee for the list and we'll know what the list is and we'll hear after the next meeting about the inter-connectivity issue and as budget time approaches we'll get more information.

Councilman Garde: Thank you.

Mayor Jones: Thank you.

Councilman Coté: Thank you Water Committee.

Greg Wingo: Thank you.

b. Logo for Water Towers – Water Committee Recommendation

Mayor Jones: Mr. Wingo, you chose the branding sign which was approved here in the Town of Milton several years ago. I do think it's nice and clean. Is there a particular cost in that change being made, at least on the one water tower, do you know?

Greg Wingo: You're talking about the tower right here?

Mayor Jones: On Chandler Street.

Greg Wingo: No. No. All of that's going to be included in with our yearly maintenance.

Mayor Jones: Okay and how about the application to water tower two, which doesn't right now, have the name on it, does it?

Greg Wingo: Yes, it has Milton. It's the same block letters as what this one has.

Mayor Jones: So that will be changing as well?

Greg Wingo: That's correct.

Councilman Garde: The only thing I might add is the Water Committee suggested the black lettering and the word Milton only and not putting in a second or third color and not putting in the word Delaware, so while those are on the stamp that you have in front of you, the recommendation is the black lettering of the word Milton in accordance with the logo that had been approved several years ago. The picture we have is even prettier, but no gold, no reddish.

Mayor Jones: Okay.

Councilman West: I have one question, when are these towers supposed to be repainted?

Greg Wingo: In February, probably the end of February, they're going to go ahead and actually start on this water tower here. That way, they're going to end up sand blasting the outside; they're going to tarp the outside, so that we won't have the same problem that we had quite a few years ago; and they're going to do both. They're going to do the outside and the inside. Then, by the time they're done with that, they should be

approximately about that same time, pretty much done with the moving of the tower at Shipbuilder's and then they're going to go ahead and move onto that; do all the touch up areas that they have to touch up there and then, if Council approves it, they'll go ahead and re-letter that one.

Mayor Jones: And also we're hoping that this time, which the anti algae or anti mold paint wasn't used last time, that's something that's in the work order this time, right?

Greg Wingo: That's correct. They're going to use the same paint that we used out at Shipbuilder's tower last time.

Mayor Jones: Okay. Does this require a motion and a vote, if we want to go with this sign, Council?

Councilman West: It sounds like this is going to be six month's out, three to six month's out. How long will it take them to do that water tower over here, Greg?

Greg Wingo: To move the water tower?

Councilman West: No.

Greg Wingo: Oh, this one here? He said he's looking approximately from inside and out, they do have a few things that they need to fix in that tower, so that's going to take probably a week or two, but he said he should have no problem doing it in approximately six weeks. It's going to take them approximately a week he said, to tarp it all and get everything set up, before they even strike a lick of any kind of work.

Councilman West: Right, so you're talking six to eight weeks?

Greg Wingo: Yes, he said approximately six weeks, so I'm going to give him a little lead time and eight weeks is good.

Councilman Garde: How long is the tower going to be out of service during that time period?

Greg Wingo: This tower is going to be out of service for approximately a week. They won't start anything on the inside of the bowl, until they're actually done with everything else on the inside, except for the bowl. They're going to leave the bowl for last and then as soon as their done with that, I'm going to go ahead and drain it; he said approximately about a week; I'm going to go ahead and turn all of our wells on, so we won't have any issues with any pressure or any water and then when they're done with that and that's...

Councilman Garde: It sounds like a great plan. I would just suggest that if it doesn't start on time, you might want to move that inside work up, because the heavy demand starts at the end of April or early May.

Greg Wingo: Yes, May absolutely is when our usage starts going up. I want to have everything back up and running in May.

Councilman Garde: Excellent. Thank you.

Mayor Jones: Do we still need a motion on this acceptance of this logo painted on both water towers?

Councilman Garde: Whether we do or we don't, I would make a motion that we use the black lettering, as recommended, when it comes to repainting the water towers with the name of Milton.

Councilman West: I'll second it.

