

Town of Milton
Town Council Meeting Minutes
September 7, 2004

7:15 p.m. – OPEN FLOOR:

Ed Harris: 1.) stated that 90% of the development that goes before Council and Planning & Zoning then changes hands. Do the guidelines transfer to the new owner? Mr. Evans stated that they must adhere to the final approval. 2.) thinks the Town library was a big mistake. How is its design historic? The plans he saw didn't resemble what it is now. It is the laughingstock for public libraries. There is no landscaping and no windows. 3.) thinks the Theater looks like a Mexican Restaurant.

Don Post: 1.) thinks the Mayor and Council should focus on Town Hall, Police Department, and the Fire Hall remaining downtown. They are the nucleus of the Town. He thinks the downtown is going backwards. 2.) thinks we should "think out of the box". Builders are being misled by what they can do. We should be creative and encourage positive growth and not "shut the door". 3.) has concerns about the downtown in general. Milton Sausage & Scrapple's dumpster in front of the store smells atrocious. It shouldn't be in front of the business. 4.) thinks the alley between Milton Hardware and the flower shop looks like walking into Harlem. It should be made part of the brick walk of Governor's Walk. 5.) thinks we should have a sign directing people to parking. 6.) asked the status of the banners. 7.) thinks there is a lack of interest in the downtown. 8.) thinks water and sewer should be on the Town's own land and should go to a referendum if necessary. 9.) thinks Council should keep the moratorium on – there is so much development. 7,000 units is a little scary – or approve them with no water and sewer. 10.) the piping on Atlantic Street looks a mess. 11.) thinks Town should blacktop entrance to Park. 12.) asked about an "open container law" in the park.

Gail Merz, owner of Federal Street Gallery: concerns regarding Strawberry Alley – urinating, drinking, etc. During Bargains on the Broadkill, there was a man (drunk) charging cars \$1.00 to park in their parking lot. She asked if there is a law against public drunkenness? Also, hopes the Police will keep an eye on the alley and something can be done.

Norm Lester: 1.) the sound system is poor. 2.) minutes should be available at meetings to be looked at. 3.) he brought some impropriety regarding certain members of Council not abstaining from votes that "involve" them. 4.) the downtown looks crummy. The old "Getty" sign reminds him of a ghosttown. There has to be some way to improve the downtown.

Joy Lester: question regarding the vegetation in the park behind the train station. Councilman Fleetwood noted that some of the area is wetlands and that rip rap is to be installed.

Councilwoman Betts stated that Council should hold a workshop to work on these issues.

Open Floor was closed at 7:35 p.m.

Councilwoman Betts offered the opening prayer, followed by the Pledge of Allegiance to the Flag.

Mayor Bushey called the roll.

PRESENT: Mayor John Bushey
Councilwoman Leah Betts
Councilman Jerry Hudson
Councilman Gene Dvornick
Councilwoman Ronda Melson
Councilman Charles Fleetwood
Councilman Noble Prettyman

Others Present: Jocelyn Jenkins, Town Clerk
Eric Evans, Code Enforcer
Stephanie Coulbourne, Finance Clerk
Dawn Johnson, Administrative Assistant
William Phillips, Police Chief
Tim Willard, Town Attorney
Bob Kerr, Engineer
Scott Hoffman, Engineer

Presentation and Approval of Minutes

Councilman Dvornick made a **motion** to accept the minutes of the July 6, 2004 regular meeting, seconded by Councilman Prettyman.

Motion carried – “Aye”

Councilman Fleetwood made a **motion** to accept the minutes of the August 2, 2004 regular meeting, seconded by Councilman Prettyman.

Motion carried – “Aye”

Committee Reports

Sewer & Water – Councilwoman Melson reported that the Committee recommended approval of the contract for repairs and/or service several items at the Maintenance Department. Also, the Adhoc Committee has met with two development teams to look at Wastewater Treatment options. The next meeting is September 14 at 4:30 at the Fire Hall.

Streets & Sidewalks – Councilwoman Betts reported that the Committee met and compiled a list of streets for repair. DelDOT has been contacted regarding the light at

Routes 16 and 5 and a car count will be made. A sign at the light has also been requested telling people the entrance to Food Lion requires a left turn at the light. With regard to the fence behind the Fire Hall parking lot, the Committee recommended that the Town put the fence up if the Fire Hall grants Town Hall 4 parking spaces in writing, otherwise, the Committee doesn't think the Town is responsible for the fence. With regard to the Alley, Mr. Willard wants to look at the costs to abandon them and if DeIDOT plays a role. If ready, this item will be on the next agenda. Regarding Chandler Street, she talked to Mr. Blayney about who is responsible for cleaning it up, and he says that A.P. Croll will. We received a cost from Croll for sidewalks from Atlantic to Town limits and to pave the street. The Town still needs to find \$150,000 by grant or something...

