

*Town of Milton*  
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**Milton Town Council Meeting Minutes**  
**Monday, February 3, 2020**

1. Call to Order Mayor Kanakos called the meeting to order.
2. Roll Call-
  - Councilman Cote'
  - Councilman West
  - Councilman Baty
  - Councilman Garde
  - Vice Mayor Kelly
  - Mayor Kanakos
  - Councilman Fleetwood-attendance at regular session
3. Additions or Corrections to the Agenda- none
4. Agenda Approval- Councilman Garde motioned to accept the agenda as presented, Councilman West second the motion. Motion approved unanimously.
5. Executive Session: Councilman West made a motion to go into executive session, seconded by Vice Mayor 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- Vice Mayor Kelly made a motion to go into regular session, seconded by Councilman West. Motion carried unanimously.
7. Moment of Silence
8. Pledge of Allegiance to the Flag
9. Public Participation

Michaela Coffaro- Whatever happens, sustainability will be part of it so thinking about the medical proposal, she found issues regarding asphalt, concrete, insulation and lighting. All

items that come up for the land use. She would suggest Council make a motion soon to acknowledge receipt of the planning report from the DNREC grant, providing Milton staff and Milton town committees with access to the suggestions, after a review of internal suggestions regarding sustainability, Council will include viable efforts in the 2020-2021 fiscal budget when and if possible. This is not a manifesto but recognition to do what we can and only when and if we can but not official recognition. She also thanked Councilman Garde for his help in cleaning up the document.

Ginny Weeks- Regarding the Comprehensive Plan, she previously spoke before Mayor and Council and submitted a written request asking to put something in the plan to protect the neighborhoods or acknowledge their importance to the town. Mayor and Council previously stated that concern will be taken care of in the design manual. Mrs. Weeks would like the status of the design manual. Mrs. Rogers stated the Comprehensive Plan has a section adopted for community design as well as community and economic development with redevelopment and sustainability. All of those topics were discussed during open meetings with planning and zoning. Mrs. Weeks also stated the zoning ordinance does not require a public hearing at the planning and zoning level for a change in zoning. Mrs. Rogers stated a public hearing is scheduled before the April Town Council meeting because rezoning is a Council decision.

Discussion was held regarding moving the public hearing to a separate night from the Council meeting. Mr. Seth Thompson stated the public hearing was approved by resolution so in order to change the date Council would need to advertise another resolution to move the date.

10. Requests for removal of items from the Consent Agenda- none

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 (November and December 2019)

Councilman Garde made a motion to accept the Finance Committee report dated December 5, 2019, the Historic Preservation report dated December 10, 2019 and the Special Review Committee minutes from January 16, 2020 and approve the balance of the consent agenda, seconded by Councilman West. Motion carried unanimously.

Councilman Garde stated he was impressed with the administrative report and it was uplifting to see all the good things the staff is doing. He suggested the administrative report be removed from the consent agenda and give the Town Manager the opportunity to give a two to three minute presentation on the high points of the report.

Mrs. Rogers introduced two new employees, Stephanie Coulbourne as the Town Clerk and Tom Quass as the Project Coordinator and welcomed them to the Town.

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

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

- a. Request from Fernmoor Homes at Heritage Creek for Town Council to review and forward subdivision phases 7, 8A, and 8B to Planning and Zoning Commission, in accordance with Town Code Chapter 188-31 (Record Plats received back from P&Z)

- b. Town of Milton Sustainability Plan (continue discussion on updates to implementation spreadsheets):  
Mrs. Rogers stated in November Councilman Garde offered to update two spreadsheets that had implementation items to them, one being the Community Action and Good Governance. Volunteers are needed to continue to update the remaining spreadsheets or if Council chooses to adopt the plan at the next Council meeting as a guide on decision making. Councilman Garde state what is in the packet is a draft on the spreadsheets included in the Sustainability report. He feels it can be improved by further discussion and comment. Councilman West, Councilman Garde and Councilman Fleetwood stated they would assist with the remaining spreadsheets. Councilman Fleetwood made a motion to table the item until the next Council meeting, seconded by Vice Mayor Kelly. Motion passed unanimously.
  
