

**Town of Milton**  
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Milton, DE 19968



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**Milton Town Council Meeting Minutes**  
**Grace Church Fellowship Hall, 512 Union Street**  
**Monday, August 3, 2020**  
**6:30 pm Regular Meeting**

1. Call to Order-Mayor Kanakos called the meeting to order.
2. Roll Call
  - Councilman Baty
  - Councilman Cote
  - Councilman Garde
  - Councilwoman Meredith
  - Vice Mayor Kelly
  - Mayor Kanakos
  - Councilman Fleetwood- joined the meeting virtually at the start of the regular session
3. Additions or Corrections to the Agenda
4. Agenda Approval
  - Councilman Garde made a motion to approve the agenda as written; seconded by Vice Mayor Kelly. Motion carried 6-0.
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

Councilman Garde made a motion to come out of executive session, seconded by Vice Mayor Kelly. Motion carried 6-0.

Councilman Garde made a motion to go into regular session, seconded by Vice Mayor Kelly. Motion carried 6-0.
6. Discussion and possible vote on Executive Session items
  - There were not any items to discuss or vote upon after executive session.

7. Moment of Silence
8. Pledge of Allegiance to the Flag
9. Public Hearing related to 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.

The Mayor and Council will first receive comment on Ordinance 2020-006, which relates to a continuance request for the public hearing and an extension of time for Mayor and Council's decision. If Ordinance 2020-006 is adopted, the public hearing on the application to amend the Comprehensive Plan and rezone the parcels will occur at a time and place specified by Resolution No. 2020-15. If Ordinance 2020-006 is not adopted, the Mayor and Council will receive comment on the application to amend the Comprehensive Plan and rezone the parcels.

Mr. Seth Thompson spoke regarding the verbiage on the Council agenda and the rules for the public hearing. Mr. John Paradee, attorney for the applicant Phoenix Holdings RHCS Holding, LLC addressed Council. Mr. Paradee informed Council more than one member of the applicant's presentation team has tested positive for the coronavirus requiring treatment and extended quarantine. For this reason, the presentation team has been unable to meet, plan or prepare the presentation for the council meeting. Mr. Paradee asked council for consideration to the ordinance proposed and grant an extension for the public hearing. Discussion was held between Mr. Thompson and Council on the process of the extension.

Public comment-

Lynn Ekelund, 406 Union Street- would like to know if the applicant was prepared to give a presentation if the extension was not granted? Mr. Paradee stated he was not prepared to present.

Mary Hudson, 406 Union Street- stated she was in agreement that a complete record is needed. She would like to see a traffic impact study and how the project will effect water. She does not feel the project should be voted on without a complete record.

Allen Benson, 201 Collins Street- in the interim could the applicant do some of the studies and get reports completed so they will have them at the next meeting? Mr. Thompson stated the applicant would make a determination in what they want to present. There is not a moratorium on what they want to present. If more information becomes available before the presentation, they would be able to add that information.

Ginny Weeks, 119 Clifton Street- at what point do you cut off the applicant from submitting information to council? Mr. Thompson explained when there is a motion approved to close the public hearing then that closes the record unless part of the motion states council wishes to keep the record open for a certain amount of time to receive something. Discussion was held on when documents would be available and if public would have time to review them before council decides on the project.

David Krasnoff, 502 Union Street- He is an advocate against the project. He corresponded with an employee in DelDot who stated Phoenix Holdings had requested a traffic study but there would be no study before the end of the year due to the pandemic. He also wrote a letter to the State Planning Commission asking if any paperwork or submission had been completed by the applicant for the property zoning change and was told no. He felt it was a great project but it did not belong in an R1 zoning.

Norm Cohen, 338 Union Street- He asked what has changed with the presentation since it was before Planning and Zoning that would cause the delay in presenting to council. He further stated the applicant will have until September 28<sup>th</sup> to submit documents and asked council to give the public time to review the documents before commenting on them.

Jim Welu- (unintelligible)...he has not seen anything presented so far that tells Beebe Hospital is committed to this project and what services will be provided. We need to see something concrete that Beebe will be coming and the services they are providing...(unintelligible)....

Mayor Kanakos asked Mr. Paradee if he will be prepared to present to all parties on September 28<sup>th</sup> and answer the questions that have risen tonight and will a representative of Beebe hospital be available to present information. Mr. Paradee stated he has extensive information to include traffic, storm water management protection and representatives from Beebe Medical Center who will appear and testify. Mr. Paradee stated he expects his team to be well and ready to present at the September 28<sup>th</sup> meeting, there will not be another request for an extension.

