

**Milton Town Council Meeting
Milton Theatre, 110 Union Street
Monday, February 2, 2009, 7:00 P.M.**

1. **PUBLIC PARTICIPATION** portion was called to order by Mayor Post at 7:00 p.m. Let it go on the record that C Prettyman, C Abraham, Vice Mayor Betts, C Hudson, C Duby, C Martin-Brown and myself, as Mayor, are all present.

Cliff Newlands, Oysterman Drive in Wagamon's West Shore: I was just wondering if the Town was going to produce a fiscal year-end budget vs. actual. You have the monthly reports that are done on the 20th of the month. I was just wondering if you were going to do an actual fiscal year end report and will the Town Manager actually present that to the Council?

Mayor Post: The end year report with the audit, is that what you're referring to?

Cliff Newlands: No in the past, at the end of the fiscal year in September, you've always published a fiscal year-end budget vs. actual report. None has been produced this year. It's only been done as of the 20th of the month; for the whole year; it's the actual fiscal year-end at September 30th.

George Dickerson: I would think that it's already been produced.

Cliff Newlands: It's not published.

George Dickerson: You're saying it's not on the web-site.

Cliff Newlands: It's not on the web-site and I was wondering if you were going to present that to Council, as well; because I've seen that the differences in the report are quite drastic this year.

Mayor Post: Absolutely.

George Dickerson: I'll check. At the end of the fiscal year the report that was generated would have actual year-to-date totals at the close of that year. Is the issue that it's not posted on the web-site?

Cliff Newlands: Two issues: one is that it's not posted on the web-site; which I normally would ask Stephanie if she will do that; but the second reason is that I wanted to know if you were going to present that to Council.

George Dickerson: I believe Council already has it. So it was presented.

Cliff Newlands: It wasn't presented to Public and Council. It may have been given to them but has it been explained to them; all the variances that are in the report, is what I'm asking? There are a lot of variances in that report. The one that I see at September 20th I would never want to go with that one. There are a huge amount of variances. That's why I would like to see the end of the year one. I would think that people would like to see that, as well.

George Dickerson: If Council requests it, they shall have it.

Cliff Newlands: That's why I'm asking them now. I'm nudging you.

Mayor Post: Every month we have a running total.

C Duby: He's saying that it comes as of the 20th of the month. He's saying at the end of the year there should also have been one at the end of September; to close out the year.

Mayor Post: Right; with the extra ten days, that should be done that way to show...

Cliff Newlands: I think that Council would want to see that.

George Dickerson: It was presented; he's talking about the explanation contained within the document.

Cliff Newlands: Yes.

Mayor Post: Okay.

C Martin-Brown: Mr. Newland, the closing date that you're looking for on the actual is September 30, 2008. Just so everybody knows for the record.

Mayor Post: Make sure Council states her name when she speaks.

Jennifer Bringle: I'm the new President of the Milton Garden Club. Different face; big shoes to fill. I just wanted to let you know new face, who I am, and to thank you Mayor Post and the Council for your continued support for our mission of keeping the Town beautification going. We totally appreciate everything that you've enhanced our Garden Club with and that helps us keep it going as successful as it has been by Katherine Grieg; so hopefully I can continue in that fashion. Also, we have the raffles Spring Clean-up coming in. Some people have known that we have it every year and it's a really awesome thing that the Garden Club does; it's \$5 each and it's for 10 hours of work to clean up your yard; or 5 people at 2 hours each donating their time. I've done it myself and it's a lot of hard work, but we get a lot of good, positive feedback from that as well. We have the Rodehouse Fundraiser coming up on February 16th; its lunch and dinner and they're donating 10% of the proceeds to us; so if you are hungry for some food at the Rodehouse, some good steaks and food, please come by. It helps support our group again. Also, the Tour is coming up and we need to sell our ads again, as well. Please see me if you want to advertise any businesses in the public as well as any personal ads that you might want to put in. We have \$1 items. That's all I have. Thank you.

Vice Mayor Betts: Thank you for accepting that position.

Mayor Post: We'll now close the public comments at 7:06 p.m.

2. **Milton Town Council** meeting was opened at 7:06 p.m. on Monday, February 2, 2009.
3. Please stand for a moment of silence led by Vice Mayor Betts.
4. The Pledge of Allegiance by all in attendance.
5. Roll call:

C Martin-Brown	Present
C Duby	Present
C Hudson	Present
C Prettyman	Present
C Abraham	Present
Vice Mayor Betts	Present
Mayor Post	Present

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

6. Additions or corrections to the Agenda
Mayor Post: We can remove b and c under New Business. Would someone make a motion to remove?
C Abraham: I would like to make a motion to remove under New Business item b, add new members to the Election Board and item c, Announcement of the Election Board members.
C Prettyman: Second.
Mayor Post: We have two motions and a second. Any questions to the motion? All in favor say “aye”. Any opposed, say “no”. Motion carried.

