

**Milton Town Council Meeting  
Milton Library, 121 Union Street  
Thursday, February 19, 2015, 6:30pm**

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

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

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

5. Public Participation

Mayor Jones: Just before we start public participation, I do want to mention that tonight is not the meeting that the town agreed to invite the rental property owner's to. The Council had decided to produce an accepted Draft to present to the rental property owner's at a later date by notification, as we had promised, for a public hearing. So I just wanted to put that out there, in case somebody had wanted to mention that.

- Leah Betts, 113 Magnolia Street: I just have a couple of questions that I was wondering about. Do you have the procedures that will be in process when you go with the new ordinance? Are you going to have to have a complaint filed with the town first? Or is it an automatic check?

Mayor Jones: If I may, I think that is depending upon the Draft that is accepted.

Seth Thompson: We'll call this the “working” draft. The working draft contemplates somebody needing to come in and apply for a license, which would trigger the inspection. Now we'll talk about some of the nuances when we get to that in the agenda, but one proposal in the current draft would be that if it was a Continuing Tenant, you wouldn't have to have that inspection. In other words, if your tenant just continues to occupy the unit, year after year, the inspection wouldn't be necessary, but the application of the Ordinance wouldn't be triggered only by somebody complaining.

Leah Betts: By a complaint? But you would inspect it every time it was rented, is that correct? A newly rented house.

Seth Thompson: Exactly.

Leah Betts: I wonder if they've been through the Landlord Tenant Code?

Seth Thompson: I don't know. I did bring that with me tonight, so I can...

Leah Betts: I have it and each... they have no heat. They have like you were talking about in the beginning, that's all under the Landlord Tenant Code and to me everything in there that would need to be, I don't... where the Ordinance, we would need another Ordinance.

Seth Thompson: It comes down to what goal you're seeking to accomplish. So the Landlord Tenant Code really controls the...

Leah Betts: It supersedes everything else.

Seth Thompson: Well it's designed to control the contractual relationship between the Landlord and the Tenant.

Leah Betts: Including repairs, if the heat isn't working or if the water isn't working and in my leases, I have where I can inspect them every so often, if I notify the tenants.

Seth Thompson: Right, it's typically about 48 hours, you need to provide advance notice.

Leah Betts: But what I was meaning was are you going to trigger it by a complaint? Or are you going to have a certain date every year to check?

Seth Thompson: The way it's drafted, it would be triggered by somebody coming in and asking for the license; that's when the inspection would occur. Of course, if somebody got a complaint, or if the Town received a complaint, the Town could still inspect at that point in time if they thought there was a violation.

Leah Betts: But what good is the Landlord Tenant Code, when it tells specifically what a tenant could do and what the landlord could do?

Seth Thompson: They're designed towards two different aims. So the Landlord Tenant Code, if you're the tenant and the landlord hasn't fixed your heat, you can file for a rent abatement.

Leah Betts: You can go and make... The landlord would have to fix it and be penalized anyway. So I can't see doubling it with the Town.

Seth Thompson: The scope of the Landlord Tenant Code is really fairly narrow. It talks about the necessities; you're going to talk about heat, running water, those type of things.

Leah Betts: Anything and everything's in the lease that I give my tenants of what their responsibilities are and what my responsibilities are and I give them a copy of the Landlord Tenant Code, every time I do that; every time I rent it to someone and it just seems like it's repetitious.

Seth Thompson: Very often towns and states have to pass ordinances and laws based on a few bad apples. Ultimately that does happen very often that 90% or 95% of the people are doing things correctly, but the town and the state has to pass something that protects against that small minority that takes advantage of a situation.

Leah Betts: I guess when I feel that when you rent a place, it's automatically that person's place, as long as they... But we can inspect it; but I think it's repetition when an ordinance is passed with the same things that the state has in it, that they can do if heat is not provided, a broken pipe is broke, they have the same legal... and actually this is supersedes the town's.

Seth Thompson: It doesn't in the sense that the town isn't preempted from adopting these types of ordinances...

Leah Betts: But if it pertains to the same thing.

Seth Thompson: More than just one level of governance can apply, right?

Leah Betts: Right, but everything is spelled right out in the Landlord Tenant Code. That's why I wondered if you all looked it over?

Seth Thompson: I can't speak for everybody here, but take for instance the example of smoke detector's, does it say that the tenant can abate his/her rent based on an absence of smoke detector's?

Leah Betts: It says just about... if they don't have, that the landlord does not provide.

Seth Thompson: It has to be essential services, though, right? Again, the Town is using this to make sure that rental properties are up to the town's housing standards that apply that are already codified, so that's what the town is looking to do and frankly, and again, sometimes it's just a few bad apples, but I think we heard last time, very often it's the rental property that's not being kept up.

Leah Betts: That may be true, but if they lived up to the code, why do we have to have... are we going to have our rental license increased to hire this person to go inspect it?

Seth Thompson: No, the proposed ordinance doesn't affect the rental license and that should be on the Fee Schedule.

Leah Betts: But I noticed it said... is that what's going to pay for the person to go inspect the rental house?

Seth Thompson: The way it should be structured is your license fee should pay to administer that program.

Leah Betts: But it's not going to be a separate fee for the landlord?

Seth Thompson: No, and I'll look to Mr. Collier, but I think it was just if there was a need to reschedule without advance notice based on the cancellation or a non-appearance of the owner, I think.

John Collier: The current proposal does not ask for an increase of any fee for the rental license. The only difference being, if there is an inspection scheduled and the property owner does not appear and make the property available at the scheduled time without proper notice, the rescheduling will cost \$100. If there's a deficiency found and more than one trip has to be made back to clear the deficiency, then there's a \$50 fee for the second trip back. Those are the only fees that are brought upon, but if everything is in working order and in compliance, there are no additional fees.

Leah Betts: Do you have a list that you're going to check?

John Collier: The list references Section 11 through 23 of the Housing Standards, which are pretty clear and list each and all of the individual...

Leah Betts: It's 11 through what?

John Collier: Eleven through twenty-three of Chapter 136 in the Housing Standards in the Town Code.

Leah Betts: Will that be given to each of the landlord's?

John Collier: It will be provided.

Leah Betts: Provided, for each of them?

John Collier: Yes. It has not been at this time, but I would imagine that list will be condensed into a checklist, because currently it's lengthy and has a lot of definitions.

Leah Betts: When do you think that would be available?

John Collier: I can probably provide that for you by Monday.

Leah Betts: Okay. Alright. Thank you.

Mayor Jones: Thank you.

- Jim Welu, 30263 East Mill Run: I think all of you have a copy of a proposed revised ordinance that I made up and presented to all of the Council Members and to the Town. If I can use Mr. Thompson's language of bad apples, I think my version addresses the issue of bad apples. I think it is overly intrusive to have inspections on a regular basis of

all rental units in the Town of Milton. My proposal provides for an inspection if a tenant files a complaint that they have a problem with their dwelling unit and I think in that case, the landlord should be notified of the issue. In fact, I would make an amendment to my proposal that under the State law if I want to evict a tenant, I must provide him with a letter, certified, return receipt, that they owe rent; like that's going to be a surprise when they get that letter, that they owe rent; but that is State law. I think if the Town has a complaint, I would add to my proposal, that the tenant must also provide a letter to the landlord first, if they have an issue with the condition of the property, before they go to the town. Just as I cannot go to the JP court and file an eviction, unless I've notified the tenant ten days in advance that I'm going to file because they haven't paid the rent and that they owe rent. My proposal for those who haven't seen the copy of it, but the Town Council has, it would eliminate all owner-occupied properties from this ordinance. It would provide tenants with a right to go to the town if conditions are not proper in their unit, after they've notified the landlord of this issue and the landlord hasn't taken care of it. This eliminates 360 inspections, which I don't think are necessary. It eliminates an intrusion into the lives of tenants who are happy with their conditions on the property that they're living in. But it does require the landlord to certify, once a year, what smoke detector's he has in his unit, how many of them there are and what their expiration date is. So if he's using a 10-year lithium battery smoke detector, we ought to know when that 10 years is up and this would be a reminder to the landlord of when he has to replace that 10-year smoke detector, or if it's a one year or a five year, which they also make, it would be noted on his certification when that smoke detector has to be looked at and taken care of. What I do require, under my proposal, is that every landlord, once a year, provide a certification to decent housing standards, with some type of a checklist made up by the town. One thing I would like to call to the attention of the citizens and of the Council, Chapter 136, Housing Standards, 136.9 does not apply to every dwelling in the Town of Milton. It only applies to property that was constructed after October 1, 2009. That's what 136 Housing Standards applies to. Just a little quirk, 136.23 says that heat is required in all 2 or more housing units. Housing Standards does not require a heating unit according to that chapter, 136.23 in single family units. That's something I think the Town has to take a look at. That's really a weird thing.

Mayor Jones: Thank you Mr. Welu.

Jim Welu: I just want to say, I want to thank you for deciding to hold another public hearing and notifying the landlord's in advance. There should be some way maybe to notify the tenant's too, because this affects them and their privacy. Thank you.

- Steve Crawford, 216 Ridge Road: I want to just ask a few very quick questions about the Town Clock Project, which I think is a terrific project for the town. First question I have is who owns the land that the clock is going to be put on, assuming we are going to replace the clock?

Seth Thompson: I can double-check the deeds, but I think that parking lot is deeded to the Town in that area. I'd have to confirm it through the Recorder of Deeds.

Steve Crawford: Once the clock is installed, who's going to own the clock?

Seth Thompson: The legal concept is whether it becomes a fixture and we had a similar discussion when we talked about the solar panels being attached to something. It's a

little bit different when you're out of the residential context and when you're in more of a commercial context; but normally when something is affixed to land, it becomes an improvement and then it seemingly remains with that land, so take for instance if a tenant builds something onto a rented piece of property, they're really not supposed to be able to then remove it, if it's affixed to the land. Then that's become an improvement. I think that analysis would probably apply to the clock, I guess, unless there was some means of removing it without it disturbing anything on the ground, but I think just given wind and given structurally, I think it's going to have to be affixed to the ground.

Steve Crawford: Then the last question I have is, depending upon who owns the clock, who pays to maintain the clock when it breaks? I'm just asking. I don't necessarily need an answer right now, but I just thought I'd cross the t's and dot the i's.

Mayor Jones: I think your questions are very good and I think these are some of the terms that will be discussed between the Council and the Garden Club as it goes forward.

Steve Crawford: Right. Thank you very much.

- Ginny Weeks, 119 Clifton Street: I wasn't here at the last meeting, but the hoopla that came along with the introduction of the rental ordinance, what is the process for passing an ordinance in this town, governmentally, please?  
Seth Thompson: Basically the ordinance has to be introduced and if it affects zoning, you need to have a public hearing noticed in the newspaper fifteen days in advance. Typically, the Council likes to have a First Reading and then a Second Reading...  
Ginny Weeks: And not a Third Reading?  
Seth Thompson: If that proves necessary and that's just how the town is operated.  
Ginny Weeks: So there are no really written rules. It's how the Council feels. Is that what you're saying?  
Seth Thompson: Well, certain issues are just going to require more debate. Do you mean that it has to be...  
Ginny Weeks: There are no formal regulations about how to pass an ordinance, other than a zoning ordinance.  
Seth Thompson: That's really correct in terms of...  
Ginny Weeks: Well I think that needs to be fixed, because I think it causes a lot of hardship on you and I think it causes a lot of hardship on the public. If, for example, the rental ordinance had been something that the Mayor and Mrs. Rogers felt needed to be looked into, it should have come to the Council. It should have been said, we have these problems. The Council would then vote and ask that an ordinance be prepared and that would be at the so called... then that ordinance would come to you guys for a First Reading. In the agenda it should say First Reading and then you decide what you like, don't like about it and you send it back to whoever is authoring it. It comes back for a Second Reading at which time the public gives a comment and reviews it, because it has been on the website for a week or two, so plenty of people could look at it. After taking the public's comment, you then schedule a week or two weeks later, or at the next meeting a Third Reading, where you either pass or you fail it. But the way it's done now, it seems very difficult on the town and very hard and I would ask you to please do something about formalizing how an ordinance is passed in town. It seems to me that's a

basic tenet of government. The people have a right to know how laws are made and what the system is.

Mayor Jones: May I interject something? You're talking about how it is passed. How it is identified is a different issue, but you're talking about the process of once it is identified, how the process continues. Correct?

Ginny Weeks: Exactly.

Mayor Jones: Okay, because some of the issues that we look at that are spotted pieces of ordinance, this one particularly and the rental property, created a good bit of trouble last year for the Council, that's my belief as to why this came up again on a list of things, once we got a Project Coordinator. As far as other items, the Council continues to look at some of the issues that have caused Milton a lot of trouble over the years; some things that work against us, some things that are contradictory, one to the other. So that's how they get to the Council, but as far as process, didn't you even say First and Second Reading is absolutely necessary? I want to be clear, too, on this.

Seth Thompson: Right, Ms. Weeks is correct. There's nothing that formally requires there to be a First Reading and then a Second Reading. If there is something that's very straightforward and uncontested, but very necessary in terms of timing, there's nothing to prevent Council from at that First Reading, voting on that ordinance. Now, again, you guys typically don't do that and really for the concerns that Ms. Weeks is suggesting, that the public wants to be able to see it on there and read it and they should be able to call up their Council Members and say, hey, this is my impression of this, or these are my thoughts. But the reason there isn't some proscribed methodology, it's not a once size fits all type thing. Somethings are just going to take a lot of debate, frankly...

Ginny Weeks: Absolutely, but I have never been anyplace where there has not been a formal way to get an ordinance passed and I find this very strange and I understand that Milton was a small town up until 10 years ago and everybody knew everybody and all of us weren't here and so on and y'all knew what each other was doing; but that's not the way it is anymore and you need to protect yourselves and you need to protect us by having a system for passing ordinances.

Seth Thompson: When you say a method of passing the ordinance, really it just takes a majority, unless there's something that requires a super-majority; you're talking about the process of getting to the vote.

Ginny Weeks: Right. Exactly and getting the public informed and having an orderly way for everybody to know... a transparency. It's transparency. I hate the word, but it's transparency. When you take the rental ordinance, like the one that came out and you just throw it up to the public and say oops, we're having a public hearing, people say where did this come from? Why? What's wrong? What are we trying to fix? Nobody has any idea what we're trying to fix, even, because nothing was ever stated publicly on what is the problem.

Seth Thompson: This isn't the first time this issue's come up. My recollection is the same as the Mayor's, in terms of there was an issue in prior years, but in terms of... Is your concern, what problem are we trying to address?

Ginny Weeks: My concern is that direction be given. Instead of just all of a sudden...

When I was on Planning and Zoning, one of the reasons I am no longer on Planning and Zoning is, as you know, we would get directions, review the sub-division ordinance. For

what? It's 80 pages long. For what?

Seth Thompson: I think that's a good point in terms of...

Ginny Weeks: Because it never came from the Council, with direction and the Council... the Mayor is our Mayor, but you all govern and if there's a problem with rental properties, if there's a problem with the Large Parcel Development, there's a problem with the Home Ordinance, you should be discussing it and giving a direction to the person who's writing the ordinance and so the people know, why you want this done, rather than just plop and have everything blow up the cesspool.

Seth Thompson: I agree that the more input, the easier it is.

Ginny Weeks: That's all I had to say.

Seth Thompson: From a personal standpoint, it's easier to track.

Ginny Weeks: I'm not arguing with you. I'm just saying, I'm strongly asking you to please formalize how you're going to do this and that when you're going to do this, you all govern us and you all should have a say in how you want the ordinances done and after they're written, it's too late, because it's already a problem.

Councilman Coté: I'm just going to ask Mr. Thompson a question and I'm not trying to be facetious, when I ask this question. Is that guideline an ordinance on how to write an ordinance? Or is it in the Charter?

Seth Thompson: You wouldn't put it in the Charter. You would put it in your Town Code.

Ginny Weeks: It's not in the Charter.

Councilman Coté: No, it isn't. I was just asking where it should be. Should it be an Ordinance on how to do that? Or should it be in the Charter...

Ginny Weeks: For example, on tonight's agenda is something about a Proposed Amendments to the Town Charter. You and I have had this discussion before about FOIA. What changes? There's 39 chapters. What changes? There's nothing on the website telling us which changes or what parts of the Charter you're going to look at. It's just this huge, vast thing and we don't know what's going on.

Seth Thompson: That's a pretty good example. What the Council has in front of them and what the public's going to be able to see, is the draft changes coming out of the Charter and Ordinance Committee.

Ginny Weeks: Absolutely.

Seth Thompson: Now in terms of process going forward, so what I would hope would happen tonight, would be to schedule a public hearing, seemingly at the March regular meeting, on those proposed amendments, put it into the form of a Draft Bill for the Legislature to pass and have a Resolution attached to it saying the Council votes in favor to send this draft bill to the legislature.

Ginny Weeks: Absolutely. Absolutely. When are we going to see the changes so we have time to look at them?

Seth Thompson: So then post it on the website.

Ginny Weeks: When?

Seth Thompson: Typically when the agenda goes up...

Ginny Weeks: I will tell you there's nothing on the website for tonight's agenda. There's nothing.

Seth Thompson: For the Charters.

Ginny Weeks: Nothing is there.

Seth Thompson: Okay. Alright.

Ginny Weeks: And it's a FOIA issue and nobody wants to go running to Dover. It's a FOIA issue. Thank you.

Seth Thompson: Alright. I would disagree that it's not really a FOIA issue in the sense that copies don't have to be distributed to the public, your agenda does need to be posted so the people know what's going to be discussed.

Ginny Weeks: Right, but as you read the minutes from the FOIA meeting we had here with Mr. Black and he said the people have to know specifically what the discussion is and if there are changes, specific changes to the Charter from this, we don't know what it is.

Seth Thompson: No, I agree. I just view this as step one in what should be a process.

