

Town of Milton  
115 Federal Street  
Milton, DE 19968



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**Milton Town Council Meeting Minutes**  
**Monday, June 15, 2020**

1. Call to Order- Mayor Kanakos called the meeting to order
2. Roll Call-  
Councilwoman Meredith  
Councilman Baty  
Councilman Cote  
Councilman Garde  
Mayor Kanakos  
Councilman Fleetwood (attended the regular session virtually)
3. Additions or Corrections to the Agenda  
A correction was made to the agenda in reference to the financial reports presented were for the months of February 2020 and March 2020.
4. Agenda Approval  
Councilman Garde made a motion to approve the agenda as modified, seconded by Councilman Cote. Motion carried 5-0.
5. Executive Session:  
Councilman Garde made a motion to go into executive session, seconded by Councilman Cote. Motion carried 5-0.
  - 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 individual employees are discussed
6. Discussion and possible vote on Executive Session items- Councilman Garde stated there were no executive session requiring a vote in regular session.
7. Moment of Silence
8. Pledge of Allegiance to the Flag

Mayor Kanakos introduced Councilwoman Meredith as a new member of Council.

9. Nomination and confirmation of Vice-Mayor, Secretary, and Treasurer

Mayor Kanakos nominated Councilman Kelly to retain his position as Vice Mayor and Councilman Baty to retain his seat as Secretary and Treasurer. Councilman Garde made a motion to approve the nomination of Vice Mayor Kevin Kelly and Councilman Richard Baty as Secretary and Treasurer, seconded by Councilwoman Meredith. Motion passed 6-0.

10. Certificates for Years of Service

Mayor Kanakos presented employee service awards to Mindy Ribinsky, Robert Wilson, Christopher Whitehouse and Taylor Talon for five years of dedicated service to the Town. Mayor Kanakos also presented an employee service award to Derrick Harvey for fifteen years of dedicated service to the Town.

11. Lifetime Volunteer and Citizen of the Year Awards

Mayor Kanakos presented a Lifetime Volunteer award to the Milton Lions Club for their phenomenal volunteer service to the Town of Milton. The Citizen of the Year award was presented to Lee Revis Plank, Steve Crawford and Larry Lieberman.

12. Public Participation

Town Manager Kristy Rogers read into the record a letter from MaryAnn and Alex Donnan stating their opposition to the rezoning of a parcel on Mulberry Street.

Lynn Ekelund- 406 Union Street, stated she was recently informed due to budget restraints minutes of the Planning and Zoning meetings were not being produced, is that still the case? Mrs. Rogers responded minutes are done by the Commission secretary however, full transcriptions are not done of the meetings. Mrs. Ekelund feels the meetings of the Planning and Zoning Commission are very full sessions and given the importance of the items in front of them she hopes maybe Council could find it in the budget to have the meetings transcribed. Perhaps if Council members' request the meetings be transcribed then the funds could be found in the budget. Mrs. Rogers stated some council members have requested and received audio copies of the meetings.

Ginny Weeks- 119 Clifton Street asked Council to be very conscientious when discussing the rezoning on Mulberry Street. The zoning ordinance is in place to protect the quiet and peacefulness of the town and this project will destroy one, two or three neighborhoods. Neither Mulberry nor Willow Street have shoulders so if there is an accident there will be no room for emergency vehicles. The size of the buildings means there will be three and a half buildings on the lot the same size as the new fire hall. She is also concerned regarding the definition of medical office in the zoning ordinance, it's not detailed and we could see a methadone clinic in that location. The zoning ordinances need to be tightened up if we don't want that. Those buildings begin at 6 a.m. She asked Council to be conservative and think about what it will mean if they change the zoning.

Alex Donnan, 103 Pond Drive, regarding the square footage of the proposed medical building could mean roughly 200 medical offices. There could be 200 cars for the employees.  
(Inaudible)

Ginny Weeks- stated the developer and the State of New Hampshire agree there would be roughly 3,000 car trips within the eight hour period. That would mean one car would be turning in and out of the driveway onto streets with no shoulders every ten to twelve seconds.

**13. Requests for removal of items from the Consent Agenda**

Councilman Garde stated he would like to remove the minutes from the Town Council meeting of February 3<sup>rd</sup>. Councilman Cote stated he would like to remove the minutes from the March 2<sup>nd</sup> Town Council meeting. With those exceptions and the removal of the agenda item "A" Written Committee Reports as there were none in the packet. Councilman Garde made a motion to approve the consent agenda with the exception of the minutes from February 3<sup>rd</sup> and March 2<sup>nd</sup> and accept item "G" which is the advisory report from Planning and Zoning. Councilman Baty seconded the motion. Councilman Baty recognized the Water –Meter test bench demonstration was fantastic and will save the Town money and time in the future. Motion carried 6-0.

**14. Approval of the Consent Agenda on the following items:**

- a. Written Committee Reports
- b. Written Department Reports: Town Managers Report, including the Administrative, Code Enforcement, Police, Project Coordinator, and Public Works Department Reports
- c. Finance Report, and Statement of Revenues and Expenditures for February and March 2020
- d. Minutes: November 7, 2019, January 21, 2020, February 3, 2020 and March 2, 2020
- e. Executive Session Minutes: February 3, March 2, 2020
- f. Public Works job descriptions
- g. Advisory report from the Planning and Zoning Commission on the application of Phoenix RHCS Holdings, LLC for rezoning of 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; and for the proposed amendment to the Town comprehensive plan for the same parcels

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

Councilman Garde listed corrections needed for the February 3<sup>rd</sup> Town Council minutes.

