

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, January 6, 2020

4:00pm Executive Session; 6:30 pm Regular Meeting

1. Call to Order
2. Roll Call
 - Councilman Baty
 - Councilman West - Absent
 - Councilman Cote'
 - Councilman Garde
 - Vice Mayor Kelly
 - Councilman Fleetwood
 - Mayor Kanakos

Councilman Garde moved to go back into regular session, seconded by VM Kelly. Motion carried unanimously.
3. Additions or Corrections to the Agenda
4. Agenda Approval
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
6. Discussion and possible vote on Executive Session items
 - Councilman Garde moved to adopt Option A from the Executive Session, second by Vice Mayor Kelly.

Roll call vote: Councilman Baty, Yes. Councilman Cote', Yes. Councilman Garde, Yes, VM Kelly, Yes, Mayor Kanakos, No. Motion carried 4-1. Option A from the Executive Session adopted.

7. Moment of Silence

8. Pledge of Allegiance to the Flag

9. Public Hearing by Sussex County Community Development, regarding the Community Development Block Grant

Ms. Brandy Nauman, Housing Coordinator for Fair Housing and Fair Housing Compliance Office for Sussex County Community Housing Department, explained that her office applies for and administers the Community Development Block Grant Program. They apply for all funding for all the municipalities in the rural communities. This funding comes from US Urban Development and is allocated to Sussex County through the Delaware State Housing Authority. This grant year there is approximately \$2M available that will be awarded to Kent & Sussex Counties on a competitive basis. One requirement of this program is to hold a public hearing which gives them the opportunity to explain the program and provide an update and to get feedback from citizens and local leaders on the upcoming application.

The DE State Housing Authority does govern this grant process through their Consolidated Plan, and they identify the activities that are eligible for receipt of funding. Those eligible activities include housing rehabilitation, sewer and water hook up, demolition and infrastructure projects. All projects applied for must benefit persons of low or moderate income defined as households with income at, or below, 80% of the area median income for Sussex County. For example, for 2019 a 4-person household must make \$57,680 or less to qualify for the program.

For infrastructure projects, the project or street that benefits must consist predominantly low or moderate income which is justified through a door-to-door survey. The requirement for a \$100,000 project, for example, is a 10% cash match or 15% in kind matches and that increases with cost of the project.

Historically, a large majority of the funding is used for owner-occupied housing rehabilitation which is primarily what Milton has applied for in the past. This is ideal because it helps to maintain existing housing stock. A housing rehab typically includes roofing, doors, windows, electrical and plumbing upgrades as well as energy upgrades. For the home to qualify, it must be owner occupied and a primary residence, low-to-moderate income, insured or insurable, and County taxes must be current. When a rehab is done, a lien on the property is required to protect the funding. For a project that is less than \$20,000, there is a 5-year, zero interest rate of pay back. For a \$20,000 plus project, it is 10-year, zero interest lien. This is just to protect the funding so that if we invest in a home, a household can't flip it and sell it

to make profit. With a demolition, a lien is put on the property. Since 2016 Milton has received \$140,000 in funding for housing rehab. It was noted that they applied for almost \$400,000 since 2016 and were only awarded \$140,000. Nine households have been assisted with that funding and some funding has been received for the current fiscal year. There are three projects going on now. There are two on Mulberry and one on Atlantic.

They also can help Milton households with funding from County Council for emergency repairs. The funding from County Council s for households experiencing no water, no heat, roof leak, busted pipes or need some handicap accessibility. There are currently eight households on the list for the Town of Milton. The list was provided to Town Manager and suggested they review just to make sure that it is accurate and to advise if there are any other households in need. To apply for funding, each town must document at least four households. Currently, Milton has the enough to pursue an application. The main reason to hold this public hearing is to allow any engagement from Council or citizens.

Mayor and Council discussed the program and how it has helped households in the past with funding.

Mr. Garde asked who in general are the applicants. The Town is not normally an applicant. Ms. Norman stated that the Town indicates that it wants to apply, and the County will apply on their behalf. They then administer the program for the Town. The Town does not even have to handle that. The homeowner applies directly to them.

If Milton would like to pursue housing rehab again this year, the application is due on or before February 27, 2020. Several documents were left with Town Manager and she indicated she would get that to them next month.

Councilman Fleetwood asked if there were people on a waiting list and Ms. Norman stated there were 8. He also asked if she knew how much money the Town will receive. Ms. Norman replied that there is actually money left from last year for the Town of Milton and asked that the Town let her know if any household is in dire need right now and they would also like to take more names because that indicates to the State that there is a need here in Milton.

Councilman Garde asked the public if there were any questions or comments. Hearing none, Councilman Garde moved to close the public hearing, seconded by Vice Mayor Kelly. Motion carried unanimously to close the public hearing.

10. Presentation by the Milton Fire Department related to their capital campaign and construction project

A slide presentation by Mr. Mike Rawl, Campaign Manager for Station 85 Milton Fire Department.

