

Milton Town Council Meeting

Minutes of 1/05/15

Meeting began at 6:43

NOTE: The recorder was broken so Secretary Patterson took notes for this meeting. Minutes were created from these handwritten notes. The content is not verbatim but the intent is made clear.

Public Comment:

Jim Welu: 30263 E. Mill Run, Milton

Commented about Rental License Property on the Agenda. Questioned why was this item up for council discussion and if there was a problem or concern. Inspections seem to be an invasion of property for tenants. It looks like tenants have to allow inspection or landlord will be fined.

2. Experience with rentals – requirements of inspection can be very subjective to the code enforcer

3. Inspector is to look at housing regulations based on charter and any property after 2003 is subject to an inspection at the whim of the town

Ted Kanakos: 106 Broad Street

Commented about canine controversy. Why do we need a police dog? 1- Crowd control. 2- Search and rescue. 3. Drug interaction – is our dog trained for this? Thinks canine will help protect police officer like a bulletproof vest with 4 legs. Can also chase down a dark alley and let police apprehend with less than lethal force. This is important to town and should be expanded.

Jeff Dailey: 211 Grist Mill

Town needs a moratorium on HOA neighborhoods to see if planning could be better. Heritage Creek has great sign for Milton and has lots of lots to sell. Good for business into town. Are we fixing things in ton but not leaning towards growth? Concern that a lot of HOA neighbors surround our town and we need to grow our town. Town should look at annexing other HOA neighborhoods. Real estate is taking off and there is concrete growth in expansion. Council should think about this.

Gwendolyn Jones: Atlantic Avenue

Energy Efficiency for long term savings in Milton with Street Lights. Mr. Wingo what kind of lights are used around town?

Greg Wingo: A mix

Gwendolyn Jones: These lights are expensive and if we could switch all the lights to energy saving led lights we could save the town a lot of money.

Kristy Rogers: We met with Holophane lighting company to review and make suggestions, but LED is not available through Delmarva Power yet.

Gwendolyn Jones: Ok – we should continue to look into this.

Council Meeting begins at 6:56 p.m.

Councilman Kost: recommend that item 14a be removed from the agenda.

Mike Cote: second the amendment

Councilwoman Patterson: is this because there's no letter and no information?

Councilman Cote: yes

Seth Thompson: yes

Motion carried

Motion for amended agenda carried

Presentation and approval of minutes. Councilman Garde and Ed Kost to abstain from June 19 2014, July 24 2014, August 4, 2014 as they were not present.

Mayor Jones: Jones correction on page 10, August 4 2014, police chief LEISS system not least system.

Councilman West: motion made to approve all minutes

Councilwoman Patterson: 2nd

All in favor except, Councilwoman Selby who opposed. Two abstentions.

Mayor Jones: overview of comprehensive plan, Kristy to go to workshop in February to share information. Planning and Zoning member Barry Goodinson to attend program with DNREC and Ed Lewandowski. Work and research about the Broadkill river walk and reality of it happening. Also to discuss flooding issues with DNREC.

Written reports: Economic Development Committee signage is going up.

Councilman Patterson: want to thank the Economic Development Committee and know how long and difficult it was to get signage for the town and it looks great.

Kristy's report: Smart911 incentive website to login and create a personal profile with information to facilitate faster emergency medical services, there is a link on the Milton website.

Mayor Jones: asks if any questions on the reports?

Councilman Garde asks Greg Wingo to discuss the minutes that are attached in the council packet about the missing water and how it has been since down through the Public Works Department.

Greg Wingo: spent a lot of time on this project. Leaks found, changed meters and created new and better accountability. For the third quarter of 2014, 36 million gallons of water were pumped and 34 million gallons of water was billed. There were a few adjustments due to leaks and flushing. Minutes from the water committee are on file in town hall. Total loss of water is about 382,000 gallons out of 2 million. Still finding small issues here and there.

Issue on chlorine smell. About 1 or 2 months the smell maybe a bit stronger as the pumps are flushed. The water smells but won't hurt you and has been tested. Water Department has to keep the chlorine in the system to protect our supply especially because three dead end areas need to be flushed.

