

Milton Town Council Meeting July 20, 2015 Preliminary Minutes

Call to Order

The meeting was called to order in the Milton Public Library at 6:30 PM on July 20, 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
Marion Jones, 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 Hearing: Related to an Ordinance to amend Town Code Chapter 148-6 and 148-13 "Noise", and Chapter 85-4 "Building Construction" and Chapter 220-26 "Zoning" pertaining to generators:

- Written comments were to be accepted at Town Hall prior to 5:00 PM on July 20, 2015.
- No written comments were received prior to the deadline.
- The Advisory Report from the Planning & Zoning Commission (P&Z) indicated that P&Z voted to recommend approval of Ordinance No. 2015-005 with modifications. Specifically:
 - The sentence added to Section 148-13 should read: "Standby electrical generation systems are exempt during power outages." This eliminated language in the draft ordinance that exempted noise levels only during extended outages lasting over 60 minutes.
 - There should be no revision of Section 220-26, which in the draft, provided an additional limitation on placement of generators.
- Cliff Newlands of Oysterman Drive wanted clarification on whether noise levels were exempted during electrical system outages. Mayor & Council clarified that the recommendation from P&Z was to exempt emergency generators during the entirety of an electrical system outage.
- The public hearing on this item was closed.

**Public Hearing: Related to Ordinance 2015-006 to amend Town Code Chapter 220
“Zoning”, regarding a buffer from certain bodies of water:**

- Written comments were to be accepted at Town Hall prior to 5:00 PM on July 20, 2015.
- No written comments were received prior to the deadline.
- The Advisory Report from the Planning & Zoning Commission (P&Z) indicated that P&Z voted unanimously to recommend approval of Ordinance No. 2015-006 with modifications. Specifically:
 - Remove the phrase “that the general public may enjoy the use thereof”.
- P&Z recommended relocating the provision from the Charter to the Code.
- P&Z requested the right and opportunity to review the ordinance based on information such as county ordinances and studies provide by a professor at U Delaware, and then provide a supplemental recommendation.
- The Project Coordinator provided a written request that additional consideration be given to language already in the Milton Code related to yard buffers and suggesting language for defining a “buffer zone”.
- Jim Welu of 30263 Mill Run wanted clarification on the applicability of the 50 feet. Councilman Garde responded that P&Z recommended reusing the same language that is currently used in the Charter with the exception cited above, and simply transferring it to the Code, with the right to re-examine the situation at a later date.
- The public hearing on this item was closed.

**Public Hearing: Related to Ordinance 2015-007 to amend Town Code Chapter 220
“Zoning” Section 46 : Fences and Walls”**

- Written comments were to be accepted at Town Hall prior to 5:00 PM on July 20, 2015.
- No written comments were received prior to the deadline.
- The Advisory Report from the Planning & Zoning Commission (P&Z) indicated that P&Z voted unanimously to recommend approval of Ordinance No. 2015-007.
- The public hearing on this item was closed.

Public Participation

- An e-mail from Diane C. Friend of 115 N. Spinnaker Lane was included in the Council package requesting Mayor & Council to consider written opposition to the rezoning of the Overbrook parcel. The Town Solicitor read the e-mail into the record, and subsequently opined that rezoning is within the purview of the County Council, and that he was not comfortable with one governing entity telling another entity how it should do its business.
- Jim Welu, 30263 Mill Run, was concerned that the Town staff only, and not the citizens, were requested to comment on possible uses for the property at 112 Federal Street. He opined that the property should be sold, whether the Town’s cost is completely recovered or not.
- Cliff Newlands, 110 Oysterman Drive had several comments, including:
 - He asked why certain Town employees had hepatitis A&B inoculations, and why our insurance wouldn’t cover them.
 - Reply: It had been recommended that Police Officers receive the inoculation.

- He noted that agendas and minutes for Town Council meetings posted on the Town website went back only so far, and did not have those from 2012 or earlier.
- Reply: All are available in Town Hall. The town website does not have room for additional agendas & minutes.

