

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, July 1, 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'
 - Vice Mayor K. Kelly
 - Councilman S. Garde
 - Mayor T. Kanakos
3. Additions or Corrections to the Agenda
4. Agenda Approval: Motion by Councilman Cote to approve the agenda as amended, second by Vice Mayor Kelly. All in favor. Motion carried unanimously.
5. Executive Session: Motion by Councilman West to go into Executive Session, second by Vice Mayor Kelly. All in favor. 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 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 to approve of the personnel matter discussed. Second by Vice Mayor Kelly. All in favor. Motion carried unanimously.
7. Moment of Silence
8. Pledge of Allegiance to the Flag
9. Public Hearing relating to Ordinance 2019-005 to amend Chapter 220 of the Town Code entitled “Zoning”, regarding the Board of Adjustment.

Town Solicitor explained the ordinance that would amend the Town Code’s zoning ordinance relating to the Board of Adjustment (BoA). Specifically, the ordinance revises the Town’s zoning ordinance (codified as Chapter 220 of the Town Code) to track with Subchapter II, chapter 3, Title 22 of the Delaware Code in terms of: qualifications for the Board; the Board’s scope and authority in its appellate function; the standard applied to variances; and the ability of the Town’s Project Coordinator to administratively approve certain very minor variances. The ordinance also adds “Conditional Uses” to the Article’s heading, as the zoning provisions on conditional uses are also contained in Article XI or chapter 220.

Councilman Garde stated that the language that has been proposed does correct the language. He noticed that under old language “Variances” no letter B. Really letter D. Questioned the deletion of the Board’s authority if the alleged difficulty was self-created.

Town Solicitor commented that was correct. The Town Code has different variance standards than the County and different in Sussex vs. New Castle County. At some point, someone thought that was a good idea but cannot do that now.

Motion by Councilman Garde to close the public hearing. Second by Councilman West. All in favor. Motion carried unanimously.

10. Public Participation
John Bushey, Town Water Committee, asked Council to consider the recommendation from the Water Committee for cross-connection control plan that will be discussed later on the agenda.

Vice Mayor Kelly requested time to share the following with the Mayor, other Council members and attendees: “A week ago Friday at a construction site in one of our neighborhoods, a mud-infused water appeared and began to fill the road side gutters, overwhelming those gutters, partially flooding the street and falling heavily through

roadway storm drains. Initially Mr. Greg Wingo and two of our skilled public works employees, Robbie Wilson and Chris Parsons, responded to the emergency. I live near the site so walked over to see firsthand what was happening. Mr. Wilson and Mr. Parsons were shoveling water-infused clay and sand as fast as they could in order to identify the cause of the leak. I have rarely seen anyone work longer or harder, at such an impossible task as I witnessed that day, nearly 30 solid minutes of shoveling “heavy” soil-infused water. As hard as they worked, they could not stay ahead of the flood. But there were no complaints, just determination. In time, half dozen Public Works vehicles and an equal number of Public Works employees responded to the emergency. Each of those employees were equally well-trained and equally determined to address and resolve the problem. It was determined that the damage had occurred not only at the water valve but that a water pipe had also been damaged by the construction crew at the site. Notice then had to be given to neighbors as it became necessary to shut off water to half a dozen homes in order to make repairs. Again, this was late afternoon on a Friday. But there was no complaining, just grim determination and the clear demonstration of skill as the result of repeated training. All this is characteristic of Mr. Wingo’s leadership, his professionalism and the skill, pride and determination of the men of the Public Works Department. Mr. Wingo and our Public Works Department employees are to be commended. When you see them, thank them.”

11. Requests for removal of items from the Consent Agenda - none
12. 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: May 6, June 3 and June 18, 2019
 - e. Executive Session Minutes: June 3 and June 18, 2019
 - f. Town Manager’s attendance at the ICMA Conference

Motion by Councilman Garde to accept the written committee reports and approve the balance of the Consent Agenda to include Item f – Town Manager’s attendance at ICMA Conference. Second by Councilman West. All in favor. Motion carried unanimously.

13. Discussion and possible vote on items removed from the Consent Agenda: none
14. Old Business – Discussion and possible vote on the following item:
 - a. Ordinance 2019-005 to amend Chapter 220 of the Town Code entitled “Zoning” regarding the Board of Adjustment.

Motion by Councilman West to amend Chapter 220 of the Town Code with the changes made. Second by Vice Mayor Kelly.

Discussion by Councilman Cote: 220-82. Establishment and duties. At the end states the “Mayor shall appoint such members of the Board of Adjustment and all such appointments shall be confirmed by a majority vote of the elected members of the Town Council.” Frequently we say by Council members present. Some councilmembers have been appointed members and they were not allowed to vote. An appointed member filling a vacancy would recuse himself from the voting. An absence does not result in a not vote.

Councilman Cote: 220 84, Item c: “public hearing by advertising in the official newspaper”. Town Solicitor replied not required to have an official newspaper. Insert “local” newspaper.

Councilman Garde had one more correction, second paragraph, Ordinance No. 2019-005, Mayor and Town Council are plural and should change from “*has* the power to zone” to *have* the power to zone.

