

Town of Milton

115 Federal Street
Milton, DE 19968



www.milton.delaware.gov

Phone: 302-684-4110

Fax: 302-684-8999

Milton Town Council Meeting November 5, 2018

1. Call to Order – 6:30 PM

2. Roll Call

Rich Baty
Mike Cote
Sam Garde
Kevin Kelly
Ted Kanakos

3. Additions or Corrections to the Agenda – none

4. Agenda Approval

Motion made by Councilman Garde to approve the agenda as submitted; second by ViceMayor Kelly. All in favor. Motion passed unanimously.

5. Executive Session: Motion made by Councilman Garde to enter Executive Session; second by ViceMayor Kelly. Motion passed unanimously.

- a. 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
- b. Personnel matters in which the names and abilities of an individual employees are discussed
- c. Preliminary land acquisition

6. Discussion and possible vote on Executive Session items – Motion to accept Option A as discussed in Executive Session with respect to preliminary land acquisition. Vote: Councilman Baty – No. Councilman Cote' – No. Councilman Garde – Yes. Councilman Kelly – Yes. Mayor Kanakos – Yes. No need to discuss Option B because Option A passed with the minimum majority 3-2

7. Moment of Silence

8. Pledge of Allegiance to the Flag

9. Public Participation

Alonna Berry – Her family has lived in Milton for many years and is excited to share news about another Milton resident, Bryan Stevenson, who is now an international civil rights advocate. He most recently opened a museum in Alabama and argued at the Supreme Court. Based on his legacy and his connection to Milton, there are two projects that are starting in the Town. One with the Milton Historical Society in the year 2019. Opening an exhibit that the students in school districts will be able to visit throughout the year. In addition, there is another organization that will provide more educational opportunities in Sussex County is his name.

10. Requests for Removal of Items from the Consent Agenda - none

11. Approval of the Consent Agenda on the following items: Motion made by Councilman Garde to accept the committee reports and approve the balance of the Consent Agenda; second by ViceMayor Kelly. All in favor. Motion passed unanimously.

- a. Written Committee Reports
- b. Written Department Reports: Administrative, Code Enforcement, Police, Project Coordinator, and Public Works
- c. Finance Report, and Statement of Revenues and Expenditures
- d. Minutes: October 1, 2018
- e. Executive Session Minutes: October 1, 2018

12. Discussion and possible vote on items removed from the Consent Agenda - none

13. New Business – Discussion and possible vote on the following items:

- a. Je T'aime Restorations, LLC, owner of Merriweather subdivision, status of compliance with Town Code Chapter 188-23

Ms. Wilkenson: At last meeting attended with her lawyer to handle all of this. Understand now what has to be done after meeting with J. Collier and G. Wingo. G. Wingo will get a price to create a punch list for the neighborhood to get the work done. Still has no intentions of building at present time.

Estimated time period? Will get the punch list completed quickly and will need to obtain contractor prices and they will give some names of people who are licensed to work in the Milton.

Punch list will take a couple of weeks. First thing needs to be something in writing. Punch list is infrastructure placement, i.e. curbing, street, any valves, storm drains, lighting, etc to precede the development of housing in the Merriweather subdivision.

Needs to take care of all of the infrastructure, then send a letter to the Town to go ahead and start the dedication process.

Question is if decided to go into a partnership to build on that first lot on the left, will we be able to get a building permit to do this?

Town Solicitor: Talking about 2 different issues. Explained that there are financial obligations that are owed to the town. It is not out of compliance with the subdivision ordinance. If you haven't paid taxes or fees, that is when someone is denied a building permit. We are talking about part of the subdivision ordinance that states after 80% of the lots either sold or built upon or after five years final approval but have to complete the streets and sidewalks. Not in violation of the Clean Hand Ordinance as it is written now. No money owed to town at this time.

J. Collier stated that permit would be withheld until the stormwater management pond is addressed. It has some minor issues.

Go ahead and do the streets and dedicate them to the town.
Progress will be monitored by the staff.

- b. Request by Maury and Daria Horn: minor lot line adjustment between tax/map/parcel 235-14.15-15.00, known as 502 Union Street, and tax/map/parcel 235-14.15-15.03, known as 113 Willow Street

J. Collier: Residents not able to be at the meeting. They did appear before the Board of Adjustment to request a variance in the square footage of the lot that is on 502 Union Street to under minimum of 10,000 sq. ft. required. That was granted by the Board of Adjustment. These are two adjoining lots that will now create more frontage and squared them up so that they are much more marketable. Neither owner intends to occupy the property and intend to sell.

Motion made by Councilman Garde to approve the request by Maury and Daria Horn for a minor lot adjustment and as recommended by Resolution of the Board of Adjustment; second by Councilman Cote. All in favor. Motion passed unanimously. Mr. Collier: will need to record a deed.

