

Town of Milton

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Milton Town Council Meeting Minutes Monday, November 4, 2019

1. Call to Order by Mayor Kanakos
2. Roll Call
 - Councilman Cote'
 - Vice Mayor Kelly
 - Councilman Garde
 - Mayor Kanakos
 - Councilman Baty
 - Councilman West
 - Councilman Fleetwood - absent
3. Additions or Corrections to the Agenda - none
4. Agenda Approval – Motion to approve the agenda by Councilman West, second by ViceMayor Kelly. Motion approved unanimously.
5. Executive Session: Motion to go into Executive Session made by Councilman West, second by ViceMayor Kelly. Motion approved 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
6. Discussion and possible vote on Executive Session items
 - Motion by Councilman West to go back into Regular Session, second by Vice Mayor Kelly. All in favor. Motion carried unanimously.

Motion by ViceMayor Kelly to approve the first personnel recommendation discussed in Executive Session, second by Councilman West. All in favor. Motion passed unanimously.

Motion by ViceMayor Kelly to approve agreement as discussed pending one-week review. Second by Councilman West. All in favor. Motion passed unanimously.

Motion by Vice Mayor Kelly to authorize Town Manager to take real estate action as discussed in Executive Session. Second by Councilman West. All in favor. Motion passed unanimously.

Motion by Councilman Garde to approve the second personnel action as discussed on Executive Session. Second by Councilman West. Motion passed unanimously.

Motion by Councilman Garde to enable the Milton Police Department to operate under the documents prepared for accreditation until the Mayor and Council have reviewed and given final approval. Second by Councilman West. All in favor. Motion passed unanimously.

7. Moment of Silence

8. Pledge of Allegiance to the Flag

9. Public Participation

Steve Crawford – Thanked Mr. Wingo for taking care of the pole that made it difficult to turn left at Chandler and Union Streets. In the past he put reflective tape on the pole, but it kept coming off. Pole removed and Mayor Kanakos agreed that removing the pole and putting underground would be a big help.

Councilman West commented that he had a meeting with DPL where the subject was brought up. Businesses suffered loss of revenue and food products during an outage. With the help of DelDot, reflectors were put on the poles and nobody hit them after that. Within 2 yr. period they were going to change out the poles and they have done a nice job. Mayor Kanakos stated that when the electric was off for more than 6 hours, Food Lion were required to throw everything out. Food Lion can absorb that cost, but small businesses like Happy Cow could not.

Mary Knight, Director of the Historical Society, thanked Mayor and Council for supporting Fall Back into Milton Festival held on October 19, 2019. As the new Director, she was approached by women from the Womens Club about a Pollinator Preserve. She knew this was a project that the Historical Society could get involved with. The Pollinator Preserve would be an important addition in so many ways. Only native species were planted. In the first year, thousands of visitors have made their way to downtown Milton most

of them having flown in. The preserve saw birds, bees, caterpillars and moths and 2-legged visitors who stopped to chat or just view the garden. It adds beauty to downtown and will be used as educational tool for children and adults in the future. Thanked the Women's Club of Milton and volunteers from the Garden Club, the Milton Community Foundation, town employees, Council members and Dogfish Head who came out for a day of service this past Spring. Thanked the trustees of the Milton Historical Society for providing the location. The Pollinator Preserve proved that if you build it, they will come. "Bee" sure to check it out.

10. Requests for removal of items from the Consent Agenda:

Councilman Garde motion to remove minutes of July 22, 2019 and with that accept the minutes of HPC dated 09/10/19 and approve balance of the Consent Agenda with the exception of the July 22, 2019 minutes. Second by Councilman West. All in favor. Motion passed unanimously.

11. 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: March 18, 2019 and July 22, 2019
- e. Executive Session Minutes: October 7, 2019

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

Councilman Garde indicated that his comment on removal of the July 22, 2019 minutes was very simple. On Page 3, paragraph starting "Water Infrastructure", "work will continue on Atlantic St.", should say Atlantic Ave. There is a substantial difference in Atlantic St. and Ave. That is the reason it was removed from the Consent Agenda. Motion by Councilman Garde to approve the amended minutes changing Atlantic St to Atlantic Ave. Second by Councilman West. All in favor. Motion passed unanimously.