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

- c. Town Code Chapter 209, Section 35 relating to parking violations and penalties
Seth Thompson: Council, I think this came up because there was a question raised in terms of what the violation actually costs, so obviously Sub-Section A was amended by the Ordinance earlier; we're looking at Sub-Section B where the fine is not less than \$50, no more than \$100, plus the cost of prosecution.
Mayor Jones: Well, as someone who works in Rehoboth Beach, which has to be the parking nightmare of Sussex County, I think a \$50 parking fine is darn hefty.
Councilwoman Patterson: Yes, I was the one who brought this up. I do too. I think it's too much for a town our size.
Mayor Jones: That is very, very high for a simple parking violation.
Councilman West: What is the normal going rate?
Mayor Jones: Well, a meter ticket, which I also consider high is \$30 on it's first violation. You miss your meter, it's \$30.
Councilman West: What does Georgetown charge?
Mayor Jones: I have no idea.
Councilman West: Can we table this until we do some more research of different towns and what they would charge, Milford, Georgetown, Dover?
Councilman Garde: Although it was a long time ago, Ridgewood, New Jersey, used to charge \$5.
Councilman West: The Town of Milton used to charge \$1.
Councilwoman Patterson: Rehoboth used to be \$10.
Councilman Garde: But \$50 does seem prohibitively high for a ding for parking, so I would agree with tabling this until we can do some more research and if the research doesn't yield anything sensible, we have sensible people on the Council who can make a sensible recommendation under any circumstances. Tabling for the time being.
Councilman West: I make a motion that we table this and we do more research.
Councilman Garde: Second.
Mayor Jones: All those in favor say aye. Opposed. Motion is carried. Before we leave that subject, it's always easy to say we need more research. Who will take that task?
Thank you.
Councilman Garde: Mrs. Rogers volunteered. Thank you.
Mayor Jones: Mrs. Rogers, I'll get you some data from Rehoboth, but most of their parking violations are not having a permit, which is very different; the timed parking, which are all meters; the others are for violations. Parking the wrong way. Not parking in one space. Things like that, which I don't think are going to be relative, so that \$30 mark for that timed meter, may be the closest that Rehoboth will get to for that.
Captain Cornwell: Madame Mayor, the State of Delaware under Parking Violations for 4179 ____1 covers a whole block of tires and curbs and things like that; it's \$10, not more than \$25.
Mayor Jones: That's good information. Thank you Captain. I'm going to mark that on my sheet for when it comes back. Start at \$10 and you said to \$25. Okay. Thank you for indulging that brief moment.
- d. Award of Demolition Bid for 105 Milton Ellendale Hwy

Mayor Jones: Mr. Collier, you have quite a package here.

John Collier: Alright, Mayor and Council for your reading pleasure, I suppose, you have the Memorandum that covers this and included behind the Memorandum are a copy of the advertisement to prove that it was properly advertised; there was a required pre-bid meeting on site and a roster of those who attended is there; there were four members that attended; you have the specification and the requirements for the contract; the bid package; and finally, the bid tabulation, which if you notice in the bid tabulation there were two bidders. One bid I declared irregular for lack of a signature, thereby disqualifying it, which left us with one bidder, who also happened to be the low bidder and it would be my recommendation that the contract be awarded to William F. Betts, Land Contracting in the amount of \$16,500.

Mayor Jones: Okay. Mr. Collier, under page 1 of the Project Specifications, is this the contract we'll basically enter into with the demolition group?

John Collier: Yes.

Mayor Jones: On page four of that document, 1.8.17, I would just, if there is time to change it, granted by the City, would become granted by the Town.

John Collier: Alright, thank you for that correction.

Mayor Jones: So we are, let me just understand, we are waiting for an asbestos review.

John Collier: Alright, what I can tell you is that the gentleman in advance of signing the contract, has already had that secured and we have the report in hand.

Mayor Jones: Great. That's excellent. When would you expect this work to begin?

John Collier: Well once the contract is executed and he has the proper report in hand, he has 15 days to begin; 30 days to complete, once that he begins.

