

*Town of Milton*  
*115 Federal Street*  
*Milton, DE 19968*



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**Milton Town Council Meeting**  
**Milton Library, 121 Union Street**  
**Monday, February 4, 2019 Meeting Minutes**  
**5:00 pm Executive Session; 6:30 pm Regular Meeting**

1. Call to Order by Mayor Kanakos at 5:00pm
  2. Roll Call
    - C. Fleetwood
    - E. West
    - T. Kanakos
    - R. Baty
    - S. Garde
    - M. Cote'
  3. Additions or Corrections to the Agenda - none
  4. Agenda Approval

Councilman Garde made a motion to approve agenda. Seconded by Councilman West. Motion carried unanimously.
  5. Executive Session: Motion made by Councilman West to go into Executive Session. Seconded by Councilman Garde. Motion carried 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. 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
    - c. Preliminary land acquisition
- Motion to return to the regular meeting made by Councilman Garde. Seconded by Councilman West. Motion carried unanimously.
6. Discussion and possible vote on Executive Session items - none

7. Moment of Silence
8. Pledge of Allegiance to the Flag
9. **State of the Town Presentation – Highlights of 2018 – K. Rogers, Town Manager**  
Presented a slide presentation of the 2018 Highlights for the Town of Milton.
10. **Announcement of nominations being accepted for “Citizen of the Year’ and “Lifetime Volunteer” Awards – Mayor Kanakos**  
Nominations are now open for these awards. Send a nomination letter to Town Hall over the next 30 days and Council will review. A person will be chosen and presented a certificate at the April 2019 council meeting. The volunteer must live in the Town of Milton and contribute to Milton.
11. **Public Participation**  
K. Rogers received an email from past Mayor Newlands regarding the solutions to the parking lot flooding. He does not think it is a fix but a surrender. The one-way angle recommended with the two-way traffic will force drivers to make a U-turn and believes losing 20 spaces is terrible idea. He suggested just paving the area that floods. A rain garden is not a solution.
12. Requests for removal of items from the Consent Agenda  
None
13. Approval of the Consent Agenda on the following items:
  - 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: January 7, 2019
  - e. Executive Session Minutes: January 7, 2019

Councilman Garde noted the committee reports received were from the Historic Preservation Commission, Planning and Zoning, and Sustainability Committee. Motion made to accept the Committee Reports and approve other items on consent agenda by Councilman Garde. Seconded by Councilman West. Motion carried unanimously.

14. Discussion and possible vote on items removed from the Consent Agenda- none
15. Old Business – Discussion and possible vote on the following item:
  - a. Magnolia Street drainage project and parking plan.  
This is a large engineering project to correct a 200-year old nuisance flooding problem as well as bulkhead repairs. A vote is needed tonight in order to submit a timely response to state representatives for their budget and to acquire money for the project. Sharon Cruz and Ted Thompson, Jr., Engineering representatives, were present and introduced.  
  
S. Cruz explained the rain garden project and the elimination of twenty (20) parking spots. Flooding happens about four days per month. The original mandate was to prevent the flooding.

The major pipe which is now in existence will be replaced. During high tide, the rain garden will allow for the storage of water. If water gets too high, a pump station will force the water out. Unless there is some place to store the water, there will still be flooding.

Discussion: The only time the parking lot is full is when there is a meeting in the library or an event at the theater. There are six major infrastructure projects going on currently in Milton. It was questioned whether this particular project is really needed.

The amount of water prohibits anyone from parking where flooding exists. This project was designed to alleviate the problem. There are three bodies of water in that one spot and there is back flow. If there is an unusual rainfall, an established rain garden would help with the extra water. The town should be able to utilize the lot 24/7 for the businesses downtown.

Mayor questioned why it should be available 24/7? Since elected as Mayor, he has not had one person complain about the flooding and has not seen where it has affected shoppers. Ms. Cruz was asked if alternatives were looked at before the rain garden was decided to be the best option. It has been suggested paving the parking lot with pervious paving material. Ms. Cruz responded that there were several options considered. Storing the water underground is expensive. Looked at permeable pavement or asphalt. However, most of the time when near a high-water table, the pavers can move up and down.