7. Approval of Agenda
C Martin-Brown: I would like to make a motion that we approve the agenda, as amended.
C Duby: Second
Mayor Post: We have a motion and a second. Is there any discussion? All in favor say “aye”; any opposed say “no”; Motion carried.

8. Presentation of the Minutes from July 28, 2008 (which was a straggler) and January 5, 2009.
C Prettyman: I make a motion that we accept the July 28, 2008 minutes, as presented and the January 5, 2009 minutes as presented.
C Duby: Second.
Mayor Post: We have a motion and a second. Any discussion? All in favor say “aye”. All opposed, say “no”. Motion carried.

9. Approval of Written Committee Reports
C Prettyman: I make a motion that we accept those written committee reports as presented to Council.
Unidentified Councilperson: Second
Mayor Post: We have a motion and a second; any questions to the written reports? All in favor say “aye”; opposed; motion carried.

10. Town Manager’s Report
George Dickerson: The first item I have, which is probably obvious to everyone at this time; there were two positions up for reelection which would be for a March election; which were C Duby’s seat and C Prettyman’s seat. They were the only candidates who filed. No one else did by the closing date, so those two are the only candidates that have filed so we don’t need to have an election in March. The other good news that came to pass; and most of you have probably seen that in the second annual year-end report; which I’m very proud of; is the staff had written a grant which was approved for \$150,000 for the park project. Some of the monies were made retroactive to those items which we had already purchased, so the total amount of \$300,000 that was going to be spent in the park; of which \$150,000 will be coming back to the Town. That’s really good news. Update on Rails to Trails:

On January 23rd there was a meeting in Town Hall with all the principles; that means the gentleman that was here that night, Michael Lane, for Becker Morgan; Paul Will from DNREC, who oversees the Brownfields grant; Davidson, who was the company who won the bid to do the work on the site; as well as Ten Bears Environmental. A very good meeting was held. What I'm proud to tell you is that the Town, in the Application for the Brownfields Project, has been funded for up to \$1,000,000; as soon as we make application, and that application has been approved, which it has; all the liability shifts off the Town and is now part of that Brownfields Project. That's very good news. The steps in the meeting that we had on the 23rd talked about the time line and the time line was spelled out by the Engineer, Becker Morgan; the time line is in line to be completed prior to the filing deadline date, which is June 20th, where the money would have to be forfeited. All parties at the table understood that. The Brownfields investigation is underway and, in fact, Paul Will has just written us a letter saying that the excavators, Davidson, can actually go in and do some preliminary work at this time to speed that process along. You may actually see them working out there now that this approval letter has come from DNREC. The next thing is that February 23rd, I think you heard me say this last month, is after tax billings have gone out; the year-end report is done; quarterly billings were due and in that turnover cycle from one calendar year to the next; in fulfilling that we also have by the 23rd to return the manuscript to General Code; which is the codification of our ordinances. That will be completed by staff; we have a list of meetings where the staff will be meeting and completing all of that by that deadline and returning that to General Code. That's all I have at this time. Are there any questions?

Mayor Post: All I really have a is a comment of what you were talking about regarding the Brownfields Project, just so the people in the audience will understand that that project will now include all the way out to Lavinia Street, which is my understanding.

George Dickerson: That is correct.

Mayor Post: So when the project is handled it will only be handled once for the Brownfields Project and they're taking it from Cannery Village out to Lavinia which is right there at Wagamon's, up to \$1,000,000.

George Dickerson: The application included that so if we were going to clean it up in a future project; do it all at one time and be done with it. The first phase of that will only be the part that we're doing with the actual paving.

Mayor Post: Because we have other funds that we are trying get in there if we can, to enjoin that to spend that money.

11. Written Reports from:

a. Maintenance

Vice Mayor Betts: I have a question. It's dated December. Is this for December or January? It tells about work done and I was just wondering if it was for December's Monthly Report or is it January's Monthly Report?

Allen Atkins: It's just for January.

Vice Mayor Betts: It says install Snowflake Christmas Lights on Union and Federal. That wouldn't have happened in January.

Allen Atkins: It was removing them.

Vice Mayor Betts: So it's an error just on the date.

C Prettyman: I make a motion that we accept the amended monthly Maintenance Report for December 2008 through January, 2009, as written.

C DUBY: Second

Mayor Post: We have a motion and a second; any more discussion to the maintenance report? All in favor say "aye"; opposed; motion carried.

b. Project Coordinator/Code Enforcement

C Prettyman: I make a motion that we accept the Project Coordinator/Code Enforcement Report for January, 2009, as written.

Unidentified Councilperson: Second.

Mayor Post: We have a motion and a second; any more discussion to the Project Coordinator/Code Enforcement report? All in favor say "aye"; opposed; motion carried.

c. Police

C Prettyman: I make a motion that we accept the Police Report for December 21, 2008 to January 20, 2009, as written.

Unidentified Councilperson: Second

C Prettyman: I also want to thank the Police Department, because I am noticing that our complaints have come down quite a bit in the burglary area, and that makes me feel good and I thank the Chief and his department.

