

Town of Milton

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Milton Town Council Meeting
Milton Library, 121 Union Street
Monday, March 4, 2019

1. Call to Order 6:30 PM
2. Roll Call
 - Cote'
 - Garde
 - Kelly
 - Kanakos
 - Baty
 - Fleetwood
3. Additions or Corrections to the Agenda
4. Agenda Approval: Motion made by Councilman Fleetwood to approve the agenda. Second by ViceMayor Kelly. Motion carried unanimously.
5. Executive Session: Motion made by ViceMayor Kelly to enter Executive Session. Second by Councilman Fleetwood. 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
6. Discussion and possible vote on Executive Session items.
Councilman Garde made a motion that the personnel issues discussed in executive session be implemented. Second by ViceMayor Kelly. Motion carried unanimously.
7. Moment of Silence

8. Pledge of Allegiance to the Flag

9. Public Participation

Councilman Fleetwood put forth an idea that the Sustainability Committee look into solar panels and possibility of installing ten charging stations. Mayor Kanakos will assign to the Sustainability Committee and ask them to report back in 6 months on how much it would cost and how long to get money back. No vote required.

10. Public Hearing relating to Ordinance 2018-010 to amend Chapter 220 of the Town Code entitled “Zoning”, regarding activities prohibited in all districts. Mayor Kanakos read the synopsis. Amends the town code ordinance related to spray irrigation. Specifically, the ordinance prohibits the use of wastewater effluent, also known as reclaimed water, except for actively-farmed agricultural lands and lands in the State’s agricultural preservation program. The State has their own rules and regulations and Milton should have our own. There are about 170 acres of agricultural land in Town. Need to be proactive. No comments on new ordinance to basically protect our groundwater.

11. Public comments on proposed Town of Milton Charter amendment related to contracts and supplemental assessments

Proposed bill amends the Charter of the Town of Milton relating to purchasing contracts. Specifically, it raises the monetary thresholds to be more in line with the state of Delaware from \$5,000 to \$10,000 and raises the purchase of materials or services from \$10,000 to \$25,000 which then may be accomplished by soliciting letter quotations from not fewer than three sources providers. There have been instances where three bids could not be obtained. It also allows the Town to levy and collect property taxes on an annual and on a quarterly supplemental basis.

Councilman Garde: Motion to close the public hearing on Ordinance 2018-10 going back to last year to amend and also close the public hearing for proposed charter amendments. Second. All in favor. Yes.

12. Presentation on Fiscal Year 2018 annual financial audit

PKS presented a formal presentation on the highlights of the audit. Financial statements are the responsibility of the Town. PKS does not express an opinion, but if any instances are found where the Town is not in compliance, PKS is required to report that finding. PKS was pleased to say they did not find any instances. PKS also looked at the Town’s internal accounting procedures and controls. Again, if there are any deficiencies in these controls, PKS is required to report that. No weaknesses in accounting or controls were found. Financial highlights reviewed. Town activities are divided into two funds. The General Fund and the Utility Fund ending September 30, 2018.

In conclusion, the Town of Milton’s books and records are in good shape. PKS did not experience any significant difficulties performing the audit. Mrs.

Rogers and the rest of the accounting staff were cooperative and the Town of Milton is in a strong financial position.

Mayor and Council thanked Mrs. Rogers and the accounting staff.

13. Presentation on Transportation Improvement Districts

Sara Coakley, DelDot, displayed a slide presentation as follows:

Slide #1: What is a Transportation Improvement District (TID)?

Slide #2: Why Create a Transportation Improvement District (TID)?

Slide #3: Characteristics of a Good TID

Slide #4: How to Get Started

The Town will have the option of modeling different scenarios. This will help local government decide on a more specific land use plan. DelDot can model several different scenarios if needed and will present cost estimates for specific doable projects. The Town would work with DelDot to advocate for those projects and to create a land use and transportation plan. Each of these steps, land use and transportation plan, cost estimates and fee schedules would come back to Town Council for approval.

Infrastructure fee program is basically collecting the fees from the developers and implement the transportation projects. There are different options for this. Fees are collected before permits are issued and tracked. In unincorporated areas, DelDot is collecting and tracking them and then sending the tracking information to the County. This is something that can be worked out between the Town and DelDot. The program's fee is based on what type of development, square footage, units, etc. The percentage charged to the developer is negotiable as well. Westtown is 30% to the developer, Southern New Castle County is 50/50. One of the goals of the plan is economic development. If you want development to occur in a TID, should be low enough not to discourage development. A monitoring program is recommended. DelDot will work with Town to develop a schedule when to get traffic counts and also tracking building permit information and mapping to determine the order of the projects. Responsibilities would be spelled out in the agreement as well. Developers will have the choice to either pay fees and be credited for doing road improvements. It might necessitate improvements be made along the frontage and anything beyond the entrance would be credited.