Ordinance – Will be meeting on September 9 at 4:30 p.m.

Personnel/Pension – Councilman Hudson reported that employee evaluations will be done by September 13, 2004. The Personnel Committee hopes to dedicate someone to the sewer plant per DNREC. It looks like the plan is to dedicate Allen Atkins and Sam Allen to the Wastewater Treatment Plant side and Robin Davis and Jim Wilson (+1 new employee) to the water side.

Parks & Recreation – Councilman Fleetwood thanked the concert sponsors. He reported that the concerts are over for this year. He already has one sponsor for next year. The rip rap in the park is anticipated to be done sometime this fall by DNREC. The plans are in Town Hall.

Economic Development – Councilman Fleetwood reported that this is moving along. Curves, Domino Pizza, and Milton Market are slated to open soon.

ADHOC Historic Preservation – Councilman Hudson reported that the Committee is “on-pace” to have something back to Town Council by December 31.

Land Acquisition Committee – Councilman Dvornick reported that the Committee met with one party on Friday and has another scheduled regarding potential land.

Planning & Zoning – Linda Rogers reported that at the regular meeting the Committee reviewed site plans and will be having a workshop regarding the sign ordinance. A public hearing will be necessary before Town Council's October meeting.

Board of Adjustment – Nothing to report.

Milton Development Corporation – Councilwoman Betts reported that MDC hosted a successful canoe and kayak race. There were 63 participants in 2003 and 84 participants this year. On September 18, there will be a 1940's Radio Show at the Theater. Tickets are \$25 and include hors d'oeuvres. A cash bar will be available. The air condition is in and running!

Finance/Risk Management – Nothing to report.

200th Anniversary – Councilman Fleetwood reported that the Committee will be meeting later this month.

Written Reports

Maintenance Report

Councilman Fleetwood made a ***motion*** to approve the report from the Maintenance Department, seconded by Councilman Dvornick.

Motion carried – “Aye”

Code Enforcer Report

Councilman Hudson made a ***motion***, seconded by Councilman Prettyman, to approve the Code Enforcer’s Report.

Motion carried – “Aye”

Councilman Fleetwood asked a question about the grass at the property at Routes 16 and 5. Mr. Evans noted that once the equipment is moved, the Town will cut it.

Police Department Report

Councilwoman Melson made a ***motion***, seconded by Councilman Prettyman, to approve the Police Department Report.

Motion carried – “Aye”

Town Clerk Report

Councilman Dvornick made a ***motion*** to approve the Town Clerk’s report, seconded by Councilman Hudson.

Motion carried – “Aye”

Correspondence

Councilwoman Melson read letters from:

1. Preserve on the Broadkill regarding water & sewer (referred to Water and Sewer Committee and on agenda for September 14 at 4:30 p.m.)
2. DART First State advising of meetings regarding Route schedule.
3. Jack Gingrich regarding Cape Gazette article.
4. Cat Snippers advising that Delaware Humane Society mobile van will be here on September 22 to spay/neuter cats.
5. Stephen Speed regarding Mayor’s Prayer Breakfast.
6. DSWA regarding Recycle Delaware area.
7. Delaware Housing Authority regarding Emergency Shelter Grant Program.

Old Business

Mulberry Street Update

Joe Cantalupo and Jeff Niezgoda from DelDOT were present. They reported that the project is on schedule for bid this fall or early winter. Construction should begin Spring 2005 if all goes well with the bids in December or January.

New Business

Fee Changes—Impact and/or Annexation, if any

Councilman Fleetwood stated that he would like a month to “stew” on this. Councilman Prettyman agreed.

Councilman Fleetwood made a ***motion*** to table this item, seconded by Councilwoman Betts.

Motion carried – “Aye”

This item will be on the OCTOBER AGENDA.

Rezoning Application for Carey Communities

Councilman Dvornick made a ***motion*** to refer this to Planning & Zoning, seconded by Councilman Fleetwood.

Motion carried – “Aye”

Rezoning Application for Cannery Village

Councilwoman Betts made a ***motion*** to refer this item to Planning & Zoning. Councilwoman Melson seconded the motion.