Mayor Post: We have a motion and a second; any more discussion to the police report? All in favor say "aye"; opposed; motion carried.

12. Old Business

a. Discussion and possible vote on Tree moratorium

Mayor Post: C Hudson would you like to give the background on this?

C Hudson: Not too long ago we passed a 6 month moratorium on demolition of homes, while the Historic District Expansion Ad Hoc Committee prepared ordinances along those same lines. I was hoping that perhaps we could prevent the demolition of trees which we would move forward with a tree ordinance. Preserving our homes and historic assets help to preserve the character and quality of the Town and along those same lines; preserving trees in this town, help to preserve the character and quality of the town; especially trees that are heritage trees. What I am asking is that Mayor and Council consider having a committee or a board or a commission prepare a draft of a 6-month tree moratorium. Construction is down at this time. I don't think it would hurt too much to ask people to hold off cutting down trees, for a specific period of time, while we went ahead with developing a tree ordinance. So there are three different ways of looking at this: 1) we could take no action, assuming that no one has an interest down the road in a tree ordinance, therefore there would be no need to have a tree moratorium; 2) we could have a minimum set of restrictions to limit tree removal for a particular period of time, while we

develop the tree ordinance; or, 3) we could have a very comprehensive tree moratorium as a template for the actual tree ordinance. Basically, that's it in a nutshell. Just assuming a committee was asked to prepare a tree moratorium, it would take a period of time; this wouldn't be instantaneous; we wouldn't be deciding tonight to vote on a tree moratorium; what we would be deciding is to have a committee go ahead and prepare a tree moratorium; which would take from several weeks to several months and then come back to this Council with the Draft of the Tree Moratorium. There would be public participation and a chance for the public to comment on the tree moratorium; it should be posted on the internet and then proceed, hopefully, with the help of the Town's Solicitor to develop a tree ordinance.

C Prettyman: I would like to make a comment. First of all, I really don't see the need for a tree ordinance; because if we have a developer come in and they're going to cut down trees for clearing off a lot, the Planning & Zoning Commission already has something in place where they can request that the developer come back and plant X numbers of trees in that development to replace whatever they are removing. Secondly, I really have problems with the government telling people on their own land, about cutting their trees. Thirdly, we would have to hire an arborist to come in here and finalize and that would be taxing on the Town that we just can't afford anymore taxing on our taxpayers. I personally am against having any type of an ordinance. I think we have lived in this Town for over 200 years and have not had a tree ordinance; and I feel that a resident on their own personal property should be able to do what they want; but in clear cutting I feel that the Planning & Zoning Commission has in place something where their committee recommends that a developer replace trees that have been removed. It has been done in the past and I don't see why it would not be done in the future.

C Martin-Brown: I think we have a point of order. Before we entertain comments, shouldn't there be a motion on the floor from C Hudson?

Mayor Post: You can discuss it without a motion.

C Martin-Brown: You can.

Mary Schrider-Fox: The Chair has the authority to do that.

Mayor Post: We've done it in the past. I would say different if I thought it was a problem to discuss it; I think it's healthy to discuss it.

C Martin-Brown: I thought the discussion followed the motion.

Mayor Post: Joan, but then you can call it either way. As there is no motion right now on the floor, then I think that I don't even know if it will get a motion, at least what we can do is to discuss it.

C Prettyman: The Councilperson did not have a motion on the floor.

C Martin-Brown: Then, Mr. Mayor, if I may proceed to discuss it. This situation about trees is a contentious one because not only is it a matter of property rights; but it's also a matter of what trees do in terms of the general good for the community at large. Trees play a very important role on erosion; on creating capacity to uptake water to avoid storm run-off; they provide habitat; they provide cooling; they provide an ambience; there have been all sorts

of studies by real estate experts in terms of setting the price value of a house. You see them advertised, in fact, the property includes mature trees and landscaping and it adds to the value of the property that the individual owns. I think that there needs to be at least a committee to take a look at the complexity of these issues; although I understand my colleague, Mr. Prettyman's position on what developers do; successful developers have also entertained restrictions on what they can cut down when they are developing an area and they can flag trees that can not be removed. Once trees are removed and they are 200 or 300 years old or 50 years old; when you replant trees, they usually stay in a dormant state for 1 to 2 to 3 years, depending on the height of the tree, before they become active players, if you will, in the ecology of an area. I am willing to make a motion that there be an ad hoc committee to explore the merits of 1) a moratorium or 2) how the Town and the individual can best balance their interests when it comes to trees. I don't know how to proceed beyond that, Mr. Mayor.

