

Milton Town Council Meeting April 6, 2015 Preliminary Minutes

Swearing - in of newly elected Council members

Councilman Theodore Kanakos and Councilman Edward Kost took their respective oaths of office, as given by Judge J. Hudson, promising to uphold and defend the Constitution of the United States of America, the laws of the State of Delaware, and the Charter of the Town of Milton. The Town's thanks and appreciation were extended to Councilwoman Kristin Patterson, as she was stepping down from the Council as of this meeting.

Call to Order

The meeting was called to order in the Milton Public Library at approximately 7:00 PM on April 6, 2015. A moment of silence was then observed, followed by the pledge of allegiance to the flag.

Roll Call:

Sam Garde, present
Emory West, present
Esthelda Parker-Selby, present
Edward Kost, present
Theodore Kanakos, present
Marion Jones, present
Michael Cote was not present
Seth Thompson, the Town Solicitor was also present

These Preliminary Minutes:

These preliminary minutes cover only the high points of the meeting. The discussions were recorded, and will be transcribed. The transcription will serve as the final minutes of the meeting. Documents included in the Council Package are not included as attachments to these preliminary minutes.

Public Participation

Several members of the Milton Community spoke. The highlights follow:

- John Collier took a photograph of the Council with his grandson's "Flat Stanley" to demonstrate the working of a local government body for discussions in his grandson's class.
- Steve Crawford from the Economic Development Committee spoke of the Milton Mural Project, and handed out a briefing document outlining the background, history, and objectives of the Project. A copy of the handout is included as Attachment 1.
- Catherine Gregg spoke of the activities to be held on April 12 for the purpose of raising funds for the new town clock.
- Jim Welu spoke on several topics, including;

- He was hoping to see an agenda item requesting DELDOT to perform a more detailed study of the traffic impact on Milton caused by the development of the Overbrook Town Center.
- Any new regulation concerning home emergency generators should include a requirement for safety sake to prevent back-feeding electricity to the grid.
- He noted that the address for his property on Hazzard Street was incorrect in the Agenda, and gave a brief introduction to his actions intended to avoid condemnation of the property. He was interrupted because he was to be given the opportunity to speak later, since condemnation and/or demolition of 120 Hazzard Street was a specific agenda item.
- Elliott Wayland from Heritage Creek spoke of the necessity to complete the water loop in that development for the comfort and convenience of the residents.
- Cliff Newlands of Oysterman Drive asked if the Town was going to impose a tax on the installation of home emergency generators. He also made the point that requiring folks who already had such equipment installed on the sides of their homes to move them to the rear would be costly.

Additions or Corrections to the Agenda

A motion was made, seconded and unanimously approved to remove items 14 f and j from the Agenda.

Agenda Approval

A motion was made, seconded and unanimously approved to approve the amended Agenda.

Presentation and Approval of Minutes: 9/25/14

Councilmen Garde, Kost , and Kanakos abstained from voting on the Minutes, as none was a member of Council during that meeting. Subsequently, a motion was made, seconded and unanimously approved by the remaining members to approve the transcribed minutes as presented.

Discussion of Written Committee Reports

There were no written committee included in the Council Package

Department Reports

The Council Package contained reports from the following:

- Administrative Dept. March Monthly Report, prepared by Mrs. Rogers
- Public Works March Monthly Report, prepared by Greg Wingo
- Project Coordinator March Monthly Report, prepared by John Collier
- Police Dept. Report February Monthly Report, prepared by Captain Cornwell
- Code Enforcement March Monthly Report, prepared by Mike Trotta

There were a few questions asked and clarifications sought by various Council members; all of which were resolved satisfactorily during the discussions.

Finance Report and Revenue/Expenditure Report

An unaudited Treasury March Monthly Report was included in the Council Package, prepared by the Town Staff, and attested to by the Treasurer of the Town Council, Mr. Michael Cote. There were a few questions asked and clarifications sought by various Council members; all of which were resolved satisfactorily during the discussions.

Old Business

a. Cannery Village Punch List

The Town Solicitor was requested to prepare a document listing the steps left to complete all the work required to dedicate the streets of Cannery Village to the town.

b. An Ordinance to repeal and replace Town Code Chapter 164, "Rental Licenses" (fourth reading)

A revised draft of the replacement chapter was included in the Council Package, together with references to the Delaware Code regarding smoke detectors in residences. Some comments were made by Councilman Garde to clarify a few areas in the draft and to conform the language. Messrs Collier and Thompson were thanked for addressing and incorporating comments from the citizens during past meetings into the revised draft.