From 11 million gallons of missing water down to 382,000 gallons of missing water is a substantial and significantly reflects an excellent change work at finding the leaks in town.

Councilman Garde: question - water committee made two recommendations not on tonight's agenda. Question asked how can I make sure these are on the agenda? Should I call Kristy?

Kristy Rogers: sure please call me. She spoke with Greg and next month they will be on agenda.

Project coordinator report. Good.

Police report.

Councilman Garde : a question but we'll discuss it when we reach 14 H proposal development in progress.

Mayor Jones: information is in package.

Councilwoman Selby, Captain Cornwell - question on report about number of Arrests – Report says 4. Arrests were made from Bodies and states that the arrested were wearing bandanas in a felony. Was it 4 people or one person three times?

Captain Cornwell: arrests were for one person charged 3 times and 1 person charged once.

Councilman Selby: Also regarding public assist - was it 22 assists? What were the reasons?

Captain Cornwell: one was a help for a flat tire and also for Casa San Francisco for background check before they move into the facility.

Financial report.

Councilman Cote: as of November 2014 still in situation where town borrows from savings until all tax bills for 2015 start being collected. This number will change by January. Extra payroll expenses in December due to extra week of pay.

Old business

13a was removed.

Source water protection area from water committee.

Councilman Garde: draft of the ordinance prepared by state for municipalities such as Milton. Only needed a few changes to make it fit into the Charter and we filled in Milton information and made small changes to conform the language.

Kristy Rogers: additional background, important for our comprehensive plans because town has now more than 2500 people. We have to have an ordinance like this for our town. Also, in order to get grants down the road, we must update this information.

Councilman Cote: question on color map - excellent recharge area overlays most of Cannery Village and Dogfish Head parking lot. Parking lot is this large because it is supposedly covering up a brownfield. Also, there underground tanks near the excellent recharge area at Dogfish Head. We should look into this.

Councilman Garde: no one in town prepared this. Only read that this grandfathered clause that if anything is already built on an excellent recharge area the town does not have to dismantle anything.

Councilman Cote: question- because it may be a nonconforming brownfield and what about the underground storage tanks? See page 7 of the ordinance. Tanks are larger than the 1100 gallon tanks. They were never used but they are there.

Mayor Jones: do we need a second reading?

Councilman Cote: another question - the sewage treatment plant is very close to well number 5. If we adopt this does it preclude Tidewaters new growth?

Seth Thompson: no not automatically precludes Tidewater existing but new growth? Will need to double check with regard to expansion.

Councilman Garde: if we adopted this then Tidewater cannot build in a wellhead protected area and Tidewater would have to be notified.

Seth Thompson: that is the general idea allowed to exist as is but if expanded its must use the correct code so Councilman Garde is correct.

Councilman Garde: have to see if a direct threat to water supply as of right now Tidewater is in line with all of its guidelines.

South Thompson: yes.

Councilman Garde: water committee reviewed and voted to tell Council to approve.

Seth Thompson: this is a very dense ordinance.

Councilman Garde: I hate to think that we should adopt an ordinance Council doesn't fully understand. Perhaps wait till next month's meeting.

Councilman Cote: town did not create these maps. They go back to the state.

Councilman Garde: I make a motion to put this on next month's agenda for further consideration and vote.

Councilwoman Parker Selby: I second the motion.

Motion carried unanimously.

Alex Donnan Economic Development Committee signage. Update. Two more brown- list signs are coming for 12 signs total. Including one across from H.O.Brittingham and another at Cave Neck Road and Front Street. The town needs a gateway sign like the one at Heritage Creek to put up again on Route 1 near Waples Pond Road and need to get approval from land owner. Also governors walk sign, there was a plan for this and we are looking for the old plans.
Steve Crawford: I want to thank Mr. Donnan. He was the sole person doing all the signage work. Thank you. (applause).

The state of 2015 comprehensive plan. Barry Goodinson. Planning and zoning has been very busy and decided to completely overhaul the Comprehensive Plan. It was started from scratch we don't know what we don't know but lots of committee meetings. 13 so far with lots of experts on lots of topics. Side effects lots of great relationships made and lots of great ideas for the Town of Milton. Now meeting with other state agencies to fill in missing information. There were many training sessions. 541 people responded and these results will be published on website. The good news is everyone has great ideas and great continuity without lots of surprises. We drew from what the state requires and how to implement the strategies. This document is to be the DNA of the town and see people's ideas reflected in the plans. Not necessary but good extra information like a comprehensive plan for dummies. Also included, possible implementations studies for ideas that Milton can do in the future. Including pictures maps etc. Two more meetings then we'll present information to counsel.