Mayor Post: I'll add to this conversation. First of all, we have the ordinance committee pretty much winding down now; would you not say C DUBY within 60 days, at the most, that we will be ready to present the process part of it? Immediately following that, I'm planning on appointing an ordinance revision committee who will oversee problems that exist in many different ordinances in the Town; so that committee will form. What I might recommend, if it's a pressing issue immediately, instead of forming another committee, would be that it get sent over to Health & Environment and let them take this on and C Hudson chairs, therefore, she'll have the interest of driving it to come up with some ideas. Obviously, when it comes forward, it is a yea or nay; but this way Mary's group could work on it; then I will be appointing in the near future, as I said I'm hoping within 60 days; a committee that will be looking at ordinances. For me there are issues with telling people to a point what they can and cannot do. I see both sides of the issue. I do think the ordinances have great flaws in them; meaning I think there is excessive clear cutting that goes on and things like that; and I think we do need to tighten up our clear cutting along the river. There are some things where I hope we can reach a little bit of a happy medium; instead of telling people that they can't cut their trees down in their yard. I think the best thing would be to send it over to Health & Environment. I believe, Joanie you're on that, as well.

C Martin-Brown: Yes, Mr. Mayor.

Mayor Post: So, there you go. Send it over to Health & Environment and you guys can work together to make some suggestions and possibilities and at the same time think that this committee will be forming, which will be the Ordinance Revision Committee, and where there are some voids within the ordinances as well. Instead of forming another committee, I'm just throwing this out there.

C Prettyman: I'm in agreement with C Martin-Brown on the trees and the nature; and how the trees shade, and all that; but I am very, very concerned about government telling residents on private property what to do with trees;

again I would like to reiterate that our Planning & Zoning Commission does have that covered; if you cut X amount of trees down; they must be replaced. I know it has to be something that is followed through. A lot of times we have things on the books that we don't follow through on; and I think this is something with the clear cutting of trees that we follow through on and make sure that the proper trees are planted, nurtured and brought back. Sometimes they will put trees up; they die and that's it; and nobody sees follow through on that. The one thing that I have a serious issue with is to hire an arborist to come in and the Town would have to hire that arborist; and to pay him to say yea or nay on that; I just have problems with taking the taxpayer's money to hire an arborist and tell them on their property what they can do. That is something I don't think government needs to be doing. That's how I feel.

Mayor Post: But C Prettyman, don't you think though that it's fine if a couple of Council Members want to do the research and possibly bring some things back to us or possibly recommending some issues over to this other committee when it comes; instead of discussing it tonight in an ongoing discussion about this issue; I think, first, send it to Health & Environment and let them work on it. Then you can discuss it in depth about what you're passionate about, or not, in regard to trees.

C Prettyman: Thank you and I will go along with your wishes on that.

C Duby: I agree, I think there is a lot more factual information to be gathered on this; looking again at other times; what they've done, as well as the issues that my colleagues have raised. I would like to make a motion that we refer the issue of both tree ordinance and a moratorium during the development of that ordinance, to the Health & Environment Committee for their input.

Unidentified Councilperson: I second that.

Mayor Post: We have a motion and a second. Any further discussion?

C Hudson: My understanding from the motion that was made, is that first we would start with a draft of some type of tree moratorium; it may be very limited; it may be very comprehensive; whatever the group works on and decides on; then we bring it back for further discussion; and vote yea or nay, up or down; start with that?

Mayor Post: It's in your committee's hands so you can decide how you want to handle it.

C Duby: I think C Prettyman has raised a number of issues that are relevant to the issue of a tree ordinance; whether we need it; whether we would have to have an arborist, etc. The concern I have, just for your information, is just as I had concerns with the length of time that we have a moratorium on demolition of houses; I would have a concern about that here, as well. I would like to see that work on a tree ordinance, if the recommendation is to be that we will have one, I would like to see that the work on that is underway and looks reasonably doable within a certain amount of time, before we enact a moratorium. I don't think we want to enact a moratorium on any cutting down of trees for a year and a half, while we diddle around about whether or not we're going to have an ordinance or not. I think we should look at the ordinance; figure out what the

issues are; would be my recommendation; and then figure out how much of a moratorium you need given what research you might want to do, to address people's concerns; and then come back with a request for what you need.

C Hudson: Actually the idea of a moratorium is just like with the demolition moratorium, was to give the committee time to develop an ordinance; it's almost like putting the cart before the horse to say let's develop an ordinance; meanwhile people are cutting down trees because berries are dropping in their driveway or I've had people tell me that they've cut down trees because they didn't want to rake leaves; over in the Preserve they are clear cutting. Milton is on the map because the second oldest Dogwood is at 221 Atlantic Street. If anyone wants to stop into Diane Jefferson's front yard and take a look at it; she could cut that thing down tomorrow; there's nothing to stop it. The moratorium could be something as simple as saying don't cut the native trees and you have a specific list of native trees; 20' around circumference; 25' high, without first going to the town to get a permit; at no cost; the permit could be granted. This doesn't stop you from cutting down trees; it's trying to put a finger on the dike perhaps; because we have lost quite a number of trees in the last few years, Sycamores, and... What I'm saying is you don't need an arborist if you have some very simple rules like 20" around and 25' high. You can have a very, very minimum set of restrictions to kind of hold thing up on tree removal like to proceed with an ordinance. What I'm saying is that the committee can only work on one thing at a time.

