

Milton Town Council Meeting September 12, 2016
Summary Minutes
DRAFT

Call to Order

The meeting was called to order in the Milton Public Library at approximately 6:30 PM on September 12, 2016 by Mayor Kanakos. A moment of silence was then observed, followed by the pledge of allegiance to the flag.

Roll Call:

Charles Fleetwood, present
Emory West, present
Esthelda Parker-Selby, present
Michael Cote, present
Kevin Kelly, present
Sam Garde, present
Theodore Kanakos, present

These Preliminary Minutes:

These minutes cover only the high points of the meeting. The discussions were recorded, and may be transcribed at a later date. The recording is available in Town Hall. Documents included in the Council Package are not included as attachments to these summary minutes.

Announcements

1. Mayor Kanakos announced with sadness the passing of Representative George Carey, a great friend of Milton for many years.
2. The Milton Police Department has just received a Certificate of Appreciation from the Heritage Shore Club for protecting the citizens of Milton, the State and the Nation.
3. Mayor Kanakos noted that the sale of 112 Federal Street settled earlier on Sept 12.
4. Councilman Fleetwood noted that 5 different bands would be performing on October 8, 2017 from 11:00 AM until 6:00 PM, at the Broadkill Banjos festival.

Introduction of the New Principals of HOB and Milton Elementary Schools

Mr. Ned Gladfelter introduced himself as the new Principal of H.O.Brittingham Elementary School. He indicated that he had over 25 years experience as an educator. Prior to serving as Principal of HOB, he served Principal or Vice Principal in 3 elementary schools in the Brandywine, DE School District. He indicated that he & his wife have a son enrolled at Cape Henlopen HS.

Bdeth Conaway introduced herself as the new Principal of Milton Elementary School. She indicated that she is in her 27th year as an educator, and is very happy to have the privilege of new position. She has spent the last 7 years as a school Principal. She & her husband have two children currently attendin the University of Delaware.

Public Participation

Jack Bushey, Chairman of the Water Committee (WC), spoke and indicated that the WC recommended that the line item for Water Engineering in the draft 2017 budget be increased from \$20,000 to \$50,000. The money will be used for engineering and planning services to prepare for the installation of a new well once a site has been determined.

This recommendation generated some discussion, the highlights of which included:

- Councilman Kelly asked if the amount would be sufficient, and would it cover all the engineering necessary.
- The Town Engineer, Mr. Carlton Savage from Pennoni & Associates, opined that the amount would support reasonably foreseeable expenditures for engineering and planning, including water model runs.

Requests for Removal of Items from the Consent Agenda:

No requests were made

Approval of the Consent Agenda on the following items:

- a. Written Committee Reports
- b. Written Department Reports
- c. Finance Report

Councilman West made a motion to accept the written committee reports and approve the balance of the Consent Agenda as submitted. Councilman Fleetwood seconded and the motion was unanimously approved.

Councilman Cote that many Committee meetings take place every month, but few have written reports for inclusion in the Council packets.

Discussion and possible vote on items removed from the Consent Agenda:

None.

Additions or Corrections to the Agenda:

None.

Agenda Approval:

Councilman West made a motion to approve the Agenda as submitted. Vice Mayor Parker-Selby seconded and the motion was unanimously approved.

Old Business - Discussion and Possible Vote on the Following:

- a. Fiscal Year 2017 Annual Budget and Fee Schedule

It was noted that everything except the Proprietary Fund for Water & Trash, and the fee schedule had been previously approved. Councilman Cote made a motion to approve an increase the budgeted amount for Water Engineering from \$20,000 to \$50,000. Councilman Garde seconded, and the motion was unanimously approved.

Councilman Cote then made a motion to approve the Proprietary Fund Budget as submitted earlier, with the amendment approved above. Councilman West seconded, and the motion was unanimously approved.

Councilman Garde made a motion to approve the 2017 fee schedule as previously submitted. Councilman West seconded, and the motion was unanimously approved.

New Business - Discussion and possible vote on the following items:

a. Sidewalk waiver request from Randy and Stacia Preston, 201 Lavinia Street

A written request for waiver, including photos of the house under construction, and the adjoining properties with no sidewalks, was included in the Council Packet. After discussion of the written request, Councilman West made a motion to approve the request, noting that the waiver would not be in perpetuity. Councilman Kelly seconded, and the motion was unanimously approved.

b. Milton Cheer Center, award of curbing project funded by the Community Transportation Fund (CTF)

A letter outlining the situation from Davis, Bowen & Friedel, Inc. (DBFI), the manager of the CHEER Delaware project, was included in the Council Packet. The Town is only acting as a conduit for the funding from the CTF. After discussion, Councilman West made a motion to go forward with the project as recommended by DBFI. Councilman Garde seconded, and the motion was unanimously approved.

c. Award of Front Street Curbing and Sidewalk Project

A report on the Project from the Town Clerk was included in the Council Packet. After brief discussions, Councilman Garde made a motion to approve authorizing a contract with Shea Concrete in the amount of \$48,350.25 for curbing and sidewalks along Front Street, contingent upon confirmation of receipt of the CTF funding. Councilman Kelly seconded, and the motion was unanimously approved.

d. Award of Parker Street Paving Project

A report on the Project from the Town Clerk was included in the Council Packet. After brief discussions, Councilman Fleetwood made a motion to approve authorizing a contract with Jerry's Inc. in the amount of \$6,499.00 for the Parker Street Paving Project. Councilman West seconded, and the motion was unanimously approved.

e. Proclamation recognizing September 17 through September 23 as Constitution Week

A draft of the Proclamation was included in the Council Packet. Mayor Kanakos read the draft Proclamation into the record. Following brief discussion, Councilman West made a motion to approve the Proclamation as read. Councilman Kelly seconded, and the motion was unanimously approved.