Ginny Weeks: One other quick thing. On tonight's agenda it says that had you discussed the rental issue, it was going to be the Second Reading. When did the First Reading occur?

Seth Thompson: I think it was at our last meeting.

Ginny Weeks: Nope. It's not there. It's not on the second agenda. On February 2<sup>nd</sup>, it does not say First Reading.

Seth Thompson: Was it two meetings ago?

Councilman Garde: It was before the public hearing. There was a reading at a Council Meeting before the public hearing.

Mayor Jones: In January.

Ginny Weeks: There was a First Reading of this Ordinance?

Councilman Garde: There was a draft presented to the Council. I'm sorry that I cannot affirm that there was an agenda item that said First Reading. I cannot affirm that. I don't deny it, I just don't remember, but it was presented to Council before it was brought to a public hearing.

Ginny Weeks: That's okay. But that's what I'm talking about. So people know where we are in the system, it should say First Reading. Second Reading.

Councilman Garde: If no one on the Council minds, I would like to agree with you. I believe we can do better in terms of posting things on the website and informing the public and I think we are dedicated to doing better and I thank you for your comments, at least from my perspective; to the extent we can... We never try... there is never an effort on the part of the Council to keep the public in the dark. It may seem that way to the public, but we don't do that. That's not the way we function.

Ginny Weeks: I'm not saying it's intentional.

Councilman Garde: We don't always live up to our own standards.

Ginny Weeks: I'm not saying it's intentional Councilman Garde. I'm saying it's just habit.

Councilman Garde: Well, I think we're trying to break the habits, but I agree with you that we can do better and I'd ask Mrs. Rogers... I don't think there's a problem with anybody on posting things on the website that we're going to discuss, but she's a Mom and she has little kids and she has lots of other obligations and it's cold season and it didn't get done in time this time, but it will be posted tomorrow. Thank you.

Ginny Weeks: Thank you. Terrific, then let's make a rule that if it's not posted a week before, when the agenda is posted on the web, that's it removed from the agenda.

Councilman Garde: I'm unwilling to do that, but thank you for the suggestion.

Ginny Weeks; You're welcome, but it would make our life easier.

Councilwoman Parker-Selby: I'd like to piggy back on also Mrs. Weeks, with what you're saying, because as a councilperson, sometimes when I look at my packet, I'm thinking now what prompted this and what prompted that and knowing not everyone in our community looks at a computer and many of our people who have voices, do not come to these meetings, but they are concerned, I think we need to do better with our communications some way, maybe, through our newspapers or what have you, so that all the citizens are informed and definitely I think we need to put out there, the process and procedures for presenting or identifying ordinances, what have you, even for all of us to refresh our memories or what have you, because you come on a Council like this and you've been on other Boards and so forth, like I have, everything is totally different for each organization and I'm not up on everything that this organization has done in the past or what have you, but certainly I think it would curtail much of the unrest in the citizenry when we do more having 1, 2, 3, this is how it goes; 1, 2, 3 this is what will happen and when we're meeting we can all communicate a little better with each other about those situations. That's just my five cents.

- Lisa Falzarano, 333 Union Street: My place of business is 109 Union Street, right here in Milton. I own and operate the Mercantile at Milton, as some of you may already know and I wanted to thank John Collier for taking the time to read an email that I had forwarded to the Town with regards to the Town Code and Chapter 93, which relates to Milton Town business licenses. Being in business my whole career, I do understand that some resolve and definitions needed to be addressed, based off of the previous or current prices, or shall we say fees, related to the businesses in town. Vendors and my business go hand in hand, so tonight I just wanted to say a few words on their behalf. As a small business owner I am thrilled to be a part of Milton's comeback and to be providing a much needed retail environment in town. It's wonderful to be so well received by the visitor's and by the townspeople. They're eager to have some place that they can shop, they're eager to have a variety to select from. Now with retailing, dining and the arts all intertwined, it's putting Milton back on the map, but start ups and small business owners are always challenged to build their business and just to keep it afloat. It's important for them to keep costs down as much as possible. The people housed under my roof are very small business operators and to have a fee imposed on them of \$100 a year, as the Code currently states, is a big burden; especially since they already pay \$90 per year for their State sales license. I was told that the proposal on the agenda tonight and I feel that the compromise and the new terminology that you will consider is a fair one, that Mr. Collier will mention, as he mentioned in his letter. In speaking with Mr. Collier regarding the annual billing cycle, I'd suggested that perhaps changing from an annual to a bi-annual, or even quarterly. He expressed that it would be more time consuming to use more of the town's resources by sending out more notices and stamping additional letters, etc. I do understand this point. Please consider, though, that the structure of an antique mall entitles the participant's to be involved as little as two months. Of course, we hope that they are with us for a long time, but often if a business doesn't perform, then the option to cease business may be necessary for these very small business owners. Some individuals may have to have a twelve month fee imposed on just two months of

business. Thank you very much.

Mayor Jones: Thank you.

- Michela Coffaro, 608 Union Street: I was wondering when is it possible for the council members, Mayor and staff, to discuss how to bring joy, progress and excitement to this town? When is it possible for you to do that?

Councilman Garde: If no one else will respond, I will. It is possible for us to do that at any time, including right now.

Michela Coffaro: Well my understanding is...

Councilman Garde: I think your comment is going to be a negative comment, but I don't see us as putting a big kibosh on good will. We're not here to put people in a bad feeling. Basically most of us ran. Unfortunately I did not. I was appointed, as most of you know, so I can't claim that I ran for the office, but I do know that none of us is in the business of bringing a gray cloud to Milton. We all want to bring joy and happiness to the citizens and to the welfare of our people, so to ask an accusatory question of when are you clowns up there going to get with the program and bring some joy to us...

Michela Coffaro: It is not an accusatory question. Excuse me. Excuse me. That is a you message that says I have accused you. It is not an accusatory message. What the question was and it's honest, do you really have the chance to talk to each other happily and think about what joy, what changes, we can make in this town to make it better? Because here you are, you're handed these packets... I'm talking about the system now, that's really what I'm talking about. You're handed these packets and you have little time to really deal with the whole thing, because you'd have maybe ten subjects that you have to understand what's happening and I think you have a really hard job, because of the way it's set up. You know all my comments about the rental and owner-occupied and criteria and there were wonderful suggestions, but how can you deal with it, the way the system is? Because if you don't have a chance to sit and talk with each other about the things you really want to change and make better, as opposed to dealing with something that did not appear very broken, except for when there was a problem, go solve it, you've got Project Manager's, you've got the Town Manager when there's a complaint, you deal with it. Ordinarily, you have the solution that was there already, so here we are spending all this time. I would like to see sustainability. I would like to see workshops. I'd like to see all of us be able to have more knowledge about energy, about our native plants and have some joy, because this has gone too far and I commend you for putting your time in, but maybe you need to look at how you can make a change, internally, to the structure here, so that you have a chance to bring different things and I'm really shocked by this point in time. I come from Chicago and they have strict, strict laws and Councilwoman Patterson when you were on the Economic Development Committee, you had the best ideas in the whole world. Where are they? What's happening here? So it was not an accusatory question, it was a sincere, sad question about how we're running this town.

Councilwoman Patterson: I just have to interject, because I have kids in town. I'm downtown a lot. You've probably seen me walking from Cannery Village, I'll walk up to Amy's at the Backyard, or to Po' Boys. Jon and I like to get out and walk, so I come out on a Friday or a Saturday night and the town's hopping now. So I think we've had a lot

of very great successes. I just stopped into the theater tonight to buy tickets for the Rocky Horror Picture Show with some girlfriends that were all coming into town on Saturday night. Michael gave me a big hug; actually gave me two, he was so excited to see us in there and all the stuff they've brought to town. Our practice has doubled in number, or more; I'm so busy at work now. When I started on the Town Council, I was working part time and now I'm working full time plus. So I see so much growth in the town. I see a lot of the same people that sort of seem to think that we're mired in the muck and we're really not. Some of the articles in the paper definitely hurt us, because we're trying to get another building to be filled at the Milton Medical Park. It would be nice to bring even more medical services to this town. Sussex County needs them. A lot of people are totally looking at Milton, because we're very vocal and some of the things that keep being brought up are just not true. I have to tell you that sitting on this side of the table, is very different, than sitting out there. There are decisions you have to make, there are time constrictions, we are almost volunteer, except for a little stipend that we get and it's just the nature. It's not just here. I've actually gone and sat at meetings of other towns, just to see if there's any other way we can do things and you're , sort of stuck with and I'm not saying that there's no way we can change that and Ms. Weeks is right about trying to be a little more specific on our agendas, because the vagueness stuff does shoot us in the foot, but I see lots of great things in this town and I see this town growing and lots of people that are looking to move here, we have this charming town and it's not like any other of the towns here in Sussex County. As I said when I was on the Economic Development Committee, people ask where Milton is and I'd say if you look at Sussex County, as a body and you look where the heart would be, Milton is right there. I still tell that to people, everywhere we go. So at least, for me, I see a lot of great things going on in town.

Michela Coffaro: I see them too. I was talking about the process here.

Councilwoman Patterson: It's a process. It's government. It is what it is.

Councilwoman Parker-Selby: We also have to watch how we get together so people won't say well they have a group talking about things, so we have to be very careful about that too.

Councilman Coté: Secret meetings.

Michela Coffaro: I know that, that's what I'm saying; when do you have the chance to really talk? You don't have it at the Executive Session, because you have other stuff to do, but when do you really have the chance to just be creative and say let's look at this, let's look at that, why don't we, etc.? I have and I'm using partly my own money to go to the Main Street thing in Atlanta, just to hear what's happening on a broader basis, that maybe we could do something. I'm just aghast that it's these constant negative... this is too negative. This has got to change. That's it.

Mayor Jones: I thank you for your comments, Michela. Thank you.

Councilman Coté: I thank you as well. It would be a much more pleasurable evening if we could bring some joy and excitement and unfortunately we do have to announce a meeting where there's four..

Councilman Kost: Three. Three.

Seth Thompson: Four, because there's seven total, so that's a quorum, but you have to avoid serial meetings, so we can't have three people rotating in and out of a meeting.

Councilman Coté: We can't have the same meeting twice, as we found out. It would be nice, but thank you for making the point.

Mayor Jones: Councilman Kanakos did you have something you wanted to ad?

Councilman Kanakos: No, I wanted to thank Michela for her contribution.

Mayor Jones: Very nice thought.

Michela Coffaro: Thank you.

Councilman Garde: And I will apologize for my snide remark, my accusation. I misunderstood your comment. You clarified it beautifully and I apologize, publicly.

Councilman West: Just smack yourself.

6. Additions or Corrections to the Agenda

Mayor Jones: Okay, moving on. Any additions or corrections to the agenda?

Councilwoman Parker-Selby: Yes, Madame Mayor, I'd like for us to strike f. which was about Public School No. 196-C, Installation by Delaware Public Archives of a Historic Marker Sign for Milton Public School No. 196-C at Broadkill Road. That is an error, because they changed employee's who did not understand that the town is not with this matter. It's a private property matter, so this will not come back, but the marker is completed and we will have invitations to the town on the site forthcoming when the weather's better.

Mayor Jones: That's great. Now once you do that...

Councilwoman Parker-Selby: It will eliminate...

Mayor Jones: Will we also be able to put that out, is it like an invitation to the community?

Councilwoman Parker-Selby: Yes, that will be a community event.

Mayor Jones: Okay.

Seth Thompson: Will you approve the agenda, with that amendment?

Mayor Jones: Right. We have the motion to strike that from the... Do we have a second?

7. Agenda Approval

Councilman West: I make a motion that we approve the agenda as amended.

Councilwoman Parker-Selby: Second.

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

Councilman West: Madame Mayor, also on a public note, the Cheer Center, March 2<sup>nd</sup> is having their public opening and ribbon cutting ceremony.

Mayor Jones: Okay.

8. Presentation and Approval of Minutes: September 8, 2014

Mayor Jones: You have in front of you the minutes from September 8, 2014.

Councilman Garde: Once again. I will not vote on the minutes, since I was not a member of Council on that date.

Councilman Kost: I will not vote on the minutes, because I was not a member at that time.

Mayor Jones: Councilman Coté, I think you had a comment about one of the presenter's.

Councilman Coté: One small correction. Mr. Mo Algindy had a number of comments that evening and his name is misspelled in the minutes. It should be El, as opposed to Al.

Councilman West: There were a few typos in there. One place it says that he retired, instead of tried and also my name's spelled wrong.

Mayor Jones: Reading back through these minutes, I found it interesting and one point that it

never hurts to try and that is asking Chestnut Properties whether or not they would present us with a revised Master Plan and Mr. Elgindy is right in saying, you can't just assume that they do not have one, unless we ask and they deny. So my question is, would you like me to reach out to them and ask them, or is that something that the Council feels would be better for Mr. Thompson? I just think the question asked is not in vain. Did anyone have any feelings on that having reread these minutes? Councilman Coté what do you think? You have a dog in the fight over there?

Councilman Coté: I'm not opposed to re-asking the question.

Seth Thompson: Sorry to interrupt you. I apologize. I was somewhat expecting to hear from them. Really I was expecting to hear from them on the paving. Obviously the cold weather affects that, but...

Councilman Coté: This discussion is not on the agenda.

Seth Thompson: It isn't, but, I think...

Councilman Coté: But didn't they request the punch list for the lanes?

Seth Thompson: They did.

Councilman Coté: Is there any progress on that?

Kristy Rogers: I spoke with Mr. Savage of Pennoni and he's working on a Task Order to pursue that Task Order.

Councilman Coté: Because I think from my last conversations with Mr. Dyer and company, they were seeing that as the next step that needed to be finished, so they would know what their work list should be for that part of it, should they request the lanes to be dedicated.

Councilwoman Patterson: How long ago did they ask for that?

Seth Thompson: A few weeks ago.

Kristy Rogers: It's been about two weeks ago.

Mayor Jones: We have the space open for them anytime on the agenda, when they're ready. Yes, we sure do. As a matter of fact, it was removed just until we heard from them again.

Councilman Coté: Is it possible for Town Hall to light a little fire under Pennoni?

Seth Thompson: To stick up for the guy not in the room, I think the initial request was a rather conclusory one. I think Pennoni probably did need to go in there with some level of detail and say, okay, what exactly are you asking us to do?

Councilman Coté: Okay.

Mayor Jones: Okay.

Seth Thompson: But, also, it doesn't hurt to ask, is the motto for the last few minutes.

Mayor Jones: So any other comment on the minutes?

Councilman Garde: No, but on that last issue, I'm not 100% clear on what your request was, but I'm not averse to placing at least one out of seven votes in favor of lighting a fire from the Town Council, as opposed to the Town Administrator. If I understood the question, or the proposal that we, as a Town Council, asked Chestnut Properties something, I would like a little more detail on the suggestion, because I'm not averse to putting my vote on the Town Council in favor of lighting a fire under them, rather than leaving it strictly up to... But I'm not up to speed well enough to be able to either make a vote, make a motion or even a vote, at this point.

Seth Thompson: Well Councilman Garde, they're not an agenda item, so we can certainly put them on March's agenda. I hope by then, there will be developments in terms of Pennoni's Scope of Engagement, which should just automatically trigger a conversation in terms of where are we on a larger perspective; because the punch list is one thing, certainly; really the lane

dedication is actually a separate matter, although it sounds like it's something they want to have taken care of. So I think the conversation is going to be a little bit broader than just the punch list.

Councilman Garde: And if I understand the lane dedication issue, the Master Plan that's been approved does not dedicate the lanes to the town. Is that a correct statement?

Seth Thompson: It's very close. The Sub-Division Plat does not dedicate the lanes; there isn't a Master Plan; but it's the Sub-Division...

Councilman Garde: It's an approved plan that because of the nature of that development, it's not a Master Plan, but a Sub-Division Plan. If it were in my development, it would be a Master Plan.

Seth Thompson: Correct. It might appear on the Sub-Division Plan in your development, as well.

Councilman Garde: Well we don't have lanes, but that's not the issue. The issue is do they want to dedicate the lanes and do we want them dedicated?

Seth Thompson: Exactly and so that's not a punch list issue.

Councilman Garde: Correct. That's not. And so if that could be on the agenda and if someone would be so kind as to make it clearer to those of us... Councilman Kost is probably up to speed, though he was recently appointed, because he lives there, but I'm really just not up to speed on the issue.

Seth Thompson: Hopefully, I fully expect when we come back for our regular March meeting that there's going to be progress, at least on the punch list, if not also on their application to revise their Sub-Division approval to have those lanes dedicated to the town, as opposed to being private. That's my level of expectation. Maybe it's more hope, but I'm trying to be an optimist in the spirit of tonight's meeting and looking on the positive.

Mayor Jones: And just to clarify, that agreement includes them going through the Codified process of going to Planning and Zoning, so that that then becomes a part of that Sub-Division Map...

Seth Thompson: That's exactly right. That's the...

Mayor Jones: And it becomes a part of the record.

Councilman Garde: Thank you.

Mayor Jones: Do I hear a motion to approve the minutes of September 8<sup>th</sup>.

Councilman West: I make a motion to approve the minutes of September 8, 2014, as corrected.

Councilwoman Patterson: I'll second.

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

9. 2014 "State of the Town" Presentation

Mayor Jones: Mrs. Rogers you have prepared a little something for us under the State of the Town Presentation for 2014.

Kristy Rogers: Well thank you all for coming out tonight in the cold weather. I hope this presentation will show what Milton has accomplished during the year, throughout all the departments. The computer takes a few seconds, so as soon as the screen starts, I will start. To go over a few financial highlights of the year, we were awarded \$61,225 in the Community Transportation Fund. These are funds that are given out by legislator's, Rep. Smyk and Sen. Lopes for paving projects. Part of the project, the first one was the State Roads; followed by Prettyman Street will be done and a couple of other side streets, as well off of Federal Street.

