

Milton Town Council Meeting November 2, 2015 Preliminary / Summary Minutes

Call to Order

The meeting was called to order in the Milton Public Library at approximately 6:30 PM on November 2, 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, present
Esthelda Parker-Selby, present
Michael Cote, present
Kevin Kelly, 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 at a later date. 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:

Dick Trask, 101 Mill Pond Ave., Heritage Creek made several comments, including:

- Tonight is a momentous occasion for Heritage Creek in that the Town and the developer are taking the first steps to dedicating the streets in the Development.
- The residents are excited to have the streets paved, and are looking forward to dedication to the Town.
- A collaborative effort on the part of the Mayor & Town Council, the Town Staff, Fernmoor, Ocean Atlantic, and the residents has brought us all to this stage.
- During meetings among the interested parties, issues have been identified, solutions suggested, and plans agreed for moving forward.

Don Tuberson, Carlton Drive, Cannery Village made several comments, including:

- He is a new resident and is happy to be in such a great village.
- The fact that the roads are still not paved is not very encouraging.
- He hopes that the developer and the Town reach agreement soon so that the streets get paved and the critical sidewalks get installed.

Approval of the Consent Agenda

Comments, included:

- Councilman Garde requested that the minutes of February 2, 2015 be removed from the Consent agenda.

- Councilman Cote requested that the Resolution be removed.
- The remaining items on the Consent Agenda were:
 1. Written Committee Reports
 2. Written Department reports: Administrative, Code Enforcement, Project Coordinator, Police, and Public Works
 3. Finance Report, and Statement of Revenues and Expenditures through September 30, 2015.
- Vice Mayor Parker-Selby made a motion to approve the Consent Agenda as amended. Councilman Garde seconded, and the motion was unanimously approved.

Additions or Corrections to the Agenda:

- Vice mayor Parker-Selby made a motion to move items 12 a & b in front of item 11. Councilman Cote seconded, and the motion was unanimously approved.

Agenda Approval:

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

Presentation and Approval of Minutes: February 2, 2015.

- This item had been removed from the Consent Agenda.
- Councilman Garde indicated that he had several comments, but did not want to hold up the whole meeting to resolve them.
- It was agreed that his (and any other) comments could be discussed in Town Hall, and a revised set of minutes presented in a future Consent Agenda.
- A motion was made by Councilman Garde to table these minutes until the comments could be discussed and resolved in Town Hall. Vice Mayor Parker-Selby seconded, and the motion was unanimously approved.

Resolution requesting a plan of budgeted expenditures from the Economic Development Committee (EDC).

- This item had been removed from the Consent Agenda.
- Councilman Cote wanted to clarify the intent of the Resolution.
 - The Mayor & Council had approved an amount for EDC during the budget development. However, expenditures were not approved at that time.
 - The EDC is required to detail out their planned expenditures, and after approval of the detailed plan by the Mayor & Council, EDC will be permitted to expend the funds without further conversations.
- Councilman Cote made a motion to approve Resolution 2015-021 To Request an Expenditure Plan from the Economic Development Committee as presented, but including the attachment which was inadvertently left out of the Council package. Councilman Garde seconded, and the motion was unanimously approved.

New Business - Discussion and Possible Vote on the Following Items:

- a. Request from Fernmoor Homes relating to dedication of Heritage Creek Phase 2A
 - Several documents relating to this item were included in the Council package, including a letter from The Ocean Atlantic Companies dated Oct 12, 2015 officially

requesting that the streets within Phase 2A of Heritage Creek be dedicated to the Town of Milton; a letter from Pennoni Associates, Inc., dated Oct 25, 2015, containing the Town Engineer's review of the dedication request for Heritage Creek; and a letter from Fernmoor Homes dated Oct 29, 2015 responding to Pennoni's comments.

- Present to discuss the developer's request were Herb Maharg, Director of Land Development for Fernmoor Homes and Ben Cordy of Ocean Atlantic Companies, Project Manager for Fernmoor Homes at Heritage Creek.
- The Town Solicitor led the the discussions on behalf of the Town. Comments included:
 - Fernmoor was working to resolve all of the comments made by Pennoni in its letter.
 - Each comment in the Pennoni letter was discussed. Fernmoor opined that they would complete all response by December 1, 2015.
 - Councilman Garde requested that any contractor or subcontractor who had the right to post a Mechanic's Lien, offer a written release and waiver. Solicitor Thompson reminded all that such liens had to be presented within 120 days of completion of the work. Fernmoor understood, and had no issue with complying.
 - The Mayor & Council agreed that if all the conditions mentioned in the Pennoni letter were satisfactorily resolved, and any final inspection indicated that all of the conditions stated in the Milton Code had been complied with, that the Town would accept dedication of the streets.
 - Upon dedication, the Town will release the current performance bond, and Fernmoor will post a bond in the amount of \$27,084.38 representing 125% of the estimated cost to complete the sidewalks that were allowed to remain incomplete due to continued construction in other Phases of the development that abut Phase 2A.
 - Fernmoor rescinded their objection to a final walk-through provided it was limited to inspection of the completion of the items referenced in the Pennoni letter.
 - Fernmoor will assist the Town by asking Chesapeake Utilities for their design drawings of the underground natural gas system. Fernmoor disagreed that it was their direct responsibility to produce such drawings, but were helpful in getting them from the responsible party (Chesapeake Utilities.)
 - Councilman Garde made a motion to table accepting dedication of the streets in Heritage Creek Phase 2A until the next regular meeting, scheduled for December 7. Vice Mayor Parker-Selby seconded and the motion was unanimously approved.

b. Request from Fernmoor Homes relating to bond reduction of Heritage Creek Phase 3A

This item was tabled due to lack of information supporting the request.