Mayor Post: But, Mary, I think you are doing a very good job right now. That's the thing is that you need to be discussing this within your committee group and talk about those issues and then bring it forward. That's why working in the committee can pay, because instead of sitting here tonight discussing three hours on something that will not be going anywhere tonight anyhow.

C Duby: The thing I would request that you have a time limit on it. You come in and say we think it would take us 3 months to do this ordinance, so we're asking for a moratorium on these things for 3 months. I hate these moratoriums that go on and on and on. The reason for having it is to be deal with it.

C Prettyman: I feel that C Hudson is in her seat and she needs to let this rest and sit with her committee and bring back to the Council in a reasonable time, their decision on what they would like to do and move on.

Mayor Post: Are we ready to take a vote on just sending it to committee? We have a motion and a second; we've discussed it at length. All in favor say "aye"; opposed, motion carried.

13. New Business

a. Schedule the date for Greening Event

C Prettyman: I brought to you in December the Proclamation for Greening. I now would like to go one step further and to bring to you vendors to set up in the Fire Hall as to recycling your batteries; your cell phones; and even vendors that have building equipment; solar lighting; I have been in contact with quite a few of the vendors and they are quite interested in coming to the Town of

Milton. I was talking and I thought a good time would be the 22nd of April, which is Earth Day. Earth Day falls in the middle of the week and I would like to get permission from Council, if I can go forward, and have it on the 25th of April from 9:00 a.m. to 1:00 p.m. I have been in touch with the Fire Hall and I'm pretty sure I can get that, which will not cost the Council anything to utilize it for that time period. I have also been in touch with C Martin-Brown because I didn't want to step into her area on Economic Development and everything; because I think these go together and I feel that it is something that we need to really look at and look at very closely; how we can continue to green our Town with the Proclamation that Mayor Post read at our December Meeting and to show the community that we are serious.

C DUBY: I think it sounds like a great idea, C Prettyman, and I would support it heartily. The only thing I would caution is that you might want to get to the Fire Hall to see about April 25th; that evening is the Historical Society Dinner, and they may be wanting to set up during that day; so that might not be the best day for them.

C Prettyman: I have been in touch with them and I know they're going to call me next week and let me know if there is a problem with that date. Then I will either use the Saturday before or the Saturday afterwards. I have already talked with them and they will have a meeting on Tuesday next week and they will get back to me. I thank you for bringing that up, because they didn't even bring that up to me when I was talking to them. As long as I know it's approved by Council I can go forward in getting the vendors in; whether it's the Saturday before or the Saturday after; but I would like to go ahead and get it approved by Council so that I can go ahead and continue to contact my vendors to have them available.

MAYOR POST: Are you looking at this as a Town-sponsored event. When you talk about getting our approval, do you want it to be something that the Town of Milton is putting on?

C Prettyman: Yes, well the Town Council would be responsible.

MAYOR POST: I'm just trying to get an idea.

C Prettyman: It's not a Noble thing; it's a Town thing.

MAYOR POST: Supported by the Council and by the Town.

C Prettyman: I'm just being the Coordinator, because I have attended several meetings up and down the State and I have made contact with quite a few people that would be more than glad to come and it's just my thing now to get the Council to approve so that I can go forward.

MAYOR POST: Are you talking about any monetary obligations from the Town or are you talking about just getting our approval?

C Prettyman: The Fire Hall is going to be donated to us. I will check with some of the businesses for coffee and doughnuts and things. It will not cost the Town anything.

MAYOR POST: We need to coordinate it with the staff so that maybe we could put it like an insert in the bills or a press release.

C Prettyman: Mr. Mayor I need your approval and then I need to get approval from the Fire Hall for the dates and then we can move forward. I definitely need the Town Council's approval to go forward.

C Martin-Brown: Mr. Mayor, this would be a welcomed initiative by our Economic Development Committee if we needed to have some recommendation to the Council. This is a real opportunity to bring new businesses to Town and secondly, because I am with the Milton Community Foundation, I would be happy to put a proposal before the Foundation to contribute some money towards this, if you needed some, as another outreach effort so that if there was a cost, we could certainly entertain it, Mr. Prettyman.

C Prettyman: Thank you C Martin-Brown.

Mayor Post: What date did you say again, tentatively, the 25th of April?

C Prettyman: Yes, I said the 25th, but I realize that C Duby has brought up about the Historical Society.

Mayor Post: But you'll move forward; get a date; get a date set with the Fire Company.

C Prettyman: The Fire Company is going to get back to me on Tuesday and when I was talking to Chris, he wasn't sure so I'm sure he wasn't aware of the 25th being the Historical Society Banquet; so they'll get back to me. I need approval to set this up.

Mayor Post: You need approval, but you can arrange the date; if it doesn't work on the 25th, you'll work with the Fire Company for what date will be good for them. Since they're donating the space, I think you have to work around them. That sounds good to me. Someone please make a motion.

C Martin-Brown: It would be my pleasure to propose that the Town Council approve the convening of a Greening Event to be coordinated by C Prettyman on a date available at the Fire Hall.