We also received \$5,712 from the Certified Local Government Historic Preservation Fund which began the first of three years, for the redistrict survey of the Historic District. We also received \$1,000 in a mini-grant from the Delaware Preservation Fund to fund repairs at Town Hall. The front windows had a leaking issue from the front stoop, so that will be fixed from that. We also received a Homeland Security Grant in the amount of \$30,000 which funded the security fencing of the water facilities. There was an increase in revenues this year between fiscal year 2013 and fiscal year 2014. The highlights being property tax collections; because of the growth has seen, we did receive \$29,200 more in fiscal year 2014. Transfer tax also increased \$189,400. Again, relating to the growth in town, building permit revenue increased \$59,700. This also was the first year Milton auctioned surplus inventory and that brought in a couple of thousand, but it was something new for this year. Another action by our Council and the Administration, our waste removal contract was due for renewal. We were able to stay with Republic Services again because of a reduction in landfill fees; we were able to pass that through to the resident's and annually that will save \$32,000 between all citizens. The Utility Fund Revenues did increase \$82,100. Looking in a whole, the General Fund decreased their expenses \$98,500, which was 6.7% under budget in 2014. The Utility Fund increased expenses \$50,500 which was 4.7% under budget in 2014. In the Administrative Department and this is actually across all departments, we did hire six new employee's to fill resignations. One employee was an Accounting Clerk, another was a Project Coordinator, two in the Public Works Department and two Police Officers. We also joined the DFIT Program for Insurance and this allowed for the pooling with other municipalities in the State, which will decrease our insurance premiums. Health Benefits, we also joined the State of Delaware Benefit System. If we had renewed with our current insurance provider we were looking at a 41% increase, but by switching to the State, we saved \$17,000. We also achieved effectiveness in working together with all the departments. I feel this year there's been a stronger sense of working together, the teamwork between everybody. Through Council and myself, we've become more involved with the Delaware League of Local Governments and the Sussex County Association of Towns. What this means is the municipalities throughout the State all get together. Networking with State Government, provides for any Bills that may come for legislation a chance to comment, just to see how that would impact your municipality. This year I also completed Municipal Clerk's Training through the Institute of Public Administration at University of Delaware. We had another successful financial audit, which will be presented at the March 2<sup>nd</sup> meeting. We did pass an Ordinance to provide a tax exemption for Geothermal, Wind and Solar Installations; a Resolution was passed to promote water conservation; a Storm Surge Sensor was installed by the United States Geological Survey Department here at the Park and what that will do is in the case of a storm surge, a sensor will be installed in the bracket and will be deployed during the flooding, so they can study the effects of the Broadkill River. One thing that we completed was a town wide lighting study which was done and we'll be looking further into that for more consistent lighting throughout the town. In the Code Department we've had some changes, but one thing that remained consistent was review and draft updates of the Code and the Charter. The Code Department was involved with the review and the current drafts of the Comprehensive Plan. They provided continued assistance to businesses, developer's, construction that's going on and potential buyer's in town. The Code Enforcement Department is in charge of enforcement of Codes and they are making an effort to make sure all Codes are followed. The residential building permits did increase by eight percent in 2014, as well as ten

new businesses opened and three were part of the Delaware Economic Development Pop-Up Program. For Public Works and the Water Department, they have continued replacing old meters, of which there were 12 done in 2014. During that time they located two service lines without meters, so meters were installed there, as well. This was all part of trying to determine the whereabouts of the unaccounted water. They repaired several water main leaks, check valves were installed, as well as new meters at the Well House again to determine the unaccounted water that we heard about last year, during the time of the referendum. Upgrades were done to pipes, pump, and the manifold at the Chandler Street Well House. Repairs were made to Well No. 2, and Well No. 5. Well No. 5 is now an efficient back-up well, in case we should ever need that, when another one goes down. We did have the approval for the Shipbuilder's water tower and that work will be beginning very soon. As I mentioned, the fence installation; we replaced six fire hydrants and we received excellent water quality every month during the testing. In the Streets Department, as I mentioned, we completed the Town street patching project, but also funded by the Town, was the Town streets project. Strawberry Alley was paved this year, as well as the first year of signage replacement, which is a five-year project. All parking spaces and curbs were painted this year; 100 foot of curbing was replaced town wide and four storm drains were repaired on Chestnut Street. For the Parks, the basic maintenance was kept up, the grass, weeds, mulch and safety chips, limbs were trimmed and the trees and bushes removed dead trees and the gazebo was cleaned and painted. There were also new installs, \_\_\_\_\_ installed and repairs were made to others. There was significant training to the Public Works employee's last year. They had their CDL licenses renewed; flagger training; I have a whole list of 10 items. I'm drawing a blank at this time, but they did go through all their training. This year we hope to, in the month of March, have a gentleman from the Delaware Forestry Division come back into town and go through the proper pruning and trimming of the trees downtown for the season. The Police Department again, to go back to communications, they really improved communication with Town Administration. We feel for certain we'll be moving forward in a better way; and as well improve a trusting relationship with the administration. The Police Department also received several grants during the year and one of those they did allocate for park lighting. That will also be a project that will be done in 2015 to better improve the lighting along the foot bridge and the back of the park by the river. The Police Department did provide professional and courteous service throughout the year with extreme manpower shortage and those of you that were here earlier tonight, did see two new officers, so we want to welcome them to town. They also maintain enforcement and closed several major crimes cases all in a safe manner. At the end, I just want to say thank you to our Mayor and Council, who volunteer their time to the town throughout the year, to all the employee's for their hard work and dedication to public service, to the Boards, Committee's and Commission's that receive applications, make votes and uphold the Town Charter and Code, but again to the people of Milton; the resident's that live here and the business owners. Thank you. (applause)

Mayor Jones: Thank you Mrs. Rogers.

Councilman Coté: Yes, I agree, thank you Mrs. Rogers for bringing a little joy to the meeting, showing what we did do.

Councilwoman Patterson: Yes, thank you very much.

Councilman West: Michela wanted a little joy to the meeting, I was on Facebook awhile ago before I came up here and I always look at the Cape Gazette. Well somebody pasted on Cape

Gazette, it wasn't Cape Gazette doing it, in Harbeson, they had a picture of a chicken coop with a chicken coming out and it said the goose is checking the snow, so it had to be a city slicker that moved here that didn't know the difference between a chicken and a goose.

10. 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 - Resolution 2015-002 to refer to Planning and Zoning for advisory report

Mayor Jones: We have discussed the Source Water Protection Area within Chapter 220 of the Zoning Code. Now, Mr. Thompson.

Seth Thompson: Yes, there was some discussion at the last meeting and my thought was to make it a separate chapter and Kristy was kind enough to point out that that's what the County did with their Source Water Protection, otherwise I think your zoning ordinance just gets really unwieldy. It's already fairly lengthy as it is, so as was discussed, we're going to need to cross-reference that new chapter on the Source Water Protection in the Zoning Code itself, so that people know when they look at that Zoning Code, I also need to look at this other chapter. This is potentially going to apply. So we need to amend the Zoning Code to include that cross-reference. Amending the Zoning Code triggers the need for an advisory report from Planning and Zoning, which is why we have the Resolution here to ask Planning and Zoning for an advisory report. Hopefully that's clear as mud. Because you will see an amendment in Chapter 220, now that amendment is going to be please also reference whatever the new chapter number for the Source Water Protection will be. It will be in the list, along with the sub-division ordinance and any other ones that apply.

Mayor Jones: So you're looking for a motion to adopt this Resolution, but to refer this to Planning and Zoning for an advisory report. Is that correct?

Seth Thompson: That's correct. So we can just vote on the Resolution. We do need to provide for a time for the public hearing, which also allows enough time for Planning and Zoning to make their advisory report and I know that there was some effort that was going to be made to fine tune all the charts and what not, in the Source Water Protection Ordinance. In terms of timing, if we want to put that out to make sure they have enough time to do all of that; normally the Code talks about the advisory report being received within 45 days. If we're not under a time crunch, my suggestion would be to err on the longer side of that.

Councilman Garde: If I may comment. The reason that we need a Source Water Protection Ordinance, in order to be clear, is because the town has grown to more than 2,000 people and when we started the Comprehensive Plan undertaking to revise our Comprehensive Plan, it was noted that because the population had grown, a State Ordinance requiring a Source Water Protection Ordinance at the local level was required. So we do require it. The State has a Draft Source Water Protection Ordinance on their website to be used by small municipalities. That particular document on the website has a large number of choices to be made by the township. Now, as yet, we have a draft that was drafted by one of our excellent volunteers, but the choices that were made were not discussed by the Town Council and I don't know if we want that discussion to take place at the Council level, or at the Planning and Zoning level, to

make some recommendations, so I'm open on that, but that has to happen and the Town Council will ultimately have to agree with the options that had been selected. There is a particular table in that Draft Ordinance that asks for, or will mandate that things like automobile maintenance shops be either allowed or disallowed and Well Head Protection Areas Zone 1, 2, 3 and Recharge Areas that are excellent recharge and good recharge areas. So there's a lot of work to be done by someone, which really means the Town Council ultimately, but I don't know if we're trying to get an input from Planning and Zoning that says these are our recommended selections and options, or if we are not doing that. If we are, we need to charge them as someone suggested in how we fix ordinances, they need to understand what we really want them to do in undertaking this review. I would love someone else to do it, but if that's no reasonable because it's not going to be in the Zoning Code, then we still need to undertake a fairly detailed review of the options that are available, the options we want to select and how we want to deal with Table 1 in that Ordinance, which has a large number of suggested occupations for either inclusion or exclusion or conditional inclusion, within those specified and defined areas.

Seth Thompson: I think that makes perfect sense. It certainly fits with what we heard earlier from Mrs. Weeks and I agree. I also think it's good to get input at the beginning of the process, especially because these people are volunteering. If they put a lot of work in and you decide, I don't like what you did and I can't see why you did it, I'm just going to ignore it; I don't think anybody feels good after that.

Councilman Garde: If we're going to charge them with making a recommendation to us on a Source Water Protection Ordinance, which actually we did with the Water Committee, while I was a member of it. I did not do sufficient due diligence because I didn't understand the significance of the choices. I was given a draft and told this is in compliance with the State Ordinance and I reviewed it in that perspective, but it is in compliance with the State Ordinance, but so would several other options. It doesn't have to look like the draft we have. It could look significantly different and still be in compliance and that's what I did not understand as a member of the Water Committee. I understand it clearly now and it's a fairly complex ordinance. It will have an overlay to what your allowed to do within certain areas of the town, in the future, as soon as we adopt it. It will limit what we can do. In one development, which has not happened at all yet, it will be particularly limiting in one development where there is an excellent recharge area. I understand that the owner of that has already been contacted and it's been brought up to him that the Source Water Protection Ordinance will potentially limit some of what he thought he might do.

Seth Thompson: Councilman, I think based on and I think all of that makes perfect sense to me, so perhaps the Ordinance, if we amend it, I'm looking at Paragraph 1, where it says Planning and Zoning Commission is directed to write a report of it's recommendations to the Town Council on the matter, including a full statement of the reasons for such... It currently says recommendations, prior to the public hearing. Perhaps we add in so that it reads, reasons for such selections from the model ordinance.

Councilman Garde: As I said, I would like to do that, because that would put the discussion of those at the Planning and Zoning Commission. Those meetings would be

opened, people would be allowed to come in and make their suggestions or hear what Planning and Zoning is doing and then they could bring it to Town Council and facilitate the Council's ultimate decision on what the ordinance should say. So, yes, I would modify the Resolution to include that.

Seth Thompson: So just to repeat that, hopefully people heard it, Paragraph 1 would read "The Planning and Zoning Commission is directed to write a report of it's recommendations to the Town Council on the matter, including a full statement of the reasons for such selections from the model ordinance and recommendation prior to the public hearing." In terms of Paragraph 2, would we be looking to do it at the May 4<sup>th</sup> regular Council Meeting, as far as having the public hearing at that point? It's a little bit more than two months away. Do we want to put it on a meeting that's not a regular meeting.

Mayor Jones: Actually, I was not going to say that, because it's nowhere on the agenda, but I was actually going to request again Council's blessing to have our May meeting held on the second Monday of the month, but that is a Council decision and so I just don't want it to impair anything that you're getting ready to do as far as a hearing.

Seth Thompson: And I was just suggesting a date, just looking a little bit more than the 45 days out. I wasn't trying to pigeon hole you.

Mayor Jones: We haven't had this discussion before, but I just want to tell you that that was something that I was going to request later, but as long as you're giving ample time and the understanding is that the public hearings will take place at the Planning and Zoning level.

Seth Thompson: And there also will be one at this level.

Mayor Jones: Here, afterwards. Okay.

Councilwoman Parker-Selby: Is this May 4<sup>th</sup> you're saying.

Seth Thompson: We could just amend it to be the May regular meeting of Town Council, if that's what you want to do.

Councilwoman Parker-Selby: I'm just confused. Madame Mayor, you mentioned May 2<sup>nd</sup>. Are we going to change the date or...

Mayor Jones: Well, I haven't asked the Council that and I won't ask the Council that tonight, because it's not on the agenda anywhere, but as we were bringing that up, I thought it was important to mention. However, you want to word that. At May's regular meeting?

Seth Thompson: So the second paragraph will read a public hearing on the proposed zoning amendment shall be held at 6:30 p.m. on the... instead of on the, at the regular May meeting of Town Council at the Milton Library and then it continues to read as it is.

Councilman Garde: I just have one more, in charging the Planning and Zoning Commission to undertake this, are we allowed to accept the recommendation to either include this as a separate ordinance, or as a modification to the Planning and Zoning Ordinance?

Seth Thompson: We can certainly...

Councilman Garde: I would like that recommendation, but again, it's whether Planning and Zoning normally concentrates on Planning and Zoning, so if this goes outside the Planning and Zoning Ordinance, I don't know if we're overstepping our bounds and

asking them to comment on it... But, I would like to see this as a separate ordinance. It needs to be referred to Planning and Zoning. It needs to be referred to. It's an overlay that limits what you can do, but it's a complex ordinance and personally, I would like to see it separate from the zoning ordinance, but I would love to have Planning and Zoning input on it.

Mayor Jones: I would too.

Seth Thompson: So, at the end of paragraph 1, perhaps we put in "Planning and Zoning shall also advise on the issue of whether the ordinance should be a separate chapter or included in the zoning chapter."

Councilman Garde: I think that clarifies to the extent that several of our resident's want clear definitions when we empower one of our Commission's to look at something, so I think that's... to me it's clear and it would be clear, once they download off the State website and then compare it to the draft that we have, it will all become pretty obvious and if that's all stated in their guidance, I think it meets the need to be clear.

Mayor Jones: Are we able to agree then, tonight, on this Resolution, as amended or do you want it to be brought back Councilman Garde before we agree to it?

Councilman Garde: I'd be willing to make a motion right now that we approve the Resolution as discussed and amended. Mr. Thompson has made the amendments, he's read them, I'm satisfied with them and willing to make a motion to approve the Resolution as amended.

Councilman West: I'll second that.

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

- b. Recommendation from the Milton Garden Club - Replacement of Downtown Clock – including approval of the style and expenditure

Mayor Jones: Okay, you have in front of you the original, well you have in front of you in your package provided was the original estimate, contract/proposal dated May 7, 2014 from Roger's Sign Company in reference to the sign downtown and you also, if you brought it with you, the paperwork that came from the Garden Club last time, with their recommendation.

Kristy Rogers: I also handed out additional information this evening, which was a letter from Mrs. Carbone giving some other clock comparisons, as well.

Mayor Jones: Mrs. Carbone are you able to come to the microphone. I have a question I wanted to ask you or Mrs. Greig, either one would be fine. Just to try and resolve one question that I know that has been asked and that is what is the intention as far as final ownership and maintenance and care of the clock after it has been purchased and installed?

Elaine Carbone: What was the arrangement for the clock that's there now?

Kristy Rogers: The Town was in charge of the maintenance.

Councilman Garde: I thought the plaque said it was donated to the Town by the Lion's Club.

Mayor Jones: Yes, that's correct.

Councilman Garde: So as I recall, the Lion's Club paid for it, erected it and then donated it to the town and the town then had both ownership; it was an asset that belonged to the

town and the town was responsible for it's maintenance.

Elaine Carbone: Right, well if that's what you would like, I'm sure that's what we would do.

Mayor Jones: Okay.

Councilman Garde: Are you willing to discuss that point? I think it makes it difficult for us to comply with our ordinances under that scenario without a public hearing, although I'm willing to listen to anything. I'm trying to make it easy. I think under those circumstances we might be required to go out on a public bid for that.

Seth Thompson: The maintenance...

Councilman West: No you're not, not when a private entity is going to do this; even though the town might put money in and then the private entity is going to give it to the town. It don't have to be put out on a bid.

Seth Thompson: I view the maintenance issue as a separate issue, in the sense that the competitive bidding portion of the charter talks about anything exceeding \$5,000 in one year and I think it uses the term fiscal year. It does. So that's less of a concern. The concern is the acquisition, I guess. If the Town wants to pay \$5,000 essentially toward the clock and then the Garden Club take up the rest for the town to receive the clock, then you haven't hit that competitive bidding threshold of one cent over \$5,000. But we need to spell that out obviously.

Councilman Coté: The Town will ultimately own the clock?

Seth Thompson: Correct, because I just don't want to repeat what happened with the current clock in the sense that we're somewhat in an ambiguous place, as far as who really owns it. Now, I think the Town's done it's due diligence in figuring out okay does the Lion's Club still claim any sort of interest and I think the answer was no; but I just think it's always better to have that spelled out in advance.

Mayor Jones: I think those terms can be very amicable. What I don't want to see is the Town of Milton miss out on an excellent opportunity to install a clock, badly needed, much wanted by the public.

Elaine Carbone: Right and we're more than willing to do everything to get it there.

