

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 Minutes
Monday, May 6, 2019
5:00 PM Executive Session/6:30 PM Regular Session

1. Call to Order at 5:00pm by Mayor Kanakos
2. Roll Call
 - Councilman E. West
 - Councilman R. Baty
 - Councilman M. Cote'
 - Councilman K. Kelly
 - Councilman S. Garde
 - Mayor T. Kanakos
3. Additions or Corrections to the Agenda: Remove items 16b and 16d
4. Agenda Approval: Motion by Councilman Garde to approval the agenda as amended, second by Councilman West. All in favor. Motion carried unanimously.
5. Executive Session:
 - 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 by Councilman West to return to regular session, second by Councilman Garde. All in favor. Motion carried unanimously.

6. Discussion and possible vote on Executive Session items: Motion by Councilman Garde with respect to the item discussed in Executive Session, that we authorize the Town Manager with input from the Town Solicitor to make the offer as discussed under land acquisition, second by Councilman West. All in favor. Motion carried unanimously.

7. Moment of Silence

8. Pledge of Allegiance to the Flag

9. Employee Certification Recognition

John Collier, Project Coordinator, was congratulated by Town Manager and Council on receiving certification as Floodplain Manager.

10. Public Participation

Questions and comments from Steve Crawford:

Suggested parking signs on the streets during concerts in the park. G. Wingo stated the signs are on the schedule for this week.

Asked how long before breaking ground for the new sewer plant. Reply was 1 1/2 years out. Town Manager, K. Rogers, replied that the permit process and approvals take at least 9 months.

His last question was concerning the installation of a traffic light at intersection before Route 30. Mayor Kanakos replied that this was discussed during the comp plan meetings when it was thought more people coming down using Route 30, but nothing formally decided. Mr. West answered that everything for that intersection has to go through DelDot.

Comments at last council meeting were that those who were not reappointed to committees would receive a letter thanking them for their service. There were some who did not receive one. Mr. Crawford believes that there is a process that should be followed.

Discussed the finance committee and the request to sunset this committee at the last meeting. Mr. Crawford did not know at that time what the term "sunset" meant and so he was not prepared to comment. He presented his comments tonight. The Mayor seemed to want to sunset the Finance Committee because he did not know what they did and had not seen any minutes. Mr. Crawford stated there were minutes because he created them and they were available. This is a non-paid volunteer position and does not impact the budget. And as Mr. Cote' stated, the committee meets when necessary usually during the budget review and preparation. The Finance Committee is a vehicle for the Town of Milton to provide additional support when proposed capital expenditures are requested.

He cited work done last fall on the cost benefit of a water meter test bench and based on that report, the Town voted to go ahead and purchase the bench. Council members replied that the Finance Committee did not sunset. It was voted to keep as a viable committee but not to name anyone to the committee at this time.

11. Public Hearing relating to Ordinance 2019-004 to amend Chapter 220 of the Town Code entitled “Zoning”, regarding the Historic Preservation Overlay District

Issues were raised on the scope of the review. Current code does not require an applicant go to Historic Preservation Commission (HPC) for their input before the Board of Adjustment. There was a suggestion to add to language for the review input received from the Historic Preservation Commission in respect to any conceptual review made by the Commission and need to add an obligation on what is to be considered by Board of Adjustment.

Town Solicitor suggested that Council deal with the ordinance on the agenda now and determine how much input from HPC should be factored in. If the Board of Adjustment is not allowed to consider the result, what is the purpose of the conceptual review by HPC? The thought process was that HPC input might be more beneficial up front. Mr. Collier stated that conceptually this is already covered under 220, Para. B, 2A. Board of Adjustment never really accepted that as criteria. Going to HPC first gives them an opportunity to testify before Board of Adjustment.

Motion by Councilman Garde to close the public hearing on ordinance 2019-004, second by Councilman West. All in favor. Motion carried unanimously.

12. Requests for removal of items from the Consent Agenda: April 1, 2019 Minutes

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: February 4, March 4, and April 1, 2019
- e. Executive Session Minutes: March 4, and April 1, 2019

Motion made by Councilman Garde to accept the meeting minutes of Historic Preservation dated 3-12-19, minutes of Planning and Zoning dated 3-19-19, Sustainability Committee minutes dated 3-27-19 and the balance of the consent agenda, second by ViceMayor Kelly. All in favor. Motion carried unanimously.

14. Discussion and possible vote on items removed from the Consent Agenda:

Councilman Garde discussed a revision needed to the minutes of April 1, 2019 which was rewording of his motion related to the consent agenda. Motion made by Councilman Garde to approve the minutes of April 1st with the addition of specific committee reports

which were accepted, second by Councilman West. All in favor. Motion carried unanimously.

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

- a. Ordinance 2019-004 to amend Chapter 220 of the Town Code entitled “Zoning”, regarding the Historic Preservation Overlay District

Motion by Councilman Garde to approve Ordinance 2019-004 as presented, second by Councilman West. All in favor. Motion carried unanimously.

