

Town of Milton

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Milton Town Council Meeting Minutes
Milton Library, 121 Union Street
Monday, April 1, 2019

1. Call to Order
2. Roll Call
 - Baty
 - Cote'
 - Garde
 - Kelly
 - Kanakos
3. Additions or Corrections to the Agenda – Removal of February 4, 2019 Minutes and Item 21.g.
4. Agenda Approval: Motion made by Councilman Garde to approve of the agenda. Second by ViceMayor Kelly. Motion carried unanimously.
5. Executive Session: Motion made by Councilman Garde to enter into Executive Session. Second by ViceMayor Kelly. 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. Personnel matters in which the names and abilities of an individual employees are discussed

Motion made by ViceMayor Kelly to enter regular session. Second by Councilman Garde. 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. Swearing-in of Mayor and Councilmembers
Mayor Kanakos read a statement regarding the state of the Town of Milton for the last three years. He thanked the all-volunteer council members for their hard work and dedication to changing things for the good. He recognized Town Manager, K. Rogers, and the staff who make the Town Hall a welcoming place. Acknowledged the work that Police Chief Longo has done over the past three years to bring new confidence and trust to the department. All other departments including the town solicitor were recognized for their continued work keeping the town straight.

Swearing in ceremony for Mayor and Councilmen.

10. Nomination and confirmation of Vice-Mayor, Secretary, and Treasurer
Councilman R. Baty nominated as Treasurer/Secretary and Councilman K. Kelly nominated as Vice Mayor. Council voted as follows: S. Garde, Yes. K. Kelly, Yes, R. Baty, Yes. Mayor Kanakos, Yes. M. Cote', abstain
11. Certificate for Years of Service
John Koerkel
12. Certificate of Recognition
Michael Trotta, Code Enforcement Officer
13. Lifetime Volunteer and Citizen of the Year Awards
Frederick Harvey, 2019 Citizen of the Year
Estella Parker Selby, 2019 Lifetime Volunteer of the Year.
14. Presentation by Delaware Patriot Guard
Captain of the DE Patriot Guard explained how their group partnered with Hogs & Heroes DE Chapter One to provide winter coats and uniform shirts. Donated \$550 to Milton Auxiliary Force. Also presented a wooden flag to the Milton Police Department and a small flag for Chief Long's desk. Thanked them for their assistance during funerals and other missions.
15. Public Participation
None
16. Public Hearing relating to Ordinance 2019-001 to amend Chapter 220 of the Town Code entitled "Zoning", regarding calculation of permitted density in all districts
Town Solicitor explained how this Ordinance is set up for purposes of calculating the permitted density or allowable density in all districts. The gross area shall be divided by the applicable lot area stated in each district, unless otherwise specifically set forth therein. For the purposes of this section,

“gross area” shall include the lot areas and the area of land set aside for common open space or recreational use but shall exclude any area designated as a buffer tidal tributary stream, freshwater pond, lake or river pursuant to Sub Section 220-59, and any wetlands, either tidal or freshwater, designated as protected by state or federal law or both.

B. McGrath questioned whether the ordinance will affect what is already in the pipeline. It was explained that this ordinance mimics the County ordinance and will be discussed under “Old Business”. Public hearing closed.

17. Requests for removal of items from the Consent Agenda
No items removed from the Consent Agenda.

18. 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, and February 20, 2019
- e. Executive Session Minutes: February 20, 2019
- f. Advisory report from the Planning and Zoning Commission related to Ordinance 2018010 to amend Chapter 220 of the Town Code regarding activities prohibited in all districts (no action needed; recommended approval without revisions)

19. Discussion and possible vote on items removed from the Consent Agenda
Councilman Garde recommended that Mayor and Council accept the Planning and Zoning February 15, 2019 report; Historic Preservation January 29, 2019 and February 26, 2019 reports; Water Committee minutes January 10, 2018, August 1, 2018, October 10, 2018, December 12, 2018, and January 9, 2019, and approve the balance of the consent agenda. Councilman Kelly second. All in favor. Planning & Zoning were thanked for their advisory report related to Ordinance 2018-010 which was voted on at the last meeting.