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

a. Cannery Village (CV) proposed agreement/memorandum of understanding (MOU), sidewalk waiver, punch list, development standards, and subdivision and site plan approvals:

A copy of a the Memorandum of Understanding (MOU), including Exhibit A (a copy of the CV punch list dated 11/14/14) and Exhibit B (a drawing marked to show the sidewalks intended for immediate completion and sidewalks intended to be deleted from

Chestnut Properties scope), was included in the Council package. There was a discussion of this item that included the following:

- Chestnut Properties (CP) had reviewed the MOU presented to them and returned written comments, including:
 - CP did not object to a supplemental punch list.
 - CP wanted to reduce the length of time for the Town to re-mark the items on the punch list from 45 days to 30 days after signing the MOU
 - The Mayor & Council disagreed with this comment since 30 days were allowed to prepare the supplemental punch list, and 10 days were allowed for CP to review and agree. Therefore, final marking could not be made prior to 40 days after signing the MOU
 - The Mayor & Council agreed to request reinstating the 45 day criterion based on the reasoning stated above.
 - The Mayor & Council wanted to clarify the language in Paragraph 7 of the draft MOU to read “The lanes will not be dedicated by Chestnut Properties and will not be accepted by the Town as noted in the subdivision plot recorded beginning at Deed Book 101, Page 313. This MOU shall not have a preclusive effect on any future application for dedication of the lanes.
 - The de minimis items identified in earlier discussions were not to be corrected by CP.
- A motion was made by Councilman Garde to move forward with the MOU as discussed during the meeting. Councilman West seconded and a roll call vote was taken with the following results:
 - Councilman Kanakos: Yes
 - Councilman West: Yes
 - Vice Mayor Parker-Selby: Yes
 - Councilman Cote: Recused
 - Councilman Kelly: Recused
 - Councilman Garde: Yes
 - Mayor Jones: Yes
 - The motion carried.

b. Tasks assigned by Council Resolution 2015-017 relating to the Town Manager Hiring Process:

A memo from the Personnel Committee re Town Manager Hiring Process was included in the Council package. Comments, included:

- The funding for this activity was approved in “deficit” budget.
- A motion was made and seconded to accept the recommendations from the Personnel Committee re hiring a new Town Manager. The motion was unanimously approved.

New Business - Discussion and Possible Vote on the Following Items:

Items a & b were taken out of order as discussed above.

c. Request from Milton Fire department to waive building permit fees.

A written request from the President of the Milton Fire Dep't to waive fees associated with the building permit to make block repairs to the back engine bay was included in the Council package. Comments, included:

- Councilman West made a motion to approve the waiver of the building permit fee associated with the work. Councilman Kanakos seconded and the motion was unanimously approved.

d. Recommendation to revise the current fee schedule to add a vending machine license

A memo from the Project Coordinator recommending consideration be given to adopting regulations governing licensing of vending machines was included in the Council package. Comments, included:

- Councilman West opined that this was detrimental to the growing feeling that Milton is becoming a business-friendly place.
- Vice mayor Parker-Selby opined that this license was not required and was overly burdensome for not a lot of revenue.
- Councilman Garde opined that, based on the numbers in the relevant memo, the revenue would be between \$500 and \$1,000, and that it was probably not a cost effective undertaking.
- Mayor & Council decided not to initiate a process to license vending machines.

e. Police Officer Retention

A memo from The Town's Personnel Officer re Police Officer Retention was included in the Council package. A significant discussion ensued, including the following highlights:

- The Personnel Committee recommendation was to give all currently employed sworn officers a 5% hourly rate increase starting with the pay the pay period beginning on Nov 9, 2015, and to have the remaining funds distributed after the new Police Chief is on board based on performance evaluations and length of service.
- Captain Cornwell opined that the original thought for Police Retention was to bring Milton salaries into the range of the surrounding towns. He further opined that the original intention was to give the money without regard to performance or length of service,
- It was opined that the 5% raise would establish a new baseline salary for each position filled by current Milton Police officers.
- It was further opined that the 5% should apply to the starting salary of any new applicant in the Police Academy.
- Councilman Garde made a motion to give a 5% hourly rate increase to all currently employed sworn officers beginning with the November 9, 2015 pay period.

Councilman Kelly seconded. A roll call vote was taken with the following results:

- Councilman Kanakos: Yes
- Councilman West: Yes
- Vice Mayor Parker-Selby: Yes
- Councilman Cote: Yes
- Councilman Kelly: Yes
- Councilman Garde: Yes
- Mayor Jones: Yes

- The motion carried.

Executive Session

- A motion was made by Councilman West to go into Executive Session. Councilman Kanakos seconded. The motion was unanimously approved.
- 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 go into Regular Session. No actions were required in the Regular Session as a result of the Executive Session.

Adjournment

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

Approval

These minutes were approved at the Town Council meeting held on December 7, 2015.

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