The Milton Fire Department needs to expand due to the population growth in our region. The slide showed the difference between 1998-2018 and going forward to 2038. The number of people living here both full time and with second homes have more than tripled. The fire and emergency calls have also grown tremendously. The emergency calls are outpacing the fire calls because many of the people who are moving here are elderly and they require more assistance and emergency services.

The Milton Fire Departments represents District 85 which is 100 square miles and provides support to eight neighboring districts. It is one of the largest districts in Sussex County and one that bridges both the coastal and inland areas. If there is a major event, an accident or big fire in Ellendale, Georgetown, or Slaughter Beach, the Milton Fire Department is required to respond.

The last renovation was nearly 50 years ago and, in the meantime, every other major fire department in Sussex County has been expanded or enlarged. The Milton Fire Department has a lot of new emergency requirements. In addition to fire suppression and emergency ambulance calls, it must deal with drug overdoses, flooding and water rescues, gas leaks, hazardous materials, Route 1 and Route 9 motor vehicle accidents and even active shooter alerts. Not everyone realizes how busy and how well trained the Milton Fire Department personnel must be. Not all Fire Departments are as fiscally strong as Milton's Fire Department and the Town should be very proud of that. The Milton Fire Department has not leaned heavily on the municipality or the State. They will be making a request of the State for this campaign. It is the first time in the history of the Milton Fire Department that they have gone to the State to ask for funding. The Milton Fire Department maintains critical reserves which they set aside themselves. It is very prudently managed and has very low overhead. The volunteers of the Fire Department, including the Board, manage the entire operation. The only people paid at the Milton Fire Department are the emergency medical technicians. Volunteer support is very strong. They have 70+ firefighters and without those firefighters, taxpayers would pay \$3.75M to maintain the department as it is today vs. its current budget of \$1.14M.

The campaign amount is \$4.6M and it is being launched for two primary reasons. First, to make sure that the Fire Department can ensure swift emergency responses. It is 24-hour a day job, 365 days per year operation. They can never take a minute off. The second is to retain and recruit quality volunteers which is becoming more competitive now as younger people have more things to do. There are other fire departments they can volunteer at and to maintain the number of people needed, you must have certain amenities in the fire department. To provide the best response, the fire department needs larger fire bays. Currently, a lot of the equipment must be parked outside. Sometimes they must move equipment to get the type that they need for a given emergency. They must be able to store the equipment to stage it. They

need training and meeting rooms which there are none right now. As new firemen come in, the volunteers go to Fire School by the airport but there is also ongoing training needed related to all the different requirements listed previously. They need round-the-clock accommodations for firefighters and EMT's. This something they have not had in the past. To compete for volunteers, they must have separate sleeping areas for male and female volunteers and need new restrooms, segmented by gender. The need laundry areas and require exercise and recreation facilities for the volunteers to have something to do while waiting for the calls to take place.

They also need a new HVAC system. The one they are putting in now will be compartmentalized so that it can heat and cool different areas without having to do the whole building at one time. A much larger community hall is needed to meet demand as our community grows and a meeting place is very important. Currently, if they had to host an event for all the volunteers, they could not fit all the families involved in the existing hall.

There will be a more attractive entrance, an archive and an improved building design that gets rid of the flat roof and all the issues that come with a flat roof of a building.

The campaign will fund an expansion that goes from 12,422 to 26,132 square feet. When the Milton Fire Department realized they were going to have to expand, they considered the opportunity to purchase land elsewhere in Milton area and to build on that land. The cheapest expense would have been over \$10M. They can maintain the existing building and stay within the Town of Milton and take advantage of the strength of the building. Design and engineering costs, construction costs, campaign costs, furniture, fixtures contingencies all add up to the \$4.6M.

Sources of funding were discussed. The Milton Fire Department is taking on most of the costs. They contributed \$600,000 from their reserve. Those funds came from the sale of several lots that were given to them about 30 years ago and a long-term loan that they are prepared to take out for \$2.1M. They are looking for individual donations of \$950,000, businesses, organizations of \$800,000, and are respectfully asking the Town of Milton to consider a gift of \$150,000. They are also asking the State of Delaware for \$250,000. After talking with Town Manager Ms. Rogers, they realized that the budget is well under way for this year. He asked that the Town of Milton consider a multi-year commitment starting with next budget year that would help them reduce the loan.

If the \$2M is achieved, it would reduce the loan burden that the fire department has by 50% which would save \$11,000 per month in payments. That \$11,000 per month can then go to support equipment replacement. Up until now, they have been able to buy new equipment with money set aside. Again, the growth of the communities around us and the requirement to have state-of-the-art equipment threatens to outpace their ability to purchase

equipment. For example, a 1986 tanker pumper which will need to be replaced is \$610,000 and buying another ambulance will cost \$275,000, and a rescue truck costs \$475,000. These are all custom made. They must be ordered a year in advance. 50% down payment is required at time of purchase, and 50% is due when the equipment is delivered. The campaign and project started September 2019 and will conclude November 2020. There will be a new entrance in the middle of the building and two new fire bays that will be placed at the end of the building.