20. Old Business – Discussion and possible vote on the following item:

- a. Ordinance 2019-001 to amend Chapter 220 of the Town Code entitled “Zoning”, regarding calculation of permitted density in all districts

Discussion: Draft does not discuss public or private right of way. Need to explain why we should include or exclude and also to explain where the language came from and how it mimics the County ordinances and would it apply to any annexation places in addition to possible developments. Since not in draft at the moment, Town Solicitor was asked his thoughts about rights of way to be included or excluded.

Councilman Garde made a motion to approve Ordinance 2019-001 as submitted with two minor changes: insert “any” after buffer, fifth line, and add comma where there is a period, public right of way. Councilman Kelly second. Roll call vote: All yes. Motion carried unanimously.

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

- a. Appointments/Re-appointments of members to Committees, Commissions, and Boards

Motion made to approve all appointments and re-appointments except for Finance Committee which will sunset. Councilman Cote’ second.

Following is the discussion on the sunset of the Finance Committee. One of the duties is the review of the budget which will be coming up in the next few months. Mayor Kanakos commented that he had not seen a report in three years. It was stated that the committee did not report on every line item but did bring up some items. There are 33 line items and the committee commented once.

Councilman Garde made a motion to extend Finance Committee leaving the membership open during budgeting process. He thinks that the concept of the Finance Committee benefits the town by having that level of assurance. Modified the motion to not appoint any one at this time to the Finance Committee and leave as committee that will be filled by next annual budget cycle. Councilman Cote’ stated that the absence of reports was due to the majority of the items in the budget were agreeable to the committee.

Revised motion to approve everything except sunsetting the Finance Committee which will remain and not be filled with members until next budget cycle. Town Solicitor commented that it would be helpful to identify what duties the Finance Committee has and what to expect from all ad hoc committees. Councilman Kelly second. Councilman Cote’, yes, Councilman Garde, yes. Councilman Kelly, yes. Mayor Kanakos, abstain. Councilman Baty, abstain.

- b. PKS & Co Audit Services Contract

PKS have been the auditors for the Town of Milton for the past 8 years and provided a 3-year contract for approval. Motion to approve made by Councilman Cote’ and Councilman Garde, second the motion with questions. He stated that not a contract but a letter of engagement and would like to make sure it includes a contractual standard of performance and a remedy for the town for failure to meet those standards. Motion to approve the contract and the engagement letter to define what was needed. Letter of engagement will follow and be signed by Town Manager and Treasurer. All in favor. Motion carried unanimously.

- c. Application for rezoning from Paulina Owedyk, 406 Hazzard Street, tax/map/parcel 235-14.19-120.00; Resolution 2019-008 to schedule a public hearing on the application for rezoning and proposed amendment to the Comprehensive Plan

Town Manager stated the only action is language of resolution, then send to P&Z for advisory report so Council can take action. Synopsis of the meeting was prepared by Mr. Collier. Six items in the request because there is a lot of information. Schedule public hearing as long as an advisory report is received prior to the meeting on June 3, 2019 which allows enough time. Councilman Garde made a motion to approve resolution. Councilman Kelly second. Roll call: all yes. Motion carried unanimously.

- d. Request from Chestnut Properties II LLC on design modifications as noted in Town

Code Chapter 188, Subdivision of Land, and Town Code Chapter 220, Zoning, within

Cannery Village Phase IV

Chestnut Properties representative. Seeking relief from Town on design modifications. Provided a brief description of extension to Cannery Village of 117 units. Each unit has a driveway and off-street parking. Everything meets code with the exception of a few items.

The following is a summary of discussions, concerns and comments on the request:

Asking for 20' wide alleys which is larger in width than the code requires. Councilman Garde thought the definition of alley was something in the back of the home for things like trash collection and not in front. Questioned whether fire equipment would even fit at 20'. Thought it should be street width.

