

**Town of Milton**  
115 Federal Street  
Milton, DE 19968



[www.milton.delaware.gov](http://www.milton.delaware.gov)  
Phone: 302-684-4110  
Fax: 302-684-8999

**Milton Town Council Meeting Minutes  
Monday, March 2, 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 (attended regular session only)

Councilman Garde moved to go back into regular session, seconded by Councilman West.  
Motion carried unanimously.
3. Additions or Corrections to the Agenda-
4. Agenda Approval- Councilman Garde made a motion to approve the agenda as submitted, Councilman West seconded the motion. Motion carried unanimously.
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 made a motion that the document discussed during executive session, be approved with the two amendments that were discussed, Vice Mayor Kelly seconded the motion. Motion carried unanimously.
7. Moment of Silence
8. Pledge of Allegiance to the Flag

9. Presentation of the September 30, 2019 Town Financial Audit- PKS and Company, P.A. Leslie Michalik of PKS and Company, P.A. addressed Council and stated the main objective of the audit is to express an opinion on the financial statements as to whether they are a fair presentation of the financial position of the Town. Ms. Michalik reviewed the audit highlights and informed Council in their opinion the financial statements present fairly and all material respects the financial position of the Town of Milton, Delaware as of September 30, 2019 and for that year end are in conformity with generally accepted accounting principles. This is a clean and unmodified opinion and is the highest level of assurance they can give on the financial statements. As part of the audit they looked to see if the town has complied with any acceptable laws, regulations and grant agreements. They did not find any incidents of non-compliance. They also reviewed the Town's internal accounting procedures and controls. They did not find any matters of material weakness of the Town's procedure or controls. The books and records of the Town are in good shape and there were no difficulties in performing the audit and she believes over all the Town is in a strong financial position.

Councilman Fleetwood thanks Mrs. Rogers and her staff for doing a great job.

#### 10. Public Participation:

Steve Crawford: Mr. Crawford stated generally it's the developer who pays for the cost of a new water line at no cost to the residents. Last month Tidewater asked to install a private well costing approx. \$5,000 and Council turned down that request. The water line that Tidewater is now required to build will be about \$635,000. Tidewater will now pass that cost on to the residents and that cost will be forever since once the \$635,000 goes into their rate base. Council expressed Tidewater can't be trusted and that water service is an asset to the town. He suggested putting a meter on the private well they want to install and monitor the usage and charge them for the water used. As a result of their vote all the rate payers will be faced with higher bills. His request is for Council to revisit the decision and if they come to the same conclusion please explain to the rate payers the rationale on the higher bills when a \$5,000 well could have avoided that increase.

Mayor Kanakos confirmed Tidewater received five acres of land from the Town to build the plant at no cost to them. Councilman Cote' stated the original agreement was for eighteen acres for \$1.5 million not five acres. Tidewater still owes the Town roughly \$3- \$3.2 million dollars on that original contract that will take a very long time to repay based on the rate they are repaying it.

Susan Fewell- Ms. Fewell is concerned there are seldom people of color at the meetings and at the Town Forum meeting most of those in attendance were white. She is disturbed one of the candidates had hate information on a Facebook page. It has since been taken down but she feels it should disqualify a person from running for office. If people are running for office they should reconsider what they are doing and welcome everybody.

Leah Betts- Ms. Betts wanted to clarify a misunderstanding during the Town Forum. She did not ask any one person to file to run for Council for this election. She welcomes all four candidates and appreciates their interest in the town and wishes them all good luck.

Michaela Coffaro- Regarding the Mulberry Street Beebe proposal, she is not against economic growth but it's not for Mulberry Street. She concerned about parking, all night lighting, traffic on smaller streets and being so close to a school. She hopes Council would look at the petitions going around in regards to the project. She is also requests Council place the Sustainability Plan on the next agenda showing it exists and that it will be reviewed quarterly and be considered for the next budget.

Stell Parker Selby- Ms. Parker is seeking education and clarification on the project proposed on the Dexter property. She is for open space and progress and would hope that land holders adjacent to the project are notified in a timely manner during the process. She is willing to meet with individuals to give them history on the area of Route 16.

11. Announcement of nominations being accepted for “Citizen of the Year” and “Lifetime Volunteer” awards.

Mayor Kanakos announced the Town is currently seeking letters of recommendation for the 2020 Citizens of Year and the 2020 Lifetime Volunteer awards. Nominees must be residents of the Town of Milton who have demonstrated exceptional volunteer commitment. The deadline for the letters of recommendation is Monday, March 23, 2020. Nomination letters must include a supporting explanation on how the nominee has displayed significant contributions to the Milton community for the past year or lifetime.

Councilman Fleetwood informed the first concert in the park will be Wednesday, May 27<sup>th</sup> and then every Wednesday night thereafter until the week before Labor Day. On Labor Day there will be music in the park from 11:00 am until 7:30 p.m.

12. Requests for removal of items from the Consent Agenda- Councilman Garde stated the minutes of the January 6, 2020 meeting should be removed to make a correction. Councilman Garde also made a motion to accept the Planning and Zoning minutes from November 19, 2019 and January 21, 2020 and the Water Committee minutes of May 8, 2019 and approve the balance of the consent agenda. Councilman West seconded the agenda. Motion carried unanimously.