f. Designating members to the Ad-Hoc Committee for potential recreational activities for the Town youth

A Resolution was approved in a previous meeting regarding formation of an Ad-Hoc Committee to look into opportunities for providing safe recreational activities for the

Town's youth. Mayor Kanakos nominated Vice Mayor Parker-Selby to chair the Committee and recommend appointments to fill out the Committee. Councilman West made a motion to approve going forward with the Committee and approving Vice Mayor Parker-Selby as the Chair of the Committee. Councilman Fleetwood seconded, and the motion was unanimously approved.

g. Request for waiver/modification/variance of the requirements of Town Code Chapter 188, entitled "Subdivision of Land", for Cannery Village

Documents summarizing the results of a walk-through by the interested parties, including memos from the Town's Engineer and the main contractor, regarding the remaining items on the Cannery Village Punch List were included in the Council Packet.

- (1) Item #2 on the Punchlist: Manhole too low. The issue was considered to be one of compliance with the Americans with Disabilities Act (ADA) for a single manhole which happened to be partially within a crosswalk. After extensive detailed discussions, Urban Dirt (UD), the current contractor, volunteered to raise the manhole cover on its own. Councilman Garde made a motion to deny the request for a waiver for this item, since UD had solved the issue without a waiver. Councilman West seconded, and the motion was unanimously approved by the members voting; Councilmen Cote and Kelly recused themselves from this vote.
- (2) Item #7 on the Punchlist: Low Catch Basin Grates. The issue was considered that the basins in question were not constructed in compliance with the Town Code. There again were extensive and detailed discussions. However, the catch basins were in parking areas, and not in the road's normal passageways. Since the drainage in the areas was observed to be functioning correctly, and since the only fix discussed involved saw cutting significant areas and repaving (which incidentally could not be done esthetically to exactly match the existing paving), and since there did not appear to any public safety or future maintenance concerns, Councilman Garde made a motion to approve a waiver leaving the catch basins as is. Councilman Fleetwood seconded, and the motion was unanimously approved by the members voting; Councilmen Cote and Kelly recused themselves from this vote.
- (3) Item #8 on the Punchlist: Light too close to tree. The issue was considered to be that the light could not function as intended because tree limbs grew too close. Photos were included in the Council Packet. UD had removed limbs from the tree that were interfering with the operation of the light. After discussions, it was concluded that Mayor and Town Council did not need to either authorize or deny a waiver, since UD had fixed the problem.
- (4) Item #9 on the Punchlist: Speed Limit sign too close to tree. The issue was considered that the speed limit sign could not be seen because of the growth of the tree limbs. UD had removed limbs from the tree that were interfering with the vision of the sign. After discussions, it was concluded that Mayor and Town Council did not need to either authorize or deny a waiver, since UD had fixed the problem.
- (5) Items #27 a & b on the Punchlist: Low areas at Fulham Drive and Patriot Lane. The issue was considered to be that the paving that the area was not in compliance with the Town's Code. UD had paved up to the existing curb, as would be expected. However, the issue was that the previously installed curb was too low, and that area

now ponded water. Rather than grant or deny a waiver, UD and Pennoni agreed that a possible fix could be to redesign the existing areas to comply with Code. This could include raising the curb and installing a new cover coat of asphalt. As long as the design was done under a separate contract between UD and Pennoni, and not done under a Work Order under the Town's contract with Pennoni, Councilman West made a motion to table items 27 a & b to allow UD and Pennoni to proceed with a designed fix. Councilman Garde seconded and the motion was unanimously approved by the members voting; Councilmen Cote and Kelly recused themselves from this vote.

h. Ordinance 2016 - 006 to amend Town Code Chapter 136, entitled "Housing Standards"

A draft of the Ordinance was included in the Council Packet. After brief discussions, including suggestions for minor changes to conform to other Ordinances, Councilman Garde made a motion to approve the Ordinance with the minor modifications. Councilman West seconded, and the motion was unanimously approved.

i. Ordinance 2016 - 007 to amend Town Code Chapter 179, entitled "Solid Waste"

A draft of the Ordinance was included in the Council Packet. After brief discussions, including suggestions for minor changes to clarify the Ordinance, Councilman Garde made a motion to approve the Ordinance with the minor modifications. Councilman West seconded, and the motion was unanimously approved.

j. Ordinance 2016 - 008 to amend Town Code Chapter 85, entitled "Building Construction"

A draft of the Ordinance was included in the Council Packet. After brief discussions, including suggestions for minor changes to clarify the Ordinance, Councilman Garde made a motion to approve the Ordinance with the minor modifications. Councilman West seconded, and the motion was unanimously approved.

k. Resolution 2016 - 008 to Establish the Time and Place for a Public Hearing on a Proposed Amendment to the Zoning Map

A draft of the Resolution was included in the Council Packet. After brief discussions, Councilman West made a motion to approve the Resolution with minor modifications to some language and specifying the time as 6:30 PM, the date as October 3, 2016, and the place as the Milton Public Library. Councilman Fleetwood seconded, and the motion was unanimously approved.

Executive Session

A motion was made by Councilman West to go into Executive Session. Councilman Fleetwood seconded, and the motion was unanimously approved.

At the end of the Executive Session, a motion was made by Councilman West, seconded by Councilman Garde and unanimously approved to come out of Executive Session.

Discussion and Possible Vote on Executive Session Items:

A motion was made by Councilman West, seconded by Councilman Garde and unanimously approved to go into Regular Session.

None of the items discussed in Executive Session required a vote in the regular session.

Adjournment

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

Approval

These minutes were approved as part of the Consent Agenda at the Town Council meeting held on April 3, 2017.

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