If a developer paid a specified amount into the TID fund, it could be used to put in sidewalks if within the boundaries. The whole Town of Milton and any annexed area could be a TID and then work with the County to agree on land

use. TID funds could also be used for installation of curbs and sidewalks for Milton-owned streets where there are none at present.

How to get started was noted on the first slide. First, the Town needs to express an interest, and a decision needs to be made whether it fits DelDot's requirements for a TID. Town Solicitor suggested putting together a resolution formally requesting interest and authorizing Town Council.

No vote required because it wasn't listed for a vote on the agenda.

14. Presentation on Verizon Wireless cell tower

Consultants from Verizon presented a proposal to build a 140' tower on Front St. near Public Works building between Collins and Walnut Streets on town-owned property. Mike Cleary (Verizon) will discuss why Verizon wants to install there, wet lands and flood plan issues, and equipment inside the compound. Display boards were presented to show what will be done. Andy Peterson, radio frequency engineer, to talk about why Verizon needs site. Matt Grabart (Verizon) stated that this is a fairly typical tower installation. Proposal is for a 50x50 fenced compound. Gravel center in the center of the compound. It is a 140' tall tubular structure with a galvanized lightning rod. The only thing wireless is communication between tower and cellphone. 3-4' diameter at the base and is typically 18 sided. Originally proposed an area closer to Front St. An environmental specialist came out and determined that all the area on Front St. is wetlands. The compound was shifted back further on the property to be outside of the flood plan and wetlands disturbance. The location of the access road is positioned to keep disturbance of the wetlands to a minimum. K. Rogers stated that there are steps to take before moving forward. There has to be a site plan approval before Planning and Zoning as well as conditional use for the tower.

There are issues in Milton of dropped calls and subscribers demanding more from the network. The trend is to cut the cord for home phones and tv. With the advent of 5G technology, it won't be long before you can get your television and internet over the air. Service in the area is not going to get better unless resources are added. This facility will greatly improve service to Verizon Wireless subscribers. Co-locators (other than Verizon) will be able to share the structure.

Verizon does propagation modeling to see how existing facilities are covering the area. Things are moving very quickly in the world and this will fulfill the need. It will be built with 5G ready to go. When 5G is overlaid onto existing sites, the only change will be some type of radio software upgrade or swap out. It would not involve the addition of any equipment. At the top will be a triangular platform initially and if a co-locator would come along, the industry standard is to install that rack of antennae on a different platform typically 10' on center below the existing. Each height level is an individual carrier. Verizon would have to approve any new carrier who may be interested in the tower.

There will be no guide wires because the structure is strong enough to withstand worse-case scenarios. It is a caisson-style foundation that will go down 20-40' depending on analysis at that location to determine parameters. There will be no negative effects on the residents living around the area. It will only improve the service of Verizon Wireless customers.

If the tower is approved and installed, dead areas in cars and buildings in Town of Milton will be eliminated almost entirely. The computers in police cars will interface with the cellular network the same way the phones do. Voice and data are on the same network.

Discussion on why not use the water tower to which Mayor stated that there have been requests to use but thought that the water tower is beautiful and did not want to mar it with this type of thing. There is another water tower that Verizon looked at but it was too close to the existing site on Gravel Hill Rd. Having sites too close together is not efficient. Target date for completion: 2020.

15. Presentation by Delaware Patriot Guard
Moved to April Town Council meeting.
16. Requests for removal of items from the Consent Agenda: Minutes of February 4, 2019
17. 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: February 4, 2019
 - e. Executive Session
18. Discussion and possible vote on items removed from the Consent Agenda
Councilman Garde made a motion to accept all items but not Item d.
Councilman Cote second. All in favor. Reason for removal of Item d due to several inaccuracies that should be corrected prior to approval. He will make his comments and then they can be presented at the next meeting. Motion carried unanimously.
19. Old Business – Discussion and possible vote on the following item:
 - a. Ordinance 2018-010 to amend Chapter 220 of the Town Code entitled “Zoning” regarding activities prohibited in all districts.
Councilman Fleetwood made motion to adopt Ordinance 2018-010 and Councilman Garde second on the basis that the dates be filled in

with the appropriate dates. They are currently blank. K. Rogers pointed out that P&Z has not had time yet to consider the advisory opinion on this ordinance. Council can act on their own since it has been 45 days or wait.