Councilman Garde: I didn't exactly hear the question, but the item 1.19, which is in the contract and read, was that in the original... correction 1.1.9, on page 1 of the Project Specification and it is written in red, which I assume was either an addition after... I just want to know why it was in red.

John Collier: It was written to draw their attention in the bid specification that they considered the cost thereof in their proposal.

Councilman Garde: Thank you very much. I've seen that done before and it's a good way to bring it to their attention. I just wanted to make sure it wasn't a thought after our last meeting.

John Collier: There was one verbal addendum done on site, concerning the removal of some trees that are on the adjoining property line. The roots extend under the parking lot in the commercial structure next door to it and it was determined that it would probably be in the town's best interests to leave those trees standing, rather than run the risk of damaging the parking lot, so there was a verbal addendum and I didn't bring it to your attention, but it is attached within the package and it was so noted for the bidder's.

Mayor Jones: And Mr. Thompson, just one more time, since this has not been budgeted for the \$16,500 coming out of the General Fund for this; Milton's opportunity to recoup that comes in what form?

Seth Thompson: The Town can record a lien and then execute on that lien. This was the property that the lien search revealed that there weren't any other liens or assessments currently.

Councilwoman Patterson: How soon after the demolition do you report that lien?

Seth Thompson: I would record it right away, just given the fact that the State is an order of priority state, so unless there's some statute that gives you super-priority; normally it's the time of recording that sets the order.

Councilwoman Patterson: Okay and do you take care of that?

Seth Thompson: I can. Yes.

Councilman Garde: Do we need a motion to do that, since it's in the name of the Town of Milton?

Seth Thompson: No, the way your Charter sets it up, the Council wouldn't have to approve recording a lien.

Councilman Garde: Could we do it as belt and suspenders, anyway?

Seth Thompson: You certainly can. You definitely can.

Councilman Garde: I make a motion that we allow the Town Solicitor to place a lien on the property at 105 Milton-Ellendale Highway in the amount equal to what we shall have paid the contractor.

Councilwoman Patterson: I'll second.

Mayor Jones: Any further discussion?

Councilman West: And should we put on there the award of the bid, in that motion?

Councilman Garde: That's going to be a separate motion.

Councilman West: Okay.

Councilman Garde: This is simply a motion to lien the property in the name of the Town of Milton.

Councilman West: Okay, I just wanted to ask the question in case you wanted to do it all in one.

Mayor Jones: We have a motion and a second. All in favor say aye. Opposed. Motion is carried.

Councilman Garde: I'll make a second motion that we approve the recommendation of the contract administrator to award the contract in the amount of \$16,500 to William F. Betts, Land Contracting for the demolition at 105 Milton-Ellendale Highway in accordance with the written specifications.

Councilman West: Second.

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

e. Future tasks and status of the Police Ad Hoc Committee

Mayor Jones: This was asked to be added. I have a general discussion about this. The Police Ad Hoc Committee did send notice to Mrs. Rogers that the previously scheduled meeting in January, on the 26th, has been canceled. I believe that is for a lack of an agenda item.

Councilman Kost: I take it that means they have no tasks.

Mayor Jones: They have no assignments. That is correct.

Councilman Kost: May I make a motion that we thank the Police Ad Hoc Committee for their efforts and dissolve the committee.

Councilman Coté: Second.

Mayor Jones: For the sake of discussion, I know we are able to sunset a committee. Do we need to abolish it?

Councilman West: I feel that we should abolish it until we need it again.

Seth Thompson: I don't think we need to get too hung up on terminology. Clearly the Charter gives the Council the ability to conclude; whether you want to call it sunsetting... and typically when we talk about sunset, that would be established at the beginning, that when they're first given their charge, this charge lasts until X date, but clearly the Council's able to conclude the services for an Ad Hoc Committee.

Councilman Garde: Is there an option to hold the Committee in abeyance, rather than disband it, because...

Mayor Jones: That's the sunsetting provision, isn't it?

Councilman Garde: Well sunsetting...