- c. Resolution 2020-001 relating to the renaming of the Memorial Park gazebo:  
Councilman West stated it gives him great pleasure to ask Council to adopt Resolution 2020-001 relating to renaming the Milton Memorial Park Gazebo in honor of Charlie Fleetwood and the dedication be made at the first concert in May seconded by Councilman Garde. Roll Call vote: Councilman Garde, Councilman Cote', Councilman West, Vice Mayor Kelly voted yes. Councilman Fleetwood opposed. Motion passed with a vote of 6-1.
  
- d. Magnolia Street drainage project and parking plan, including bulkhead analysis:  
Mrs. Rogers introduced Ted Thompson and Sharon Cruz engineers from Pennoni Associates to present the project. She stated engineering studies and a cost analysis has been completed. The total project cost is \$838,150 and she has secured \$435,000 in grant funding. The remaining project cost can be paid for using reality transfer tax funds or from the Town's saving funds. Mr. Thompson went into detail of their findings and stated the figures are conceptual costs at this point. Discussion was held regarding the proposed design and why it was the best option available.

Councilman Grade made a motion to accept Pennoni Associates' recommendation with respect to the bulkhead and also accept the formal recommendation of the rain garden and that the town further peruses the parking while moving forward. The motion further approves the cost of \$838,150 including using \$300,000 from the bond bill and \$135,000 from Representative Steve Smyk and Senator Lopez, with the remaining balance coming from the surplus in the current accounts. Vice Mayor Kelly second the motion. Discussion was held on the motion. Councilman Garde amended his motion to clarify the remaining balance of \$435,000 should come out of the surplus account, seconded by Councilman Baty. Roll call vote: Councilman Baty, Councilman Cote', Councilman Garde, Vice Mayor Kelly, yes. Mayor Kanakos, Councilman Fleetwood, Councilman West no. Motion carried 4-3.

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

- a. Resolution 2020-002 Community Development Block Grant  
Councilman Fleetwood made a motion to accept the resolution as presented, seconded by Vice Mayor Kelly. Roll Call vote: Councilman Cote', Councilman West, Councilman Baty, Councilman Fleetwood, Councilman Garde, Vice Mayor Kelly, Mayor Kanakos yes. Motion carried.
  
- b. Resolution 2020-003 Endorsing Project To Be Submitted To The Delaware State Housing Authority For Funding From the US Department of Housing and Urban Development

Vice Mayor Kelly made a motion to approve the resolution as presented, seconded by Councilman Garde. Roll Call: Councilman Cote', Councilman West, Councilman Baty, Councilman Fleetwood, Councilman Garde, Vice Mayor Kelly, Mayor Kanakos yes. Motion carried.