Town Solicitor: In reality you can vote on this even though no public comment. If there is a vote and something comes back that requires a change, it can be amended.

After discussion, all council members voted yes on the motion made by Councilman Fleetwood. Motion unanimously approved.

- b. Magnolia Street drainage project and parking plan; as requested, additional task order for bulkhead condition assessment

Ted Thomson & Sharon Cruz, Pennoni

Councilman Garde stated this is a line item with two different discussions. One is a discussion for an additional task order for the bulkhead condition assessment and second, is the discussion of the drainage project/parking plan. Councilman Garde made a motion for an additional task order and to proceed with the \$21,000 to examine the current condition of the bulkhead. Second by Councilman Fleetwood. It was agreed to separate the two discussions.

Bulkhead Discussion:

Mr. Thomson: Explained that during parking lot project there was some disturbance noticed with one of the pilings. That was the initial assessment. Second assessment proposing now is to obtain further info on that as well a condition assessment in its entirety. If the bulkhead needs to be replaced due to tilting, our goal is to find out how to restore. Something can be put behind there, like bags of grout, that will stop fill from the parking lot moving out to the river. The condition assessment for \$21,000 will reveal what needs to be done. The \$5,000 for local subcontractor in the proposal is for timber and is included in the \$21,000. Engineering cannot remove the boards which have to come up in order to do this. The boards will be removed and replaced with same size new boards. If it is determined that the bulkhead is in complete disrepair, they would come up with a new detail to restore that area and options to do whatever.

Mayor: There is a motion and second to allow Pennoni to go forward with assessment in the amount of \$21,000.

G. Wingo's recommendation is not to spend this money. The areas of concerns are at the pipes and holes cut into pilings. His recommendation is to go with the repair. What could be done is excavate those areas and see what is going on the other side. He is 100% positive the issue is right at those pipes and holes cut in that

sheeting. The sheeting is only 30 years old and he has been up and down at high tide in a boat at that section and walked down it at low tide. The metal sheeting is in good shape.

Councilman Garde stated that in his opinion the town would be prudent to continue with the assessment of the entire sheet piling all the way from where it starts to the Union St. bridge and did not withdraw his motion.

Mr. Thompson spoke with G. Wingo, but in order for him to say wall is in good shape, the condition assessment is how he would do it. There are no other signs in any other sections of the bulkhead. If this is not desired at this point and if the Town can act as the subcontractor, the fee could be reduced \$8,600. That is eliminating the diving, and eliminating the allowance for the subcontractor. Pennoni would work with Public Works to look behind that one section of bulkhead.

Councilman Garde restated his motion. A motion to authorize implementation of the draft task order addendum prepared by Pennoni to allow the Town of Milton to approve this task order for \$21,000 to complete the entire assessment of the sheet piling from the bridge to its termination.

Roll Call Vote as follows: Councilman Fleetwood, No; Councilman Baty, No; Councilman Cote', No; Councilman Garde, Yes; Councilman Kelly, Yes; Mayor Kanakos, No. Motion failed 4 No, 2 Yes

Councilman Garde made a motion to allow that Public Works and Pennoni to work together to make a condition assessment of the area specifically around the bollard not to exceed the price from Pennoni of \$8,500. Second Councilman Kelly. Councilman Garde corrected the motion to allow up to \$9,000. Councilman Kelly accepted the change and renewed his second. A new task order from Pennoni will be submitted.

Roll Call Vote. All councilmen voted yes. Motion passed unanimously.

Drainage/Parking lot Discussion that was tabled at the last meeting: Mayor Kanakos expressed concern that if this is done it will cause massive congestion.

G. Wingo stated that the entrance will be laid out to hopefully meet with the Historical Society entrance. Street is wide enough for angled parking. The width of the thru lanes in each direction on Magnolia would not change. It was suggested that the Town apply for funding through bond bills because not sure if it will work out with the Historical Society. If the conditions are not acceptable to Council, the

request can be withdrawn. Councilman Fleetwood made a motion to accept now.

Councilman Garde: No motion with respect to the parking lot. There are two contingencies. #1 if able to reach mutual agreement with the Historical Society so that the parking on the northside would be doable. #2 is that some financing be obtained through the bond bill this year. Proceed with the implementation of the parking plan on the northside if able to reach a mutual agreement with Historical Society and then obtain financing at a minimum of 75%. S. Cruz stated that the \$195,000 does not include the bulkhead, rain garden or parking lot. Parking spaces can be added to the plan in conjunction with the parking lot.