Mayor Jones: So Mr. Thompson you need to advise us tonight on just the path we need to take to get that done.

Seth Thompson: Okay. I think it's a great idea. When I look at the Charter, even the Charter applies to great ideas and terrible ideas alike and really it's designed to protect people's money. When you pay your taxes, you expect the government to do appropriate things with your money and that includes following the law, in terms of if you're going to spend more than \$5,000, then you have to put it out to find out who the lowest responsible bidder is. But I think we can work it out, where the town is in effect buying the clock. Well, the end result is the town ends up with the clock for \$5,000; doesn't exceed it's competitive bidding threshold; and the Garden Club has done a very nice thing and made up the difference.

Mayor Jones: So you're saying we can get this done?

Seth Thompson: As long as the town does not exceed that \$5,000 threshold, I think that works.

Councilman Garde: But hang on just a moment. That is the Charter applies to contracts between the Town and someone, so this would be a contract between the Garden Club

and the clock supplier and on that basis, the Charter should not apply. The way that it's circular and it comes back to apply, is because it becomes an asset of the town and it becomes town ownership after the donation.

Seth Thompson: Really the contractual relationship...

Councilman Garde: I was having a little problem with the circular; it's like I'm having a birthday and I want a new bicycle. The bicycle costs \$100. Okay, Dad, I've saved my money, here's \$40, you put in the rest and buy me the \$100 bicycle. That's the circular reasoning about the donation. But if our Solicitor thinks that it is satisfactory to have the Garden Club buy, we propose... I think it does say we don't have to do \$4,999; we can do \$5,000.

Seth Thompson: Right, it's in excess of.

Councilman Garde: Okay, so if we do \$5,000 and then they give it back to us and we maintain it and we have it as an asset, that complies with our Code?

Seth Thompson: It does.

Councilman Garde: I make a motion that we... I can make a motion. I may not get seconded. It may get voted down.

Seth Thompson: In effect the contractual relationship with the Town is really with the Garden Club, right? We are going to donate \$5,000 and in exchange, we are receiving a clock. In your example, it's the \$40 going to Dad for that bicycle.

Mayor Jones: Before you made that motion, my question was going to be, would the clock company honor the contract that has been made with the Milton Garden Club, as far as maintenance, because certainly I'm sure this beautiful clock comes with some sort of a warranty in the beginning of it's life.

Councilman Garde: It's a three year warranty.

Elaine Carbone: It's a three year warranty.

Mayor Jones: And so I'd want to make sure that that was shifted and could be relied upon by the Town of Milton, once that took place, but I also will let you all know that I had corresponded with Elaine to say for all the work that the Garden Club did, I for one, only one of seven votes, could certainly endorse and support the clock that you chose, because it is very lovely. It is historically accurate, I think, so I would have no problem endorsing and as I said, supporting what you have presented to us, but there are others here at the table. I am excited.

Councilman West: I would like to see this clock... I spoke with the Garden Club, as a member of the Community Foundation and we had a very healthy discussion. It was real good, wasn't it, Elaine? And we've all come to the agreement, black is ugly and the picture of this clock here is what I think we should have in this town. Also, in doing research, not only what is on these papers, the maintenance on this is minimum and they're a Made in America company and the parts are going to be readily available, because they can service the first clock that they ever built, in the early 1900's and they can service everything through until today. So if somebody can do that, you know, I feel that with what the Garden Club's efforts are and what the donations that are going to pour into them, I feel that we should back this 150%.

Mayor Jones: I happen to agree with you. I think there's two pieces that Elaine asked to be determined on the first time around and that was well actually, three; the color, whether it be black or forest green; numerals or Roman numerals; and the direction that

the clock would face. So I think those are only the three items that Council needs to discuss, if the Garden Club is still interested in that input from us. I agree and I don't mind starting, I agree with Councilman West. I think forest green in the area of the garden is very lovely, because you're talking about a clock that you need to rely on as you drive past it, I would prefer to see that north/south scene; the way the one is now and actual numbers, rather than Roman numerals, which are very pretty, but a little more difficult to see as you're passing. Is this clock back lit at night?

Elaine Carbone: It is lit. Yes.

Mayor Jones: So those are my feelings on those things, but somebody who wants to have further discussion on those particular items or wants to put that in the form of a motion?

Councilman Garde: I would like to make a motion that a) the Town Council vote \$5,000 to the Garden Club in order to facilitate the buying of this clock, b) forest green, and c) north/south, d) regular numerals.

Councilwoman Patterson: I'll second.

Mayor Jones: Do we have any other discussion from the Council?

Councilman Coté: Can we add to the motion the understanding that the clock will become the property of the town?

Councilman Garde: I'll modify the motion that the clock become property of the town and the maintenance responsibility be assigned under the original contract from the buyer to the Town of Milton.

Councilwoman Patterson: I'll re-second.

Mayor Jones: Is there further discussion on this clock issue? All those in favor say aye. Opposed. Motion carried. Thank you so very, very much.

Councilman Garde: Garden Club thank you.

Mayor Jones: Now there's some joy Michela, for sure.

Kathryn Greig, 326 Union Street: I'm one of the Director's of the Garden Club and first of all I'd like to say, two or three of you at one time, I know you can't all come at once, should come to a Garden Club meeting because we do have fun.

Mayor Jones: They have very good food.

Kathryn Greig: But I did want to just mention, you're going to hear more about this later, Elaine and her group are going to be the ones going around asking people for money, but I've volunteered to take the responsibility of heading up a special event downtown that we're going to have, tentatively scheduled for Sunday, April 12<sup>th</sup>. You'll be hearing more and more about it as we go along. A group of us are meeting tomorrow and we'll be talking about it, but one of the things that we're going to have is a very, very select silent auction with about 35 items and I would like to say that before the meeting started tonight I did twist three arms in here to get donations and I was happy to see when I asked Councilwoman Patterson if she thought her husband would donate one of his famous pizza party's; right away she said yes, she didn't have to go home and ask him and I really like that. One of the big things will be my older son happens to own a real, honest to goodness skip jack, a working skip jack and he works it right now, this week he certainly hasn't been working it; but he works it presently, but in the spring, summer and fall he takes parties out and he is donating a party for six, so you will have to go to Cambridge, Maryland, because it's not here, but I think that will be something

we've never had on a silent auction before and thank all of you for your help and really all of this credit should go to Elaine, because this whole thing was her idea. Thank you.  
Mayor Jones: Thank you. And Elaine, as things progress on the fundraising, I'm hoping that you or I would ask that you stay in touch with Mrs. Rogers, so that whatever base is necessary for once that clock arrives, that our Public Works are well ahead of it and we don't have any wait time, once it's ready to be shipped to us. Thank you.

Councilman West: Madame Mayor, I'd like to say that it looks like our clock project, with the Garden Club, is well underway. Because not only has the town donated \$5,000, the Community Foundation donated \$1,000, so they're guaranteed at least \$6,000 from the get go.

Mayor Jones: Excellent. Mrs. Rogers also assured me that the town did reach out to the Historical Society in reference to the clock and it was declined, interest was declined. Again, thank you for bringing that. That's going to be a great asset to downtown.

Kathryn Greig: The Garden Club is \_\_\_\_\_ tonight. The Board has already made a recommendation for what we will donate and I don't want to say what it is, in case they don't vote for it. That should come next Thursday.

Mayor Jones: Does the Milton Garden Club have any sort of website where someone can go and donate? For specifically that clock project they could go and donate to that, on your website?

Kathryn Greig: That's an idea.

Mayor Jones: Alright, thank you.

- c. An Ordinance to repeal and replace Town Code Chapter 164 entitled "Rental Licenses" (second reading)

Mayor Jones: Now what we were given in our packages, I understand, was Mr. Thompson's version, correct?

Seth Thompson: Sort of. I guess it's...

Mayor Jones: And we also have another version, which has been presented to you this evening, it's in some red letters up at the top. I have a suggestion to any and all, just a general, generic suggestion. Could we number the pages please, because as we go through them to talk one to another and referring pieces, it's just easier. Thank you so very much. We also have presented to us was the piece that Mr. Welu worked on. It's the Draft Proposal that was presented to us.

Seth Thompson: So I guess I'll take it from here and I'm sure Mr. Collier will chime in, if I misspeak, but he and I were working independently and we managed to exchange drafts relatively close to the same time, so I guess if people could have the draft in front with the purple comments, it says Chapter 164, Rental Property. It does not say Rental Properties, so what I think we attempted to do was flag the issues that people had mentioned at the last meeting, when it was discussed. I guess probably a good example would be if you look at the first page, the unnumbered first page, it says Dwelling Unit, so Dwelling Unit talks about independent housekeeping and containing independent cooking, living, sanitary and sleeping facilities, so we're really talking about a full unit; not a room being rented. If you compare that with the top of the unnumbered page two there, the Residential Rental Unit; now that talks about individual rental units, as including rooms, or portions of structures, so it's anything that's rented or offered for

rent as living quarters, so if the Council determines we're not going to apply this to individual rooms that are being rented, we're just going to apply it to a full, independent dwelling unit, then really what we do is we leave in the definition for Dwelling Unit; we'd strike the definition for Residential Rental Unit and then remove the term Residential Rental Unit throughout the Ordinance. If that's what you guys want to do and it sounds like we're going to get some public comment, so maybe we don't make that decision now; but I'm trying to flag the issues and why we laid it out the way we did.

Mayor Jones: You would strike Residential Rental Unit definition?

Seth Thompson: If you wanted the Ordinance to only apply to full Dwellings.

Mayor Jones: Okay.

Seth Thompson: So in other words, the person has a place to cook, the person has something other than just a room that they sleep in. So keeping our focus on that...

Councilman Kost: Question on that. If a person rents a room, would the Standards of the Housing Codes, all those sorts of things, apply to a room?

Seth Thompson: When you say the Housing Codes, do you mean the Town Housing Codes?

Councilman Kost: Town Housing or any other Code, for that matter. It's like a smoke detector. A person's renting a room, does that apply or not apply?

Seth Thompson: Well I think...

Councilman Kost: To me, I'm getting back to health, safety and welfare. Basically that's where I'm going to go.

Seth Thompson: Right. Understood. Really, it depends on when that house was built, right? As Mr. Welu pointed out, that the house needed to be built up to our Housing Standards if it was built after the adoption of that Ordinance, so it should have been done at that point in time. If you're talking...

Councilman Kost: Does that mean that if the house was built prior to that, our standards don't apply at all and therefore no standards apply? Is that what you just said?

Seth Thompson: Well, what the Ordinance does is adopts by reference that checklist that is in our current Housing Standards, but those Housing Standards didn't apply to preexisting houses, so in other words, if somebody had a house that was built in 1910 and it didn't meet our Housing Standards, they were grandfathered in as we like to say. What we're doing is we're taking what are the current Housing Standards and applying it to rental units, because really it's being run as a business at that point.

Councilman Kost: Compensation.

Seth Thompson: Exactly, but if the notion is well we're not worried about individual rented rooms, because it's a single room, it's in a larger dwelling, we can eliminate that, or if we're thinking okay we like it to apply to rental rooms; not if the owner lives in that particular unit; that's where you see the underlying language in Residential Rental Unit, where it says Residential Rental Unit(s) do not include individual rooms rented to a tenant in an owner-occupied dwelling unit, while the owner actually resides in the dwelling unit. So we tried to lay out a couple of options for you in dealing with coming to the best resolution and what would be palatable and what would really service people. The same thing in terms of currently dwelling includes vacant land. I don't know that that necessarily makes a lot of sense, so I just noted that comment. Unless there are

camp grounds in town, I was trying to figure out why you would ever want to inspect vacant land if somebody's renting it and why somebody would be renting vacant land, other than for agricultural purposes. As far as the other issues that we tried to flag, I attempted to broaden the definition of Housing Standards so we just incorporated Chapter 136 and that's to avoid, if you guys by subsequent ordinance amend Chapter 136, we don't want to have to then go and renumber in this chapter.

Councilman Garde: You didn't do that in both cases. You did that in one case and did not do it in the...

Seth Thompson: In the new 164-8?

Councilman Garde: Yes.

Seth Thompson: You're right, I missed that.

Councilman Garde: So in 164-8, I don't know what page it is, it's about page 6, item 4, right before 164-9 Appeals; the last sentence includes only 11 through 20 and that has to be deleted. It's incorrect. It should either be referred to the right numbers or the whole standard as you did earlier.

Seth Thompson: No. I agree.

Councilman Garde: Also, if I may chime in, I just have a few comments and/or questions. The term Dwelling, as defined in this Ordinance is different from the definition of Dwelling in both Chapter 136 and Chapter 220, so I don't necessarily disagree with having a different definition here, but they used to be conformed; in the old ordinance that was here, the term Dwelling conformed to the definition of the term Dwelling in 136 and 220. I just wonder if you would comment on that?

Seth Thompson: That does happen on occasion, where a term is defined only for that particular Chapter and it might have a different definition in a different Chapter. I think here we were kind of focusing on the residents, so this wouldn't apply to commercial properties.

Councilman Garde: Okay and the same thing is true for the definition of dwelling unit, as it is defined in Chapters 136 and 220, differently. The old 164 conformed the definition and again, I don't have a problem with it, I just bring it up that we have made a new definition for this Chapter only of the term Dwelling and Dwelling Unit. Now if you're going to delete Residential Unit, you certainly haven't conformed going back to four, you have the word Rental Unit or Rental Room in four, second line in whatever it is, 164-8(4) in the conformed language to the rest of this draft, should be Residential Unit or Dwelling Unit. And that same is true for 164-12(b) and 164-12(c), where you're now using the term Rental Property, which is an undefined term. So we should be using Residential Unit or Dwelling Unit to conform to the language in this draft, or if you amend this draft to whatever language we agree to, but it can't be Rental Property in 164-12(c) and it can't be Rental Property in 164-12(b), in my opinion. It should conform to the definitions.

Mayor Jones: Good point.

Seth Thompson: While we're in 12, currently it says no license is transferable. If somebody sells their property, let's say they sell it mid-year, they'd have to file a new application and they'd have to pay a fee, so the question is whether you want the license to be transferable. Again, it's just an issue that we flagged.

Councilman Garde: Understood and if I could throw it in someplace along these lines

and based on one of the comments that the owner of a small business is concerned about her tenants, I think pro-rating for a portion of a year, the license fee, should bear some discussion at our level; because if you apply in November, you're required to pay a whole year for your application in November and if you apply in April and then you leave in May, you have to pay a whole year; I think we should consider pro-rata on the basis of months. You don't want to get it down to days or weeks, but on a monthly basis; that's an idea. I think the Town Council should at least consider pro-rata fees. I would not have thought of that on my own and I thank you for it, but I'm with you on that.

Seth Thompson: The difficulty is you're almost always going, even on a one-year lease, unless that person rents from January 1<sup>st</sup> to December 31<sup>st</sup>, you're going to pay two fees, right, on the same lease?

Councilman Garde: Yeah exactly.

Seth Thompson: Of course, if that person stays it matters less; the only problem is of course, the administration.

Councilman Garde: Administration gets a little hairy, but I think we can write some language that's achievable. Right now it's simple. We charge them the whole fee for three days of a whole year; a half a year and I think we can do something to mitigate that; at least that's my suggestion based on those comments.

John Collier: Council, may I give you a scenario along that line. The reason why that language was included was in the case and of course, I'm dealing with a different draft, in the case where a rental property was owned by the same owner for let's say a period of ten years and each year they certified, because in the rewrite that I wrote, we were looking at the potential for certification; what do we have that gives us... this is the opportunity that presents itself to make sure that that unit is in compliance. Of course, people certify things every day and the point in case would be even in our current ordinance they're supposed to certify that they have smoke detector's. Now recently there was a fire on Mulberry Street, in a rental unit and the rental unit every year has gotten a license, but it was also disclosed that there was no smoke detector on the second floor where the fire began.

Mayor Jones: Mr. Collier, question. At the time, was that required through a rental license, through the Town of Milton?

John Collier: It's required in houses there, so I believe it's also required under the current rental licenses, but I'm not 100%...

Mayor Jones: But we had no certificate from the owner, correct?

John Collier: They certify when they applied for the license; it's in the application that they have those devices.

Mayor Jones: Okay.

John Collier: That's the only reason why I would ask that you consider, upon transfer, that it become a new license for inspection, because you may have one; somebody may have owned the same rental property for twenty years. We've never been inside of it and they've always certified that everything's there. It's the one opportunity the town has to ensure that it's in compliance.

Councilman Kost: It seems to me that the town has some responsibility to actually inspect, on a regular basis; what that basis is, I'm not 100% sure, just because of the bad apple problem and that case says it right there. If you look at the majority of landlord's,

they do a great job and there's not a problem, but one landlord, bad apple, big problem and we have a certain responsibility to see, or try to prevent that from happening. Going back to health and safety. The majority of people in this town do a great job, however, some don't; not a lot, but some and those are the ones we have to watch for. It's the same reason we have a Police Department. Most of the people in this town do a great job and live a perfectly good life. There are a few who don't. We have the police to take care of that problem. This is not the same scope of things, that's one of the things I have to look at. How often should you inspect? Annually? I tend to think not, but some basis. We need to go in occasionally and look, just to make sure if they're supposed to have a smoke detector, they actually do. You can't wait 20 years and have a fire to find out.

Seth Thompson: So based on that, I just put in some... it's almost a placeholder, really. If you look at Section 164-5, instead of having them having to be inspected every year, I put in an exception for the Council to consider; "however, this sub-section shall not apply in the event that the same tenant's continue to occupy the unit from the prior year, without interruption in the tenancy." So in other words, if your tenant's are just staying for another year...

Councilman Kost: Do we get a lease that shows that it's the same tenant? How do we know?