Councilman Cote listed corrections needed for the March 2<sup>nd</sup> Town Council minutes.

Councilman Garde made a motion to approve the minutes as corrected for the February and March meetings, seconded by Councilman Cote. Motion carried 6-0.

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

- a. Advisory report from the Special Review Committee on the annexation petition of Milton Attainable Housing, LLC for annexing six parcels located at the southwest corner of Broadkill Road and Country Road, said parcels identified as follows: 235-14.00-123.00 (24716 Broadkill Road), 235-14.00-123.01 (24700 Broadkill Road), 235-14.16-1.00, 235-14.16-2.00, 235-14.16-3.00, and 235-14.16-4.00; and for the proposed amendment to the Town comprehensive plan for the same parcels; consideration of Resolution 2020-011 to forward Planning and Zoning Commission for an advisory report.

Mrs. Rogers read into the record a summary of the advisory report from the Special Review Committee and listed the three possible actions Council can act upon.

Discussion was held on the process of the annexation petition and the roles of the Special Review Committee and the Planning & Zoning Commission. Councilman Garde made a motion to accept the report as presented and to ask the Planning &

Zoning Commission for an advisory report and table the concept of Item 3 in the findings where Milton Attainable Housing- Alternative Solution for Cost and Fees require additional negotiations and those negotiations are tabled until a different session, seconded by Councilman Baty. Motion carried 6-0.

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

- a. Appointments and reappointments of boards, commissions and committees  
Mayor and Council reviewed nominations to fill expired terms or vacant seat on Town Commissions and Boards. Councilman Garde made a motion to approve the appointments to the boards and committees as prepared with a correction to the typographical error to the Board of Preservation listing, seconded by Councilman Baty. Motion carried 6-0.
- b. Fiscal year 2020 budget review and amendment, also including the Police Department rank structure and Town pay scale  
Mrs. Rogers presented Mayor and Council with the six month budget review with revisions made to revenue line items, personnel changes, and professional fees, subscriptions for policies, utility fund, repairs and maintenance changes. The changes keeps the budget in balance and includes an explanation on the basis of why a possible tax increase may be needed in the next fiscal year. Councilman Garde made a motion to approve the budget review and amendment as submitted by the Town Manager; accept and approve the Police Department's rank structure as presented by Capt. Harvey under the terminology "Good" with the exception of being able to promote to the corporal position after a minimum of four years of police experience in lieu of the five years recommended; and approve the Town pay scale as submitted by the Town Manager. The motion was seconded by Councilman Cote. Councilwoman Meredith recused from the vote. Motion carried 5-0-1
- c. Request from the Milton Chamber of Commerce to close a portion of Magnolia Street August 22<sup>nd</sup> & August 23<sup>rd</sup> for the Bargains on the Broadkill event  
Councilman Fleetwood asked by the street needed to be closed. Anne Brown from the Milton Chamber addressed Council explaining the options for the festival and the request to close a portion of the street to accommodate food vendors between the entrances of the municipal parking lot. Councilman Garde made a motion to approve the request to close the portion of Magnolia Street from the entrance on the east side to the entrance on the west side of the municipal parking lot for the dates requested; seconded by Councilwoman Meredith. Motion carried 6-0.
- d. Resolution 2020-007 to schedule a public hearing on a proposed Zoning Code amendment regarding Chapter 220 of the Town Code, entitled "Zoning," regarding the Mixed-Use Residential and Commercial (MURC) District.  
Councilman Garde made a motion to approve Resolution 2020-007 to establish the time and place for a public hearing regarding the proposed changes to the zoning code; seconded by Councilman Baty. Roll call vote approved the motion 6-0.
- e. Resolution 2020-008 to schedule a public hearing on a proposed Zoning Code amendment regarding Chapter 220 of the Town Code, entitled "Zoning," regarding the Limited Light Industrial Use (LLI) District

Councilman Garde made a motion to approve Resolution 2020-008 to establish the time and place for a public hearing regarding the proposed changes to the zoning code; seconded by Councilman Baty. Roll call vote approved the motion 6-0.

- f. Resolution 2020-009 to reschedule a public hearing on a proposed Zoning Code amendment regarding Chapter 220 of the Town Code, entitled "Zoning" regarding the Marine Resources Use (M-R) District. This public hearing was originally scheduled for April 6, 2020  
Councilman Garde made a motion to approve Resolution 2020-009 to schedule the time and place for a public hearing regarding the proposed changes to the zoning code; seconded by Councilman Baty. Roll call vote approved the motion 6-0.
- g. Resolution 2020-010 to reschedule a public hearing on the application of Phoenix RHCS Holdings, LLC for rezoning of 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; and for the proposed amendment to the Town comprehensive plan for the same parcels  
Councilman Garde made a motion to approve Resolution 2020-010 as written to schedule the time and place for a public hearing regarding the rezoning application; seconded by Councilman Baty. Roll call vote approved the motion 6-0.
- h. Ordinance 2020-001 to amend Chapter 85 of the Town Code entitled "Building Construction" related to building construction permits  
Councilman Garde made a motion to approve Ordinance 2020-001 with the correction under Item A, Section 85-15 to add "or designee" after the word Project Coordinator; Councilman Fleetwood seconded the motion. After discussion Councilman Garde withdrew his motion and made a new motion to approve Ordinance 2020-001 as prepared. Councilman Baty seconded the motion. Roll call vote approved the motion 6-0.

#### 18. Adjournment

Councilman Cote made a motion to adjourn; seconded by Councilwoman Meredith seconded the motion. Motion passed 6-0.