The objective of the campaign is to give every individual, business and organization in the Milton area the opportunity to participate. Mr. Justice presented a list of campaign donors. There will be several fundraising events during the year. There was a kickoff in October 2019. Dogfish Head is sponsoring a Firemen's Festival at Hudson Fields on May 30, 2020, Draper will support with public service announcements and there will be a closing celebration in the new community hall in the Fall of 2020. Pledges could be for three years or five years.

Mr. Bushey and Mr. Hopkins were introduced. Discussions included the rescue boat that is used for dual response with Slaughter Beach and Lewes and paramedics who are sponsored by Sussex County, There is now a paramedic station in Milton during the day from 7 am to 7 pm and they are housed at the Cheer Center. The EMT's are sponsored and maintained by local fire departments. Milton Fire Department pays for two EMT's. Prior to ten years ago, there was only one EMT and volunteers drove the ambulance all the time. Volunteers still drive the ambulance in the evenings or sometimes during the day.

In response to an audience question, Mr. Hopkins stated that the renovations are already underway. The investigation started in 2014. For a fire house to run you must have volunteers. They owned land in Broadkill Beach but there were no volunteers. The current volunteers are centralized around the Town of Milton. For the trucks to get out and help in an emergency, they need to have people to put on the truck. That is part of the reason why the fire house must be centralized. Building around Milford or Argos Corner is not feasible if volunteers cannot be on the trucks in a timely manner.

Mr. Hughes stated that one of the things talked about was getting the trucks out. If the membership lives on the other side of Town or in Town, that requires the volunteers to drive their vehicles out to Route 16. If we can get them to the firehouse quicker and on the apparatus, they are leaving the station sooner as opposed to having our members drive through Town to get to a station on the other side of the Town. Speeding is addressed at all meetings. Lighting and the sirens will be improved on the trucks.

Parking lots across the street from the firehouse will still be used. The plans identify properties that will be used such as the old chicken plant and where the storage trailers are parked right now. There is also the lot across the street

on the south end of the firehouse for parking. The fire apparatus will be in the building. When there are events in town, 2 ½ acres of the old chicken plant and all the other two lots are full. These areas are also used in the summertime when there are events in the Park. The fire company bought the dilapidated properties over the years when they had the opportunity. The old chicken plant, a brown field site, was torn down. They also cleaned up and tore down the apartment house which was converted it into a parking lot. Anytime there is a community event, the Town has no parking and the Milton Fire Department has always permitted parking in these areas if there is no event in the hall. If there is a wedding on the weekends, the Milton Fire Department sections off the parking lot to make sure there is enough parking to cover the event. The Milton Fire Department also allows non-profit organizations to use the facility once a year for free for fundraisers.

PUBLIC PARTICIPATION

Ms. Diane Friend asked Council if applications and documents that are presented to Planning & Zoning, the Board of Adjustment and the Town of Milton could be posted on the website when the agenda is uploaded. Ms. Friend requested some documentation on items that were being presented tonight and the request was not fulfilled. For example, the one on Mulberry St. only states that there is a request for rezoning and a request for an amendment to the Comprehensive Plan. It does not say what is being zoned, or what the request is. She asked that her request be considered.

The second thing Ms. Friend addressed was the amendments and applications coming before the Town. The Town is under no requirement to change the Comprehensive Plan that was sent to the State at the end of 2018. The Comprehensive Plan was diligently made and worked on for years and now thirteen months later, the Town wants to amend it. There are many areas where growth happened so quickly that people can't get around Town and don't want to live there anymore. Ms. Friend asked that the Town think about the infrastructure currently in place and what those impact fees are that may or may not be able to cover the growth over the next 5-10 years. The Town is already in a deficit situation buying land for another water tower and a water treatment facility. We are already at a place where we need to build because the Town has grown so quickly. People are buying land in and around Town and requesting annexation and those needs for those utilities and infrastructure are going to skyrocket. She does not know if the impact fees coming in are enough to cover all of that.

Mayor Kanakos stated that the Comprehensive Plan is a living document. The document in 2019 may not be the same in 2027 but the Town is watching that. As far as the water infrastructure, the Town has enough water. The Town is building for the future and for people who will annex in and bring new neighbors. The Town is very careful with the money and do not buy what they can't afford.

Ms. Friend mentioned a water crisis in the Town back seven years ago when there were three referendums in three years. There was not enough water in the Town. One of the water towers was corroded and the Shipbuilders water tower was not built yet and then there was an application for a grant from the State. The tower behind the elementary school was part of the development and then decided to the Town.