Seth Thompson: There's always going to be a problem with self-certification and I certainly appreciate Mr. Welu's sitting down. It's often very easy to criticize and very hard to create, so I really appreciate him putting it down. I think the difficulty in having the trigger be that the tenant makes a complaint, is number one, the landlord automatically knows who complained and it puts the tenant in a really difficult position, now they're going to have the landlord upset with them, but...

Councilman Kost: There's another thing to consider, too. The tenant may not know the Housing Standards to complain to. It's like everything's just vague.

Seth Thompson: Which hints at when we were talking earlier about the Landlord/Tenant Code; that's dealing with that specific... that's designed to govern that specific relationship between the Landlord and the Tenant, that contract that they have. Even if it's an oral lease, it's a contract. Milton's Ordinances are really designed to protect the general public, so to protect people that maybe can't protect themselves, or to protect property values and it's more of a generalized purpose that it's supposed to serve. We're not supposed to fight the contractual battles of individual tenant's. That's not really what the goal is. The goal is to make sure that the public is being served and that rental properties are being maintained properly and the Housing Standards are being applied throughout town.

Mayor Jones: I wanted to ask, because this had to do with something Mrs. Betts said; the standard list that you offered to prepare, you're going to take those standards from Chapter 136, is that correct?

John Collier: That is correct, because that has standing. While I have the microphone, I wanted to bring to the Council's attention since the inspection issue seems to be on the table at this moment; Title XXV, Property, Residential Landlord/Tenant Code, Chapter 55, Tenant Obligations and Landlord Revenues, Sub-Section 5503, which are tenant obligations relating to rental unit. It says a tenant shall comply with all obligations imposed upon tenants by applicable provisions of all municipal, county and state codes,

regulations, ordinances and statutes. I think that gives the town the standing to possibly ask for the ability to inspect. Now, I'm not the attorney here, but that was my inspiration for including that when I prepared a draft.

Seth Thompson: And I think what that says is basically the state code, when the legislature passed the Landlord/Tenant Code, they anticipated that town ordinances would apply to rental units, as well, so this isn't a preemption issue, this isn't well the Landlord/Tenant Code is going to be the only Code that governs landlord's and tenant's in the State of Delaware. That Code is saying that there are going to be local ordinances that apply to rental properties.

John Collier: Further, just for the Council's information, I prepared a spreadsheet of every municipality in Sussex County and I believe there's 18 municipalities, not counting Milton and one-third of them have inspections within their own ordinance, so this is not a new and novel idea.

Councilman Garde: Is this all on a single page?

John Collier: Yes, Sir. Now, I know that you've been going through Mr. Thompson's, but what was originally presented to the Council, I took notes and in the draft that Mr. Thompson and I independently prepared for one another, I did not address specifically the room issue or some of the definitions; I added some definitions to define lessee, lessor, lease and obligations of each of those. I can tell you that in Section 164-5, which we were in, I rewrote it to reflect a new application, which would be someone coming to the town for the very first time to get a rental license, for a rental unit, with required inspection. Once they have the initial inspection, a certification would be satisfactory; a notarized certification, I believe, but anyhow there would be satisfactory. I also included a clause in my recommendation that once a license lapsed, that is considered a new application and inspection is required again. Often what I see is that licenses are due annually, they're due January 1<sup>st</sup> and what I've seen and what I've tracked in the town records are, you have a percentage that come forward to get their licenses on time and then you have another group that gaps, and lags behind.

Councilman Kost: Mayor Jones, I make a motion that we table action on this whole subject and these dueling ordinances until we get one ordinance to review, with everything included in it and we can make some sort of decision.

Councilwoman Parker-Selby: Second.

Seth Thompson: Just so I understand, basically we're to pool our concepts, so you have a full menu and seemingly that would then be produced...

Councilman Kost: I'd like one thing to look at. Just give me one.

John Collier: I would like to have given you one.

Councilman Kost: We have Mr. Welu's comments, we have three different sets of comments here and I have no idea which one really applies; Mrs. Betts made good comments. Let's come up with one thing that addresses... to me the key things are when should we inspect, if ever; standards that the landlord has to follow, that's written, that he's going to get at the time he gets a license; things of a basic nature like that. The rest of this is if things go bad.

Mayor Jones: And as further discussion, I thought at least in Mr. Welu's response, or his proposal, the two things that I capture from the comments that came through him was the intrusion of the inspection. I've heard that repeatedly. As far as the definition of the

Rental Unit, which is the one that Mr. Thompson presented, that it does include something very specific that says additionally Residential Rental Unit(s) do not include individual rooms rented to a tenant in an owner-occupied dwelling; so those were two very key issues that your input has different from what we're working on, as far as what the town's produced. Yes, I think a single document from the Town and Mr. Welu's continued effort at the proposed document, I think are worth comparing.

John Collier: Do you have a date that you would like that returned to Council?

Mayor Jones: Well, I would like to see it returned to Council at March's meeting. No? Too busy? Go ahead.

Kristy Rogers: Monday the agenda will be posted and that document will be expected.

Mayor Jones: To be posted and put up. Let's talk about this. Is this a possibility for a workshop?

John Collier: It certainly can be.

Mayor Jones: And can this besides this document as we're slogging through also this giant document tonight about the change to the Charter; can this warrant, as quickly as possible, some kind of a workshop and can we get the work done there? It won't be a vote, correct? I want to just put out the...

Seth Thompson: I know there are a lot of municipalities that use workshops and that's a fine thing to do. You still have to notice it the way you normally would a regular meeting and so FOIA still applies to all that, but there are Council's that say, look this will be a workshop meeting; we're not going to vote on anything, we're just going to hear people and bounce ideas off of each other. You can certainly do that.

Mayor Jones: I just don't want to see this delayed too much. If we thought we were going to make a decision on this at our second meeting in March, that would be great, because I think we need to make action on this as soon as possible.

John Collier: I'm certainly happy to take all three of these documents and put them in a format where you'd have column A, column B, column C and you choose which one suggestion you want out of those, or you blend them all, but I can put them in a document... I could actually, probably create a visual and you can see it on the screen if you want, but I'm not sure... With three separate authors, I don't know how you put all three of us at the same table, at the same time, and we come to an agreement on the language that you don't hear, what you're hearing right now.

Mayor Jones: It would be my opinion that as representing the town, that the document that comes to the Council is the one that's been authored by Project Coordinator and the Town Solicitor and the Council have the opportunity to compare that to the worked on piece by Mr. Welu or would the Council prefer that be incorporated? Because it needs to be very distinct as who the author's are.

Councilman Kost: I think we should have one offer.

Councilman Garde: I have a comment. I would like for your suggestion, which is an agreement between the Project Coordinator and Town Solicitor; after having given due consideration to the input by Mr. Welu. That doesn't mean he needs to incorporate it; it doesn't mean he needs to follow it; it means he needs to give it adequate and due consideration and then come up with a draft that is agreed to between the Town Solicitor and the Project Coordinator. I thank Mr. Welu, on a personal basis, for his thoughtful input, but this is a town ordinance that I agree with you that should be developed in

agreement, as a draft and we just told the Planning and Zoning Commission to look at one from column A and one from column B scenario. I don't rebel from having to make decisions from a menu, but I think we have some pretty competent people that we want to authorize to do this and if we want a separate menu, I think we can come up with that on our own, but I would prefer to see a single draft, no menu, drafted with agreement between two town employee's on what's best for this town, with due consideration, not only for Mr. Welu's written input, but we had scads of input verbally from the open meeting; we had excellent input from Mrs. Betts tonight, so take all the input that the town has been given from all the resident's and all the people and come up with a consolidated draft. I know they're competent to do that.

John Collier: I'm fine with that. It's how the Council desires it. I just want to come back with the right product the next trip, is where I'm going.

Mayor Jones: I understand. Do we need to amend that motion, to table it and bring it back?

Seth Thompson: No, I think we understand.

Mayor Jones: Okay, so we do have a motion and a second to table this to bring it back in the second March meeting, as a single document between our Project Coordinator and our Town Solicitor, taking into account Mr. Welu's comments.

Councilman Garde: And the verbal comments from all the rest of our resident's; that's very important that they...

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

Jim Welu: Can I raise one quick issue?

Mayor Jones: Very quickly. Very, very quickly Mr. Welu.

Jim Welu: I believe you're going to hold a public hearing and notify the landlord's. Is that correct?

Mayor Jones: We are, but only after this piece has been agreed upon.

Jim Welu: That's what I wanted to say that we need a copy of this before that public hearing is held.

Mayor Jones: Yes, Sir. I just want to make that clear, that that's when we'll make that notification. Yes, Sir.

Councilman Kost: I have a general question and maybe \_\_\_\_\_ know. In reading the new Town Charter, it says newspapers and four public places; where are four places?

Seth Thompson: Where does the town use it?

Councilman Kost: Where does the town actually post the four places?

Kristy Rogers: Are you referencing the election notifications?

Councilman Kost: Just generally, if we're going to advertise that there's going to be a public hearing, are we supposed to advertise it how?

Seth Thompson: The four public places tends to be a... it's not for zoning ordinances or anything like that; is it for condemnation actions? I'm trying to remember off hand.

Councilman Kost: That doesn't apply to this. We don't have to advertise this anywhere but the newspapers.

Seth Thompson: You don't even have to advertise this in the newspaper. Zoning has to be advertised in the newspaper, but it's just one newspaper.

Councilman Kost: So this we can just put on the website and that's that. Okay.

Seth Thompson: Some towns don't have websites and I know people want this. We're

trying to get to Best Practices.

Councilman Kost: That's why I'm asking how we go about it. I get confused with all of this.

Seth Thompson: It might be the sale of land.

Kristy Rogers: It's for the election notices, is the one that comes to mind, so I post at the Library, the post office, the town bulletin board and Town Hall.

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

a. Appointment of Election Officers

Mayor Jones: Mrs. Rogers, you've provided the Council with a copy.

Councilman West: Madame Mayor, I make a motion that we appoint these to the Election Committee: Douglas Welch, Larry Savage, Bob Burakiewicz, Marcia Finn and Morris Watson.

Councilwoman Patterson: Second.

Mayor Jones: All those in favor. The only thing I would add to this is upon Ethics Forms being completed.

Councilman West: Upon Ethic Forms being completed.

Councilwoman Patterson: Re-second.

Mayor Jones: All those in favor say aye. Opposed. Motion carried. It looks like you've got a good group, Mrs. Rogers, this year. I know that some of them have some questions.

Kristy Rogers: Thank you. I spoke to most of them today and they're doing their training on Monday.

Mayor Jones: They're eager to serve. Yes.

b. Proposed amendments to the Town Charter

Mayor Jones: Now I will say, I for one, am not as fully prepared to discuss this simply because I have been out and was not able to print this copy that showed a more detailed presentation of what changes were recommended, so I have been working from this form right here. I don't know exactly what Council has been working on, meaning the document.

John Collier: Council, I'm prepared to give you a brief synopsis of the significant changes. First I would like to state that there are a lot of changes that have nothing more to do than conforming language. What this Committee realized was, during the course of the process, at some points the Governing Body was referred to as Mayor and Council, Mayor and Town Council, the Town Council and we felt that it was pertinent to conform that language to Mayor and Town Council throughout the document. Another change was we had the reference to Town Manager in some places, Town Clerk in others; one of the major changes that comes forth from this is changing Section 18 from Town Manager to Town Administrator and identifying that that person, as Town Administrator, may serve under the title of Town Clerk or Town Manager and the language was conformed throughout the Charter to that. So let's go backwards to the beginning. One of the changes was there was a modification to the language that describes how Milton arrived at it's name. It was perceived that that was a romantic notion that was put in as a whim to someone that there was no historic or factual

standing to that and while it wasn't removed completely, it was modified somewhat and you'll see that language. Section Two was a modification of the description of the territorial terms of Milton, the meets and bounds description that's currently contained in the Charter, does not reflect the entire boundaries of Milton, nor did we think that the Town wanted to invest the money that it would take for a licensed surveyor to write a meets and bounds description of the Town of Milton, as it exists now or the fact that every time we would annex territory we would have to rewrite our Charter to reflect that. So we referenced the latest zoning map, which even now will require a rewrite if we annex territory, but it's a lot faster and a lot less difficult, because we just modified it to the newest or the latest zoning map.

Mayor Jones: So to liken it, if I may, it is something like our Fee Schedule, where that is easier to change then continuing to go back and amend?

Seth Thompson: Correct and a lot of municipalities have gone to this approach, as opposed to have meets and bounds in their Charters.

Mayor Jones: Okay, good.

John Collier: In Section Three, which is Annexation, the primary change was a little bit of the way that that's done, the composition of the special review committee, was changed. In the existing Charter it was three members of Town Council and the Mayor is an ex-officio member; well that constitutes a quorum of Council and the Committee generally thought that a quorum of Council shouldn't be the group that brings forward a recommendation to the Council for Annexation. It's kind of a conundrum of sorts. It could lead to problems. From Sections Four through Eleven, it was just conforming language changes. Section Eleven. There's been some discussion over this on the open floor and the...

Mayor Jones: Mr. Collier, may I interrupt you. Not only are you going so fast, but I'd like to...

John Collier: I skipped over Elections completely.

Mayor Jones: No. I'd like to apply the exact same thing that I just requested in that a document be numbered.

John Collier: I understand.

Mayor Jones: That would be a great help. Thank you.

John Collier: Okay, well, and I'm not expecting you all to respond to what changes I have tonight. That's not even my intent. At this point, this is the first time you've seen this document. I'm just trying to give you some areas that you can... to try to modify the process, instead of you having to read every word. Now, I did skip over the Election Section and I had deferred to Mr. Thompson to consider some modifications to that. The Election Laws of the State of Delaware continue to change, almost annually, particularly when it comes into municipalities and I had asked him to consider what kind of language we could use to adopt by reference, the State of Delaware's Code and at this point, I think he's still in the process of comparing that. Again, so not to speed things up, Section Eleven. Yes, Sir.

Councilman Kost: I have a question on Section Five. I'm a little confused the way it's structured. It looks like after b., then Section e. and f. are if you are non-delinquent you can't be elected. It seemed like they should be moved somewhere further up.

John Collier: This is the exact format that exists in the Charter as it is today and we did

not modify the order in which those were placed and I...

Councilman Kost: It just looks strange. It took me a couple of seconds to figure out what that was saying.

Seth Thompson: You're right about that.

John Collier: I understand that and at some points, we didn't make that type of housekeeping change.

Mayor Jones: Is it something we can do?

John Collier: Anything is possible, because we're at that state.

Mayor Jones: Okay, we're hit on that, now what do you find... where would that be better spoken?

Councilman Kost: Well in the...

Seth Thompson: It would be after 21, right? That you need to be at least 21.

Councilman Kost: You have to be 21. You have not be delinquent and you have to not be a felon. If you are, then you can't be. It just comes after something that confused me, until I finally realized what they were attempting to say. Just basic housekeeping.

John Collier: They should probably move up between b. and c. What I get here is that you feel these would be better served if they sat after b. and before c.?

Councilman Kost: Yes. These are the things that you have to be, to be elected and then there are things that once you're elected, if you become a felon, you are removed. It just seems like...

Mayor Jones: So that's only e. and f.?

Councilman Kost: E. and f., yes.

Mayor Jones: Okay.

John Collier: That's a point well taken, Sir.

Councilman Kost: Prohibitions to being elected in the first place, as opposed to being removed.

John Collier: Since we just got to 5 and the Section on Elections is still a work in progress and there are some comments that I'm still awaiting from the Board of Elections, they had some questions after they reviewed what we wrote, in contrast to the recommendations that they brought forward to the Committee. Again, a lot of this is almost directly out of the State Code, but I think there's a much better way to do this than to just pick and choose pieces of steak; I think it's much better served by reference, but again, I'll defer to the legal mind as to how we capture that. Okay, 8, 9, 10 is pretty much the only changes were conforming language changes. Nothing of any significance. Section 14, which has to do with Contracts. It was recommended that the one significant change that was recommended in there, at this point in time, any expense that exceeds \$5,000 requires competitive bidding, advertising and a lot of other steps and it was recommended that we mirror the State in some fashion. The State's range is actually from \$5,000 to \$25,000; but based on the typical budget that the Town writes, the Committee, as a whole, felt that \$20,000 was a better ceiling, to allow for bids between those prices for materials and services other than professional services be achieved by soliciting Letters of Quotations from three responsible and qualified sources.

Mayor Jones: Did I just hear you say \$20,000, but \$50,000 is on the paper?

John Collier: No. At this time, anything over \$5,000 requires a competitive bid; advertising, the whole nine yards and the Committee is suggesting that actually came

out of the administration, Town Administrator, to be considered, allowing for a little bit more flexibility; from \$5,000 to \$20,000.

Seth Thompson: If you're looking at Sub-section b, that relates to how you can contract... there's a \$50,000 limit in terms of contracting with an entity that a Council Member...

Mayor Jones: It's on the next page.

Seth Thompson: Right. It's sub-section b.

Mayor Jones: To \$20,000. Gotcha.

John Collier: So from there, the duties of Mayor and Council pretty much remain the same. There were some changes, under I believe it was Secretary, but they were minor; nothing that I think should raise any red flags; but that's my opinion. Then we get to Section 18, is probably the next, most significant change and I alluded to that in the beginning. Yes, Sir.

Councilman Coté: On Section 17, the end of 17...

John Collier: Treasurer.

Councilman Coté: If I can find the end of 17, here it is at the bottom of the page, f. It says, "The Assistant Treasurer shall likewise perform such other duties and have such other powers as may be prescribed... and he/she shall receive no compensation." Did I miss it, or is there one that says the Treasurer will receive no compensation?

John Collier: I can't tell you that it says that or it doesn't say that, because I don't know this verbatim. I can only tell you that as far as I know in my lifetime in Milton, I've never heard the Treasurer getting anything other than their Town Council stipend.

Councilman Coté: I believe that's true. I believe that to be true, but maybe it should say it.

John Collier: Well, again...