- c. Sidewalk waiver request from the Sussex County Habitat for Humanity relating to 416 Cedar Street (tax/map/parcel 235-14.15-157.00)  
John Collier reviewed the request with the Mayor and Council. This is a vacant lot with no sidewalks in its proximity. Councilman West made a motion to grant the waiver with the stipulation that sidewalks will be added in the future as the town sees fit. Vice Mayor Kelly seconded the motion. All in favor. "Aye: Motion carried.
- d. Partitioning request from ECS Capital LLC relating to 401 Sussex Street (tax/map/parcel 235-14.16-56.00)  
John Collier reviewed the request with Mayor and Council. The partition is located in an R-1 district. The applicant has received a variance from the Board of Adjustment for the eighty eight feet short of the required ten thousand square feet lot size for one of the lots. The applicant further offered a utility easement on the Atlantic Street side of the lot and the plot will be recorded as such. Councilman Fleetwood made a motion to approve the portioning as presented, seconded by Vice Mayor Kelly. Councilman Garde thanked the Board of Adjustment and Town Hall staff for presenting a well thought out presentation. All in favor. "Aye", Motion carried. Mr. Seth Thompson asked Mr. Collier to let the applicant know they have ninety days to record the partition.
- e. Request from Tidewater Environmental Services Inc. relating to a private well at 16185 Sam Lucas Road  
Mrs. Rogers introduce Brian Carbaugh, Director of Engineering representing Tidewater Environmental Services Inc. Mr. Carbaugh explained the new wastewater treatment plant proposed for Sam Lucas Road has a limited need of water service of approximately one hundred gallons per day with a maximum demand of twenty gallons per minute in the case of chemical spill on a person. The water supply used to run equipment and wash down the equipment and the plant will be reused water within the plant. A fire suppression system and fire supply is not required. A 4" onsite well will cost approximately \$5,000. The alternative would be to bring a water main approximately 4,200 ft. from the Front Street connection to the plant. The cost of that option is approximately \$635,000. The rate analysis of this option could affect the water rate at a cost of \$43 per resident per year. The line would not be used often enough to push the water to the plant causing the water to become stale and the Town could potentially need to flush the line often. Tidewater is requesting to use the private well option at a reduced cost to the residents. Discussion was held on the request. Councilman Fleetwood made a motion to deny the request, seconded by Councilman West. Roll Call vote: Councilman Cote', Councilman West, Councilman Baty, Councilman Garde, Councilman Fleetwood, Vice Mayor Kelly, Mayor Kanakos "yes". Motion to deny carried 7-0.
- f. Request from Tidewater Environmental Services Inc. relating to a lot line adjustment between 16179/16185 Sam Lucas Road, and easement for storm water management at 16179 Sam Lucas Road.  
Brian Carbaugh explained the request, sighting the slope of the sight and the swale across the property. Sussex Conservation District required an engineered system which shifted the retention pond's location. In order to comply, Tidewater would need to build a twenty five foot swale with a fifteen foot buffer for maintenance. The Town did not

want to lose land from their site so Tidewater proposed pushing the lot line back so they are giving the town equal amount of land that they are asking for in the easement. A joint entrance for Tidewater and the Town was proposed to Del Dot. Councilman Garde made a motion to accept the request and grant the easement and lot line adjustment in accordance to Tidewater Environmental Services, Inc. letter dated January 24<sup>th</sup> and the recording of the deeds in accordance to Delaware law, seconded by Councilman West. Roll Call vote: Councilman Cote', Councilman West, Councilman Baty, Councilman Fleetwood, Councilman Garde, Vice Mayor Kelly, Mayor Kanakos yes. Motion approved unanimously.

- g. Application for rezoning from Milton Attainable Housing, LLC, related to parcels 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, 235-14.16-4.00. These six parcels total 26.45 acres located on the southwest corner of Broadkill Road and Country Road. Resolution 2020-004 to schedule a public hearing on the application for rezoning and proposed amendment to the Comprehensive Plan  
Mrs. Rogers presented the resolution to Mayor and Council. Discussion was held on the resolution. Councilman Garde made a motion to approve resolution 2020-004 amending the final "Whereas" to read "Hereby refer the application", seconded by Councilman West. Roll Call vote: Councilman Cote', Councilman West, Councilman Baty, Councilman Fleetwood, Councilman Garde, Vice Mayor Kelly, Mayor Kanakos yes. Motion approved unanimously.

P.D. Camensich approached the Council concerned about the presentation from Tidewater stating they were passing the cost of the larger water line connection to the residents at a possible rate of \$45 per year. He was concerned Tidewater would also pass the cost of the plant's construction onto the residents as well. He hoped the Council would attend any meetings where Tidewater would be requesting rate increases.

15. Adjournment:

Councilman Fleetwood made a motion to adjourn, seconded by Councilman West. All in favor. Motion carried unanimously. Meeting adjourned.