Mr. Wingo stated that the water tower is not corroded and Mayor Kanakos stated that a lot of money is spent to keep the tower in shape. Nobody else in the State uses the paint and materials that Milton does to keep the tower in shape. Mr. Thompson responded that about seven years ago there was an issue with the base of the water tower. Mr. Wingo acknowledged that there was an issue with the base, and it was corrected. The latest referendum allows the Town to expand the water supply. A well was just dug behind HO Brittingham and the Town is putting in a new treatment for the water. There is another spot just purchased for another well in the future and another water tower. A \$1M project to replace pipes is slated for Atlantic Ave. to go down about 14 blocks. The present water pressure in the last hydrant is about 550#. When the new pipes are installed, it will be about 1600#. Compared to 7-9 years ago, it is a different world in the Town.

Mr. Thompson stated that tonight is just the Resolution to schedule the public hearing. Ms. Friend asked that it would be helpful to just state what the resolutions are when posting the agenda. She would like it to be more transparent.

Mr. DJ Hughes referenced a letter that the Town of Lewes wrote to DelDOT regarding upgrades to Route 1. His main concern was making a left off Cave Neck Rd to go north Rt. 1 which is treacherous during peak times. It is the same for Minos-Conaway Rd. The City of Lewes asked DelDOT to delay construction of the Rte. 16 overpass until upgrades to Rte. 16 and Five Points have been completed and to reconsider the sequencing of the upgrades instead of eliminating the traffic signal at Route 16. Upgrades further south reduce safety and increase the number of crashes further south along the corridor. Spacing created by the signal at Rte. 16 provides a break in traffic for left turns. Mr., Hughes would like to reach out to the constituents and elected officials because he thinks it is a serious mistake that DelDOT is making. He understands that the upgrades are needed but if they don't do Cave Neck Rd. first, and Minos-Conaway, he thinks there will be people in this community that may end up seriously injured as a result. The City of Lewes felt the need to write the letter and he feels that the Town of Milton should write a similar letter with data showing that there have been serious accidents. Over a seven-year period, there were 76 at Rte. 16 and Rte. 1, 71 at Cave Neck Rd. T-bone collisions, called angle collisions, numbered 31 at Cave Neck Rd. and only 12 occurred at Rte. 16 and Rte. 1. Mayor Kanakos asked that Mr. Hughes give the data to Ms. Rogers for review.

Ms. Pam Weber spoke about her concern regarding the corner of Atlantic and Union and the speeding down Union St. Her major concern is with the trucks that do not have a reason to go down Union except to take a shortcut and not use the truck route. She watched a truck take about 15 mins. to turn the corner of Atlantic to downtown because it was so big. There was also a flatbed truck that was as long as three small trucks that came through downtown and went up Union St. driving faster than the 25-mph posted speed limit.

Her second concern is the siren on Atlantic. The decibels registered on her phone was 104.1. The National Institute of Health says that for hearing purposes 85 decibels should not be exceeded. This was right out her back door. She would like to see it taken out or moved to the corner of Rte. 5 and Union. Or at least turn it down to a safe level so that people who are jogging, standing outside for the school bus, walking their dogs, or working in their yards can at least enjoy the area that they live in.

11. Requests for removal of items from the Consent Agenda

Councilman Garde requested removal of Item C, Finance Report, since it was not included in the packet and would like to remove the minutes of the November 4, 2019 Town Council meeting.

Motion to approve the Consent Agenda with the modifications by Councilman Garde, second by Vice Mayor Kelly. All in favor. Motion carried.

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: November 4 and December 2, 2019
- e. Executive Session Minutes: December 2, 2019

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

Councilman Garde asked that the Finance Report be removed because it was not in the packet. The Minutes of November 4, 2019 were removed because on at the bottom of page 4 it says, "Councilman Garde stated". That is correct but it was not his statement. He asked a question about that and his question was essentially confirmed into this simple declarative sentence about what it is. After the tonight's meeting, he will suggest a way of cleaning it up. Some of it may be true, but this is not factually correct since he did not make those statements there. He asked a question which was confirmed by the Town Engineer and he will work out with her the correct wording. With the exceptions mentioned, Councilman Garde made a motion to approve the

minutes of November 4, 2019, seconded by Vice Mayor Kelly, All in favor. Motion carried unanimously.

Councilman Garde made a motion that Council accept the minutes of the Board of Adjustment of November 26, 2019, the Finance Committee of November 13, 2019, the Historic Preservation Committee notes of November 12, 2019, and the Water Committee minutes of May 1, 2019, and approve the balance of the Consent Agenda, seconded by Councilman Fleetwood. All in favor. Motion carried unanimously.

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

- a. Resolution 2019-016 a request of Historic Preservation Commission on consideration of a color palette for exterior paint within the Historic District (response received from Historic Preservation Commission) Mayor Kanakos stated that this was a harmless suggestion, not a formal one, to assist someone moving into the Town with a suggestion on where they could find the right color. His thought was that the Historic Preservation could suggest Lowes or Home Depot to help with finding historic or colonial colors. He was accused of promoting Valspar paint by a member of the Historic Commission. This was not an official request. It was just a suggestion on how to do something.