Councilman Coté: Or you could change it to a nice large fee. Only kidding.

John Collier: If you think we can get that through the public hearing process of the citizen's of Milton, we'll certainly put that in at your request.

Mayor Jones: Did you hear that, at your request?

John Collier: In Section 18, which I alluded to earlier, that's where...

Councilman Garde: I would just make a comment that since the Treasurer is required to be a member of the Town Council, the Town Council I believe is uncompensated indirectly in an earlier paragraph, we are all uncompensated with the exception of a small honorarium for attending meetings, so it's a lesser included; you are a member of Town Council, therefore you are not paid and it's not on the Treasurer or Secretary, but it is on the Town Council.

Councilman Coté: But we mention in the Charter that the Assistant Treasurer...

Councilman Garde: The Assistant. I understand.

Councilman Coté: We just need to conform them.

John Collier: We can certainly strike that and we could probably strike the whole thing about the Assistant Treasurer. Who is that, anyway?

Councilman Coté: I don't believe we currently have one.

John Collier: Alright to Chapter 18 and I alluded to that earlier, we made the change from Town Manager to Town Administrator and included language to allow someone to serve in that position under the title of Town Clerk or Town Manager. In the Charter, in

it's current configuration and the Town and it's current configuration, the language got rather confusing, because some duties were assigned to a Town Manager, other duties were assigned to a Town Clerk and sometimes, the duties crossed lines. In one section, the Town Manager dealt with this particular entity and in another section, the Town Clerk did. By just conforming to the title of Town Administrator and allowing them to alternately serve, under either title, seemed to make good sense and good use of our time and efforts. We didn't get caught up in a little, tiny technicality, so that's pretty much the primary change within that section. There was a section for Town Clerk, which we thought since we had consolidated the idea of Clerk and Manager, we would just title Deputy Administrator and in order for the Town to have a Deputy Administrator, that requires the approval of Mayor and Town Council by simple majority. So that's something that doesn't happen without an action by the governing body. That position doesn't exist unless they make it so; but there is a provision that allows for it, should the town grow at some point in time where it's necessary to have such a person. Town Solicitor was just conforming language. Board of Health was an interesting thing, because the first thing that... having been around awhile I knew of the concept of a Board of Health within the Town of Milton. What I can say is that we have or have had a Board of Health. I have never known them to live up to the standard that's defined in the Charter, so we kind of put it in the hands of the Council to decide to appoint a Board of Health, as they felt necessary, instead of having a standing Board and modified the duties, thereof.

Mayor Jones: Mr. Collier, did you ever find anything having to do with the reason why the Board of Health was created and placed in the Charter of the Town of Milton?

John Collier: Nothing historically and not every Town Charter that I've ever looked at has a provision for a Board of Health. The Board of Health in our Charter at one time had the duties to declare certain rules of laws up to one mile outside of the town limits of Milton and we had a rather lengthy discussion as to how could they do such a thing, when it wasn't within the Town of Milton? But, again, every time this Charter has ever been amended, it has always gone before the legislative body and it has been subject to review by legislative attorney's and evidently, whatever the reasoning for this is, it's not totally out of character, or out of line.

Mayor Jones: Okay. Thank you.

Councilman West: I wonder if it had to do back when the cold war was in effect, that they did that?

Mayor Jones: That far back?

John Collier: There are any number of possibilities for that.

Councilman West: I know they were doing all those shocks and stuff down at the fire hall, like they did in schools, with the school children; so I was just wondering if that's when it came into effect, back in the late 1950's and early 1960's.

Councilwoman Parker-Selby: Probably so because I remember at that time there was a young lady that had Typhoid Fever in town, lived right downtown by Mrs. Betts and we all had to go get these shots, so that could have been the era; it was in the 1950's. I'm dating myself, but that's the way it goes.

Councilman West: That's what it is when you turn 39 Estelle.

Councilwoman Parker-Selby: Thank you so much.

John Collier: There were no significant changes other than conforming language in the section regarding the Police Force.

Mayor Jones: Mr. Collier, I'd like to bring up a point, if I may. In Section 22, I'd like Council and certainly Mr. Thompson, because this has to do with an organizational chart for me and that is in that paragraph under A), at the end, the Chief of Police and members of the Police Force shall be subject to the direction of the Mayor, or in his/her absence, the Vice Mayor, acting on behalf of the Town Council. I have to tell you that I myself have experienced that not very well and I have to say that if the line of organization is the Mayor and Council over top of the Town Administrator, then it seems to me that the proper place for the Town's Chief of Police to answer, is to that Town Administrator and not directly to the Mayor.

John Collier: This was discussed at some length by the Committee and what I can tell you is that we, in our interpretation of the language contained within this section, is the Town Council, as a body acts and says you will answer to this person and you put it on the floor and you put it to a vote and that makes it so.

Seth Thompson: I think that's right. So when you look at Section 22, Sub-Section A, the very first sentence is "The Mayor and Council establish rules and regulations that are necessary for the organization, government and control of the police force." I have a feeling that that last sentence was designed for some State of Emergency perhaps, but the bottom line is if the Council wants to make it clear that the Chief of Police reports to the Town Administrator, then that's just part of the rules and regulations that the Council would adopt.

Mayor Jones: Just be careful, because in a quasi military position, the rest of those members of that Police Force, following the Chain of Command, will not take that order from the Mayor.

Councilman West: Madame Mayor, may I interject here for a minute? This was put in here long before we ever had a Town Clerk, all we had was a Town Clerk.

Seth Thompson: So there wasn't somebody that was really in charge.

Mayor Jones: With authority.

Councilman West: No Town Administrator. The Mayor and Council was the authority. When my father was Chief of Police, he answered to the Mayor, because there was no Town Administrator. All there was, was a Town Clerk.

Seth Thompson: So at that point, the Mayor, not only was kind of the head of policy, but also really administration, as well.

Councilman West: Right. The Mayor and Council were the administration of town. That was back in the 1960's.

Mayor Jones: And certainly, the Mayor and Council are the policy maker's, but operationally, it is Mrs. Rogers and the rest have a job to do and oftentimes if for any reason that particular employee did not feel that they were subject to following regular operational procedures, that would be a mistake; because I think that any department head needs to follow an organizational chart, as to who they answer to. As long as Mr. Thompson feels that that is already in place, because I know this challenge has come to him before, through personnel. If that is already covered, I'm perfectly fine with this.

Seth Thompson: It really already is, in the sense that the Town Administrator in your Chapter 26 of your Ordinances handles all personnel and that includes all departments.

John Collier: This was brought before the Committee with the concept that in the aspect of personnel decisions and financial, spending decisions the Town Administrator would be the appointing authority for the Police Force and based on the language that's contained within this, it just was the Committee generally thought that this language covered it; that the Council by their own action could say Chief of Police, by our order you will report to the Town Administrator... Then if the Chief of Police doesn't, it's up to the Council to decide what punitive action, if any, they take.

Mayor Jones: Okay. I just wanted the Council to be comfortable with it.

Councilman Garde: I would like to clarify this since we haven't, to be best of my knowledge, said that the Chief of Police shall report to the Town Administrator. If we do not change this language, do we need a Resolution to that effect? How would we ensure that the Chief of Police and/or policemen understood their responsibility to the Town Administrator.

Seth Thompson: It's going to depend on the exact context, but just like in Title XVI, with Personnel the Town Administrator is the personnel officer, so in that sense, if that's the issue...

Councilman Garde: The issue from their perspective is normally that the Town Administrator doesn't know very much about law enforcement and they're a law enforcement group and as law enforcement, they should be in compliance with their own standards for enforcing the law. I think that we have that and I think that the draft that's in front of us, without making any changes, it's clear that administratively and in every respect other than enforcing the law, they report to the Town Administrator.

Mayor Jones: That's what I wanted to be very clear about. There's no doubt that there is a department operational standard that the police must follow; but they are not in any way, a sovereign part of the Town of Milton and must, must understand that they're included under personnel issues and under spending issues to the Town Administrator. I agree with that, as long as that's spelled out very clearly, in those sections and if Mr. Thompson assures me of that, then I'm okay with that.

Councilman West: See this should have been changed back when we first hired our first Town Manager, the issue should have been clarified then...

Mayor Jones: Well it has been. Councilman West, Mr. Thompson will tell you, that has been on the books. We've just had a situation where it kind of just kept tip toeing over it and not recognition and that's why I say, regardless of the standards that the Police Department must operate under, they are still an integral part of this town and must operate as such.

Councilman West: Yes, they're not a separate entity.

Mayor Jones: That's correct. So I wanted to make sure that we captured that.

Councilman Garde: And Counselor, would the leaving of the last sentence in 22A as is, you feel that the Mayor's concerns are not abrogated in the least; as long as in the Personnel Administration in Chapter 26 we make it clear who?

Seth Thompson: That's right, because...

Councilman Garde: Because the way I looked at this was not the way Councilman West said it, because I wasn't here when the Mayor and Council were the only ones who existed, but I kind of thought that the Mayor was named specifically here to keep the police in line in other respects, other than administration and budgets; because it's fairly

clear that our charter says the budgets and things come under the Town Administrator. They're not a separate fiefdom, but in the event that they started to step out of line, one layer up from the Town Administrator is identified to assist in keeping them in line, so I didn't have a problem with leaving the last sentence there.

Seth Thompson: The really important sentence is that first sentence, that the Mayor and Council set up the controls. You need to give affect to both sentences, obviously, so that they need to apply in two different circumstances and that's essentially what you're talking about there. The Council directs what applies to the Police Force, in terms of their organization through Ordinances and they've done that.

Councilman Garde: The concern was mostly administration, salaries, budgets and compliance with a budget. I think we've had a budget that may or may not have been taken seriously by the Police Department. The Town Administrator is the one empowered to enforce that and in the event they ignore the Administrator, the Mayor can...

Mayor Jones: Well, an important aspect for me is that I do not believe a department head as powerful as a Chief of Police should only take their direction from an elected official. That's again, a policy maker. Those are the operational people there. Those are the people that we rely on to operate the town and they're different from the policy maker's, so yes, in all, I agree. This will stand and I can understand it. I just didn't want it to go unnoticed that my personal feeling is that the he/she or whoever the Department Head is in the Police Department, cannot only take their direction from an elected official; that it's very clearly defined, that it has a proper avenue, just like every other department head and if you've assured us of that, that's good for me.

John Collier: Section 23 deals with the Annual Audit. There are no changes other than some conforming changes; one of them was the advertisement in one newspaper, instead of three. Section 24, Town Assessor. Significant changes were recommended in that Chapter.

Seth Thompson: While we're there, I did want to mention. A lot of towns have the option of using the County Assessments. Your Charter mandates that you have your own assessment, so now would be the time, if you wanted to give yourself that option. It's just something to think about.

Councilman Coté: And it's a good option... It's an option we should allow for, but somehow it affects a later Section 29, Paragraph 26, it's affected by that decision, so we will need to coordinate those.

Mayor Jones: There are definite pro's and con's on this particular issue that I think Council needs to discuss and agreed upon, very, very carefully.

John Collier: I won't argue that with you.

Mayor Jones: Cost factors; this can mean a great deal of cost difference to this town under this section.

Seth Thompson: In looking over the state of the town, the one thing I think you probably lose, unless the County does something differently, I think you lose the exemption for the solar, right? But that's potentially one of the negatives. You lose a little bit of control over your assessments for things like that, but at this level, you can give yourself the option by amending the Charter. Now, Councilman Coté's correct. If we're going to use values from 1974, your budget can't be limited to one percent of the assessed values.

Councilman Coté: Yes, that section would have to be different. Even if we give ourselves the option, that section would have to... if we give ourselves the option, we have to change that... maybe we just eliminate “omit as much detail as possible”; you eliminate the limitation, any limitation, because it's a hindrance. It tends to be... To those looking at it as a sense of security, it's not.

Mayor Jones: It promotes lack of growth.

Councilman Coté: That's true. I wanted to jump back a little bit to Annual Audit.

Mayor Jones: What number, section?

Councilman Coté: Section 23. It says that the auditor shall, on or before of the expiration of ninety days from the end of the fiscal year...

Seth Thompson: Do they get it done that quickly?

Councilman Coté: No. No they don't. We're going to hear about it in what, 10 days? On the 2<sup>nd</sup> of March we're going to hear about the audit. So somehow we need to...

Seth Thompson: Does six months cut it?

Councilman Coté: Oh yes, that should be fine.

Seth Thompson: So 180 days?

Councilman Coté: 180 days would be fine. I underlined this sentence and I just reread it and I still have the same dilemma. The sentence says “The directed accountant or accounting firm shall have the duty to audit the accounts of the town in all of it's officers who's duty involves the collection, custody...”. They're not auditing my accounts.

Councilman Garde: And I sign checks and they're not auditing mine.

John Collier: The only comment that I can make is this is the language that has existed in this Charter for however many decades and I understand.

Councilman Coté: Well, I'm going to guess that decades have gone by when it was not followed.

Mayor Jones: And we haven't audited the officer's, so the issue is you either do or you remove it.

Seth Thompson: So the problem is the word “duty”, right, because that's mandatory.

John Collier: It wasn't my intent tonight to start drafting changes to this draft. It was my intent to give you all an overview of what the Committee had brought forward and I hate to say that dirty word “workshop”, but I believe that this is probably what this is going to evolve to.

Mayor Jones: And I think it warrant's it. I think it's a good place.

John Collier: And I understand that and I won't argue that point, at all. I just wanted to kind of give you an idea of the areas that significant changes were recommended by the appointed Committee, so you had those two to consider as one, because they will be the ones that will be questioned the most by your public and your opportunity for you to review the whole document as it is.

Mayor Jones: Mr. Thompson, if we were to mention a workshop, that dirty word, when and how much notice do we have to give for a Council Workshop?

Seth Thompson: It's the regular seven day for that.

Mayor Jones: Regular seven day and we have a Town Council meeting on the 2<sup>nd</sup> and there is some sense of not urgency, but there is a need to move this Charter Review along so that we also have the time for the public hearing; you don't want to put this into your legislator's hands without having it properly vetted to the public. So what would

you recommend for the soonest we could look at getting together for a workshop? The only thing I have right now is...

Councilman Garde: I think you need to poll us on that too, because we need to review... Fortunately I'm in a different position, but the Town Council members need the opportunity to review this in detail; make some of the comments that Michael made, which are excellent suggestions; but, be focused, because he's the Treasurer on that one; we all need to focus on all of this document and come prepared with comments and questions and then, I don't know... the workshop would be for us, prior to a public hearing, so that the draft that got presented to the public, will be tweaked from where we are today. I don't want to take anything away from the Committee who labored over this document, over a long period of time, but it's expected the Council will tweak it and then make it public and then have a public hearing.

John Collier: The only comment I have for dates is that you have standing Boards that all have meetings scheduled on the second, third and fourth Tuesday of the month. Additionally, there is a public meeting on the fifth, that has to do with the Comprehensive Plan. I have another meeting, a workshop meeting with the Historic Preservation Commission on the 18<sup>th</sup>. So any other days, other than those and I will not be in town on the 9<sup>th</sup>.

Mayor Jones: And that was the date I was just about to pick.

John Collier: Well, I will be in town but I won't be in town until after 12:00 that day.

Mayor Jones: Okay, that's fair. I don't think we're going to have a meeting before 12:00.

Councilman West: 11:30.

Mayor Jones: How does your schedule look Mrs. Rogers, for the 9<sup>th</sup> and Mr. Thompson, because you're getting ready to go back into session, aren't you? We have to watch your schedule.

Seth Thompson: The 9<sup>th</sup> works. It's the week after that.

Mayor Jones: Okay.

Councilman Coté: We're still in March?

Mayor Jones: We're still in early March. The Town Council meeting is on the 2<sup>nd</sup> and I think the 9<sup>th</sup> will not interfere with any of the Boards. Is that quickly enough is the question?

Councilman Coté: Well, Section 29, Paragraph 26, limits what we can do for the budget. We have to get at least that item through the Legislature, before we present the budget; before I think the Town Administrator could present a budget to Town Council; because I don't know that we want to present a budget that violates the Charter.

Mayor Jones: Okay, so we have an identified need to look at a particular section, but I don't hear you advocating sending just that section forward, correct?

Councilman Coté: I'm willing to advocate that, because I think it's very important that we have every assurance that that gets approved; that whatever change we're going to make there, get's approved. That section is a little bit contingent upon the Assessment section, whether we try to adopt the County or whether we continue forward the way we are, because the suggested change in 29-26, refers to the total... is a percentage of the total taxable assessed value, which number would be far different, much lower, under the County assessments, then it is under our current assessments. The easiest thing to do would be to eliminate the limitation, but if the consensus becomes that we have one,

whichever one we pick; we'll need to pick one which will then determine the decision or decide about the other and that will become the limitation calculation.

Mayor Jones: Would you be willing to come to the workshop with the pro's and con's, particularly on the issue of the assessor?

Councilman Coté: Oh, I certainly would.

Mayor Jones: Okay, that would be helpful. That would be one of the obstacles that you're talking about that would apply to Section 29. I think it's evident that the Council really has to apply themselves to go through all of this work and not just hastily, but certainly as efficiently as we are able to. Councilman Coté makes a very good point. You don't want to violate your own Charter with your Revenue. Right now that's pretty much what we are set to do.

Councilman Coté: The potential exists.

Mayor Jones: Right. We have our toes on the edge.

Councilman Coté: We should eliminate the potential.

Mayor Jones: Will this draft document be what is available to the town on the website, in order to schedule a workshop?

John Collier: That would be my hope.

Mayor Jones: Okay and are we going to be in agreement on a date for that workshop?

John Collier: I'm just waiting for you all to tell me what to do.

Kristy Rogers: I'll have to call and check the Library.

Mayor Jones: Okay and you will let us know that? Okay. Proper notice.