Additions or Corrections to the Agenda

There were no additions or corrections to the Agenda brought forward.

Agenda Approval

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

Presentation and Approval of Minutes: Preliminary and Executive Session

Minutes dated June 22, 2015

- A correction to change "Village Center Way" to "Village Center Boulevard" near the bottom of Page 1.
- A motion was made, seconded, and unanimously approved to accept the preliminary draft minutes of June 22, as amended to make the correction noted above.

Old Business: Discussion and Possible Vote on the Following:

a. Ordinance 2015 - 006 to amend Town Code Chapter 220 "Zoning", regarding a Buffer from Certain bodies of Water

A motion was made and seconded to accept the P&Z recommendations outlined above as well as changing the name of the Ordinance to "An Ordinance to Amend Town Code, Chapter 220, Entitled "Zoning" Regarding Protection of Lands Contiguous to Certain Bodies of Water", and changing the note to be added to the Density Control Table to read: "8. See Section 220-59 for requirements for protection of lands contiguous to certain bodies of water." A roll call vote was taken with the following results:

Councilman Kanakos: Yes
 Councilman Cote: Yes
 Councilwoman Parker-Selby: Yes
 Councilman Garde: Yes
 Mayor Jones: Yes

b. Ordinance 2015 - 007 to Amend Town Code Chapter 220 "Zoning", Section 46, "Fencing and Walls"

A motion was made and seconded to accept the P&Z recommendations outlined above. A roll call vote was taken with the following results:

Councilman Kanakos: Yes
 Councilman Cote: Yes
 Councilwoman Parker-Selby: Yes
 Councilman Garde: Yes
 Mayor Jones: Yes

c. An Ordinance to Amend Town Code relating to generators: Chapter 148-6 and 148-13 "Noise", Chapter 85-4 "Building Construction" and Chapter 220-26 "Zoning"

A motion was made and seconded to accept the P&Z recommendations outlined above. A roll call vote was taken with the following results:

Councilman Kanakos: Yes
Councilman Cote: Yes
Councilwoman Parker-Selby: No
Councilman Garde: Yes
Mayor Jones: Yes

Councilwoman Parker-Selby specifically objected to the need for a permit to install an emergency generator.

New Business - Discussion and Possible Vote on the Following

a. Milton Fire Department - Ladies Auxiliary Street Closure Request

The Council Package included a note from the Project Coordinator indicating that the Ladies Auxiliary of the Milton Volunteer Fire Company requested permission to close Front Street between Chestnut & Federal Streets on Friday August 7 from 6:00 PM until 11:59 PM for a street dance to celebrate the 50th anniversary of the Ladies Auxiliary. A motion was made, seconded and unanimously approved to approve the requested street closure.

b. Fiscal Year 2016 Budget and Fee Schedule. See note below.

c. Memorial Park Lighting Project and to include possible contract award

The Council Package included a bid form from Mid-Atlantic Electrical Services, Inc. for the Memorial Park Lighting Project. The Town Clerk opined that the bid was complete and responsive to the Request for Proposal. A motion was made, seconded and unanimously approved to award the base bid for 3 new pole mounted high pressure sodium lights in Memorial Park for a total of \$14,275.00 to Mid-Atlantic Electrical Services, and not to accept either LED option. It was noted that a Violent Crimes Grant would be used to fund \$5,400.00 of the total cost.

d. Physical Fitness Equipment Usage Policy (Police Dep't). See note below.

e. Delinquent Tax and Utility Amnesty Program. See note below.

f. Job Description of Accounting Clerk II. See note below.

Note: These items were not discussed because a citizen had complained that he/she could not gain entry to a meeting earlier because he/she came after 8:00 PM and the Library was closed when he/she arrived. It was noted that FOIA requires meetings of the Mayor & Town Council to be "open", and that the requirement did not allow such meetings to exclude anyone while still in session.

Approval

These minutes were approved at the Town Council meeting held on August 17, 2015.

Adjournment

A motion was made, seconded and unanimously approved to adjourn at approximately 8:00 PM, prior to the closing of the Library.

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