13. 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 (January 2020)
- d. Minutes: December 16, 2020 and January 6, 2020
- e. Executive Session Minutes: December 16, 2019 and January 6, 2020

14. Discussion and possible vote on items removed from the Consent Agenda- Councilman Garde made a comment regarding the Planning and Zoning minutes of November 19, 2019 that mention the sound levels will be in compliance with the State law. He wants to make sure they understand there is also a noise ordinance in Milton’s Town Code which is a little more constringent of the State code. And with respect of the item removed from the consent agenda it was removed to correct the name a member of the Special Review Committee. With that correction, Councilman Garde made a motion to approve the Town Council minutes from January 6, 2020. Councilman West seconded the motion. Motion carried unanimously.

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

- a. Request from Fernmoor Homes at Heritage Creek for Town Council to approve final record plats for subdivision phases 7, 8A and 8B  
John Collier stated the request was sent to Planning and Zoning by Mayor and Council where a public hearing was held on the applicant’s request. Planning and Zoning is now sending their approval of the request back to Mayor and Council for their consideration. Councilman Fleetwood moved to accept Planning and Zoning’s recommendation, seconded by Councilman Garde. Motion carried unanimously.

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

- a. Request from Fernmoor Homes at Heritage Creek to amend the record plat for Phase 5  
Mr. Collier stated the Town discovered one pipe was placed outside of the original easement so the Town required the applicant to record a new easement to include the area mentioned. This new plat replaces the plat originally recorded in December 2013. Councilman Grade made a motion to accept the addendum the record plat for Phase 5 Heritage Creek subdivision, seconded by Councilman West. Motion carried unanimously.
- b. Request from Fernmoor Homes at Heritage Creek seeking a bond reduction for Phase 5  
Mrs. Rogers reviewed the request from Heritage Creek for a bond reduction. Pennoni and Associates has reviewed the punch list and agrees to the bond reduction. Discussion was held on the balance of the bond amount. Councilman Garde made a motion to approve the request from Fernmoor to reduce the bond to \$707,752.20 and further reduction can be made at a future meeting where the arithmetic can be explained by the town engineer. Councilman West seconded the motion. Motion carried unanimously.
- c. Appointment of an alternate judge to the Board of Elections  
Mrs. Rogers explained an additional member needs to be added to the board as an alternate judge in the event a board member is not available to attend the Town Election. The recommendation is to add Mrs. Jackie Brisco. Councilman Garde made a motion to approve the appointment of Ms. Jackie Brisco to the Board of Elections as an alternative judge, seconded by Councilman Fleetwood. Motion carried unanimously.
- d. Resolution to refer to the Special Review Committee the annexation application from BBD, LLC for parcel 235-14.15-67.00 addressed as 100 Milton Ellendale Highway. This parcel totals 7.68 +/- acres located at the corner of Route 5 & 16, adjacent to Milton Ellendale Highway, Union Street Extended, Cedar Creek Road and Mulberry Street Extended.  
Discussion was held on the members of the Special Review Committee and the ability to handle two annexation requests at the same time. Councilman West stated the committee has laid the groundwork and is moving along in the process and he does not feel a second request would be cumbersome. Councilman Garde made a motion to approve Resolution 2020-006 as presented, seconded by Vice Mayor Kelly. Roll call vote: Councilman Fleetwood, Councilman Garde, Vice Mayor Kelly, Councilman Baty, Councilman West, Mayor Kanakos, yes. Councilman Cote' with the exception of the language in the charter, no. Motion carried 6-1.
- e. Sidewalk waiver request from Sussex County Habitat for Humanity relating to 417 Pine Street (tax/map/parcel 235-14.15-160.00)  
Councilman West stated he has reviewed the request and noted in the past Council has grant similar requests within the same area therefore he made a motion to grant the request with the stipulation that if the ordinance is changed and sidewalks are added to the area then the applicant will need to install a sidewalk, seconded by Councilman Fleetwood. Motion carried unanimously.
- f. Request for street closure of Sand Street on September 19, 2020 for the 2<sup>nd</sup> annual Dog Days of Summer Festival

Councilman Fleetwood made a motion to approve the request seconded by Councilman West. Discussion was held on how well organized the event has been in the past. Motion carried unanimously.

- g. Resolution 2020-005 Scheduling a Public Hearing related to Ordinance 2020-001 to amend Chapter 220 of the Town Code entitled “Zoning”, regarding the Marine Resources Use District (M-R)

Mrs. Rogers presented the request to schedule the public hearing. Councilman Fleetwood moved to approve the resolution, seconded by Councilman Garde. Roll Call vote: Councilman Cote’, Councilman West, Councilman Baty, Councilman Fleetwood, Councilman Garde, Vice Mayor Kelly, Mayor Kanakos, yes. Motion carried unanimously.

- 17. Adjournment: Councilman Fleetwood made a motion to adjourn, seconded by Councilman West. Motion carried unanimously.