

**MILTON TOWN COUNCIL
MONDAY, FEBRUARY 6, 2017, 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:**

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

5. Public Participation: (6:31pm)

Marion Jones (411 Behringer Ave) – To Mrs. Rogers, want to publicly thank you for the 3 years you worked that position without the title, didn’t miss a beat and very proud of you. Many believe this was a position for you from the beginning. Under new business b, during the budget process council had discussed waiving the fee the Historic Preservation Commission, if that is the case, would ask council to consider one thing, there are under 200 homes in the historic district and you would be allowing those residents to pass on paying for town business. Whether you go before HPC, BOA or P & Z, the same amount of time goes into preparing the agenda and the meeting.

6. Public Hearing: 702 Federal Street water service; amendment to the annexation agreement (6:35pm)

Mayor Kanakos – Years ago septic system failed and they asked to be annexed in to use the town sewer. Allowed them to keep well because town had no water lines down the road. Now well has failed and they want to dig a new well. Still have no water lines out that far.

Councilman Garde – There is a current agreement between the town and the current owner. In the annex agreement, it obligated the town to supply water, if and when the private well was insufficiently capable in supplying water for their needs. It involves significant amount of money to run the pipe.

Seth Thompson – No actual written agreement but an oral agreement.

Councilman Garde – Asking for clarification as to what remediate means in paragraph 3.

Seth Thompson – I use the word remediate in the sense that I don’t think they need to dig a new well, but maybe dig deeper.

Greg Wingo – They can refurbish the existing well. Well company came out they have replaced the pump. We don’t have the infrastructure and it will cost a good amount of money to run piping down there.

Mayor Kanakos – Why would we have to do anything if he is only going to repair the existing well. I was under the impression that this was to dig a new well not repair the existing.

Greg Wingo – The two options are still available he is not sure what he plans to do.

Seth Thompson – If Council what to make it clear that it is an option situation, then repair or replace would be a better term then remediate.

Councilman Garde – If that is what is on the table then I think we should change it in two places; in paragraph 3 second line delete remediate, add repair, or replace and paragraph 4 line 1 in lieu of remediation put repair or replace.

Seth Thompson opened to public for comment.

No public comments made.

Motion by Councilman Garde to approve amendment to the annexation agreement as drafted with the exception of modifying clause 3 and the word remediate to repair or replace and clause 4 the word remediation to repair or replace.

Second by Councilman Kelly. No further discussion. All in favor. None opposed.

7. Presentation by George Cardwell, Pennoni Associates, 2017 Comprehensive Plan (6:43pm)

George Cardwell presented a slide presentation explaining what the Comprehensive Plan is, its purpose, and how information was gathered and presented. Discussed process from now until it is adopted and public workshops that are held for public comments. Covered the different areas of the Comprehensive Plan and what is contained in each section.

Questions & Comments from Council and Public:

Steve Crawford (216 Ridge Road) – On slide 10 – How are the residence going to be able to track what’s being recommended in the plan? Are there going to be annual objectives and read outs to the public.

Councilman Kelly – So that I understand, you would like the town to provide some kind of update periodically.

Councilman Garde – There is an implementation strategy for each section. To George I believe the State requires an annual update and could use that as the public update.

Jeff Daily (211 Gristmill Dr) – Comprehensive Plan id a living document in a sense, but it is a hibernating document in that in can only come to life by the Town Manager and Council.

Jim Welu (302 E Mill Run) – Thought there would be more on the Comprehensive Plan and not just the process. Will copies be available for the public?

Kristy Rogers – After tonight’s presentation I will ask for a PDF File to place on the website and a printed copy will be available at the library and at Town Hall.

8. Requests for Removal of Items from the Consent Agenda (7:23pm) –

Councilman Garde – Remove the project Coordinator Report and item e the Irish Eyes waiver.

Approval of the Consent Agenda: (7:25pm)

Motion by Councilman Garde to accept the written committee reports and to approve the balance of the consent agenda with the exception of the Project Coordinator Report and the Irish Eyes request for a waiver. Second by Councilman Kelly. With a roll call vote because of the resolution on the consent agenda. Councilman Cote - Yes, Councilman Garde - Yes, Councilman Kelly - Yes and Mayor Kanakos - Yes.