Seth Thompson: Typically, sunset is establishing a committee for a finite period of time, so you're right up front with that, that this committee is formed. These are the people on it. This is the topic(s) and we need a report by X date and upon receiving the report, or X date, whichever happens first, the Committee sunsets.

Councilman Garde: I would like to just make a comment that this thanking them is not just perfunctory; these folks have volunteered their time, they've thought about a whole bunch of issues. They've raised some controversies and they've withstood a lot of heat, as far as some of the controversial things that they have brought up and so in thanking them and in disbanding them, I want at least to be on record that that's a genuine thanks for hard work over a long period of time and not just a perfunctory thank you, in accordance with our Charter's requirements. These folks volunteered their time put their hearts and souls into what they were doing.

Mayor Jones: I'd like to follow up on what Councilman Garde said and I think what happened with this committee was regrettable. I think the sensationalism that swirled around this committee about disbanding the Police Department, was very unfortunate, as I don't believe that that action came anywhere close to being realized or truly considered by this Council. I do believe that they faced a tough decision to bring to Council's attention, their concerns about the finances in the Police Department and sometimes those topics are not easy for Council to hear, but I applaud their willingness to bring it forward, so I do think that's something that the Council has needed to look at. I know it has a good long history behind it, but in this case, I have no other tasks for this committee at this time.

Councilman Kost: Can I amend my motion, that we thank them in writing?

Mayor Jones: Oh, we will. Yes, absolutely.

Councilwoman Patterson: And for the record, I would like to agree with the Mayor and Councilman Garde, thank them for their time on that committee.

Councilman Coté: Absolutely and thank you, Roger.

Mayor Jones: They will be notified. We have a motion and a second and are we dickering over what we're doing; we're just laying this committee aside at this time, until we have further charge for them.

Seth Thompson: Right. So the committee is essentially dissolved at this point. If the Council wants to reform the committee in the future, then that would be the way to do it.

Mayor Jones: Okay.

Seth Thompson: I think in the spirit of learning lessons going forward, maybe we spell

out in abundantly clear language, in terms of what specifically the Council's looking for the Committee to do.

Mayor Jones: I think that you chose to do that in form of a Resolution. Is that correct?

Seth Thompson: I think that tends to be easier. I also like to set dates whereby something written can potentially be received and then acted upon. It just keeps everybody going forward and I suppose based on a little bit of what we heard in the beginning of the meeting, it might even be helpful to assign a town employee to facilitate if they are going to be required to do a written report of some sort.

Mayor Jones: Oh, without question. Okay we have a motion and a second on the table. Any other further discussion? All those in favor say aye. Opposed. Motion is carried.

f. Job description of Office Assistant / Receptionist

Mayor Jones: This came back to you this time, because it had not included the Americans with Disabilities Act requirement that is standard on our job descriptions and Mrs. Rogers did not want to go forward until you saw this one more time, in this form. This was approved at the previous meeting.

Seth Thompson: So the additional language is just in reference to the Americans with Disabilities Act.

Mayor Jones: That's it. So I'm looking for a motion to approve the job description as written, with the new information.

Councilman West: Madame Mayor, I make a motion that we approve this job description for Office Assistant/Receptionist, as rewritten.

Councilwoman Patterson: Second.

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

10. Executive Session:

- a. Strategy sessions, 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

Mayor Jones: Do we need to go into Executive Session?

Councilman West: I make a motion to go into Executive Session.

Councilman Garde: Second.

Mayor Jones: All in favor say aye. Opposed. Motion carried. And we reconvene in regular session.

Councilman West: Motion to come out of Executive Session.

Councilman Garde: Second.

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

11. Discussion and possible vote on Executive Session items

Councilman West: I make a motion that we vote on what was just discussed in Executive Session.

Councilman Garde: Second.

Mayor Jones: To go forward with what was discussed?

Seth Thompson: That works.

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

12. Adjournment

Councilman West: I make a motion to adjourn.

Councilman Garde: Second.

Mayor Jones: All those in favor say aye. Opposed. Motion is carried. Meeting adjourned at 9:08 p.m.