Councilman Garde: what is the scheduled time frame to get this to state.

Barry Goodinson: May

Councilman Garde: will this be enough time to get to Council.

Councilman Cote: anticipated date to Council?

Barry Goodinson: yes . There are two more meetings in January and will write up the information to give to council afterwards.

Item 14c

Police ad hoc committee recommendation to keep vehicles and canine program.

Councilman West: make a motion to approve

Councilman Garde: I second the motion

Mayor Jones: Councilman Cote can you bring back to the Finance Committee for budget review?

Councilman Cote: yes. does Finance Committee need to make recommendation to council? Do we need to take the extra step? Or can council just vote. Finance has not met since last summer.

Mayor Jones: Mr. Thompson can we vote on this?

Seth Thompson: yes, ultimately it will come back to council.

Mayor Jones: there is a motion and second on the table

Councilwoman Parker Selby: do we accept both recommendations?

Councilman Kost: should we thank and then disband the police ad hoc committee?

Seth Thompson: you can't vote tonight the way the agenda is written.

Mayor Jones: if no further charge for Council to the ad hoc committee they did make a meeting planned for January 22nd. There is a council meeting on January 21st and we could discuss then to disband before the 22nd meeting.

No further comment.

Motion and a second on the table.

Motion carried unanimously.

14 D. Downtown parking. Streets and sidewalks committee to address needs of downtown business owners.

Greg Wingo regarding the draft ordinance regarding 'no person shall park' recommendation to remove the 'at any time'.

Seth Thompson: 9 a.m. to 5 p.m. is current time interval on the signs. The intention is to make it 24 hours a day?

Councilman Parker Selby: Where will apartment tenants park?

Greg Wingo: they have their own parking spots on Federal Street extended.

Councilwoman Parker Selby: so residents do have parking?

Greg Wingo: yes

Mayor Jones: problems downtown with extended parking in short-term spaces and side streets. We need to look into this problem and the enforcement. How did the 15 minutes signs get there? Or 30 minutes sign in front of the coffee shop that closes at 5? That space is valuable.

Seth Thompson: for example signs in Philadelphia have more words with different intervals. You could add another sign that enforces from say 8 a.m. to 6 p.m. Also factor in specifics and if business changes, different hours may be needed. You want uniformity or ability to make adjustments.

Councilman Cote: What about enforcement? Who will enforce this? Police department?

Councilman Kost: our ordinance only has two hour max and a 9 to 5 sign.

Captain Cornwell: Police Department cannot enforce the 15 minute sign.

Councilman Cote: does this fix that or do we need to do something else?

Seth Thompson: You need to take what is on the sign and codify it. Town goes by what is on the sign and then adopting it and what it says.

Councilman Garde: Where did the signs come from anyway?

Captain Cornwell: Over the years the signs came from streets and sidewalks committee and have been approved by past Town Councils.

Mayor Jones: If council approves this and puts signs into alignment and allows the Police Department to address violations, we should reach out to the business community that enforcement will begin so they can alert their customers.

Councilman Kost: Is there a fee schedule associated with this?

Captain Cornwell: no idea but not towable and probably should use a state code.

Seth Thompson: Code states that no less than \$50.00 or more that \$100 could be charged.

Councilwoman Parker Selby: I make a motion to table this to a future meeting.

Councilwoman Patterson: Second

Motion carried unanimously.

House Located at 307 Atlantic.

Collier: Two demolition permits have been issued for this house and nothing has been done. Pre-inspections for asbestos has not been done and pictures show asbestos siding. Owners have been notified that they have a nuisance ordinance and the time has passed for them to correct. I spoke with son of the property owner who did clean up some, but the nuisance still remains. Council needs to authorize the coding enforcer to resolve and give permission to have property taken care of. Owners not financially able to demolish.

