

# 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  
Grace Church Fellowship Hall, 512 Union Street  
Monday, September 21, 2020  
6:30 pm Regular Meeting

1. Call to Order- Mayor Kanakos called the meeting to order.
2. Roll Call  
Councilman Cote'  
Councilman Garde  
Councilwoman Meredith  
Councilman Baty- attended the regular meeting virtually  
Vice Mayor Kelly  
Mayor Kanakos
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, including records of any building or structure operated by the State or any of its political subdivisions, the disclosure of which would reveal the building's or structure's life, safety and support systems, surveillance techniques, alarm or security systems or technologies, operational and evacuation plans or protocols, or personnel deployments
  - 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  
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 no executive session items regarding a vote.
7. Moment of Silence
8. Pledge of Allegiance to the Flag

Mayor Kanakos announced Councilman Fleetwood has resigned from his council seat due to health reasons. Councilman Fleetwood has served the Town of Milton for almost 25 years in many capacities. Mayor and Council wish him well.

9. Public Participation

Roy Turci, 212 West Shore Drive: regarding lights on Rails to Trails Phase II, he did a survey with residents of Wagamons West Shore and out of 82 responses 89% do not want lights on the trail, 11% do want lights. He asked Council to revisit the lighting issue and consider suggestions such as only using lights from Federal Street to the start of the Wagamons West Shore development. Moving forward with lighting the trail will be in direct opposition with the residents of Wagamons West Shore.

Mayor Kanakos introduced Officer Jose Mendez who recently completed the Delaware State Police Academy and is now full time with the Town of Milton.

10. Presentation from Milton Attainable Housing, LLC on their annexation petition

Town Solicitor, Seth Thompson read into record the rules of conduct for the public hearing. Preston Schell a partner with Milton Attainable Housing as well as his business partner Eric Sugrue and engineer Zac Crouch gave a presentation of the project. The project will consist of proposed commercial acreage directly on Route 16. Behind the proposed commercial area will be 144 units in six three story buildings, and 96 units in eight two story buildings. There will be two dog parks, walking trails, tot lot, clubhouse and fitness center as well as a pool. The area will have three ponds (two will be wet, one will be dry). DART will add a bus stop within walking distance of the site. Mr. Schell stated there is discussion about garages for the units and explained the landscaping berms.

Mr. Sugrue addressed the commercial aspect of the project. They are proposing four standalone commercial buildings. The buildings could be used for a restaurant, bank or small office but there will not be any large box retail stores.

Mayor Kanakos asked what will be done to protect the cemetery on the corner. Mr. Schell replied they are proposing a landscaping berm and a white vinyl fence. They will be meeting with representatives of the cemetery to see what they would like to have around the cemetery.

There will be elevators in the three story units and the wells will be for irrigation only. The rentals units will be managed by Ocean Atlantic. The garages will be offered to the tenants living in the buildings in front of the garages. A full impact traffic study was done and the developer will have to make upgrades per DelDot's requirements.

Councilman Garde asked for a copy of the applicant's response to the Office of State Planning PLUS review. Upgrades to Bay Avenue consist of an entrance into the development, and a 20 ft. wide landscape berm.

Discussion was held on installing sidewalks to bus stops in the neighboring housing development and the commercial area along Route 16. Electric charging stations will be installed for electric vehicles. This will be a pet friendly development with two dog parks.

11. PUBLIC HEARING- ANNEXATION PETITION FROM MILTON ATTAINABLE HOUSING LLC for 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, 235-14.164.00. AND FOR THE PROPOSED AMENDMENT TO THE TOWN COMPREHENSIVE PLAN FOR THE SAME PARCELS.

Rick Sutton, 414 Conwell Street- (some comments unintelligible) he believes the traffic impact study is inaccurate because it was done when there were no baseball games being played due to COVID. He feels the study would have been more accurate if the counter was placed on Route 16. He knows Route 16 is the second busiest corridor in Sussex County and he doesn't feel the road can handle the extra traffic. He also wondered if the fire department was able to handle calls to the area. The Mayor stated the Milton Fire Department has already submitted a letter stating they are able to service the additional development. He mentioned the additional growth coming to the area and doesn't feel Route 16 can handle all of the growth.

Amy Slocum, 414 Conwell Street- (some comments unintelligible) she walks Bay Avenue every day and believes the street is very busy and there wasn't much information given regarding the extra traffic on that street. She is also concerned about the noise and pollution to the area.

Richard Wheeler, 312 Valley Road (comments speaking online)- He asked for clarification regarding the discussion about wells being used for irrigation on the project. There was also mention about reduction of impact and various fees, has there been a fee analysis to support that point?

Keith Steck, 210 Lavinia Street: (some comments unintelligible) He had questions in reference to the lighting and whether the public could have access to an electronic version of the plans.