Mr. Camenisch, Vice Chair of Historic Preservation Commission, appreciated that Mayor Kanakos came to the Historic Commission and asked them to come up with color pallet. The HPC's job was to come up with a color pallet. This was done during an intense discussion and someone wrote a letter and someone else made a couple comments and all were taken into consideration. The Town of Milton is an eclectic town. There are Victorian, Colonial, Craftsman, and a whole gambit of house styles. The HPC could not come up with a specific color pallet. The standard for interior by the Government says that there are 10 standards or recommendations that the HPC go by One of them is the features of historic buildings when the severity of the deterioration requires the replacement of the distinctive feature and the new feature shall match the old design, color and texture. If someone does come to HPC, they do have recommendations for color.

Mr. Collier was asked by Mayor Kanakos how this Resolution was on the Agenda. Mr. Collier stated that Mayor and Council requested the Historic Preservation Commission consider a color pallet. Resolution 2019-016 was voted on by the Town Council. Mr. Collier shared what the HPC came up with during the research. It was learned that for each architectural style, there are about five individual styles. Some started their life as one style and somebody added another element from a different style to it. Each one of them has a different pallet for that architectural period. You would have to have a color pallet for each one and some recommendations are for interior and some for exterior. It became a nightmare on how you assemble something for

guidance for residents asking for suggested colors for their house. There used to be twenty different paint companies that offer historic color pallets. Those are now down to two that offer complete historic color pallets. Most of them have done away with it. In other communities where there was a color pallet for historic districts, it was challenged in court and successfully overturned. Governing this would become a nightmare. The Department of Interior has no requirement for color.

Mayor Kanakos asked if there was anything to prevent someone from painting a house yellow with blue dots in any district. Mr. Camenisch stated that there is no code and it should be up to the Council to specify that if person is going to paint their house, they should get a permit. If they have a color pallet, they can come to the HPC and ask what their recommendation is. Mayor Kanakos only wanted the HPC to tell residents to go look at a color chart in a big box store.

Councilman Garde made a motion to accept the Historic Preservation Commission's advisory report on Resolution 2019-16 as issued, seconded by VM Kelly. All in favor. Motion carried unanimously. The Historic Preservation Commission was thanked for their due diligence on Resolution 2019-16 that was voted on and issued by Council.

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

- a. Request from the Milton Community Foundation related to Memorial Park

Councilman Fleetwood left the room before discussion of Item a.

Mr. Steve Crawford explained that Councilman Fleetwood has had a difficult past 18 months. Through helping him out, he got to know him and his wife Barbara. He learned a great deal about his involvement supporting the Milton community. Through the foundation he has been solely responsible for organizing the Concerts in the Park which is a weekly event from May through September. Without this extraordinary effort, Concerts in the Park would not exist. He was been doing this for 20 years. This weekly event brings hundreds of people into town where families can enjoy a night of great music as well as fun in the park for the kids. In addition, the Town receives publicity and helps support the business community which helps the Milton Community thrive. To recognize Councilman Fleetwood for his community work and especially Concerts in the Park, Mr. Crawford thought that perhaps the Milton Community Foundation and the Town could undertake a collaborative effort to name the Milton Memorial Park bandstand pavilion in honor of Councilman Fleetwood. As President of the Milton Community Foundation, Mr. Crawford asked the Town to consider endorsing and approving the request with the expectation that prior to the start of the

first concert this year, Councilman Fleetwood can be honored by naming the bandstand after him.

Councilman Garde made a motion that Mayor and Council accept the recommendation made in writing by the Milton Community Foundation to name the pavilion in Milton Park The Charlie Fleetwood Pavilion, seconded by VM Kelly. All in favor. Motion passed unanimously.

b. Request from the Milton Fire Department on temporary usage of 112 Chestnut Street for EMS purposes

Motion by Councilman Garde to approve the request in the letter dated December 20, 2019 and signed by the Secretary of the Milton Fire Department to use 112 Chestnut St. for temporary usage for EMS housing purposes, seconded by VM Kelly. All in favor. Motion carried unanimously.

c. Application for rezoning from Phoenix PHCS Holdings, LLC, related to five parcels addressed as 423 Mulberry Street, 415 Mulberry Street, 413 Mulberry Street, 402 Reed Street, and 401 Reed Street, further identified as tax/map/parcels 235-14.19-31.00, 235-14.19-32.00, 235-14.19-43.00, 235-14.19-39.01, and 235-14.19-42.00; Resolution 2019-020 to schedule a public hearing on the application for rezoning and proposed amendment to the Comprehensive Plan

Presentation by Tom Ross, Phoenix Holdings, the manufacturer, designer and builder of high-end medical office spaces. Mr. Ross announced their partnership with Beebe Healthcare to bring a first-class facility to Town of Milton on Mulberry St. with numerous parcel numbers. Before going to Planning, they wanted to share a little about the project and let the Town know their intentions of being a good neighbor and part of the Milton community. One of the principles has deep roots here, in-laws of McLamb family. The plan calls for a 40,000 sq. ft building to be occupied primarily by Beebe Healthcare with a subsequent plot next door for additional 40,000 sq. ft. Their experience is that others will want to co-locate close by.