- a. Written Committee Reports**
- b. Written Department Reports: Administrative, Code Enforcement, Project Coordinator, Police, and Public Works**
- c. Finance Report and Statement of Revenues and Expenditures**

- d. **The Delaware Chapter of the Surfrider Foundation is requesting a waiver of Town Code Chapter 183-47, Use of Streets, for a fundraiser event at the Milton Theatre on February 24, 2017**
- e. **Irish Eyes of Milton is requesting a waiver of the 10-day limitation for a temporary banner**
- f. **Cape Henlopen School District is requesting a waiver of a building permit fee for the Milton Elementary School project. State law exempts building permit fees for such project (14 DelC §2006)**
- g. **Resolution 2017-002 to ratify actions of the Water Infrastructure Land Acquisition Committee**

9. Discussion and Possible vote on items removed from the Consent Agenda

Councilman Garde – One question for the project coordinator, under other activities, item number 4. Completed grant project with Chad and HPC. And is it a project we have money for.

John Collier – This was a grant through the CLG program. It is not match grant so there are no funds needed from the town. It's for the development of the brochure for the HPC.

Councilman Garde – Would like to discuss the waiver request from Irish Eyes to hang the banner for 30 days when Town Code indicates 10 days.

Councilman Kelly – We have granted waivers before and another coming before. I would suggest we grant the waiver as it is before us and examine the code and come up with a recommendation.

Motion by Councilman Kelly to grant the waiver for Irish Eyes. Second by Councilman Cote. All in favor. None opposed.

Motion by Councilman Garde to approve the Project Coordinators report as submitted. Second by Councilman Kelly. All in favor. None opposed.

10. Additions or Corrections to the Agenda (7:32pm): - None

11. Agenda Approval (7:32pm): Motion to approve the agenda by Councilman Cote. Second by Councilman Garde. All in favor. None opposed.

12. Old Business - Discussion and possible vote on the following item:

a. Ordinance 2016-009 to amend Town Code Chapter 167 entitled “Security Systems and Protective Services”

Seth Thompson – This Ordinance to streamline the code and make them more understandable.

Kristy Rogers – Last month council was given a draft Ordinance for Chapter 167. It simplifies the process. Milton Police department will maintain a registration system. Any residential or commercial property that exceeds 3 false alarms will be billed for false alarm 4 and more in an annual period.

Councilman Cote – On page 2 – Notice of Violation, don't we have a Town Code Enforcement Officer. It's says official but shouldn't it say officer.

Councilman Garde – Chapter 167,4b says 30 days after violation but in other areas we have 30 days after receipt of notice, think they should be conformed. On Ordinance in the section that needs to be certified by the Mayor needs to reflect 6th day of February instead of 23rd day of January.

Motion by Councilman Garde to approve Ordinance 2016-009 to amend Town Code Chapter 167 entitled “Security Systems and Protective Services” provided that conforming of the 30 days to 30 days after the receipt of violation and correcting the date at the certification and official to officer. Second by Councilman Kelly. Roll call vote: Councilman Cote – Yes, Councilman Garde – Yes, Councilman Kelly - Yes and Mayor Kanakos – Yes.

b. Citizen of the Year (7:39pm)

Kristy Rogers – Have not spoken to Councilman Fleetwood this evening, however as a result of the January 23rd meeting I was tasked by Council to contact the Town of Georgetown, in regard to their process for their Volunteer of the Year Program. Don’t think we need to redo their process, I think they have a good process. Can do a press release stating that the town was receiving nominations. I have brought a draft for everyone to review. Councilman Fleetwood has not seen this document yet.

Motion by Councilman Kelly to table until the next meeting to allow Councilman Fleetwood to review since he felt so strongly about this. Second by Councilman Cote. All in favor. None Opposed.

