

## **Milton Town Council Meeting June 15, 2015 Preliminary Minutes**

### **Call to Order**

The meeting was called to order in the Milton Public Library at 6:33 PM on June 15, 2015 by Mayor Jones. A moment of silence was then observed, followed by the pledge of allegiance to the flag.

### **Roll Call:**

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

#### **Steve Crawford; 215 Ridge Road**

- EDC appreciates the actions taken by Mayor & Council to move the mural project forward.
- He requested the Town consider making a donation to the mural in the same percentage of the total that the Town contributed to the clock. That amount would be \$4,000.

#### **Jeff Dailey; 211 Grist Mill Drive**

- Suggested including the Historic Society in the discussions on the mural project.
- He had heard of a possible meeting with Chestnut Properties (CP) on June 23, 2015 and questioned whether that was on the schedule.
- Asked when the last meeting with CP happened.
- Thought that the Mayor & Council might have to “talk around” the punchlist if they met with Chestnut Properties prior to P&Z meeting with CP.
  - Mayor Jones responded:
    - There is a meeting scheduled with CP for 23 June.
    - The last meeting was approximately 6 months ago.

Jeff continued:

- Because the discussions with CP have not advanced in the past 6 months, some residents of Cannery Village are beginning to think that they are not valued by the Town Administration.
- He asked for a proclamation that the Mayor & Council stand behind the residents of Cannery Village.
- Opined that Mayor & Council have to create a way to compel CP to complete action required by the punch list.
- Asked if the Town could, at this point, ask for a bond to complete Phase 4.
  - Councilman Cote responded:
  - A bond, under these conditions, can only be called if CP “abandons” the Project.

Jeff continued:

- Opined that although CP could be considered as “abandoning” Cannery Village, they are probably not legally “abandoning”.
- Since the sale of the 40 acres to Dog Fish Head, CP has not updated its plans for completion of Cannery Village.
- Opined that the Mayor & Council should want to know the status of Cannery Village since the sale of the 40 acres.
  - Mayor Jones responded:
  - Made it clear to CP that the process for completing the punch list is codified and that CP is obligated to comply.
  - Opined that CP must understand the statement above.
  - Made it clear that she & Council stand behind the residents of Cannery Village.

### **Additions or Corrections to the Agenda**

The following corrections to the Agenda were brought forward.

- Due to the absence of the Town Solicitor, delete items 9b (related to the Source Water Protection Ordinance) & 9c (related to the easement & license for the mural project); and strike the executive session.

### **Agenda Approval**

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

### **Presentation and Approval of Minutes: Transcribed Minutes dated December 1, 2014 and January 12, 2015; Executive Session Minutes dated April 6, 2015, April 13, 2015, and April 20, 2015; Preliminary Minutes dated May 26, 2015.**

- Councilwoman Parker-Selby opined that there were too many missing things in the transcribed minutes. She asked what it would take to get someone other than the Secretary to take notes during the meetings, and produce official, but summary minutes.
- Minutes were considered one at a time.
- Transcribed minutes dated December 1, 2014.
  - Councilman Garde asked for the following corrections:
  - On page 26, about 1/4 way down the page, Councilman Garde speaking: insert the word “process” between “hiring” and “and”.

- On page 26, about 1/3 way down the page, Councilman Garde speaking: add “to a salaried employee.” at the end of the current sentence to fill in the blank left by the transcriptionist.
- On page 29, about 3/4 way down the page, Preston Shell speaking: The word “inaction” of the 3rd line cannot be correct. Perhaps, the appropriate word is “activation”.
- On page 35, about 3/4 way down the page, Councilman Garde speaking: On the second line, add “in one place” between “you use” and “then” and insert the word “in” between “then the” and “next one”.

Upon completion of discussions, a motion was made and seconded to approve the minutes of Dec 1, as amended. Councilman Kanakos abstained from voting, since he was not a member of Council at the time. The motion was approved by a vote of 4 to 1, with Councilwoman Parker-Selby voting against approval.

- Transcribed minutes dated January 12, 2015.

- Councilman Garde asked for the following corrections:
  - On page 9, about 1/3 way down the page, Councilman Garde speaking: In the last sentence 5 lines up from the last word in that paragraph, after the words “art of assessing”, change “as” to “is”.
  - On page 15, about 1/2 way down the page, Councilman Garde speaking: insert the words “is a matter of consistency in assessing.” at the of the first sentence to fill in the blank left by the transcriptionist.
  - On page 18, about 1/4 way down the page, Councilman Garde speaking: insert the words “properly know what is \$20,000 loss?” at the end of the first sentence to fill in the blank left by the transcriptionist.
  - On page 21, at the very top the page, Councilman Garde speaking: insert the words “approve or disapprove” after Can we only” to fill in the blank left by the transcriptionist.
  - On page 23, about 1/4 way down the page, Councilman Garde speaking: In the sentence beginning with “Unless they don’t appear”, delete the word “implied”, and substitute “applied”.
  - On page 35, about 2/3 way down the page, Councilman Garde speaking: In the sentence beginning with “Unless you knew something”, delete the word “too” at the end of the first sentence, and substitute “two parcels.” to fill in the blank left by the transcriptionist.
  - Councilman Cote noted on page 35, about 3/4 of the way down, that the word “terrible” cannot be correct in the penultimate sentence, and requested the transcriptionist to revisit the word.