Existing design is not adequate to handle flooding. Water comes down the hill on the north side of Magnolia and goes underground to manhole entrance to the parking lot. Questioned whether the system is broken and the manhole not functioning properly? It was noted that there is sediment and dirt in the pipes. They are not designed to handle what is going on in today's world. The entrance would be moved away from the intersection to the middle of the block. This area is really congested and especially on Saturday mornings. Mayor commented that he is not comfortable with the project as presented.

Councilman West talked about his solution to alleviate the problem which would work and only result in the loss of two parking spots. It would widen the ditch, run a new pipe to the river from the catch basin in the parking lot, and run to a rain garden close to the wall. Mr. Wingo reiterated that the rain garden should be positioned in a lower spot.

It was recommended to invest money in a more detailed plan that would preserve the twenty parking spots. There may be a need for pumping power. An alternative has been proposed by Councilman West and may be workable and cost the same or less.

Motion to table the discussion on the Magnolia Street drainage project was made. Seconded. Roll call vote. Approved with one opposed, Mr. Cote'.

Bulkhead – Ted Thompson, Jr. - took a quick look where bulkhead is collapsing into the ground. Besides the debris, the corrosion in the corrugated pipe may be exacerbating the condition. He was asked what is under the boardwalk. During the exploration, it discovered that there are brick pavers right under the boardwalk. When DelDot put the bridge in, they also installed the boardwalk and they did not fill up the holes.

Mr. Thompson was asked what the least costly alternative would be to repair the holes and corrugated metal pipe. First need to see the mudline to find out more. The least intrusive would be to patch new steel onto the old. The only area is up near the bridge on Union St. After bulkhead repair, if rain garden project is done, would there be a need to take out again in order to complete? Would there be a need to punch three new holes? Ms. Cruz answered that there would be one new hole for pressure line. Mr. Thompson recommended diving to assess the situation.

Motion made by Councilman Garde to request a proposal for a more detailed engineering study of the condition of the piling under the wooden boardwalk. Seconded by Councilman Baty. Roll call vote. Motion carried unanimously.

16. New Business – Discussion and Possible vote on the following items:

- a. Fee waiver request from the Milton Little League, relating to 1000 Atlantic Avenue  
Krystle Vogel spoke on behalf of the Little League. Questioned a water bill received in October when a new meter was installed. Mayor explained that there are 19 nonprofits in Milton and they all pay for water. Council agreed that all nonprofits should be treated uniformly. Ms. Vogel asked for a waiver because it was a surprise to the Little League. Communications were never received before receiving the bill. Mr. Wingo explained that they found this water line from VFW to the Little League through a leak. The VFW line feeds the Little League concession stand and there is also a water main for irrigation. The former President of the Little League was contacted about the situation and informed they would start receiving a usage bill. The billing for the Little League is irrigation use only.

Motion made by Councilman Garde to deny the request for a waiver of water charges. Seconded Councilman Baty. Roll call vote. Motion carried unanimously.

- b. Sidewalk waiver request from Supreme Builders LLC relating to 308 Frederick Street.  
Scott Leshner, Supreme Builders Representative: Council stated that if approved the waiver would not be in perpetuity. It would be until such time that the Town changes policies enforcing installation of sidewalks. Property owner will be responsible in the future for the sidewalks.

Motion made by Councilman West to approve waiver request until such time as Town policies change. Seconded by Councilman Garde. Motion carried unanimously.

- c. Recommendation from the Sustainability Committee relating to Seismic testing; and Resolution 2019-005 Opposition to Seismic Testing  
Some council members commented that this was discussed at the last meeting. Mayor Kanakos explained that this is a new issue that came up in a different form.

Motion made by Councilman West to adopt Resolution 2019-005. Seconded by Councilman Garde. Roll call vote. Vote 5,1. Motion carried with one opposed vote by Councilman Baty .

- d. Resolution 2019-001 Community Development Block Grant  
The next two items relate to the same. Public hearing was last month. First is to take part in the application process and second one relates to infrastructure project only. Milton does not intend to apply for any block funds for infrastructure and should be zeroes in the application.

Motion made by Councilman Fleetwood to authorize the Resolution to Sussex County to apply for the Block Grant. Seconded by Councilman West. Roll call vote. Motion carried unanimously.