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

- a. Building permit fee waiver request from the Milton Fire Department

Motion made by Councilman West to grant the waiver requested of the building permit fee, but as discussed in open hearing that they will pay any out of pocket expenses that the Town incurs, second by Councilman Garde for discussion. Mayor asked what the fee would be. Fee charged would still include water, sewer, engineering, legal, and inspection fees; no sure of exact fee. There was discussion on the incurred fees to this point and estimated construction costs. Possibly a \$75,000 building permit fee. It was commented that the Town has previously waived the building permit fee for the school district. Mayor is fine with the waiver. Fire Company is good for their word. They provide an irreplaceable service to the Town.

All in favor. Motion passed unanimously.

- b. Lighting of Rails to Trails, Phase II – removed from the agenda
- c. Ordinance 2019-005 to amend Chapter 220 of the Town Code entitled “Zoning” regarding the Board of Adjustment; Resolution 2019-010 to schedule a public hearing on Ordinance 2019-005

Town Solicitor provided an overview of the Ordinance; bringing Code more in-line with State Code Title 22 for Board of Adjustment, and adding a heading for conditional uses. This item is for vote on the resolution to schedule a public hearing. Councilman Garde made a suggestion for consideration on section 220-83A relating to appeals for the obligations of the Board of Adjustment. Planning and Zoning to review proposed language as well. Town Solicitor commented to mimic State Code, shown on page 3 section 220-83(B) (1) there is language to allow an administrative approval of granting a variance less than 1 foot. Leave language as written.

Motion by Councilman Garde to approve Resolution 2019-010 to establish a time and place for public hearing to amend Chapter 220 of

the Town Code entitled “Zoning”. Second by Vice Mayor Kelly. All in favor. Motion carried.

d. Fiscal year 2019 budget review and amendment

Town Manager K. Rogers reviewed and provided the documents for remaining 5 months. The general fund revenues are 89% realized and expenses are 46% at this point. Utility fund is on target; revenues are realized at 56% and expenses are 52%. Discussed budget lines for franchise fees, engineering projects, drafting construction manual line items and two water projects as well a fee to pursue community impact fee analysis. Councilman Garde commented he went through every line item and can't think of one question; Ms. Rogers provided details needed. Councilman Baty asked a question about the work bench. The work bench was shipped last week. Ms. Rogers was complimented on being a good watch dog of the Town's funds and should be commended for that. A motion was made by Councilman Garde to accept the amended budget as presented by the Town Manager, second by Councilman West. All in favor. Motion carried. Job well done.

e. Town of Milton Emergency Operations Plan

Councilman West explained the committee, with the help of Chief Longo, has been three years putting the document together. It has been approved by Sussex County Emergency Operations. A motion was made by Councilman West to adopt the plan and keep the committee on standby, second by Councilman Garde seconded the motion and brought up areas for discussion. Third page, Item IV, chemical using facilities. Page 2: Does not think it is the correct address as printed, 207 Federal St. should be 207 Front St. Change Federal to Front. Second to last page word “you should expect the following” should be changed to third person. Amendments to motion were accepted and seconded. All in favor. Motion carried unanimously.

Public Comment by Steve Crawford who thought it may be a good idea to use the fire alarm to warn residents of potential tornados.

f. Revised Heritage Creek Master Plan

Introduction of the presenters. Asking consideration of amendment to the Master Plan Phase II. Site area stays the same. The small retail area has been removed and open space increased. Allows room for more single family homes. The density has not changed. There will still be 425 units. 210 single family revised to 262. 46 duplex homes will increase to 54. Townhomes have been reduced from 115 to 31. The 9 apartments have been removed. Lot sizes will stay the same and setbacks are the same. Phase I originally configured 32 single family lots. They are asking to add 58 more single homes in character with other side of the developments.

Question raised about the increased number of vehicle traffic exiting this part of the community. A single entrance may not be appropriate. Potential safety issue is a lesser concern than the handicap to emergency response time if an incident occurs. Heritage representative stated that there will still be 425 units in the development and DelDot does not want any more entrances then they can handle on any highway.

Mr. Collier was informed that the entrance will be subject to review by DelDot and it is not uncommon for DelDot to change, relocate configurations since they will have jurisdiction. They will mandate the improvements that need to take place.

Public comment by Carol Lewis who asked how many houses per acre? 3 or 4? And the feet between homes. Answer was 5' setback and 10' between homes. She is concerned that this proposed change has a lot more density and that the homes are closer together.

Another question to Heritage was how does this benefit the developer if there are the same number of homes? Heritage stated it was a marketing decision because single family homes are more desirable especially for retirees.

Storm water management plan discussed. There will be a pond with a possibility of a fountain or an empty ditch that will fill when it rains.

A notable difference in the plan was the rear loaded alleys and the garages coming off the alley. Heritage rep replied that the alleys meet the town standard of 15' width.

Discussion on Phase 7 where houses back up to the pond. Heritage was asked if there is a plan for a fence around the pond and responded that there is no plan for a fence. There was concern about children going back there. Heritage opined that fencing only invites people to climb over them and does very little, safety wise.

Motion made by Councilman Garde to approve the master plan and return for the site plan. Seconded by Councilman West but noted Vice Mayor Kelly's concerns about safety factor regarding the access in and out of the entrance. Motion modified to include Vice Mayor Kelly's concerns. Seconded. Roll call vote. All in favor. Motion carried unanimously.

Motion to adjourn: 8:15 PM