

**MILTON TOWN COUNCIL
MONDAY, MAY 16, 2016, 6:30PM
MILTON LIBRARY, 121 UNION STREET**

The meeting was recorded; the below minutes are a summary of the agenda items.

- 1. Call to order (6:30pm) by Mayor Kanakos**
- 2. Moment of silence was observed (6:30pm)**
- 3. Pledge of Allegiance to the Flag (6:30pm)**
- 4. Roll Call – Mayor Jones: (6:30pm)**

Ted Kanakos – Present
Stell Parker-Selby – Present
Michael Cote – Absent
James ‘Sam’ Garde – Present
Emory West – Present
Kevin Kelly – Present
Charles Fleetwood - Present

Comment by Mayor Kanakos – in talking with new Police Chief yesterday was Peace Officers Day, May 15. It marks the beginning of Law Enforcement Memorial Week.

5. Public Participation – (6:31pm)

Steve Crawford (216 Ridge Rd) – Just want to give an update on the mural, we are ready to go if it ever stops raining. Need a week of dry weather, the wall is wet. Hoping to get done by the 27th.

Several months ago, supposed to have ‘No Parking’ signs put on Chandler, have spoken to Greg Wingo about it and it will be done. I think Town should put out some kind of notification, maybe in the Cape Gazette, because when people drive up and see the ‘No Parking’ they know it’s because it’s a safety issue.

Wondering if perhaps the bronze historical markers, someone could take pictures and post them on the Town’s website.

Marion Jones (6:34pm)(411 Behringer) – Meeting times of present water committee, this is a 2 o’clock meeting, this does not allow working people to attend a meeting like that. It does not allow for public participation or transparency at that point. I would ask with such issues as examining our water rates with the possibility of increase, would ask that you talk about those things at a time when other people can attend.

Other is a meeting that was held here last Wednesday the 11th. I did not get enough information from this agenda about the amendments to the Town Charter, an amendment which is basically over turning something the council voted on last year. Understand that the new tax ceiling that was put into the charter last year and passed by the General Assembly did not give any government past, present, future the ability to go and raise taxes to their ultimate amount. Mayor and Council would still have to approve those on a yearly budget activity.

- 6. Requests for Removal of Items from the Consent Agenda (6:37pm) – Councilman Garde** recommends removal of item e. Ordinance 2016-002 to be discussed for transparency purposes. Second by Councilman Fleetwood. All in Favor. None opposed.

7. **Approval of the Consent Agenda:** Motion to approve Consent Agenda made by Councilman Garde. Second by Councilman Kelly. All in favor. None opposed.
- a. **Minutes: February 1, April 18, 2016**
 - b. **Executive Session Minutes: February 15, March 7, March 21, April 4, April 18, 2016**
 - c. **Appointment to Streets and Sidewalks Committee**
 - d. **Appointment to Board of Adjustment**
 - e. **Ordinance 2016-002 to amend Town Code Chapter 125-20 Requirements in all Special Flood Hazard Areas**

8. **Discussion and possible vote on items removed from the Consent Agenda**

Item E - Councilman Garde asked John Collier to discuss what is being proposed in the Ordinance.

John Collier – What is being proposed, is a change in the flood ordinance in the Town. Recently the Town received a grant to study sea level rise and assess at risk public facilities. One thing that came from that study was that we have public and private utilities that stand at risk to sea level rise and after a comprehensive review of the Town Code it was determined that the most logical course to prevent continued risk to utilities such as this was to amend the flood plain damage act. Basically, what is being asked is to prohibit any new construction of utilities in flood prone areas and that improvement or replacement of existing must meet flood plain requirements if no possibility of moving it. Distributed to council today that the grant has passed with the final report. Final step to finish out what was outlined in the grant. Projected was slated at \$14,000.00, we spent \$14,158.00 of which \$4,500.00 of it was cash put up by the town, \$7,000.00 will be funds reimbursed by DNREC to the town. Remainder was wages in kind.

Seth Thompson – I made a typo to be corrected, have unfeasible instead of infeasible. Motion to approve Ordinance 2016-002 to amend the Town Code, chapter 125 with the typographical correction in paragraph b. Second by Vice Mayor Parker-Selby. All in favor. None opposed.

9. **Additions or Corrections to the Agenda:** No additions or Corrections

10. **Agenda Approval:** Motion was made by Councilman Garde to approve the agenda as discussed; second by Councilman Fleetwood. All in favor. None opposed.

11. **Old Business – Discussion and possible vote on the following items: (6:43pm)**

a. **Downtown Tree-well Fences**

Motion by Councilman Fleetwood to accept gift of tree fences from the Garden Club, and be responsible for the use, maintenance, and care from this day forward. Second by Councilman West.

Seth Thompson – Verified there were no claims by homeowners to ownership.

Councilman Garde – would like the acceptance of gift removed from the motion since ownership prior to this date has been cloudy.

Councilman Fleetwood amended motion to remove the term gift. Motion to accept responsibility of the tree fences from this day forward. Second by Councilman Garde. All in favor. None opposed.

12. **New Business – Discussion and possible vote on the following items: (6:46pm)**

a. Recommendation from the Personnel Committee relating to the Town Manager hiring process and job description

Mayor Kanakos – brief explanation of process and decision to select The Novak Group. Explained the performance guarantee that if they placed a Town Manager and they left that The Novak Group would pick up and continue the search and place a new person. Also, decided on Novak because they had placed several people in Delaware the other two had not. Talked to other municipalities and questioned their experience with The Novak Group and all were happy. All came in roughly the same price.

Seth Thompson – If it's the council's wish to go forward we will need them to provide a contract, that we will then review.