Councilman West amended his motion to approve Ordinance 2019-005 to amend Chapter 220 of the Town Code, entitled “Zoning”, regarding the Board of Adjustment with corrections stated. Second by Vice Mayor Kelly. Roll call vote: Councilman West, yes; Councilman Baty, yes; Councilman Cote’, yes. Councilman Garde, yes; Vice Mayor Kelly, yes; and Mayor Kanakos, yes. Motion carried unanimously.

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

- a. Final Land Acquisition, 614 Federal Street, for the purposes of future water infrastructure

Town Solicitor: still waiting to receive comments on terms and not in a position to have final action. This needs to appear on another agenda. Motion by Councilman West to table until such time that the information is brought before Council. Second by Vice Mayor Kelly. Roll call vote: Councilman West, yes; Councilman Baty, yes; Councilman Cote’, yes. Councilman Garde, yes; Vice Mayor Kelly, yes; and Mayor Kanakos, yes. Motion carried unanimously.

- b. Request from Carla D’Onofrio to partition 117 Collins Street, t/m/p 2235-20.08-64.00

Mr. Collier stated that request is in compliance and meets all requirements. Water and sewer are available at the site. Motion by Councilman West to grant the request, second by Vice Mayor Kelly.

Town Solicitor noted that they are required to submit within 90 days and must be signed. All in favor. Motion carried unanimously.

c. Appointment to Board of Adjustment

Motion made by Councilman West to appoint Steve Crawford to the Board of Adjustment. Councilman Garde second after confirming that this was the Mayor's appointee. Roll call vote. Councilman West, yes; Councilman Baty, yes; Councilman Cote', yes. Councilman Garde, yes; Vice Mayor Kelly, yes; and Mayor Kanakos, yes. Motion carried unanimously.

d. Code Enforcement Officer job description

Code Enforcement Officer is retiring. An ad will be placed in the local paper for the position. Town Manager K. Rogers updated the 2012 job description for Council consideration. Motion made by Councilman Garde to approve as amended and submitted by the Town Manager. Second by Vice Mayor Kelly. All in favor. Motion carried unanimously.

e. Recommendation from Water Committee on a Cross-Connection Control Plan

Councilman Garde drafted the recommendation but is has not been reviewed by Town Solicitor. Motion by Councilman West to table this until Town Solicitor has reviewed. Second by Councilman Garde who asked that any comments from the Town Council be included. All in favor. Motion carried unanimously.

f. Task Order related to water main upgrade on Atlantic Street.

Town Manager K. Rogers stated that the water main upgrade is on the 5-7-year plan but need to move forward at this time. Mayor Kanakos asked how would it affect the budget and if there was funding in place. Town Manager K. Rogers will make it work within the budget. Cost is \$17,000. Motion by Councilman Garde to approve task order from engineering. Second by Councilman West. All in favor. Motion carried unanimously

g. Request from Milton Theatre relating to the closing of Union Street, and waiver of Chapter 183-47, use of Streets, for Zombie Fest, a fundraiser to benefit Calliope Project.

The Theater had no representative at the meeting. Sent an email to Town Manager K. Rogers with the following information: Seeking permission for four (4) food trucks in front of theater from 12-10 PM; Closure of Union St. from 5-10 PM; walk route will begin at Atlantic Ave to Union St. starting at 6:30 PM-9:30 PM when street will be reopened. The parade route is the same as last year and has been approved by DelDot.

Councilman Garde asked about the parking availability. Town Manager K. Rogers stated that the parking lot on Magnolia St. would be available but not in the Fire Company lot which will be under construction. It was noted that many residents of the Town would walk to the event.

Councilman West expressed concerns about the street being closed for 5 hours. Last year the road closure was only 3 hours. He would approve one more hour but not two. Chief Longo was asked if he had any problems with the longer hours and he stated he was fine with it.

Vice Mayor Kelly suggested Council approve the request for this year and sit down with the sponsors after the event to talk about any concerns going forward.

The topic of alcohol that will be served by the Theater was discussed. The Town Solicitor explained the gathering license would not allow any alcohol to exit the building and be allowed on the streets. No problems with alcohol during the parade last year. Mayor Kanakos spoke about some minor complaints about “Zombie” walkers who were animated and walking up to residents’ doors and windows. Some of them did not know what was going on.

There was a lot of discussion among Council members about the times for road closure. Councilman West wanted to amend the times to ½ before and ½ after the parade. He had concerns for other businesses.

Public Comment from Al Benson who appreciated the discussion but noted that the theater brings a lot of business to the Town of Milton and asked that they be given some slack on their request.

Motion to approve as requested by Vice Mayor Kelly based on their past performance and contribution to the Town of Milton. Council can assess after the event and adjust as needed next year. Second by Councilman Garde. Roll call vote. Councilman West, yes, with reservations.

Councilman Baty, yes; Councilman Cote’, yes. Councilman Garde, yes; Vice Mayor Kelly, yes; and Mayor Kanakos, yes. Motion carried unanimously.

16. Adjournment

Motion by Councilman West to adjourn at 7:23 PM. Vice Mayor Kelly second. All in favor. Motion carried unanimously.