(Unintelligible...member of the audience speaking)

DJ Hughes, 303 Arch Street spoke virtually stating he is in favor of the ordinance to extend the public hearing until September 28<sup>th</sup> and the decision by November 2<sup>nd</sup>. He thinks this is an application that deserves to be heard on its merits by the Mayor, Town Council and the public.

Robert Fogel, 405 Union Street- thanked Council for the opportunity to speak virtually during the pandemic. Secondly he wanted to state he was in favor of the medical facility to commence. His history is in the medical field and feels when this opportunity is presented in an area in which he resides to help the community and outsiders, he is very much in agreeance of the proposal. He feels it needs to be discussed on the merits on the facility coming in to our town. He supports the project.

(Unintelligible...member of the audience speaking)

Michela Coffaro, 608 Union Street- ...(unintelligible..) I don't agree, especially with the traffic, she has trouble getting around on the streets and the project is across the street from the school. It's a great idea but not in this location.

Susan Fewell, 206 Mulberry Street- ..(unintelligible)... she is against the project. She feels it's a matter of the character of the town over the convenience of having the medical center here. She wants to fight for the character and beauty of the town.

Jim Welu, ...(unintelligible)... space should remain residential... there is a property that is the perfect size on Sand Hill Road; perfect size and location (unintelligible)

Allen Sangree, 315 Union Street- (unintelligible) two annexations coming before the town that synchs with the comprehensive plan, a lot of exciting things happening but this Mulberry Street project has divided our town and it's against our comprehensive plan.

(unintelligible...member of the audience talking...)

Mr. Thompson stated the reason Council has to consider an ordinance for this topic is due to the 60 day deadline from receiving the advisory report. He strongly suggested anyone that is not able to attend the public hearing submits written comments.

Councilman Fleetwood speaking virtually stated most of the comments he is hearing are for the public hearing Council is trying to schedule. Council should not be taking testimony tonight for or against the project. The agenda item before Council tonight is for the extension on the public hearing.

Councilman Garde made a motion to close the public hearing and further motioned to approve Ordinance 2020-006 and so that everybody understand, the public hearing on the merits of the rezoning application will be delayed until September 28<sup>th</sup>, and on page two of the current draft, section 1, the decision timeframe is extended until November 2, 2020. Both motions were seconded by Councilman Cote'. Motion passed 7-0.

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

a. Ordinance 2020-006 an ordinance relating to an extension request regarding the application of Phoenix RHCS Holdings, LLC for the 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.

b. Resolution 2020-015 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 2020-015 with the typographical error corrected and the hearing date set as September 28, 2020, seconded by Councilman Cote. Motion carried 7-0.

c. Ordinance 2020-007 to amend Chapter 67 entitled “Annexation Agreement”  
Mr. Thompson explained the incorrect references listed in the Town Code 67 and explained this ordinance removes the incorrect references and the Town Charter further covers the requirements.

Councilman Garde made a motion to approve ordinance 2020-007 with the deletion of the sentence starting with “C. any application”....through the end of the sentence. Vice Mayor Kelly seconded the motion. Motion carried 7-0.

11. Public Participation-

Mr. Paradee expressed his appreciation for the Council’s patience and consideration this evening. He further stated they will be prepared to bring council the best presentation possible on September 28<sup>th</sup>.

12. Requests for removal of items from the Consent Agenda

13. 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 June 2020
- d. Minutes: July 6, 2020
- e. Executive Session Minutes: July 6, 2020

Councilman Garde made a motion to approve the consent agenda as written, seconded by Councilman Cote'. Motion carried 7-0.

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

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

- a. Advisory report from the Special Review Committee on the annexation petition of 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 Routes 5 & 16, adjacent to Milton Ellendale Highway, Union Street Extended, Cedar Creek Road and Mulberry Street Extended; and for the proposed amendment to the Town comprehensive plan for the same parcels. Consideration of Resolution 2020-016 to forward the aforementioned annexation petition to Planning and Zoning for an advisory report. Councilman Garde made a motion to forward the packet to the Planning and Zoning Commission for comment on the zoning and their overall comments on the annexation application, seconded by Vice Mayor Kelly. Motion carried 7-0.

16. Adjournment

Councilman Garde made a motion to adjourn, seconded by Vice Mayor Kelly. Motion carried 7-0.