C Duby: Second.

Mayor Post: We have a motion and a second; any more discussion to this; all in favor say "aye"; opposed; motion carried.

C Prettyman: Thank you.

b. Adding new members to the Streets & Sidewalks Committee.

Mayor Post: Vice Mayor Betts had presented some names to me that she would like to see added to this committee and I'm proposing these four members tonight, and that is P. D. Camenisch, Norma Krause, Patty Millman and Anthony Mastromarino to the Streets & Sidewalks Committee.

Vice Mayor Betts: I would like to make a motion to accept these four people for my Streets & Sidewalks Committee.

C Prettyman: I second that.

Mayor Post: We have a motion and a second; any questions to the motion; all in favor say "aye"; opposed; motion carried.

c. Streets and Sidewalk Committee recommendations.

Vice Mayor Betts: First of all, I would like to get a motion from the Council. We have tried on several occasions to bring the sidewalk issue up; we've had committees; we've done just about everything and I would like to know what the Town Council would like the Sidewalk Committee to do. Are they going to enforce our ordinance? If they are, I would like a vote on that tonight in order for us to go forward with getting the sidewalks fixed. If I get that motion, I will go further.

C Prettyman: Can I say something in discussion? Since all the other communities and everybody in the country right now are going for a stimulus package, why can't we contact Senator Carper about getting a stimulus package to do the sidewalks on that street and have it a one time thing?

Vice Mayor Betts: That's fine, but that's not what I'm asking right now. I'm asking for a vote from Council to see if they would want us to go forward with the ordinance in Chapter 16 that the property owners pay for it. Then if I get that motion I would like to propose a workshop to bring your ideas and everyone else's ideas and the procedures that will take place. Because if we do not get this passed tonight to go forward, then if someone falls on our sidewalk and we have it in the ordinance, that they are responsible and we do not enforce it; it's going to be on the Town.

C Prettyman: I concur with everything that you are saying, C Betts, and I'm 100% in agreement with you.

Vice Mayor Betts: I would like to make a motion that we go forward and follow our Chapter 16 ordinance regarding sidewalks.

C Prettyman: I second that motion.

Mayor Post: We have a motion and a second; now it will be for further discussion. We've discussed this to the extent that I've got a lot of mixed feelings on this. I understand it and go with it how you want; but we have discussed this thing and discussed this thing; and I'm a little confused because there were some good things thrown out there on the table; we've had a workshop on it, right here; and I remember Mr. Grieg talking about some things in his town, as well. First of all, we've got some serious economic problems right now. It used to be in this Town, because I remember it, that there was a sidewalk reserve account that was set aside where people, especially indigent people that could not afford it, because I'm telling you right now if you think just because you're setting up and doing a sidewalk project and enforce it; there's going to be people that will not be able to get a bank loan; and they will not be doing it. I've said all along that we really do need to get our ducks in a row and you had mentioned about a workshop.

Vice Mayor Betts: I wanted to see if Council was serious to go along with our ordinance. It's in our ordinance that the sidewalks have to be repaired and up-to-date. I wanted to see if the Council is in agreement with that. If they are not, then I want it to be the Council to say no we're not going to follow it. If we do follow it; I want a workshop that we can make available to the people that can not afford to fix the sidewalks; make some recommendation as how to do it; but if we're not going to follow through; there's no need to have the workshop.

Mayor Post: Those sidewalks for example on Chestnut Street didn't happen that way in 1 or 2 years. They've been that way for 10 or 12 years; the ordinance has not been enforced. I have no problem enforcing the ordinance.

Vice Mayor Betts: That's what we are going to discuss at the workshop; that we get the money and do it for the people and have them apply to the Town and get a loan with a low interest rate; but all that comes at a workshop. We're not discussing the procedures and how we're going to do it and what can be done. I just want to know if we're serious about getting the sidewalks fixed, as Chapter 16 states. I don't want people coming back and saying that the Streets & Sidewalks Committee will not do anything and that is happening. If we're not going to enforce it, then I want it taken out of the ordinance.

C Prettyman: What C Betts is saying and I'm saying we have spent probably the last 10 years talking about the Chestnut Street sidewalks. It has been something that is deplorable. It has been something that Sen. Adams and Sen. Carey have put money into; to no avail; nothing has been done. Where C Betts is coming from, and I hope we're both on the same page, is that enforcing it would allow the residents of the community in this hard time to put up X amount of dollars, set up an account where they can pay a portion over a period of time, so that we can do these sidewalks all at one time and not piecemeal this sidewalk here and that one there. From Cannery Village down to almost Atlantic Street and do it at one time. She wants to go and meet with her committee on that and to see where we are; how much money we have still left in that account; we should have it all; and to go from there. We need to be ready tonight to give her and her committee permission to go forward and to bring back to the Council some decision on how we are going to solve this problem. We talk about our being a walking community; but how can we be a walking community when our residents are falling on the streets and who would want to walk from Cannery Village or Chestnut Crossing down to any of our restaurants and the chance of coming back home and maybe falling or hurting themselves. I think this is very serious and Vice Mayor Betts sees that and I think we need to start looking at it. I remember back in 2003 we had this same discussion and now we're in 2009 and we're nowhere. What has to happen before we move on this?