Councilman Garde – What Mayor's Kanakos read was that they could propose the scope, but that the personnel committee is recommending that the terms and conditions be the standard terms and conditions from the Town of Milton to their standard terms and conditions.

Motion by Councilman Kelly to approve the recommendation. Second by Councilman West. All in favor. None opposed

b. Resolution 2016-003 to request an amendment of the Charter of the Town of Milton

Motion to approve Resolution 2016-003 by Fleetwood. Second By Councilman Kelly. 5 in favor. 1 abstained.

c. Resolution 2016-004 to establish an Emergency Preparedness Committee and designate members

Councilman West – Has spoken with Chief Longo and the public works department and this is much needed. Chief Longo has a proposal/draft of things. Talked to the Chief of the Fire Company and there was a recommendation of Lt. Harvey since he is well versed in the fire side and the emergency response side. Also, would like to bring someone in from the Cape Henlopen School District and different ones from the community so if we have a natural disaster people would know what to do and where they could go if they had to leave their homes.

Councilman Garde – Thinks this is a wonderful idea but can't vote on this resolution because in paragraph 2 in the therefore doesn't say what it's all about.

Seth Thompson – I wasn't quite sure what the purpose, so if the notion is that committee is going to make a report or recommendation, I gather these are normally gauged by an emergency preparedness plan?

Councilman West – Yes, because the State, DELDOT and the County have emergency plans and we are going to work with all 3 entities.

Seth Thompson – Is DEMA involved?

Councilman West – Yes

Councilman Garde – If item 2 in the 'Therefore be it resolved....' Said is hereby established to prepare and emergency preparedness plan for the Town of Milton, is that all it needs to say or do you need it to say more?

Councilman West – No that's fine

Vice Mayor Parker-Selby – Do any of the other neighboring towns have something like this?

Seth Thompson – I know that Millville went through a process of training with DEMA.

Councilman Garde – To Councilman West....If we approve the resolution tonight would the result of that be a plan that would then be presented to the Mayor and Council for additional approval?

Councilman West – Yes

Councilman Garde – Want to offer some language for paragraph 2. Said committee is hereby established to prepare an emergency preparedness town for the Town of Milton for later approval by Mayor and Town Council.

Second by Councilman West. All in favor. None opposed.

d. Resolution 2016-005 to establish a Recreational Activity Ad-hoc Committee

Councilman Garde – wrote the resolution the blue comments are comments made by the Town Solicitor. Also, there is no date we will need to add a date. If approved next thing would be to name the members. Resolution will establish the background and what they are supposed to do. And you could just appoint a committee to be voted on just like you did tonight.

Seth Thompson – Maybe need to take out the language, in subsequent resolution, it will now state 'The Mayor and Town Council shall formally appoint members'.

Councilman Fleetwood – How far out are you thinking on the date?

Councilman Garde – was thinking 6 months out, maybe November 30, 2016. Wants to be sure it doesn't get dropped again.

Vice Mayor Parker-Selby – Be more than happy to contact people in the county on behalf of this committee.

Councilman Fleetwood – Maybe need to see about getting Boys and Girls Club in Milton instead of being a branch of Milford.

Councilman Garde – After this discussion my suggestion for two members for the ad-hoc committee to represent council would be Vice Mayor Parker-Selby and Councilman Fleetwood.

Motion by Councilman West to adopt this resolution with the changes. Second by Councilman Fleetwood. All in favor. None opposed

e. Fiscal Year 2016 mid-year budget review and revision (7:18pm)

K. Rogers – Provided Council with a brief summary of the 6 month budget review. Only budget amendments I have included are those council have voted on in past meetings. The back flow preventers for downtown, went to purchase realized the ones council approved were not the correct fit so an additional \$3,000.00 is needed to purchase the to (2) back flow preventers and a \$1,000.00 that we applied to Community Transportation Funding for the additional funds to the mural project, with CTF compensating a portion of the sidewalks to be constructed in front of Front street. With those amendments, to balance funds I increased franchise fees, where we renegotiated with Comcast Franchise Contract, those fees could be raised about \$4,000.00, I recorded a \$1,000.00 State Legislative Funds being received, then increased building permit revenue by \$9,368.00. Those three adjustments will offset the expenditures for the back flow preventers.

Councilman Fleetwood – I want to commend Mrs. Rogers on doing a great job of keeping the expenditures under control. Do we want to accept this now or review it?

Councilman Garde – How much are we expected to do, for example; 01-03-650-4600 code violation fees, we have already collected \$11,685.00, should we be changing that expected revenue to something higher than \$5,500.00? Then if the answer is yes then that would apply to a whole bunch of other places.

Seth Thompson – Charter does not require a 6-month review.

Motion by Councilman Fleetwood to accept Mrs. Rogers report with the amended budget. Second by Councilman West.

Councilman Garde – Would like to further discuss SALLE, EIDE and funding for new cars.

Kristy Rogers – I know applications have been submitted.

All in favor. None opposed

13. Executive Session: (7:25pm) Motion made by Councilman West to enter executive session, second by Councilman Kelly. All in favor. None opposed.

- a. Strategy sessions, involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation, when an open meeting would have an adverse effect on the bargaining or litigation position of the public body
- b. Discussion of the content of documents, excluded from the definition of "public record" in § 10002 of this title where such discussion would disclose the contents of such documents
- c. Personnel matters in which the names, competency and abilities of individual employees or students are discussed

14. Discussion and possible vote on Executive Session items – (8:25pm) Motion by Councilman Kelly to return to regular session. Second by Councilman West. All in favor. None opposed. No items voted on.

15. Adjournment: (8:26pm) Motion by Councilman Kelly to adjourn. Second by Councilman Fleetwood. All in favor. None opposed.