Upon completion of discussions, a motion was made and seconded to approve the minutes of Dec 1, as amended. Councilman Kanakos abstained from voting, since he was not a member of Council at the time. The motion was approved unanimously by those voting.

- Executive Session Minutes dated April 6, 2015, April 13, 2015, and April 20, 2015

- Councilman Garde noted that these minutes had been accepted at the last Executive Session. Mayor & Council agreed that no further action was required on these minutes.

- Preliminary Minutes dated May 26, 2015

Upon completion of only very brief discussions, a motion was made and seconded to approve the preliminary draft minutes of May 26, as presented. Councilman Kost abstained from voting, since he was not present at the meeting. The motion was approved unanimously by those voting.

**Old Business - Discussion and Possible Vote on the Following:**

a. Cannery Village punch list, development standards, and subdivision and site plan approvals.

- Representatives from CP had been invited, but none showed up, so this will not be discussed as intended. However, Mayor & Council were amenable to discussion of significant safety issues.
- Councilman Kost reiterated the story of women wheeling baby carriages in the street to get to the Recreation Building, and made the following additional points.
  - He opined that this was a serious safety issue, and that the Mayor & Council could do something to compel CP to at least complete sidewalks that would allow residents of the development to walk safely to and from the Recreation Building.
  - He estimated the amount of sidewalk to approximately 300 feet.
- Councilman Garde opined that since the Charter vests power in the Mayor & Council to provide for and preserve health, peace, safety, etc., Mayor & Council, acting to provide safety to residents, ought to be able to insist that CP install at least the 300 feet of sidewalks under discussion.
- Mayor Jones indicated she would contact the Town Solicitor to ascertain whether the Town Administration has standing to compel CP to install three sections of sidewalk for approximately 300 linear feet total, on the basis of providing for the safety of residents.

b. An Ordinance to create a new section entitled "Source Water Protection Area" within Chapter 220 of the "Zoning" Code (fifth reading).

This item was deleted from the agenda.

c. Citizen Initiated Mural Art Project supported by the Milton Community Foundation - Easement and license relating to the project.

This item was deleted from the agenda.

d. Technology and Social Media Usage and Media Communication Policy.

A motion was made, seconded and unanimously approved to table further discussion until the Town Solicitor could be present.

e. Rental Properties Inspection Checklist.

The following points were made during discussion of this item.

- Project Coordinator Collier recommended adding the words ", and Addendum to Rental Properties, Chapter 164." at the top of page 1 in the first note under the title "Rental Properties Inspection Checklist".
- Councilman Garde recommended adding a comma after the word "railings" in the top box on page 2; and a period after the last word in the note at the top of page 11. related to fire safety.
- Councilman Kanakos recommended deleting the words "appear structurally sound" and substitute the words "without obvious defects" at the end of the text in the box labeled "Fire escapes" on page 11.

Upon completion of discussions, a motion was made and seconded to approve the revised Rental Property Inspection Checklist as amended to include the 4 suggestions

made above. The motion was approved by a vote of 5 to 1, with Councilman Kanakos voting against approval.

**New Business - Discussion and possible vote on the following items.**

**a. Amendments to Town Code Chapter 136. Housing Standards**

- Councilman Garde recommended that Section 136 - 18 (Fire safety) item D referring to Fire escapes be updated to delete the words “structurally sound” at the of the text, and substitute the words “without obvious defects.”
- There was much discussion on adding a requirement for carbon monoxide detectors in Residential Rental Units, as well as any new construction after the effective date of the change to the Ordinance.
- Project Coordinator Collier distributed draft changes to Section 136-36 Appeals. Mayor & Council members agreed to table discussion of the recommended changes until the regular August meeting to allow time to review the recommendations.

Upon completion of discussions, a motion was made and seconded to direct the Project Coordinator to draft language to insert as Section 136 - 18 M regarding a requirement to install carbon monoxide detectors in Residential Rental Units subject to inspection as well as any new construction after the effective date of the change to the Ordinance. The motion was approved by a vote of 5 to 1, with Councilwoman Parker-Selby voting against approval.