Mayor Post: I thought we were getting recommendations back from the Streets and Sidewalks Committee on the way we would be moving forward. If we're going to have a workshop, then we need to have a workshop with Council.

Vice Mayor Betts: That's what I'm proposing. I just wanted to know if Council is serious because we talked about it so much and we've never had anybody discuss whether they are really serious about having it done. First of all, we have to have approval if we're going forward with it, from the Council. Then we'll have a workshop where we can discuss (Mr. Dickerson and I discussed it today) several ideas. The whole Council has to agree with the way it's going to be done. It may take money that we have to borrow to put the sidewalks in and then charge it back to the property owners. Or we could put in an account from the Town or put a special amount in the sidewalk committee and work from that; but each person would have to have a criterion if they wanted to borrow

the money. There are several ways to do it; but I would like to make sure that you want to have this done, before we take the time to have a workshop again like we had before and nothing was done.

C Prettyman: I would like to make this motion that giving Vice Mayor Betts the opportunity to meet with her street committee and bring back to the Council for a workshop, their discussion and how they see forward and then we can move on from there.

Vice Mayor Betts: We've already done that; it's in your minutes.

Mayor Post: We've done that.

Vice Mayor Betts: We just wanted the approval to go forward with it from the Town; to go forward with a workshop and get the kinks and the procedures and whatever mechanics we need to do.

Mayor Post: Are you asking tonight for a workshop or are we asking for the ordinance to be immediately enforced as it stand on the books?

C Hudson: I think we should start with the workshop first so we can all put our ideas on the table and reach a consensus and I don't see that the Council should vote to enforce an ordinance that's already on the books. I would ask our Town Solicitor if that's necessary for us to vote to enforce any ordinance. They're there and they should be enforced so I don't think we need to have a vote; but I think rather than just jump right into enforcing it, we should just go ahead and have our workshop first, so we can all hash it out then.

Vice Mayor Betts: I agree with you Mary, but I want to be sure that the Council is going to back it after we do it. We have to back the ordinances.

Mayor Post: We support the ordinance; but I think there is no structure in place; we have a \$30,000 bank account; we already have it as a line item; we have money in reserves and if we are doing it at a percentage interest loan rate; we just can take X amount of dollars out of cash reserves; put it into an account that is a revolving account; it's not going to be where it will be spent and it's gone; it will be repaid, repaid, repaid, repaid. I know that's what you are talking about; but I think the key here is not to talk tonight about the ordinance being enforced, because we haven't done it for 10 years. Something's got to be done. You're saying you're making a recommendation; that's great; and I think at the workshop you should have your full committee there and the Town Council and we can work through this and by the following month, hopefully, we'll have something concrete or close to it to vote on that's going to work for everybody. I think that's where you're going with it; but I'm hearing about enforcing the ordinance. We haven't done it for 10 years and this is where we've been in this limbo of how we should handle it. Technically, we should enforce it, so if you're telling them to enforce it; tomorrow he can send a letter to every one of those property owners and demand that they fix their sidewalks.

Vice Mayor Betts: But I don't want to come back and then have someone on the Council say that we want to do it right and I'd like to have a workshop to get the procedures the way we're going to handle this.

C Hudson: It's like the Health & Environmental Committee. First we take time to write up a tree moratorium and then later on, perhaps, a tree ordinance.

There's no guarantee that any of you would vote yes for either one. There are no guarantees.

Vice Mayor Betts: I understand that, Mary. We have something that is an ordinance; yours is not an ordinance yet.

C Hudson: I know.

Vice Mayor Betts: We have it and we want to know if we can enforce it.

Mayor Post: You can enforce it; because we don't have to vote on an ordinance that is on the books. The thing has been in limbo for so long.

C Duby: I don't think anyone of us on the Council would be acting in the best interests of the Town if we actually voted not to enforce an ordinance that is on the books for the Town.

Vice Mayor Betts: Can I say this? Do you want a workshop then; if you don't tell me?

Mayor Post: Absolutely. I want a workshop.

Vice Mayor Betts: We have a tentative date of February 19th at 7:00 p.m. at the Milton Mariner's School.

C Duby: Two of us have another commitment that night, another meeting.

Vice Mayor Betts: George or Stephanie can you check to see another date.

Mayor Post: What's the consensus of a date here for everybody? I'm very flexible.

Vice Mayor Betts: How about the 25th? It's a Wednesday.

C Duby: I have a Parks & Recreation meeting that night. Tuesday, the 24th?

Vice Mayor Betts: No, I can't do it.

Mayor Post: How about the following Thursday, the 26th?

Vice Mayor Betts: That does not work either. This would start at 7:00 p.m. Would yours be over by then?

C Duby: Could be.