Motion carried – 6 Aye
1 Abstain (Dvornick)

Carey Communities – LPD Master Plan

Councilman Fleetwood made a ***motion*** to refer this to Planning & Zoning, seconded by Councilman Prettyman.

Motion carried – “Aye”

Unusual Conditions Variance Request – Sachs Property

The request is to divide this property into 3 lots. Councilman Fleetwood recommended referring this to Planning & Zoning. He also recommended that Mrs. Sachs consider applying for a change of zone.

After discussion, Councilman Fleetwood made a ***motion*** to defer this item until the next meeting, seconded by Councilman Dvornick.

Motion carried – “Aye”

Towing of Abandoned Vehicles

The cost of this would be \$80 per car. Mr. Evans noted that he counted 12 cars today.

Councilman Dvornick made a ***motion*** to authorize \$1600 for the towing of up to 20 vehicles and that the Police Department be present when they are towed. Councilman Prettyman seconded the motion.

Mrs. Jenkins asked where the money should come from budgetwise. Mayor Bushey stated that it would be up to the Finance Committee to find the money.

The question was called on the motion.

Motion carried – “Aye”

Request from Prudential for Sales Trailer/ Signage

Andrew Ratner was present on behalf of Prudential. The request is to place a construction trailer and use part of it as a sales trailer until April 30, 2005. It would be abandoned once the model home is built.

Councilman Fleetwood made a ***motion*** to grant the request for a sales trailer. This is no different than what Council did last month. Councilman Prettyman seconded the motion.

Motion carried – “Aye”

With regard to the signage request, the sign would comply with Planning & Zoning’s revised signage ordinance of 4 x 8.

Councilman Dvornick made a ***motion*** to grant the signage, seconded by Councilwoman Melson.

Motion carried – “Aye”

Update to Employee Handbook – Personnel

Councilman Fleetwood made a ***motion*** to add “first cousin” to the bereavement section of the handbook. Councilman Dvornick seconded the motion.

Motion carried – “Aye”

Presentation of FY2005 Draft Budget

Councilman Dvornick gave a power point presentation.

Councilman Dvornick made a ***motion*** to hold a special meeting on September 29 at 7:00 p.m. to approve the budget. Councilman Hudson seconded the motion.

Motion carried – “Aye”

With regard to outsourcing payroll, Councilman Dvornick made a ***motion*** that if it is under \$5000 to outsource and begin it for October 1. Councilman Hudson seconded the motion.

Motion carried – “Aye”

Lifting Moratorium

Mayor Bushey stated that this is the month that we told everybody that we would lift it. Council has had 9 months to 1 ½ years to think about it.

Councilman Hudson stated that lifting it would require a ton of conditions.

Councilman Prettyman doesn't think we should lift until we get closer to a “plan”.

Councilwoman stated that another month or two won't hurt.

Councilman Hudson made a ***motion*** to extend the moratorium another month, seconded by Councilwoman Melson.

Motion carried – “Aye”

Other Business

Approval to Proceed to have Clarigester Cleaned

Councilman Fleetwood made a ***motion*** to accept the Sewer Committee's recommend to use \$139,000 from SRF funds and have JJID clean the clarigester. Councilman Dvornick seconded the motion. This also authorizes the Mayor to sign the change order.

Motion carried – “Aye”

Gingrich letter

It was noted that Mr. Gingrich lives in Broadkill Beach. Mayor Bushey will write Mr. Gingrich a letter asking for clarification.

Water Tower in Shipbuilders Village

Councilman Prettyman noted that the paint on the water tower in Shipbuilders is peeling. Mr. Atkins stated that the paint company is coming to look at it.

Councilman Prettyman asked why there is a fire hydrant in the middle of the sidewalk on Mulberry Street in front of the Rogers' house? Mr. Atkins will look at moving it if the sidewalk can be repaired as part of the DeIDOT project.

Townwide Yard Sales – St John’s Church

Councilwoman Betts made a **motion** to allow St. John’s Church to again close Prettyman Street during the townwide yard sale on September 11. Councilman Dvornick seconded the motion.

Motion carried – “Aye”

Councilwoman Betts asked that the Town office write a letter on behalf of the Streets Committee regarding the fence.

Adjournment

Councilman Fleetwood made a **motion** to adjourn the meeting at 9:15 p.m., seconded by Councilman Hudson.

Motion carried – “Aye”

Respectfully submitted,

Dawn Johnson
Administrative Assistant

:9/29/04