Ted Williams, Landmark Site Engineering, provided land services for the project. He presented an overview of the site located on Mulberry St. right across the street from the elementary school, and the south side of Willow St. There are two building being proposed for the site. Each of them is two stories in height, and each building is about 40,000 sq. ft., which is just slightly over 80,000 sq. ft. in total. The plans show access off Mulberry St. at this time but working with the Town and DelDOT on how access will be provided to this site. The site has numerous areas for storm water management that will meet

both the State and local requirements and working with the Town Engineer, Water Department, and Tidewater for the sewer as they go through the planning process. The first to be built will be the Beebe Healthcare building. The parcels to be rezoned are within the historic district and they will be going to the Historic Commission and to the Planning Commission on January 21, 2020. The second building will be used as medical offices.

Landscaping for the site and the parking lot will be coordinating with the Town. There will be a rain garden which will only hold water during a storm event but will drain out and then be all landscaping. There will also be a meeting with the Office of State Planning on Wednesday, January 22, 2020. Initial meetings were held with all the reviewing agencies right before Christmas to discuss everything and there will be a meeting with DelDOT individually to talk about access and traffic concerns. The meeting tonight is just a quick overview of the project and there will be a more formal presentation with more information about the buildings.

Questions from attendees could not be heard.

Answers from Mr. Ross to the questions posed:

1. Phoenix is here tonight asking for the Town's approval. Phoenix Holdings wants to be a good neighbor. Typically, in a lot of these projects, the community reads about it in the paper. Mr. Ross wanted to relate their intent that this will be a very high-quality facility and an asset to the community.
2. There are agreements in place, and we need those properties to build the building.
3. Beebe is sorting through their numerous practice groups to see what fits best for Milton in terms of client base they already have here and address some of the growth that will happen in the future.
4. Mr. Ross believes that every town needs a good mix of housing and healthcare facilities or fire and emergency facilities.
5. On January 21 there is a recommendation on the rezoning first and the Comp Plan and then go back on the Site Plan. Ms. Rogers advised that the rezoning would take place first. The rezoning is from R-1 to C-1 but for the Specific Use which is unlike Conditional Use where it could revert to the original zoning. Phoenix Holdings is asking for rezoning for C-1 for the Specific Use of two medical office buildings.
6. There has been no discussions with DelDOT on what will be necessary. There have been initial discussions where information was provided on traffic. They are meeting with DelDOT next week to start

the pre-process with them and that will determine what is necessary. They cannot get a building permit from the Town unless there is DelDOT approval since Mulberry Street is a State maintained roadway.

7. Parking meets the Town Code for medical office space.

8. This is the first presentation and there have not been any submissions to DelDOT to start the process.

9. If there are road improvements necessary that are attributed to the project, the developer will be responsible for those road improvements. If there was an improvement needed far outside like at Mulberry & Route 16, monies would be contributed by the developer to DelDOT to do a larger project. One example would be a traffic signal that needs to be modified. DelDOT is not going to require the developer pay for 100% of the traffic signal. They will be asked to pay for a percentage of his traffic goes through that intersection. The Town has been invited to the initial meeting with DelDOT for next week. Operating hours for this facility's peak volumes are going to be when employees are leaving or coming to the site. These hours will not match up with the elementary school hours.

10. Mr. Collier noted that those who wanted copies of the plan could come to the Town office and they would be provided. Mr. Ross also advised that there will be a full submission to the Town. They do make things electronically to the Town and it will be up to them to post on their website or make it available at Town Hall.

11. Mr. Ross believes that the project fits with what is going on in Town. They designed the facility so that it is walkable for those who would like to pick their child up from school and walk them in for a checkup or wellness visit or someone downtown who wants to ride their bike in for annual checkup. Phoenix Holdings wants to be part of the community in Town and not be just a car only facility.

12. Mr. Ross is not sure if Beebe will have shuttles available or is that something that DelDOT may want to do down the road. With a lot of the activities going on at the school on evenings and weekends, he believes you will find that their team is very flexible in allowing the school to have access to the parking.

13. The building will not be an emergency receiving center or something where ambulances will be constantly coming and going.

14. It will have several practice groups within Beebe's Healthcare umbrella. Specialists, Cardiologist or any group that falls within Beebe's expertise. Beebe is currently going through their practice

groups to figure out how to best lay out the square footage within the building so that they can best serve the community. Beebe will be the primary tenant for the first building. There will be no beds. It will not be an in-care facility. It will be more like seeing your doctor for a visit or specialist or service. Phoenix Holdings will own the building with a long-term arrangement with Beebe.