Councilman Kelly stated that there is not a point of egress on Elder Lane except for the point of entry. A lane as opposed to a street is a concern. Asked what the width of the road, depth of the parking space and how wide is that road. The Chestnut Properties representative replied that it was 30' wide pavement to pavement. There is a concern it is a relatively narrow street with one entry and exit point. And, in an emergency, vehicles would be coming from both areas of home to single intersection.

Councilman Cote' read a letter from the Milton Fire Dept dated March 28, 2019. It suggested a wide width of 20' wider than Public Works.

Town Solicitor: Definition of alley is 15', minor street is 50' right of way, 32' wide curb to curb. Reduction from 32' to 20'

Reviewed the site plan with nose in parking and parking not allowed in the circle. Standard is a 20' curb on the one side with no parking spaces. Turning radius 45'.

Councilman Garde made a motion to table because he is unwilling to approve Item 2.

Councilman Kelly second. Councilman Cote' recused himself from voting.

Item #3 to extend length of that road to 650'. The representative was asked why a dead-end road. Representative replied that Devonshire wetlands intersection too close to Front St. Cannot extend further on Devonshire. Planning & Zoning was unanimous in approving the width.

Councilman Garde made a motion to approve the waiver in #3.

Councilman Kelly second. Mayor Kanakos asked if there is anything in codes that states a reason to limit to a dead end. Town Solicitor answered that you don't want too many houses ending into a dead-end street. There is a need for up to 1,000' so that emergency vehicles can safely turn around.

G. Wingo measured the fire department apparatus. New truck turning ratio from the company who built 40.9' for that turn ratio. The 40' will not work. Would require a two point turn. Ladder truck takes a lot more ratio. Street width ladder truck and stays 20' out, and that is in operation mode. They can't adjust outriggers to full capability.

Vote on the motion made by Councilman Garde to waive the length. All in favor. Councilman Cote' recused. Motion carried.

Item #4 - Discussion of the sidewalks on both sides of the street. A single sidewalk with a 7' ramp for everyone to cross. Council would rather see two sidewalks. Concern for persons with disabilities and elderly people crossing the street. Mayor Kanakos talked about school bus turning around and asked for feedback from the school. The basic design makes everyone turn. Police Chief Longo thought that the school board will oppose any bus stop there over concerns that a child might be struck. Bus stop should be in the development side.

Councilman Garde made a motion to deny. Councilman Kelly second. Councilman Cote recused. All others in favor. Motion carried.

Item #5 is an effort to provide a few extra parking spaces. Cannery Village has an issue with parking. Chestnut Properties asking for 9x18 parking space instead of 10x20. 9x18 space complies with the minimum of 165 sq feet.

Councilman Garde recommend approval of the waiver for the size reduced from 10x20 to 9x18. Councilman Kelly second. All in favor. Councilman Cote' recused himself from the vote. Motion carried.

- e. Contract award for well installation as part of the Shipbuilders Well and Treatment Facility project
K. Rogers reported that two bids were received for this project and recommended accepting the lower bid of \$169,667 from AC Schultes of Delaware. Councilman Garde pointed to the difference in estimated bid costs on the 2017 spreadsheet. Ms. Rogers explained that after speaking with Mr. Wingo it was determined that the 2017 estimate was based on a different depth. At the next portion for the treatment facility the Town will be able to see if under or over. Councilman Garde made a motion to accept and award AC Schultes of Delaware the contract for the drilling of the new well. Councilman Kelly second. All in favor.
- f. Resolution 2019-009 to request an advisory report from the Sustainability Committee relating to solar panels and electric charging stations
This was Councilman Fleetwood's idea at last meeting. Councilman Garde made a motion to approve 2019-009 to request an advisory report from the Sustainability committee relating to solar panels and electric charging stations. Councilman Kelly second. All in favor. Roll call vote. All yes.
- g. Revisions to the Milton Wellness Program and Physical Fitness Policy
This item was removed.

22. Adjournment 8:26 PM

Motion made to adjourn. All in favor.