Per G. Wingo the first step is to get the plan and make sure it is going to work. Once we do that and sit with the board, we can move farther into it. Until we get to that point, we don't know. Need the Council's approval to get this out to start the funding process and start setting up other meetings with other property holders.

Motion to implement with two mutual agreements: one with Historical Society to acquire land for parking and second the amount of funding.

Roll Call Vote: All Yes. Motion passed.

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

- a. Lot line adjustment request from Esthelda Parker-Selby, 112 and 114 Milton Ellendale
Highway, tax/map/parcel 235-14.15-65.00 and 235-14.15-65.01

Councilman Fleetwood made a motion to accept and Councilman Garde second to modify the threshold in this case only. No change on the books.

All in favor. Motion passed unanimously.

- b. Partial sidewalk waiver request from Kevin and Lori Morrow, 604 Union Street

Councilman Garde made motion to approve only on Orchard St. This is a corner property and as with other waivers will not be in perpetuity. Only until such time the Town implements sidewalks. Councilman Fleetwood second.

Mayor feels it goes against Town ordinance. Side street sidewalks cannot be waived. If continuous, must be attached. Thinks it sets a very dangerous precedent.

Councilman Garde did not agree. The only time it came up was on a single street. A waiver was not granted for sidewalks along that street where property abutted. In this case it is a sidewalk with a curb,

Roll Call Vote: Councilman Fleetwood, Yes. Councilman Baty, No. Councilman Cote', Yes. Councilman Garde, Yes. Councilman Kelly, Yes. Mayor Kanakos, No. Motion passed 4-2.

- c. Ordinance 2019-004 Recommendation from the Historic Preservation Commission on amendments to Town Code Chapter 220-21, entitled "Historic Preservation Overlay District"; Resolution 2019-006 to establish a public hearing on the proposed amendment
Kelly: Section 1 Part B "shall schedule" has been corrected. Public hearing will be held on May 6, 2019.

Councilman Fleetwood made a motion to establish a public hearing on Ordinance 2019-004, Resolution 2019-006. Second by Councilman Cote.

Roll Call Vote: All Yes. Motion passed unanimously.

- d. George Miles and Buhr, on behalf of Fernmoor Homes at Heritage Creek, has requested design standard modifications in accordance with Chapter 188. Subdivision of Land § 188-22 "Street design", Paragraph K. in accordance with Chapter 220 "Zoning", Article IV. Zoning Use and Overlay Districts, § 220-20 "Large Parcel Development" (LPD) Paragraph P. Modification of development standards (1) (e)

Tim Willard, Attorney - Modification of the master plan. Minimum radius for cured roads is at 150' asking for 125'. The 150' radius comes out farther and if reduced to 125' will allow them to keep more of the forest. J. Collier discussed the P&Z exhibits attached that indicates recommended deed restrictions on lot 85 to be built in small area.

Councilman Fleetwood made a motion to grant approval of the request. Councilman Garde second.

Roll Call Vote: All Yes. Motion to approve passed unanimously.

- e. Ordinance 2019-002 to ratify an amendment to Town Code Chapter 209-38 entitled "No parking or standing areas"

Ordinance amends the Town Code's parking ordinance relating to Chandler St. Specifically, expands the parking prohibition on the

north side between Behringer Ave. and Ridge Rd. It also prohibits parking in the Cannery Village subdivision along Village Center Blvd. on the east side between the truck entrance into the Dogfish Head facility to the crosswalk that goes between the parking lot and community's clubhouse.

Councilman Garde wanted to make no parking on either side of Chandler. The ordinance needs to say extending no parking on both sides. Town Solicitor said that the ordinance can be amended.

Councilman Garde made motion to accept Ordinance with modifications as discussed for Sections 16 and 18. Councilman Kelly second.

Roll call Vote: All yes. Motion passed unanimously.

- f. Ordinance 2019-003 to ratify an amendment to Town Code Chapter 209-102 entitled "Speed limits established"
Ordinance amends the Town Code's ordinance relating to speed limits. Specifically, lowers the speed limit on Tinley & Reed Sts. from 25 mph to 15 mph.

Councilman Garde: Believes that all of Clifton was to be 15 mph as previously voted on by Council.

Councilman Garde: Motion to approve Ordinance 2019-003 with corrections mentioned by the Town Solicitor that Clifton St. also be posted as 15 mph. Councilman Cote' second.

Roll call Vote: All yes. Motion passed unanimously with corrections as stated.

21. Adjournment motion to adjourn 9:26PM