13. New Business – Discussion and possible vote on the following items (7:40pm):

a. Sidewalk waiver request from James Welu, 406 Hazzard Street, for the section of sidewalk along Atlantic Avenue

James Welu – Here following up on your suggestions from November that I get approval for the area along Atlantic Avenue.

Mayor Kanakos – In talking to John Collier I would think the wavier for the lot was for the whole lot, but don’t do that?

Kristy Rogers – I agree with your comment that a waiver applies for the parcel itself and not just one street of that parcel, however Council did request that Mr. Welu come back for the waiver of the Atlantic Street side of his parcel.

Councilman Garde – I only want to reiterate what we have said in the past. If we grant this waiver it’s not for ever. Chapter 10 in our draft Comprehensive Plan discusses sidewalks. And at some point, you would have to comply and install sidewalks.

Motion by Councilman Garde to approve this waiver at this time for sidewalks in the Atlantic Avenue side of Mr. Welu property with the understanding that if a new requirement is out in place that it overrides this. Second by Councilman Cote. All in favor. None opposed.

b. Ordinance 2017-003 amending Town Code Chapter 220-21 Historic Preservation Overlay District

Kristy Rogers – Before you this evening are recommended changes from HPC but because it amends the Town Code it requires a public hearing.

c. Resolution 2017-003 to establish the time and place for a public hearing on a proposed amendment to the zoning code, Historic Preservation Overlay District

Motion by Councilman Garde to approve Resolution 2017-003 to establish a time and place for a public hearing relating to a proposed amendment to Town Code Section 220-21 entitled “Historic Preservation Overlay District” and request an advisory report relating to there to. With the stipulation that the advisory report needs to be submitted no later than 15 days prior to the established date, which that established date would be the 1st day of May 2017. Second by Councilman Cote. Roll call vote. Councilman

Cote – Yes, Councilman Garde – Yes, Councilman Kelly – Yes and Mayor Kanakos – Yes.

d. Resolution 2017-004 to amend the 2017 Fee Schedule relating to the Application for Historic Preservation (7:48pm)

Mayor Kanakos – This came as a recommendation from HPC.

Councilman Garde – I am in line with former Mayor Jones comment that we have application fees for everything to account for the use of town staff.

Councilman Cote – Would just add, the town has to pay for the services somehow. We can ask those to pay who use the service or ask those of us not using the service to pay. I would say that those who are using the service should pay the fees.

Councilman Garde – I want to go on record that in no way disrespecting Chairman Hughes request and in no way discarding it frivolously.

Motion by Councilman Garde to leave the fee associated with the Historic Preservation application fee in place. Second by Councilman Cote. Roll call vote: Councilman

Cote – Yes, Councilman Garde – Yes, Councilman Kelly – Yes and Mayor Kanakos Yes.

e. 2017 Comprehensive Plan (7:54pm)

Motion by Councilman Kelly to table discussion of the 2017 Comprehensive Plan to allow Council, in a workshop session, to continue discussions and corrections to the plan and its process of implementation. Second by Councilman Garde. All in favor. None opposed.

Motion by Councilman Kelly to schedule a Council Workshop and direct the Town Manager to reserve space and identify a date for that workshop in the reasonable future. Second by Councilman Cote. All in favor. None opposed.

Kristy Rogers – One comment. Need to select a date. Just a note we have the library reserved the 1st and 3rd Monday of every month. If council is ready we could schedule it for February 20 or defer it to March 20.

If the library is open will have meeting February 20.

14. Executive Session: (7:57pm) – Motion to enter Executive Session made by Councilman Kelly. Second by Councilman Cote. 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. Personnel matters in which the names, competency and abilities of individual employees or students are discussed
- c. 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

Motion by Councilman Kelly to enter back in to regular session. Second by Councilman Garde. All in favor. None opposed.

15. Discussion and possible vote on Executive Session items –

Councilman Garde - Do we need to vote on the letter.

Seth Thompson – My position is that it is an administrative function for something that is already required

16. Adjournment: (8:30pm)

Motion to adjourn by Councilman Garde. Second by Councilman Kelly. All in favor. None opposed.