New Business

a. Resolution 2015-007 to schedule a public hearing relating to the proposed amendments to Chapter 164 of the Milton Code, "Rental License"

A motion was made, seconded and unanimously approved to issue a resolution to hold a public hearing relating to the draft revision to Chapter 64, as further revised to account for the comments made during this meeting, on May 13, 2015.

b. Appointments of Vice-Mayor, Secretary and Treasurer

The Mayor suggested the following appointments:

- Vice-Mayor - Councilwoman Parker-Selby
- Secretary - Councilman Garde
- Treasurer - Councilman Cote

A motion was made, seconded and unanimously approved to approve all of the recommended appointments.

c. Appointments and re-appointments of Commissions and Committees

The Mayor suggested the following appointments:

- Personnel Committee - Councilman Garde & Councilman Cote
- Parks & Recreation - Chairman: Councilman West & Member: Councilman Kost
- Streets & Sidewalks - Chairman: Councilman Kost
- Economic Development Committee - Councilwoman Parker-Selby, Councilman Kanakos, & Ms. Norma Kraus
- Planning & Zoning - Reappoint Linda Edelen & appoint Ken Kaye
- Historic Preservation Commission - Reappoint Diane Hake
- Board of Adjustment - Reappoint Janet Turner

A motion was made, seconded and unanimously approved to approve all of the recommended appointments.

d. Request to allow a temporary closure of Prettyman Street during the Town-wide yard sale - May 2, 2015

An e-mail from Jerry Hudson was included in the Council Package. In it, the Vestry of St. John the Baptist Episcopal Church formally requested permission to close Prettyman Street between Federal Street and the alley that runs directly behind the church from approximately 6:00 AM until approximately 2:00 PM on Saturday, May 2, 2015 in order to participate in the annual town-wide yard sale. Since this closure had been approved for past town-wide yard sales, a motion was made, seconded and unanimously approved to approve the requested permission to close the named streets.

e. Status of 112 Federal Street

The Mayor agreed to have an outline prepared that would list the various options available or things that might be done with the property owned by the Town at 112 Federal Street.

f. Deleted from the Agenda.

g. Condemnation and/or demolition of 120 Hazzard Street

Documentation relevant to the issue was included in the Council Package. Discussion was started with the Owner of the property, but was cut short because the printed Agenda, which was issued in compliance with the FOIA requirements, had an incorrect address. The Owner of the property in question also owns the adjacent property and submitted a document indicating that the foundation that is the subject of the possible condemnation actually stands on 118 Hazzard St. Therefore, because the Agenda listed 120 Hazzard, and no foundation exists on 120 Hazzard, discussions were suspended until a properly noticed meeting could be arranged.

h. An Ordinance to amend Town Code Chapter 85, "Building Construction" (Sections 5, 11, 19, and 20.)

The Council Package contained the suggested changes to the relevant Sections. The Mayor and members of the Town Council reviewed the reasons for the changes, and there was potential agreement with the recommended changes. However, they did not hold extensive discussions, and in their continuing effort to demonstrate transparency, the Mayor & Council agreed to postpone voting on the issue until there was a second reading and because there were so few members of the public remaining at the time the issue came on the floor.

i. An Ordinance to amend Town Code Chapter 148, "Noise" Section 6, and Chapter 220, "Zoning" Section 26

The Council Package contained the suggested changes to the relevant Sections. There was extensive discussion of the reasons for the recommended changes and the possible impact on those citizens who already have or might acquire emergency generators. While there was potential agreement on the need to obtain a permit prior to installation of such a device, no vote was taken. Again, there was agreement to have an additional reading and to acknowledge that there were too few citizens remaining to consider a decision thoroughly transparent. Regarding the potential change to the Zoning Section of the Town Code, a motion was made, seconded and unanimously approved to refer the draft language to the Planning and Zoning Commission for a recommendation.

j. Deleted from the Agenda

k. Streets (Prettyman Street, Hazzard Lane, and Manship Street) Paving Project Bid Award

A summary of the three bids received, and an evaluation thereof, were included in the Council Package. After discussion, a motion was made, seconded, and unanimously approved to award the project to lowest responsible bidder who submitted a responsive bid, namely Jerry's Paving for the sum of \$35,394.00.

Executive Session

A motion was made, seconded and unanimously approved to go into executive session. At the end of the Executive Session, a motion was made, seconded and unanimously approved to come out of Executive Session.

Discussion and possible vote on Executive Session Items

A motion was made, seconded and unanimously approved to take the recommended action concerning the Executive Session item relative to a contract with the Town.

Approval

These minutes were approved at the Town Council meeting held on May 11, 2015.

Adjournment

A motion was made, seconded and unanimously approved to adjourn.

Very Respectfully submitted,
James C. ("Sam") Garde