Another motion was made, seconded and unanimously approved to table further discussion on Chapter 136 until the Project Coordinator produces the draft referred to above. The Project Coordinator was given until the Regular August meeting of the Mayor & Council to produce the draft requested.

**b. Request from Casa San Francisco, relating to the removal of the existing structure.**

- Mayor Jones indicated that there is a signed Agreement between the Archdiocese of Wilmington Catholic Charities and the Town Milton that requires Catholic Charities to move the house currently at the corner of Broad Street and Mulberry Street (“as is”) across the street to a currently vacant lot.
- The house in question is in the Historical District of Milton, and subject to the requirements of the Milton Code relevant to that District.
- The house will continue to be owned by Catholic Charities in the new location.
- The Town is in receipt of an e-mail from the attorney representing the Archdiocese indicating a desire to delete the requirement to move the house.
- The e-mail referred to above also suggested that the Archdiocese would make a contribution to the Milton Historical Society of \$10,000 if the requirement to move the house is waived.
- Mayor & Council’s first reaction to the offer of a payment was negative, as it might establish a precedent that other entities with contracts with the town would consider offering money to “buy their way out” of contractual obligations.
- Mayor & Council agreed to have the Town Solicitor comment on the situation from a legal perspective and and prepare options that may be available to the Mayor & Council to resolve this issue to the benefit of the Town (or with the least deleterious effect on the Town.)
- This issue is on the agenda for next Monday’s meeting already.

**c. Police Chief hiring process**

- The Council Package contained a draft Resolution no 2015 - 015 entitled “Chief of Police Hiring Process”.

Upon completion of discussions, a motion was made and seconded to refer the issue of hiring a new Police Chief to the Personnel Committee, as recommended in the draft Resolution, and to have the Personnel Committee provide its recommendation by the Regular August meeting. The motion was approved by a vote of 5 to 1, with Councilman Cote voting against approval.

d. Recommendation for Parks and Recreation Committee, relating to the in-effect Park Request Form and Policy.

- The Council Package contained a version of the Park Use Policies document as well as the Park Request Form highlighted to show the changes recommended by the Parks & Recreation Committee.
- Lengthy discussions took place on this issue with the following highlights:
  - Councilwoman Parker-Selby opined that the recommended changes resulted in too much money being required from Park users up front, and that the recommended changes might make applicants look elsewhere for a more user-friendly location.
  - Councilman Kanakos agreed that with the increase in the security deposit, together with the requirement for the user to pay for additional portable toilets, that the sum of the recommended changes resulted in too high a charge for potential Park users.
- The recommendations by the Parks & Recreation Committee were subsequently taken one-at-a-time with the following results:
  - On the Park Request Form, reject the recommended change to delete the words “and \$\_\_\_\_ police staff fee (if required)” and leave those words on the Form.
  - On the Park Request Form, change the recommended security deposit for groups of more than 100 attendees from “\$200.00” to “\$100.00”.
  - On the Park Request Form, accept the recommended change to delete “or more” and substitute “to 99” prior to the word “attendees” for groups being charged the \$50.00 security deposit.
  - On the Park Request Form, accept the recommended change to delete “\$25” and substitute “\$35.00” as the security deposit for groups of less than 50 attendees.
  - On the Park Request Form, accept the recommended change to delete “or more” and substitute “to 99” prior to the word “attendees” for groups being charged the \$75.00 usage fee.
  - On the Park Request Form, accept the recommended change to add “(Residents of the Town of Milton and” for groups being charged \$0.00 park usage fee.
  - On the Park Request Form, reject the recommended change to add “Town of Milton” as a modifier of non-profit organizations for groups being charged \$0.00 park usage fee.
  - On the Park Request Form, accept the recommended change to delete the words “Milton Police Department Staff Fee: \$50.00 per hour, if required by attached policy.”
  - On the Park Request Form, delete the words after the box labeled “Restrooms” and substitute “(in excess of 100 attendees, 1 additional portable toilet for each additional 100 attendees must be provided by the Requestor.)”

- On the Park Use Policies document, item 12 is to remain in the document, but with changes as follows:
  - Change the number of attendees from “150” to “200” on the first line.
  - Change the charge on the third line from “\$50.00 per hour” to “\$40.00 per hour”.
- On the Park Use Policies document, accept the recommended change to delete the current items 15 & 16, and substitute the recommended language as new item 15; and renumber the following items as “16” through “19” instead of “17” through “20”.

Each of the comments above (under recommendations by the Parks & Recreation Committee) had a motion, and a second and was unanimously approved, except for the item related to additional portable toilets. That provision was approved by a vote of 5 to 1 with Mayor Jones voting against the motion.

### **Adjournment**

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

### **Approval**

These minutes were approved at the Town Council meeting held on July 6, 2015.

Very Respectfully submitted,  
James C. (“Sam”) Garde,  
Secretary of the Town Council