Mayor Post: We could just make it over at 7:00 p.m. Yes, February 25th.

Vice Mayor Betts: Stephanie could you try that to see if that would work? It doesn't work here; either here or at Mariner's Middle School.

Mayor Post: That would work best.

Vice Mayor Betts: I have something else. Discussion was held by the committee and they recommended that the stop sign coming down Behringer into Chandler Street be removed because they thought that would be a hazard; for safety purposes. It's up to the Council what they decide to do. They just asked me to bring it to the Council. It's a three-way stop. It's a stop sign coming out of the Preserve; they felt that should stay; the Behringer Avenue stop sign coming down to Chandler, they asked to have removed.

C Duby: The one on Chandler when you're coming down.

Vice Mayor Betts: When you're coming down Behringer.

Mayor Post: Why would we remove that one?

Vice Mayor Betts: I'm just bringing it. This was the discussion.

Mayor Post: We need to put that formally on the next agenda, George, we're being told. That's a formal matter.

C Prettyman: I would like to hear how the Chief of Police feels about that stop sign being removed.

Mayor Post: Yes. And our Town Solicitor is saying that the public may have some strong reasons why the stop sign should not come down; especially people who live on Behringer.

Vice Mayor Betts: It was just a discussion to be brought here tonight.

Mayor Post: I'll throw in my two cents for the discussion; if you're going to remove any, remove the one on Chandler; because the other one... We have a problem right now and I live up there; so I'm curious to know who was it; was it somebody on the street that wanted it down? They fly down there.

Vice Mayor Betts: It was just a request.

Mayor Post: I would like to see speed bumps at the top of the hill, I've told the Chief.

Vice Mayor Betts: It was when it was icy and went to make a stop at the stop sign; at the end of the hill.

C Hudson: I think it would be almost to the point of killing people to take that sign out because in the summer people walk on that street. You take that sign out and people will come right down that hill.

C Prettyman: I feel that this should be on the agenda for the next meeting for discussion with a report from the Police Chief and the Sidewalk Committee. Thank you.

Vice Mayor Betts: Thank you, Noble. The committee also recommended sending a complaint letter to DeIDOT in regards to the drainage problem on Union Street by the cemetery. They felt that the water there is bad when we have a rain, it's really flooding there. They wanted to recommend that to be done. Okay. I'm not asking for a vote, I'm just telling you.

Mayor Post: George can send a letter.

Vice Mayor Betts: I'm just asking for a letter to be sent by our Town Manager. The committee addressed the issue regarding the request for the handicapped parking space by Golden Rule Lodge. The Lodge requested approval for the space on the street and funding of \$2,900. The committee recommended approving the request for the space on the street, but it would have to be up to the Council for the approval of the \$2,900 by the Town.

C Duby: C Betts, that's not accurate. The Lodge did not request the funding. The Lodge asked what they had to do to put a place in, thinking that they merely had to maybe put a sign up; and after they made the request for information on how to get a handicapped parking space; our Town staff, as a courtesy to them; got an estimate on how much it would be. They did not request the funding.

Vice Mayor Betts: They did not request the funding. That was not understood in the letter. Okay. They're just asking for the approval of the space.

C Duby: They were just asking what they would have to do and when they found out that they would have to spend \$2,900, they said don't do anything.

Vice Mayor Betts: I didn't have that information.

C Duby: That was in the letter that I gave you. I'm sorry that there was a misunderstanding; but there was no request for anything.

Vice Mayor Betts: Thank you. The committee asked if the Town Engineer would inspect the sidewalks, curbs and drainage at Wagamon's West Shores to see if they are up to code.

Mayor Post: He has. Hasn't Bob Kerr inspected the sidewalks and the streets?

Allen Atkins: We did a walk through with Cabe Associates, last week.

Vice Mayor Betts: I talked with Mr. Dickerson and he didn't say that it was done. It has been done, Mr. Dickerson.

Allen Atkins: They've just done a walk through and inspection and they made a punch list to be done.

Vice Mayor Betts: Okay. Thanks, Allen. That's it.

14. Executive Session: Discuss on several matters

Mayor Post: We do need Executive Session tonight, so we'll need a motion to go into Executive Session.

C Martin-Brown: I make a motion that we go into Executive Session at 8:12 p.m.

C DUBY: Second.

Mayor Post: We have a motion and a second; all in favor say "aye"; opposed. Motion carried.

C DUBY: I move we come out of Executive Session

C Prettyman: Second.

Mayor Post: We have a motion and a second; any discussion to the motion? All in favor say "aye"; opposed. Motion carried.

C DUBY: I make a motion that we take the legal steps that we discussed in Executive Session and direct our attorney to do so.

C Martin-Brown: So moved.

Mayor Post: Any discussion to the motion? All in favor say "aye"; opposed. Motion carried.

15. Adjournment

C Prettyman: I move that we adjourn at 9:08 p.m.

C Martin-Brown: Second.

Mayor Post: Any discussion to the motion? All in favor say "aye"; opposed. Motion carried.