13. Old Business – Discussion and possible vote on the following items:

- a. Implementation of 2018 Certified Comprehensive Plan
Town Manager K. Rogers provided a spread sheet listing all the goals and implementation strategies of the 2018 Certified Comprehensive Plan as discussed in July 2019. Many goals and strategies and what have passed was put together in one spreadsheet with the help of G. Cardwell so Mayor and Council could view all in one document. Mr. Collier and I met, and we went through and assigned status. It is just information for Town Council that you are receiving at this point. Nothing to vote on unless there are questions.

Councilman Garde took the opportunity to thank Town Manager K. Rogers for spearheading this and special thanks to G. Cardwell. This is

the exact document needed in order to fulfill our obligations that has been undertaken in the Comprehensive Plan and reserves the right to make this a living document and make minor tweaks to priorities and assignments. Having the list in one document is very important.

b. Magnolia Street drainage project and parking plan, including bulkhead analysis

Mr. Ted Thomson and Ms. Cruz gave an updated review of the report. An assessment of the bulkhead was given a year ago in December. The damage at that time was extensive enough that they thought a more extensive assessment should be done. Since April 2019 testing areas in the bulkhead have taken place. The most recent report is dated Oct. 22, 2019. A section of bulkhead from the bridge down to where the 30" pipe discharges, roughly 1/3 of the total length, is in very bad shape. A lot of corrosion on the wall where the settling is occurring in the sidewalk. The metal pipe that discharges out into Broadkill is severely corroded. The rest of the wall from that 30" pipe back up stream is in better shape but still there are some areas that are showing disrepair. The front face of the wall portions is disconnected or disjointed but in general in much better shape. The options proposed are completely replacing the wall, partially replacing the wall or the Town of Milton consider replacing the pipe as part of parking lot project and addressing the wall at a future time.

Mr. Ted Thomson stated that partial replacement which is 1/3 of the wall would be \$567,000. For complete replacement about \$3.5M which includes the wall, brick pavers behind the wall and the bulkhead.

Councilman Garde spoke about the preliminary estimates that were funded substantially through grants from Mr. Smyk and Mr. Lopez in addition to DNREC. But now the Town of Milton will need to spend more money. He asked if the grants were conditioned upon performing the work as outlined at that time?

Town Manager K. Rogers stated that the grants were for both the parking lot and bulkhead together. Tonight's discussion should focus on the bulkhead because the scope of the work on the bulkhead has changed and needs more time to work on funding. It was based on 75% funding but no longer have 75% funding based on tonight's assessment. Partial replacement has increased \$250,000 from the first estimate so that is the amount she needs to work on.

Councilman Garde confirmed with Town staff and the Town Engineers that partial replacement includes replacing the bulkhead down to a specific location and repairs to those areas downstream identified as failed. It includes not only replacing the sheet piling to a certain point, but also includes repairing portions of the bulkhead that have been identified as needing repair.

Vice Mayor Kelly asked if the estimate also includes the repairs going in the other direction going to the parking lot? Mr. Ted Thomson replied yes. It is replacing that whaler and whatever else we can fit into patching holes.

Vice Mayor Kelly also asked what time does a partial replacement buy? Mr. Ted Thomson answered another 10-15 years. There are not a lot of other utility penetrations. The corrugated metal pipe is what is causing a lot of problems.

Councilman Garde: What is the function of the corrugated metal pipe? Drains water from a series of manholes. Comes from only one catch basin or multiple ones? There are two inlets. The one inlet at the Historical Society connects to the Library and comes across.

Mayor Kanakos: Are there any backflow checks on that pipe? Mr. Wingo: Not on this side but on the other side. There is back flooding through the pipe into the street. Some of the flooding comes from rainwater and the river when level is high and because there is no place for water to go and ends up in the parking lot.

Councilman Garde: Parking lot floods daily with the tide. Discharge is coming from that ditch and has no place to go.

Mayor Kanakos asked that this be tabled, and Town Manager K. Rogers agreed. It will be on the December 2019 agenda to discuss further action. Councilman Garde commented that he thinks it will be two projects -- bulkhead and a flood reduction project.

Motion to table by Councilman Garde and second by Vice Mayor Kelly. All in favor. Motion passed unanimously.

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

- a. Resolution 2019-017 to support the Women’s Club of Milton Pollinator Garden Project

Councilman West introduced the resolution. The ladies and volunteers have done a fine job and he moved to adopt this resolution and gave applause to all involved. Second by Councilman Garde. Roll call vote. Councilman Cote, Councilman West, Councilman Baty, Councilman Garde, Vice Mayor Kelly, Mayor Kanakos all voted yes. Resolution adopted.