15. Mr. Ross noted that this is their first building for Beebe, but they have built numerous medical buildings primarily in New Castle County, DE and Southeastern PA. On Route 1 and 7 there is a large medical building not far from Christiana Hospital where there is a big black medical bag outside.

Presentation concluded at this point.

Motion by Councilman Fleetwood to approve Resolution 2019-020 to set a date for Public Hearing for the Planning and Zoning Commission and for the Town Council. Councilman Garde seconded the motion for discussion. Mr. Thompson clarified that the Public Hearing at the Council level is proposed for March 2, 2020. Councilman Garde questioned whether that is enough time for the Planning & Zoning Commission to consider a zoning change as important as this. He did not think that March 2 gave them enough time to do enough due diligence on this important request for a zoning change. He asked the three members of Planning & Zoning in attendance if they thought they could have a recommendation ready by March 2.

Mr. Cardwell: In order to make a recommendation to the Town Council there is information from outside agencies over which Planning & Zoning has no control. They do not know when the Plus report will come back or when DelDOT will be finished with whatever level of traffic assessment they are going to do. All of that is involved with the advisory recommendation Planning & Zoning would make to the Town Council. The Site Plan and Zoning are two separate entities.

Councilman Garde was concerned with giving them only a month. It is not the only thing before Planning & Zoning. Mr. Thompson stated that typically Planning & Zoning has a Public Hearing and that would be later this month and then would have to absorb all of that information and at their next meeting in February they would create and approve the advisory report that Council would vote on in February. That is the shortest amount of time. Town Code talks about a 45-day window which contemplates a two-meeting process. Council can always give them longer time if it is something that will require more deliberation.

Councilman Garde was thinking of extending the date but thought it may be premature to ask Planning & Zoning to make an advisory

report before the Plus evaluation is done because once the zoning is changed, it is changed. Anything that meets the requirement of C-1 including this facility would be allowed as soon as Council decides to make the change. Councilman Garde wanted to give the people who will be making an advisory opinion enough time to make a considered advisory opinion, It is an important request to the Town's Planning and Zoning Commission to make an advisory report to ensure they have sufficient time. If the advisory comes in before the Plus report is done, we will probably say until the Plus Report is done, we cannot make a recommendation.

Question for Mr. Thompson rezoning to C-1, Does it give the Town written assurances that C-1 would only be for this project design. In the Zoning Code if it rezoned to C-1, any commercial use project could go there. Mr., Thompson replied that was correct. When you are talking about a map amendment, the notion is that you look at the purposes of your zoning and come to a legislative decision in terms of if that area is more appropriately used as a different zoning district. It really is a step removed from considering individual proposed use. If this project did not go through for whatever reasons, then it would still be a C-1 and there could be a Wawa there. Mr. Thompson answered that once something is designated as C-1 on the map, that person can come in with a Site Plan with any of the permitted uses in the C-1 District. Could it be changed back to R-1 if project failed? Mr. Thompson stated that there is a different threshold when it comes to changing a district where a parcel is identified in vs. if someone applies to the Town for rezoning

Mr. Fleetwood stated that the issue before the Council is to set a date for the Planning & Zoning to complete the advisory report and the questions would be answered at the Zoning and Planning Public Hearing. If there are questions after receiving the recommendations, then it can be addressed by the Council.

Mr. Collier noted that a Public Hearing is not required for an advisory opinion. Is it necessary to have a date set up for Planning & Zoning to make an educated opinion? Mayor Kanakos did not want to leave it open. He wanted to have some structure to work on but thought that the March date may be too soon. The Resolution is to schedule a Public Hearing per Councilman Garde. There is a motion and a second to approve the scheduling of a Public Hearing. A Public Hearing is required by the Town Code. The only question is the date, or should the Resolution be tabled. Mr. Thompson explained the process. The Council needs to forward the Application to Planning and Zoning for the Advisory Report. Then Planning & Zoning picks whenever they are going to have its meetings on the Application, and they can have more than one. The only deadline in the Code is not a hard deadline. It says Council can act without an advisory report from

Planning & Zoning if Planning & Zoning has not delivered one within 45 days. It is not a hard and fast deadline. Basically, Planning & Zoning cannot hang up an Application if Council wants the matter to go forward. Setting a date for a Public Hearing for April 6 would give an additional month for Planning & Zoning.

Councilman Garde would like to set the date of the Public Hearing for April as part of the discussion of the motion. If the date is set for April, Planning & Zoning can go forward this month, have a Public Hearing and also can have one in February if they want to further discuss additional public comment plus whatever the results are from the Plus review and then adopt their Advisory Report in March per Mr Thompson.

Councilman Garde wanted to clarify that all the Planning & Zoning meetings are open. The only Public Hearing required by the Town Code is in front of Mayor and Council. Mr. Thompson cited 220-99 that discusses the advisory report to Town Council and Public Hearings. You must have one at the Council level and that is newspaper notice 15 days in advance. The tradition has been that Planning & Zoning receives public comment and there may not be a notice in the newspapers in the same way that the Town Council's public hearing is. But Planning and Zoning typically receives public comments so they can do a better job of providing an advisory report that reflects more input.