If the owners are able to get another demolition license, it could be up to another year for them to resolve this matter. Also it is not within our code to check for asbestos. It is in the state code as of 2005. We need to adjust the code accordingly. We allowed a permit in error.

Mayor Jones: It is outrageous to have a demo permit for up to a full year. In the Historic district, it is 45 days with a 45 day extension.

Collier: This is on the radar to correct for consistency.

Mayor Jones: can we cease demolition permit to protect the town's interest because of a violation of state law?

Seth: It is legally defensible because the permit was issued in error.

Collier: Under nuisance ordinance, we can order a property cleaned up to abate the nuisance.

Councilman Cote: I make a motion to rescind the demolition permit.

Councilwoman Patterson: I second

Motion carried unanimously.

Rental License

Collier: To eliminate duplication of terms and grant the town ability to inspect property with in the housing authority. Also to legislate and enforce the housing

standards within the town. Well-kept properties vs poorly kept properties. There are some complaints about poorly kept rental property and there is not much the town can do to enforce and/or inspect the property. This is not structural but an overview to keep living conditions up and not have substandard conditions. The intention is to have rental standards, safety and health etc. in town kept up. I eliminated redundant words and cleaned up to make the code more organized. See the redlined copy for more details. This is a blend of many other municipalities in our area.

Councilman Kost: Who determines what to inspect?

Collier: With renewal of the 2016 year rental licenses, that is when the town can schedule an inspection and then the license will be granted.

Councilman Garde: Annual Inspections? This is not favorable to renters who are happy in the dwelling. Maybe we just do this when the tenant is being changed. And would the inspection cost money? Is this a charge in our fee schedule?

Ted Kanakos: Would there be a checklist that standardizes this? How will you handle overcrowding?

Collier: Housing standards identify this also and have to be careful with the Federal Standards. If it finds 15 people in a 2 bedroom house, have to be...

Kanakos: I see a lot of garbage, hot bedding? How to determine if it is overcrowding? Very complicated.

Collier: Fed guidelines

Mayor Jones: May I make suggestions for tonight. This will have to come back before Council. And because it affects so many people in our town – we don't have to have a public hearing but we should. I think in February, have a public hearing here because it affects about 100-200 renters.

Decision to have a public hearing for public input was made.

DNREC Coastal Management Program

Collier: Grant – this is a 1 for 1 grant issue that requires the town to make a match and needs Council to consider matching funds. Probably \$15-20,000 match amount. We are allowed to recoup 15-20% of match with services in-kind, but will need to match 80% of ½ of the grant.

Councilman Garde: Planning grant? What is the plan? Erosion control?

Collier: Both. Some background research. Benefactor of 29.2 sq. miles is the runoff to Milton from up-town areas and the tide off of the Broadkill. How does this affect the town and how can we mitigate.

1. Flood in town parking lot and Front Street and how can we control this
2. Long term- how to mitigate flooding in the future and stabilize the riverbank.

Mayor Jones: U OF Del comp plan has large picture on how to stabilize

Collier: With Council approval of matching funds \$15-20,000 will be our match and ID long term flooding issues. So much of Sussex County drains through Milton. We are very far inland to have this flooding issue.

Councilman West: large area of water from Sussex: Georgetown, off Rt. 30 etc. – large area drains this way

Mayor Jones: This is an opportunity in form of a grant to gain this vital information for us and our infrastructure that needs to be managed. Where can we get the funds?

Councilman Cote: this is not related to the water fund.

Collier: Money can come from the General Fund.

Councilman West: I make a motion to proceed for this year's DNREC Grant, or even long term not to exceed \$20,000 so that the total grant would be \$40,000 with the matching funds.

Councilman Garde: I second

Motion approved unanimously

Kristy Rogers: The Budget discussions approved of hiring an office assistant/receptionist based on Council seeing a job description. This description is in the Council Pack. The use of temporary labor has now been in effect for one year and want to hire permanent position.

Councilman West: I approve the job description and position/

Councilman Garde: I second

Motion carried unanimously

Motion to go into Executive Session

Motion carried unanimously

9:24 Executive Session

10:12 Motion to Come out of Executive Session

Motion carried unanimously

Motion to adjourn

Motion carried unanimously