John Collier: If I could get back to where I was, since we've decided on a workshop. I think we left off at the section that had to do with the Assessments. From there, we'll make significant changes in Section 29. They've already been discussed about the Tax Rate...

Mayor Jones: 29-26, right?

John Collier: 29-26 and then after that there was some stuff [unintelligible]... It has to do with the way the Special Referendums are held [unintelligible]... Other than that, under 33, Power to Borrow Money.

Councilman Kost: I'm in Section 31 and you jumped to 33.

John Collier: Is there something in 31 to fix?

Councilman Kost: It talks about curbing and paving and nowhere in the body of the language it just talks about sidewalks.

John Collier: Actually, those are addressed in another portion. Off the top of my head, I can't recall what section it is, other than we agonized for quite some time because some of the items that were included in that section, but I think Councilman Garde diligently worked on this, as part of the Committee; I think there's a Section 30 which is Streets and then there's another section in here that also comes to Streets and Sidewalks. Sidewalks are addressed in our ordinances, as well.

Councilman Kost: This confuses me when I see...

Seth Thompson: When the title doesn't match the body.

Councilman Kost: And then there's nothing about the subject.

John Collier: Alright, Section 33, there were... **(Everybody was flipping their pages and John Collier was not near a microphone. I couldn't hear most of this discussion.)**

Seth Thompson: Just to chime in, the way your ordinance read, only property owners could vote and that's not constitutional, so and you guys went through and did the proper thing last time you had a Referendum, where non-resident property owners could vote, but also resident's could vote, even if they didn't own property. That's what that's there for.

John Collier: My comment about this whole process. I'd like to thank the Mayor and Council for the Committee that's going to work on this, because the five gentlemen that worked on this and they worked on this very diligently and for a long time; this is almost a two year process. We've been reviewing this line by line and word by word and I'd say it's the finest group I ever worked with, because I've never served on a Committee in this town that I finished with the same people that started it. They have been consistent throughout.

Mayor Jones: Mr. Collier, I want to expound upon that also, for anyone left here listening this evening, there's always going to be, at some point, on an agenda, an introduction of an item that hasn't been seen before. Mr. Collier's right. This Committee's been working together since 2013 on this project, so it has been a work in progress and information available; all the meetings have been public for folks to join in and listen to what's being said. Thank you. You've done a great job.

John Collier: So we're going to tentatively schedule the workshop for the 9<sup>th</sup> of March.

Mayor Jones: Do we need any kind of motion to table this for it to become a workshop?

Seth Thompson: That works.

Mayor Jones: So we would entertain a motion.

Councilman West: I make a motion to table this to be presented at a workshop on March the 9<sup>th</sup>, pending the availability of the Library.

Councilman Garde: Second.

Mayor Jones: Any other discussion? All in favor say aye. Opposed. Motion carries.

- c. An Ordinance to create a new definition in Town Code Chapter 93, entitled "Business Licenses" and Resolution 2015-003 to establish an additional business license category and fee

John Collier: If I may give the Council a little history as to what this is about. In November we began an active campaign in contacting people who's names appeared on the State Commission of Revenue's List as license holder's and those who did not hold a Town of Milton business license and during the course of that, which I might add I had a 92% response when all was said and done, which I thought that was pretty good. I can't say that we captured 92% in new business licenses, because not all of them fell in, but in the course of this, one of the things that we did capture which we had never considered or had never been considered in the past was that the vendor's within the Mercantile at Milton and as the current ordinance is structured, they fall in a general category that made them liable for a license at the rate of \$100, which is also the same as anybody with a brick and mortar store and I have to tell you that I got that term from someone who spoke tonight; they planted that thought in my mind; and in trying to figure out how to capture and identify these vendor's because most of them have very small spaces. If you look for a definition, we captured them without opening the door for other people to wiggle in and say wait a minute, this license costs less, so I'm in a

class by myself... The best \_\_\_\_\_ I was able to find by my search is the concept of a kiosk and I think you have a document in front of you that has the definition of a kiosk and I think that very adequately fits the businesses that are within the Mercantile at Milton and I am also of the opinion that based on their size and the character of their businesses, that they probably deserve a separate classification and a lesser license. I'm recommending a fee of \$50, but of course, that amount will be set by Council.

Councilman Garde: Am I correct in assuming that we are currently asking them for \$100?

John Collier: We have asked for \$100, but we've been benevolent until we resolve this. One person came forward, right away as soon as I contacted the \_\_\_\_\_, and should you lower the fee to \$50, they will be entitled to a refund.

Mayor Jones: Now I have a question. I think it's going to be for Lisa Falzarano. You did indicate that some of your merchant's will come in for only a few months. Is that a decision of whether or not they have been successful in placing their items in your store, that makes that decision to not continue that business? And you may need to go to the microphone to answer, but I want to be sure whether or not they sign up in your business for three months, or whether or not the time in your store is simply reduced because of the lack of success of their product? That's all I need to find out.

Lisa Falzarano: We have no time set that an individual can come into the Mercantile. It's basically, they would sign up and make an application. They would then have their first month there and they would then, at a minimum, have to give thirty days notice to move out; because that would entitle me at the time, to make phone calls and get that prepared for the next person; so at the very minimum, success wise, they would be there for two months. We have had four people move out so far, just because the discussion was underway and to go with what Ms. Weeks was saying, this was new to all of us. Now maybe it wasn't new to the town, but the problem was that we were told of this, having done our research prior with the antique mall that was in town before and we did a lot of due diligence to find out what we needed to say to the vendor's in advance of them coming on board, to prepare them for what their costs would be up front. This was not a topic of discussion, so therefore, I didn't relay it onto them, like I did for the Delaware Licenses. That being said, when this discussion was coming into fruition and a couple of the vendor's got letters right away, I had made mention of it to everybody, that this was going to be coming down the pike and with that, we did lose a couple of vendor's because of it. There are many different reasons why people would come in and leave and how long they would stay; and of course, as I said earlier, we would want them to stay for a long time; because that just goes with my overall success and what I can bring to the town. It is my goal to be 100% full all the time; now that may not necessarily be so, but with another burden added onto what they're initial costs are, whether it be buying inventory or having a State License that's \$90; paying their rent; there's a lot of different factors and we're talking about one woman that has literally one square foot of space and she said Lisa, it's just not possible for me to do. I had done some very thorough research in all of Sussex County which led me to have an email sent out to Mike Trotta and to John Collier and to thorough research understanding exactly, before I misspoke; what was going on in Sussex County? Who does have an antique mall and how are they treated within the scope of the whole community and how are they feed

and post fees and stuff like that.

Mayor Jones: I'm actually glad to see the opportunity for Milton to address this issue is only possible, once it's brought to our attention and a shop like yours, which is unique, certainly warrants a look like this at a possible reduction in fee for those business holders. What I was not understanding earlier was how to break those possibly into quarterly fees; where, for example, I may be approaching you about something I'd like to put in your shop and if I go downtown for a license, my hope is that that license is going to be for an entire year, so I pay it fully. If I do not succeed in your shop, I don't look for that license to be refunded if I leave after two or three months; that's my only point. For me, I think the reduced license serves a win/win situation for your vendor's and gives them a little more definition on not wondering what the town will charge them, so I appreciate your work with Mr. Collier on this issue.

Lisa Falzarano: Yeah, I'm definitely in agreement with that. I just wanted to just suggest that there are periods of time that might be shorter for some and so I understood Mr. Collier when he said well I have to have many more people working on that to make that quarterly and I totally understand that; it's all a cost of doing this business and making it run; so I did want to bring up that point, because to consider somebody that might be there as a short term, even on a bi-annual, it would make it easier for them, especially if it occurred at the beginning of the year that they vacated in the month of March or April; even if they had been there for four years, but they just had come up to the cycle of the new year.

Mayor Jones: Thank you for that information.

Lisa Falzarano: Alright.

Councilwoman Parker-Selby: Question and I've been to your shop; I came in one time and I really liked it. In looking at what we're looking at, you mentioned you checked other places that had these antique malls and I've been to several in different states and wherever, so I didn't know how towns did it. Did the town's charge them these kind of fees?

Lisa Falzarano: There's only one town, although Milford I had the wrong telephone number; it was listed incorrectly on town, so the Milford Mall I was unable to communicate with, but there's only one Antique Mall in Sussex County that I found that is within the town proper; we're not talking on the outskirts; that does charge those individual vendor's within the town, a town license and also a state license; there was only one.

Councilwoman Parker-Selby: Because in looking at where you're saying, I wasn't thinking about what I was seeing, the peddler's license would probably be more appropriate.

Lisa Falzarano: I actually had a \$35 suggestion on my email when I had a proposal sent to Mr. Collier, but I'm perfectly satisfied with the \$50. I think it's actually quite legitimate. My only additional thing would be, how could we make that just a little bit easier for them to maybe possibly do a semi-annual billing?

Councilwoman Parker-Selby: Right, because I don't want the word to get out that you're sorry to go to Milton, but you have to pay \$100. People don't look at all the fine details, they look at what they heard on the top; then the word gets out and our goal is to attract people here and if we're not going to...

Lisa Falzarano: That's my goal exactly, which is a big concern of mine because I will not be successful and I will close, if the town is putting more added stresses on the small guy.

Councilwoman Parker-Selby: Yes, that's what I don't want to happen. Thank you.

Lisa Falzarano: Thank you.

Councilman West: We need to figure out, do we want to be user-friendly or user-hated and that's just the simplest way to do it; you can license yourself right out of business.

Mayor Jones: I think it's user friendly in that the town has come together with Lisa to discuss the reduction in the business license fee, so I do see that give and take in this action.

Councilman West: But, we cannot let the town greed dictate what can come to this town.

Councilman Kost: I have a question on the Fee Schedule itself. Do we charge a fee to the total building and have the owner pro-rate the fee for the various tenants over time that she knows about? Is that a possibility?

John Collier: Currently the way that our fees are scheduled, I could be wrong, but I think she's treated as a merchant retailer with greater than 1,000 square feet; which is \$150; which would be the same fee that Walgreen's pays; it's the same fee that Food Lion pays and so on and so forth and it's a unique situation that this business presents and although I can't tell you that they don't have kiosk vendor's within the grocery store or Walgreen's, because some places very well do.

Councilman Kost: Walmart does.

John Collier: I know that Walmart does and I have worked in retail places that did have more or less kiosk vendor's, but I took the information that was provided and I did some pretty extensive research and some reading and tried to figure out how to capture what occurs within this building, because as ordinances are written, generally if they sell merchandise to the public, they required a business license and it doesn't distinguish anything other than the size, either of under 1,000 feet or over 1,000 feet and these smaller vendors in these little kiosk areas, they fell in the category of under 1,000 feet, so it's \$100. I understood the issue that it presented. I don't believe that trying to pro-rate, based on the size of their kiosk works, because generally the way the store is configured, if somebody vacates the next booth and the person that's beside them decides they want 10 more feet, they'll slide a wall over and they've got a bigger booth; because I don't know how she structures it, but I got the impression from some of the vendors in there, that they paid based on the amount of square footage that they have; so I don't know that that's the adequate way to capture it, because I don't really want to have to be involved in having to go in on a regular basis and measure everybody's shop.

Councilman Kost: My point wasn't to measure the individual. My point was to charge the building owner one fee and whatever that fee is, the building owner pro-rates however she wants to, to whoever is in the building; we just add the whole business.

John Collier: Well, that's all well and good and if that's what the Council desires, I'm sure that we can figure that, but we're going to have to figure out what fee to approach and I see the point; you're putting the enforcement of that on her, as the primary leaseholder.

Mayor Jones: But if you use the definition, alone, of what is needed for a business

license, which is the basics, you're doing business in the Town of Milton, no matter where, and you have good provided to the public. The only difference is, you do not have that brick and mortar location; you are tucked inside a building that already houses multiple retail businesses. You're still doing business in the Town of Milton. To levy a higher rate; you didn't use the word "higher", but to levy a different rate upon a Mercantile retailer, would mean then she has to figure out how to distribute who's going to pay that extra back to her for that license. I think that's a little complicated, as opposed to...

Councilwoman Patterson: I think it's all getting complicated. What if you looked at it this way. I liked what Estelle said about the peddler's license. What if it was \$35 per kiosk; that way if you decide not to stay, you're not out so much money, so it's just...

Mayor Jones: A peddler's license..

John Collier: A peddler's license is per event.

Councilwoman Patterson: I know. Okay.

John Collier: So if you want to reduce the kiosk license to \$35, that's certainly within your right as a Council. \$50 was a recommendation.

Councilwoman Patterson: I know that and I'm just saying what I think... because I want people to want to put their shop in town and that way we're not...

John Collier: In addition, I have an obligation to you as a Council and to the citizens to make sure that everybody stays within compliance, as the rules are written, and I can't speak for how it was dealt with in the past. I have no idea.

Councilman Garde: May I just comment? I like the concept of a kiosk having a lower fee and since Lisa's first recommendation was \$35, I am inclined to go along with the lower rate on a kiosk basis, based on John's definition of a kiosk. But I like the definition of a kiosk and leaving the responsibility for the payment on the vendor who's there paying; but I liked her suggestion as a superior suggestion for being more friendly to our vendor's and so I'm okay with \$35 and the definition of kiosk and John's definition, as is, so that it's fairly simple that way. I was thinking about pro-rating and charging \$10 a quarter or something; I think that gets to be very difficult administratively, so if we lower the rate and the rate is not punitive, people can come in. One square foot of your place, may pay three \$35's over the course of a calendar year and the person next to it pay only one, but that's what I'm inclined to vote for.

Councilman Coté: I have a question for Mrs. Rogers about the fee and I don't know if I have a clue about the answer. The cost to issue a license is less than... I don't want to issue licenses that, if a license costs \$50 to process the paperwork, then we should do it for \$35; but if it costs time and effort and whatever we have and I don't know if we know the answer to this; probably not; if it costs \$10 or \$15 bucks to issue a license for the kiosks, then I'm fine with \$35.

Kristy Rogers: I don't know if I have a direct answer, as well; just there's more to the license fee than just printing it or issuing it. I mean, there's two other...

Councilman Coté: I know. That's what I'm trying to get a feel for. It's not as simple as yes, here's a piece of paper. You came in, we signed it, you have it; it takes some effort to do it.

Mayor Jones: I would point out that the peddler spends the same amount of money for one evening of a parade, as a business in a kiosk for one year.

Seth Thompson: I was looking at the real estate... Mr. Collier, I take it the office, like let's say you have a real estate brokerage. The office pays \$250 a year and then each individual agent inside the office, pays \$50?

John Collier: That's correct.

Seth Thompson: So it's kind of like the realtor version of the Mercantile, right? Okay. Councilman Coté, to get back to your point, you guys can always elect to charge less than what it costs you to administer the program; you just can't charge more. Right.

Councilman Coté: I'd like them to be close, though. I don't want to collect \$50 that costs us \$100 to do. We are the town. We're supposed to provide a service where not necessarily a business, but we do have to make ends meet.

Mayor Jones: I'm looking at it from a practical point and I am open for all discussions and persuasions, but \$50 a year invested in your own business to operate for a year's time, because that's what you presume, you're going to be successful, is not a great deal of money. I'm just talking reasonable, business expense. If you want to lower it, than we're going to take a vote on it regardless, but that...

Pat Baumer, 201 Summer Walk Boulevard: I am a vendor at the Mercantile at Milton. I have to say a lot of this started with me. First of all I want to thank Mr. Collier and Mrs. Falzarano for all this time they're putting into it. I started my business back in August at the Mercantile. I'm doing very well. I'm very happy there and we're proud of Lisa and all the hard work she's done. She's very smart and so into the community, it's amazing. We love her. But anyway, I started in August and I got my Delaware State License and I paid a pro-rate for that, coming in August; instead of \$90, I paid \$35; they prorated it to one-third for the rest of the year. And then I got a letter from Mr. Collier stating that there would be a business license needed for the Town of Milton. So I wasn't surprised to hear that, but when I called him, I wanted to mainly find out what do I do. Do I come to the office? Can I do it by mail? Can I do it online? He was very wonderful in explaining everything to me, but I almost dropped the phone when he said \$100 that I'd have to pay immediately; but he was very kind in saying you don't have to rush and pay right now, so I presented some of my ideas to him of why I was surprised it was that large amount of money. Long story short, he's been listening to me. He's been listening to everybody and Lisa's been trying to help the vendor's also too. I'm very happy with the conclusion of the definition of the kiosk. I think that's brilliant. Thank you and I'm very fine with doing the \$50. Now there are some questions about the pro-rating. I don't know if people coming in continuing to the first year would do the \$50 and then maybe people coming in toward the end of the year would only do maybe \$25 at that point; like pro-rate it that way, the way the State does. I don't think it needs to be pro-rated like you pay \$25, whatever, quarterly or bi-annually, but I came here tonight; Mr. Collier even called me and took the time to let me know that this meeting was happening tonight; this was going to come up and I was very happy with what he was proposing, the \$50 and up for discussion and the definition, again, of the kiosk. So again, thank you both and \$35 sounds really good too, but I think \$50 is extremely fair. Thank you.

Mayor Jones: Thank you for bringing it to our attention. It's usually the only way we get the opportunity to look at a subject like that, so thank you all. Alright, I am certain that this is looking for a... We have a Resolution on this.

Seth Thompson: This is amending the Fee Schedule.

Councilwoman Parker-Selby: I have another question for clarification. I'm looking at this schedule that was adopted in 2007, correct; clarified in 2008. What does that mean, clarified; the increased numbers? Does anyone know on this governing group or is it something that we just inherited not in awhile, what?

Kristy Rogers: I wasn't here, so I'm not sure why 2008 is there.