- c. Request from Milton Wesleyan Church: partitioning of tax/map/parcel 235-14.19-113.00, known as 411 Union Street

J. Collier: The church wants to separate the parsonage from the parcel and create two parcels. The property is listed for sale and they feel in their best interest to separate. There is also an easement that allows ingress and egress because the driveway is in the rear of the parsonage. Parking spaces will remain for the use of the church or the resident. There will be no physical change to either parcels. May do something later. Two parcels are conforming with code. Tax implication to Town? Not sure what their tax status is. If a private individual buys the lots, they are liable for the taxes. New lot is 10,000 and the remained is 17,000+. The new lot is the parsonage that fronts on Union St. Entrance comes off the parking lot. Talked about the alley which is on paper only. They are aware they do not own the strip.

Town Solicitor: They meet the requirements of the code. In terms of discretion, this partition isn't the case where there is a minor subdivision and you need to figure out the impact to neighboring properties.

Motion made by Councilman Garde to approve the request of the Milton Wesleyan Church; second by ViceMayor Kelly. All in favor. Motion passed unanimously.

- d. Resolution 2018-013 to amend the FY19 Fee Schedule to include new debt service fee Added on to the water bill that will start in January 2019; closing in December 2018. Motion made by Councilman Garde to approve Resolution 2018-013; second. Roll call vote. All yes. Motion passed unanimously.

- e. Ordinance 2018-004 to amend Chapter 174 of the Town Code relating to the residency restrictions of sex offenders

Town has a stricter law and ordinance about this, but the State requiring everyone to come into compliance and not much choice but to accept.

Town Solicitor: House Bill 357 of the 149th General Assembly expressly preempted municipalities' authority with respect to regulating where sex offenders can be. This ordinance is just bringing the town into compliance with State Code. Document received tonight was corrected to bring into 100% compliance as mandated by the State. Town has no choice but to comply.

Town Solicitor: Differences the Distance the Town Code talks about 3000 feet and the other big change is what the distance is measured from. State Code still allows 500' from any school but the Town Code included park and child care facilities which you can no longer do.

Motion made by Councilman Garde to approve Ordinance 2018-004 to amend as issued to us in the documents handed out tonight; second by Councilman Cote. Roll call vote.

Councilman Baty – Yes. Councilman Cote' – Yes. Councilman Garde – Yes. Councilman Kelly – Yes. Mayor Kanakos – No. Motion passed 4-1.

- f. Ordinance 2018-006 to amend Chapter 220 related to temporary structures; Resolution 2018-014 to refer Ordinance 2018-006 to Planning and Zoning Commission for an advisory report and schedule Town Council public hearing

K. Rogers: Instances in town where there is a need to strengthen the ordinances related to temporary structures whether placed on a property or in the street. Ordinance provides language in the zoning code to help town officials regulate where they are placed or constructed and for how long in compliance with also filling out a building permit. Even goes further to explain situations for festivals or events allowing a temporary structure for 72 hours. Process needs to go to Planning and Zoning and back to Council for a public hearing.

Councilman Garde: Need a definition of temporary structures and also universe of items you can have for the private social gathering or event vs. demolition, maintenance and repair.

Town Solicitor: It is in the zoning code. Structure already has a definition. But temporary does not have a definition for Chapter 220. The only temporary structures would be one dumpster, one storage unit for the property owner and one portable toilet. There is a defined universe of temporary structures under C. Need a cleaner finalized draft to go to P&Z because there is a different voting threshold. P&Z may want more direction. Only voting on scheduling a public hearing at the Council level. Once you assign a proposed ordinance for zoning, P&Z is supposed to do their report within 45 days. That is why we do the resolution to start the clock.

Town Council hearing scheduled at 6:30 PM on January 7, 2019.

Motion to approve Resolution 2018-014 to establish hearing to have P&Z work on the draft; second by Councilman Cote. Roll call vote. All yes. Motion passed unanimously.

- g. Records Management Policy

K. Rogers: Attended a training session with Delaware Public Archives on the need for municipalities to follow their processes for records retention archiving processes. Followed up and with a training day at Milton Town Hall involving all of the departments. Encouraged the town to establish a policy prior to enacting their rules with record retention. The policy gives a guideline for every document in our possession. Determined what is required to stay on hand by the adopted state retention schedules. This is a draft policy for your consideration so that Town staff may begin to go through the pages in the attic and organize them to utilize best business practices to handle records.

Motion made by Councilman Cote to approve the policy as presented; second by Councilman Garde. All in favor. Motion passed unanimously.

h. Final land acquisition - Motion to table made by Councilman Cote. Second. All in favor.
Motion passed.

14. Adjournment – Motion to adjourn. All in favor. 7:41 PM