- b. Police Department Policies for State Accreditation

Chief Longo explained that this is a project he has been working on for 2 ½ years by Delaware Police Accreditation Commission. It will hold him and all the staff to a higher standard. There are over 100 points of

excellence. Only three agencies in DE currently hold this accreditation and they are the Capital Police, Greenwood Police and Division of Alcohol and Tobacco Enforcement. The Accreditation Commission with a representative from Governor's office and Secretary of Homeland Security hired an individual to assist agencies such as Milton become accredited. The benefits include improving offices, and public safety, addresses any high-risk management issues, promotes operational efficiency, holds people accountable, and it minimizes the agency's exposure to liability and reduces any potential liability costs. All of which is beneficial to our community. Having an outside agency come in to review every aspect is the only way to improve and to find out where your faults are. It helps to correct deficiencies. Holds us to norm proficiency standards. Assures from the officers' point of view that everyone is treated fairly. There are very specific guidelines. It is a symbolism of excellence and that is why he is asking the Council to support allowing us to implement these procedures and move forward with this. Both Chief of Millsboro PD who is the head of the Commission and an individual from Homeland Security have been down twice and coming again. Milton PD is 60% there. We hope by this time next year to be accredited if not sooner.

Mayor Kanakos: The outline received had 109 issues and he wanted to see more information. Chief Longo: It has been prepared but there are some things that are being finalized with an attorney. Once completed he will provide the Council with them.

Councilman Garde checked the Town Charter and the Mayor and Council have the responsibility to approve all policies taken by administration and all other departments including Police Department. We made a motion on this earlier that it would be pending approval by this body since we haven't seen any of the documents and there is nothing to approve. The previous motion enabled Chief Longo to put these documents for accreditation into effect and gives us time to review it.

c. Conditional Use review, 704 Chestnut Street

John Collier: In packet are memos dated July 29, 2019 and October 30, 2019 granting conditional use of the property. After the use was granted, the original owners sold the property to the tenants. When he made initial visit, it was noted that they were out of compliance. They did not receive a copy of the conditional use from the original owner during the transfer. They made an extreme effort to get everything into compliance. I have periodically checked in. No complaints have been received about the property.

Vice Mayor Kelly: You have identified nine different matters being addressed. Parking lot spaces have been identified on the rear of the

property but does not clearly depict required number of spaces provided for under the condition.

Mr. Collier responded that they are in compliance with all of the conditions at this time including the fence. They have erected a new fence where asked because it was placed opposite of what it should have been. Anytime I visit with them and tell them what the complaint was, they fix it. Initially the requirement was to review in six months and then a year later but due to schedules it was 9 months for the first inspection. They will be reviewed again in a year.

Mr. Thompson: Is there a need to vote? If they were out of compliance, there would need to be a vote to rescind the original conditional use. Therefore, there is no need to consider a motion. In a year if they are out of compliance, Council could make a motion to revoke the conditional use.

Councilman Garde made a motion that there be a mandatory inspection in 6 months from today or no longer than six months. Vice Mayor Kelly suggested they keep to the schedule. On that basis, Councilman Garde rescinded his motion.

- d. Ordinance 2019-008 to amend Chapter 98, Section 33 entitled Halloween Regulations
Motion by Councilman West to adopt Ordinance 2019-008 to amend Chapter 98 Section 33 entitled Halloween Regulations. It adds children who have not yet reached the age of 14. I would like this ordinance legal. Second by Councilman Garde.

Discussion: Concern about the enforcement of the Ordinance. How will it be determined if the ages of the children especially when younger children are escorted by a sibling or relative older than 14. Chief Longo was asked if there have been any problems during Halloween to which he replied no. Milton Police Department has been fortunate. They just increase their patrols. Councilman Garde suggested changing the second line, "Purpose of Causing Mischief" and in "C" only sponsors that are permitted to participate are the Town of Milton or a service club. Thought that this was overly conservative and needs to be expanded. He suggested language to read: "Nothing in this section shall prohibit participation in Halloween parades or costume contests sponsored by the Town, the merchant(s), the Milton Historical Society or any service club in the Town". Town Manager K. Rogers stated that it could be described as a contest and struck beginning with the word "sponsored".

Vice Mayor Kelly suggested that this particular piece of legislation be tabled and Council could review current code and make adjustments to

that. The code can be amended to make more sense and be more manageable.

Councilman West rescinded his motion and made another motion to table. Second by Vice Mayor Kelly. All in favor. Motion passed unanimously.

Motion to adjourn by Councilman West and second by Councilman Garde.

15. Adjournment – 7:20 pm