Councilwoman Parker-Selby: Okay and then I just have a problem with looking at where we're going, trying to go and then we're looking to bring businesses in here and when they come in they're starting at well you have to pay us \$125 for a fee. I can see it for restaurants, things like that, I can see it; but something like this type of business, I have a problem with that, because I don't feel that type of business should have to have extra licenses on top of going and getting the State License; having held a State License as a consultant, which is totally different than giving this kind of service. I just still have a big problem with charging people additional fees in a town this small, who's trying to get started with bringing in people and making it inviting to people to come here and then they come in here and then they get to hear, well there's another fee here. I don't like it and I'm one of seven, but I just have to express that and I know what you're saying and I appreciate that; you're doing well, you mentioned in your... but somebody may not be doing as well and might still have a problem with that and I went through there and there were some little small, as opposed to some with larger size vending spaces. That's just me. I just have to express that, that's how I am. It's eating at me for some reason and I don't feel that this town's going to do a lot of growing and we're going to do extra licenses and stuff on top of other things, with that kind of business. Thank you for letting me say what I have to say.

Councilman West: I'm like Estelle, you know. We're going to license ourselves right out of business. To myself it's greed on our part and the only way... I won't stand for nothing over \$35, because you're penalizing Lisa for trying to do business and to help all these other people make money and they're not making what you all think they're making; that's just my honest opinion, okay? You've got one lady that says she's doing real well and I'm glad for you, but not every business in there is doing as well as she is.

Mayor Jones: I want to clarify that we are in no way, shape or form penalizing Lisa by the license that she now holds. Her appeal has come to us in the form of those people who have businesses within her building and I have to say, in defense of Milton, I don't think this is greed. I think this is the cost of doing business within a municipality.

Councilman West: I don't. I'm sorry, Mayor, but I disagree on that. That's how I feel.

Mayor Jones: And I believe... and that's okay and that's okay for you to express that, but I think Milton's work here has been to listen to a business owner who is making an appeal that the folks who own a smaller spot, who have a smaller footprint within her already established business, not be made to pay the full amount that she does. That's the appeal and the Town of Milton has answered that, in this form. This is the first time.

Councilman West: I agree with that. I agree with that part. But, why is it that when I've come downtown and different business people say I'm having a hard time getting what I need to work with. The town doesn't want to work with me.

Mayor Jones: I don't know what cases you're referring to Councilman West.

Councilman West: I do and I'm not going to mention the businesses that it had the runarounds and it was right downtown here.

Mayor Jones: I can't speak to those. I've not had that experience but what we have in front of us is one issue. That's the breaking down of the \$100 fee and going to a new definition of a kiosk, which indicates a much smaller footprint for a business owner to sell their wares with the municipality of Milton.

Councilman West: May I ask a question of you Lisa? How many people do you have in there?

Lisa Falzarano: There are about 55.

Councilman West: Fifty-five.

Lisa Falzarano: And I'd like it to be more than that, but it may become difficult. I'm not opposed to anything anybody is saying. I just want to be clear on that. I will consider all options, it's all that I can ask for. I appreciate the \$35, as well as appreciating the \$50. Of course I would always fight for less, because I would fight for them no matter what.

Councilman Garde: Just as a comment, maybe out of thin air and not necessarily apropos, but it's not as though the Town of Milton does not supply police force protection for the Mercantile and the vendor's in there. You're paying the trash removal, but the trash removal is as inexpensive as any place in this County because of what we're providing through the overall... Am I mistaken?

Mayor Jones: Yes, commercial trash removal is on the...

Councilman Garde: Commercial trash removal. I stand corrected. Okay, that's an inappropriate comment. But there are services that are just included because you are here. Okay.

Councilman West: You're talking a little over \$2,000 a year, is what it amounts to.

Councilman Garde: At 55 X 50, it's more than \$2,500.

Councilman West: I'm talking about it at \$35. I'm not going to say it for nothing over \$35.

Seth Thompson: I think it's just short. It's a little over \$1,900.

Councilman West: And then I think that's still too much.

Mayor Jones: The issue is still only doing business in the Town of Milton. That's what it comes down to. It's licensing in the Town of Milton and what category you fall into and the Council's decision on what that category represents in cost. So that's what we're here to decide tonight.

Councilman Kost: Lisa, how many square feet do you have in the building?

Lisa Falzarano: 7,000.

Councilman Kost: 7,000?

Lisa Falzarano: 7,000 is what I have. It's not necessarily usable space.

Councilman West: It's not all usable space. I can vouch for that.

Councilman Kost: Do you have a business there yourself?

Lisa Falzarano: My business is the The Mercantile at Milton, LLC. I have a business license for the town and the State.

Councilman Kost: No, but I mean your business is renting space in the building, as opposed to also having space in the building, selling things to the general public?

Lisa Falzarano: I do both.

Councilman Kost: Okay, that's what I was trying to figure out.

Lisa Falzarano: If it's a matter of money, I will do both.

Councilman Kost: I like to get as much information as possible. Fifty-five surprised me.

Lisa Falzarano: I'm thrilled to have the 55. You have to understand.

Mayor Jones: That's amazing. We've discussed this to death and we're not going to move until we've made a decision and there's not a motion made yet.

Councilman Kost: Okay.

Councilman Garde: I make a motion that we approve the definition of kiosk and that each kiosk be required to pay a fee of \$35 per year.

Councilwoman Patterson: I'll second.

Mayor Jones: Any more discussion?

Seth Thompson: So just for clarification, we're passing Resolution 2015-003, but it would be amended so that the kiosk fee per year would be \$35. That's the motion.

Councilman Garde: That is the motion. Thank you for the clarification.

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

Lisa Falzarano: Thank you.

d. Donation to Milton Little League

Mayor Jones: We have some information here from Mrs. Rogers in reference to a donation to the Milton Little League.

Kristy Rogers: Mayor and Council, I received the attached letter from the Milton Little League regarding a project they are going to pursue in repairs to their concession stand and I think it's an important asset to the town. One is the little league as it coaches the youth in the area and instills teamwork and positive values in those children. I'll just ask the Council to consider making a donation towards their project to keep their vision going.

Councilwoman Parker-Selby: Is there a special amount that you're talking about?

Kristy Rogers: They had an estimate of \$25,000 for what it was going to cost for the materials. There's not specific levels of donation for any certain amount, but any donation will be recognized during their Opening Day and on their website and signage.

Councilman Kost: I ask Mrs. Rogers if we currently give \$2,500 to the Fire Department and \$1,000 to the Cat Snipper's. The only thing that worries me about this, is we give to two, then there's three and I don't know how many more are going to eventually appear.

Mayor Jones: This, I think, has come up as a matter of need. We haven't really contributed to this group before this. This has come up as a special request and a lot of these people are doing in-kind labor and cost.

Councilman Garde: The notice says \$25,000 in materials. The installation, which if you sub-contract it or contracted it out, would be probably a payable in the range of \$50-\$80 an hour, because the company has to charge overhead and fees and whatever. It looks like they're going to do the installation on their own, somehow, as you say it's labor included.

Councilman West: A lot of it is in-kind services.

Councilman Garde: Yes, in-kind services, exactly.

Councilwoman Parker-Selby: Just seeing the people on here, I see where that would happen; many of them are some of my former students, so I can see that.

Mayor Jones: I think it would be nice to support our Milton Little League. To my knowledge, I don't recall the town...

Councilwoman Parker-Selby: That's one area we need to really look at supporting anyway, anything dealing with young people in this town, we need to look at. I'm going to make the motion. Of course, I don't know how much to make it for.

Councilman Garde: Here's a thought. It's going to be just an amount, because the Fire Department is such an integral part of our town and we give them \$2,500; my suggestion is that we not give more than \$2,500 to the little league. Now, I'm ready to listen to someone who wants to vote more. I don't have an objection to more, it's just when you get into comparing, we give one of our outstanding volunteer groups \$2,500, so I just suggest that that be considered. I'm willing to listen to a reason to go higher.

Mayor Jones: Less. Less.

Councilman Coté: Well.

Councilman Garde: And we also have the budget situation, which Councilman Coté's going to bring up.

Councilman Coté: It's not in the budget. This wasn't conceived of when the budget was being prepared, so it's not in the budget. I would offer that, although we had something else coming out of that... where we located some funds and some overage in the budget for the clock money...

Councilman Garde: And for the matching grant.

Councilman Coté: That line, might in theory, almost have enough to give them \$1,000, to give the little league \$1,000.

Councilman West: And Mr. Collier's just going to get over \$2,000 for his business license tomorrow afternoon.

John Collier: Councilman West, Mr. Collier doesn't get one thin dime.

Mayor Jones: Do you want to make a motion.

Councilwoman Parker-Selby: For \$1,000? I make a motion that we give the Milton Little League a \$1,000 donation.

Councilwoman Patterson: I'll second.

Mayor Jones: Any further discussion?

Councilman Garde: Only if that's not too chintzy.

Councilman West: Madame Mayor, I've got one question on that. Can we amend this if we see our way clear to donate more than that at a later time, that we can revisit this?

Seth Thompson: You can always bring it back up, but in other words, if you get to your budget review and for some reason the town has played the Lottery and won...

Mayor Jones: I guess we could, although in keeping with what we have given on an annual basis to other charitable groups, I'd like to at least now institute the \$1,000 that Councilwoman Parker-Selby has stated. I think it's a start.

Councilman West: Yes and that's why I said what I said, if we can see our way clear.

Councilwoman Parker-Selby: We can always amend it.

Seth Thompson: And Councilman West, maybe it gets brought back up. When is the budget review?

Councilman Coté: It won't be until May, because that's when we'll have the March 31<sup>st</sup> numbers, so we'll be able to look then.

Seth Thompson: I was just thinking, that would be a natural time to discuss it at that point.

Councilman West: Because they don't finish playing until the end of June and they'll

take donations all year long.

Councilwoman Parker-Selby: Oh yes.

Councilman Coté: So, in theory, we could do one now and one later.

Councilwoman Parker-Selby: That sounds good. So we'll amend it to do \$1,000 now and after budget review we could add an additional \$1,000.

Mayor Jones: Ooooh.

Seth Thompson: I think it's considering it based on what turns up in the budget review; at least that was my understanding of the intent.

Councilman Coté: That's what I would say; we'd consider another donation.

Councilwoman Parker-Selby: We would consider another contribution after budget review.

Councilman Garde: Another contribution to be named later.

Councilwoman Parker-Selby: I'm looking out for my young people.

Councilwoman Patterson: I'll re-second.

Mayor Jones: Everybody clear on those terms? All those in favor say aye. Opposed.

Motion carried.

Seth Thompson: That was a great baseball joke then too. An amount to be named later? That was really good.

- e. 2015 Sussex County Economic Development and Infrastructure Grant – approve project and funding

Mayor Jones: I know it's not on the agenda and I've had this little piece of paper in my hand for awhile, I just want to very quickly read this as kudos to the town. This came from FEMA and it says I am pleased to inform you that the revisions to the Town of Milton's flood plain management ordinance, as amended on December 1, 2014, brought the ordinance into compliance with the National Flood Insurance Program, as required, for Sussex County's updated Flood Insurance Rate Map released on March 16, 2015. Your efforts towards reducing future flood losses in the Town of Milton are commendable, so I wanted to say thank you to everybody who worked on that and got that in in a timely manner. We're now on the Infrastructure Grant that was given to us by Sussex County.

Kristy Rogers: We were made aware in January that the County had a surplus in their budget, so they opted to give that back to the towns. Ten thousand dollars came in to increase the law enforcement funding that they do give annually and then for a one time \$10,000 grant to the towns for Economic Development or Infrastructure. In conversations in Town Hall, I think it's best for the Town to use the \$10,000 for repairs of sidewalks, especially Magnolia Street, which is used frequently by those \_\_\_\_\_ the Library, in town, for events or anything of that nature, including the Farmer's Market. There is an attached quote, but this project does have to go out to bid; that's just for basis of discussion and again, the County's only giving \$10,000, the town would need to fund the balance. Now, Economic Development Committee, also, upon receipt of notification of the \$10,000 and did discuss, at their last meeting, options of how they would like to use the funding, which is also attached. There's a letter from Mr. Howard, the Chairmen of Economic Development Committee. I just think it's important for sidewalks, as Council did adopt a revised ordinance placing the ownership on the property owner in

responsibility of making those repairs and I think the town needs to begin working on their own sidewalks.

Mayor Jones: Okay, for just a moment, let's go over the three recommendations by Milton's Economic Development Committee. Item no. 2, the replacement of the town clock, we have handled this evening. Replacement of the trees on Union Street – because we have a June 30<sup>th</sup> deadline, Mrs. Rogers did point out this evening, that we will be visited again by Kyle Hoyt of the Department of Forestry for the State of Delaware. One of the things that's being asked of him, is not only the further and more careful maintenance of trimming our downtown trees, but giving us a recommendation of a comprehensive idea for the town's trees downtown. What we need, soil amendments. What will be best to be grown here. We're looking at the Howard Building, the Mercantile, having a lot of work done. Those trees are going to have to come down in front of that building. When it's time to replace those trees, it would be nice to allow that property owner to know what we will replace. Mrs. Rogers is in agreement. We can't get that finished by June 30<sup>th</sup> and get it out to the public and get public participation in on such a subject, so I think it is important to proactively take care of our own sidewalks and curbs, if we plan to initiate out policy, or our ordinance.

John Collier: It's on your website.

Councilman West: I would like to speak on this mural project, that's on that. They have their own committee. They came to the Milton Community Foundation and asked us if we would be the physical agent for them, to pay their bills. They're going to raise the money, they're going to run it through the Community Foundation and we're a 501(c)(3), so I don't feel at this time, until we see what's going on with this mural, that the town commit any funds to that, but we should commit our funds to our sidewalks, especially this one over here; because last week I talked to Greg, I walked out of here and it was lucky it was me; when I walked out through the exit of that parking lot, not paying attention, I stepped in one of those ruts and twisted my ankle; luckily I didn't hurt myself, but if had been an older person, if their bones were brittle, they would have broken their leg, or something.

Mayor Jones: And it was on the sidewalk portion of it?

Councilman West: No, where I stepped was in the exit part, between sidewalk to sidewalk on this end and so Mr. Wingo got the boys to go and cold patch it until we can get something done and I feel that we should do all that from there to Bodie's, to get it all fixed up, because God knows how long it's been, since it's been done and I feel that that should be priority one because our Farmer's Market season is coming up. Our Park season is coming up and we surely don't want anybody to fall.

Councilman Garde: Is this the north side of Magnolia; he's talking \$870...

Kristy Rogers: That's not included.

Mayor Jones: It's 220 linear feet.

Councilman Garde: Wait. There is a quote here for the north side and I'm unaware of any sidewalks on the north side and I'm just asking what that's about.

Kristy Rogers: That's not included as my recommendation. The north side are owned by an individual. So that's not to be included in this discussion.

Councilman Garde: Okay, thank you. So we're only talking about the south side, which is owned by the Town. I'm not talking about that portion that actually the Town owns up

to... we own the parking lot right?

Kristy Rogers: Yes.

Councilman Garde: We don't own the frontage in front of Bodie's? Do we?

Kristy Rogers: No.

Councilman Garde: And we don't own the frontage of what used to be an antique store, the guys on the corner?

Kristy Rogers: No. There's a picture...

Councilman Garde: So I think this quote, just to make sure, I think the quote is 225 linear feet, that's almost a football field, is that for just our piece, or is that preparing all the way from the corner of Union to whatever the road is?

Kristy Rogers: Mulberry. No, that's just the section in front of the parking lot. There's an attached picture which outlines what would be repaired; so from the corner of Magnolia and Union, to where Bodie's property line is.

Councilman Garde: Okay, cool. Thank you.

Councilman West: This is just one estimate, right? We have to have three.

Kristy Rogers: No, I will put the project out to bid.

Councilman Garde: This would not hit any of our exceptions given the proposed intersection?

Mayor Jones: No.

Councilman Garde: It's got to go out for the...

Mayor Jones: If we agreed upon this project, as Council, do you feel that all that putting out for bid, it could all be finished and completed by our due date?

Kristy Rogers: Yes.

Mayor Jones: Excellent. We're coming up on better weather.

Councilman Coté: If you want to go ahead and make the motion, I have the question of the grant's for \$10,000 and the estimate is for almost \$30,000; where's the other \$20,000?

Kristy Rogers: My recommendation is transfer taxes; infrastructure is an allowable expense.

Councilman Coté: That's good.

Councilman Garde: So there is an excess in the transfer tax fund.

Councilman Coté: We have received more transfer tax than we budgeted and the excess... the plan has always been to use the excess to do essentially infrastructure repairs. Now, it could have been a street. If we get part of it paid for, it's sort of like the clock. If we get part of it paid for by somebody else, it's a good thing, so there is excess transfer tax for that.

Councilman West: Madame Mayor, I'd like to make the motion that we proceed with letting the Town Administrator put this out for bid and proceed.

Councilman Kost: Second.

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

- f. Installation by Delaware Public Archives of a Historic Marker Sign for Milton Public School No. 196-C at Broadkill Road – **Removed per Councilwoman Parker-Selby**

## 12. 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: I need a motion to go into Executive Session.

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

Councilwoman Patterson: Second.

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

Councilman Kost: I make a motion to come out of Executive Session.

Councilman Garde: Second.

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

13. Discussion and possible vote on Executive Session items

Mayor Jones: I need a motion to come back into regular session.

Councilman Garde: I make a motion to come back into regular session.

Councilman Coté: Second.

Mayor Jones: All those in favor say aye. Opposed. Motion carried. Are you ready for us Mrs. Rogers? Councilman Garde did you want to make a motion?

Councilman Garde: With respect to the second item we discussed in Executive Session, I make a motion that we adopt what I discussed as a recommendation during the Executive Session.

Councilman West: I'll second that.

Mayor Jones: Do we need to be any more specific?

Seth Thompson: No. I have my direction.

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

14. Adjournment

Councilman West: I make a motion to adjourn.

Councilman Coté: Second.

Mayor Jones: All in favor say aye. Opposed. Motion carried. Meeting adjourned at 11:14 p.m.