Councilman Fleetwood amended his motion to reflect the date change to April 6, 2020. Councilman Garde seconded the amended motion. Roll Call vote: All, yes. Motion carried unanimously.

- d. Sale of 405 Mulberry Street, also identified as tax/map/parcel 235-14.19-45.00

Town Manager Ms. Rogers explained that the parcel was for sale back in November and the Town has received a full listing price as a contractual offer of \$29,900.

Motion by Councilman Garde to go forward with the sale of the property currently owned by the Town of Milton in accordance with the draft contract. The only stipulation as part of the motion is that the owner be informed of the request for rezoning and that information be provided through our real estate broker so that the buyer is aware of the potential that has been requested, seconded by Vice Mayor Kelly. All in favor. Motion carried unanimously.

- e. Request from Fernmoor Homes at Heritage Creek for Town Council to review and forward Subdivision Phases 7 and 8 to Planning and Zoning Commission, in accordance with Town Code Chapter 188-31

Mr. Collier explained that this is a request from Heritage Creek for Phases 7 and 8 and Council needs to forward the application to the Planning & Zoning Commission so that they can begin the approval of the subdivision plats and eventually the Preliminary and Final site Plans.

Councilman Garde stated that on the cover page of all three sets of drawings is a place for the signature of the Mayor. When are we expecting that signature to be affixed? Mr. Collier answered that when this goes through the process and approved, the last step is it comes back to the Mayor and Council for the final, final approval and that is when the signatures are placed on the plans.

Motion by Councilman Garde to approve the request from Fernmoor Homes at Heritage Creek to review and forward to Planning and Zoning Phases 7 and 8 to Planning & Zoning in accordance with the Town Code, second by Vice Mayor Kelly. All in favor. Motion carried unanimously.

- f. Appointment of members to an Ad Hoc Finance Committee for purposes of preparing a formal procurement procedure
The members of the Committee will be Councilman Garde, Mr. S. Crawford and Mr. J. Collier per Town Manager Ms. Rogers

Councilman Garde provided background. There are two separate undertakings currently. The Finance Committee is considering a formal procedure for their oversight requirements of new Budget line items especially Capital Budget line items. This Ad Hoc Committee would liaise with the Finance Committee to ensure that whenever there is an overlap it would be coordinated and consistent. The procurement policy would basically start with an approved line item in a budget and go through the process of preparing and evaluating RFP' or submissions evaluating proposals so that there is more detail then there currently is in the Charter to determine who is the lowest responsive bidder. The principle aim is to put some more meat on the bones that are in the Charter without changing the Charter.

No comments from the Finance Committee. Motion by Vice Mayor Kelly to appoint the members, second by Councilman Cote. Mr. Thompson provided a point of clarification. Council is approving Resolution 2019-021. There is a sunset provision. Roll call vote. All yes. Motion carried unanimously.

- g. Elements, determined as necessary, for consideration by the Special Review Committee related to Resolution 2019-019 on the annexation petition from Milton Attainable Housing LLC

Town Manager K. Rogers received a request to add this item to the Agenda on behalf of the Special Review Committee. The Committee would like further guidance from Mayor and Council on any elements they should be considered while reviewing the annexation petition.

Councilman Garde indicated that specifically Mayor and Council must determine and give them guidance with respect to a cost benefit. Motion by Councilman Garde that Council charge this Special Review Committee with performing a cost benefit analysis. The vote requires 2/3 majority. Vice Mayor Kelly seconded the motion. All in favor. Motion carried.

Councilman Cote' stated that Section 3F also gives Mayor and Council its lists impacts on the capacities and the qualities to the Town's systems and services, the impact on taxpayers and other elements as determined necessary. He asked if there were any other elements determined as necessary. Councilman Garde noted that the police and fire departments do not report to Council. His concerns are water, sewer, traffic and police coverage which are already covered in the special elements. The requestor is asking to build affordable housing and it is already in the Comprehensive Plan and lists the pros and cons.

Councilman Garde's question was if there was enough time for them since the Application for the annexation was made last month and the Committee was established last month and has not had a chance meet. The next line item is to change the membership. The Committee now would only have 90 days and is that enough time to do a cost benefit analysis and consider all the other pros and cons. Mr. Thompson advised that the 120 days will not start over. It is already month in. There is the possibility for the Committee to ask for an extension for due cause.

No vote necessary.

h. Appointment to the Special Review Committee

Mayor Kanakos appointed Councilman West, Councilman Cote', Mr. Trask, Chair to the Special Review Committee. The appointment is the change from Vice Mayor Kelly to Councilman West.

Motion by Councilman Garde to approve the revised constitution of the Special Review Committee and the appointments made, seconded by Vice Mayor Kelly. All in favor. Motion carried.

Motion to adjourn: 8:40 pm