- e. Resolution 2019-002 Endorsing Project to be Submitted to the Delaware State Housing Authority for Funding from the US Department of Housing and Urban Development.

Motion made to approve by Councilman Garde and seconded by Councilman West.

Discussion. If income levels change, can the Town apply for infrastructure improvement? K. Rogers is meeting with Sussex County to make the determination about median household income. Roll call vote. Motion approved unanimously.

- f. Ordinance 2019-001 To amend Chapter 220 of the Town Code entitle, “Zoning”, regarding density control calculation; Resolution 2019-003 to schedule a public hearing on Ordinance 2019-001.

K. Rogers explained that this ordinance would implement the same process as the county just passed to exclude certain areas from the acreage density calculation. The language in Section B was questioned. An article in Cape Gazette reported that only tidal wetlands would be included in the county policy. This seems to be broader. Ms. Rogers explained that this section was copied from the county’s ordinance.

Motion made by Councilman Garde to adopt the Resolution for public hearing and approve the draft attached to the Resolution. Seconded by Councilman West. Motion carried unanimously.

- g. Resolution 2019-004 to request an amendment of the Charter of the Town of Milton relating to contracts and periodic assessments

K. Rogers: last month discussed the problems with purchasing. Last year adopted an ordinance related quarterly assessments. The Resolution is attached to the draft House Bill which can be sent to Dover after a public comment period. Going to Dover is part of the process. The Resolution requests that the Delaware State Legislature amend the Town’s Charter relating to purchases and contracts, as well as to include express timeframes for assessments. It was expressed that Item #9, purchase material under the supervision of the town manager, seems too broad and should be deleted and renumber Item #10 as Item #9. The purchasing power would be raised to \$10,000.

Motion made by Councilman Garde to approve Resolution 2019-004 with deletion of Item #9 and renumber Item #10 to #9. Seconded by Councilman Fleetwood.

Discussion: Paragraph #1, end of first line, fiscal year was deleted. Why? K. Rogers stated purchases in a fiscal year over \$5,000 are needed for operation and there’s an issue with receiving bids.

Discussion: Per project rather than per year? Or in perpetuity. It would be per purchase.

Motion made and seconded. Motion carried unanimously. K. Rogers will make change and submit to DE State Legislature.

- h. Chandler Street parking, Cannery Village parking and speed limit, Tilney Street speed limit and placement of stop signs on Shipbuilders Blvd.

It was recommended that Council vote on each of these issues separately. There has been feedback from constituents about changing parking on Chandler St. to No Parking.

Motion made by Councilman Garde to approve No Parking on Chandler St. to Ridge Rd.

Seconded by Councilman Fleetwood. Motion carried unanimously.

Cannery Village is another safety issue because of the fire lane. Would like to see speed limits reduced to 15 mph.

Motion made by Councilman West to reduce speed to 15 mph. Seconded by Councilman Fleetwood. Approved with two opposed, Councilman Garde and Mayor.

Parking in front of the brewery discussed. Currently stenciled as no parking. Not all of the area is painted. Across the roadway, they have also painted further up the road. Just goes to the walkway which ties in Cannery Village Clubhouse and No Parking. Make a recommendation at the truck entrance to install No Parking signs and paint over. Mr. Wingo stated that the Town of Milton paints. We do not stencil. Need to paint over the curbing and install No Parking signs. Across the street from the clubhouse from that alley back to Dog Fish, paint that yellow and No Parking.

Motion made by Councilman Garde as expanded during verbal discussion. Seconded by Councilman West. Motion approved unanimously with exception of Councilman Cote' who recused.

Tilney Street and Reed St. discussion: Reduce the speed to 15 mph at least to the intersection. There are signs "Children Playing". It is a public safety issue. Mayor has not seen any speeding there at all.

Motion made by Councilman West to reduce speed limit to 15 mph on Tilney, Reed and Clifton. Seconded by Councilman Garde. Motion carried with one opposed, Mayor Kanakos.

Shipbuilders Blvd: Chief Longo and G. Wingo discussed putting up 25 mph speed limit signs.

Motion made by Councilman West to install 25 mph speed limit signs. Seconded by Councilman Garde. Motion carried unanimously.

- 17. Adjournment: Motion to adjourn by Councilman West and seconded by Councilman Garde 8:25 PM