Mr. Schell stating the lighting is directed down. They are very conscious of their surrounding neighbors and make sure the lighting is not encroaching on their property. The lighting plan will be given during the design phase of the project. Regarding the wells for irrigation, it his understanding if they are able to annex into town then the Town Council can consider to allow the existing wells to continue to operate. In respect to the fees they are proposing to be treated as a commercial development and doing so adjusts how the project is looked at in the fee prospective and dramatically reduces the expenses and maintenance the town would undertake on the project. Mr. Crouch informed Council the traffic counts were done on the project in the summer of 2019.

Councilman Garde made a motion to close the public hearing but leave the record open to receive public comments from residents until Monday, September 28, 2020 and then give the applicant until Monday, October 5, 2020 to respond to any comments or questions; the motion further included to leave the record open so Council could receive

a copy of the standard lease as well as a copy of their response to the Office of State Planning letter; seconded by Vice Mayor Kelly. Motion carried 6-0.

12. Presentation from BBD, LLC on behalf of Stephen and Lynn Dexter

Mr. Zac Crouch addressed Mayor and Council and reviewed the hand out presented explaining the project. The project consists of seven buildings to be used as individual storage units, sixteen contractor spaces and one convenience store/gas station. (most comments were unintelligible).

Mayor Kanakos asked Mr. Crouch why an entrance was not proposed off Mulberry Street Ext. and into the contractor spaces. Mr. Crouch stated DelDot preferred an entrance off Cedar Creek Road and the entrance along Route 16 will be the same style entrance that is used into the Food Lion shopping center. Mr. Crouch will present the option for a Mulberry Street Extended entrance to DelDot and see if they will agree.

Per the latest DNREC maps, this project is not within a source water protection area. Mr. Sugrue stated there would also be an electric vehicle charging station available. Discussion was held regarding the parking spaces around the contractor buildings. Mr. Sugrue stated there will be a property manager for the site.

Mr. Crouch informed they are hoping to have the traffic impact study done the first of the year however that is not definite due to the COVID pandemic.

13. PUBLIC HEARING- ANNEXATION PETITION FROM BBD, LLC ON BEHALF OF STEPHEN & LYNN DEXTER for parcel 235-14.15-67.00, AND FOR THE PROPOSED AMENDMENT TO THE TOWN COMPREHENSIVE PLAN FOR THE SAME PARCEL

Keith Steck, 210 Lavinia Street: (most comments unintelligible) he questioned the current zoning of the project and what would be allowed under Milton's zoning and the County's zoning.

Alison Ash, Cedar Creek Road; (most comments unintelligible) her property will be across the street from the project. She is concerned about the entrances directly across from her driveway and the trash blowing into her yard as she sees now from the Food Lion shopping center. She understand both the advantages and disadvantage of the project. She acknowledges there are storage facilities and gas stations in a short distance of this project. She is concerned about the traffic and entering/existing the project on an already busy road.

Mr. Sugrue stated they would be using a property manager to maintain the property so they can control the trash. He met with Mrs. Parker Selby and stated there are plans to create a berm or buffer between the project and neighboring houses. The property will be partitioned off to lease or sell the 2.5 acre portion to the owner of the convenience store. There are no contracts in place for a particular vendor at this time. Discussion was held on potential places for entrances however it was noted DelDot would have the finally say on where the entrances will be placed. Acreage of the project does not met the threshold to obtain a PLUS review. Councilman Garde stated he would like to see DelDot's comments and confirmation a PLUS review is not needed. Councilman Garde also wanted to enter into record the letters received from Mrs. Parker Selby, Marianne and Nathaniel Johnson as well as an email from Peggy Mifflin.

Rick Sutton, 414 Conwell Street: Spoke about the ongoing traffic problems that have developed over time. He feels the problems Millsboro is currently having will be the same problems Milton will face as well with the different flows of traffic all headed onto Route 16.

(Comments unintelligible. Microphone not used by speaker)

Amy Slocum, 414 Conwell Street- asked if it was possible to get a traffic impact statement for Bay Avenue.

Mayor Kanakos stated since the Dexter project is located in the county the developer could build this project with fewer restrictions and without being annexed into town or abiding by the Town's codes. Mr. Crouch stated that was correct however the parties involved were born and raised here and are trying to do the right thing.

Councilman Garde made a motion to close the public hearing but leave the record open to receive public comments from residents until Monday, September 28, 2020 and then give the applicant until Monday, October 5, 2020 to respond to any comments or questions; the motion further included to leave the record open so Council can receive copies of the minutes from meetings held with DelDot and the Office of State Planning application; seconded by Vice Mayor Kelly. Motion carried 6-0.

14. Requests for removal of items from the Consent Agenda

Councilman Garde made a motion to remove 15a from the agenda as no reports were presented and remove the executive session minutes of August 17<sup>th</sup>. Item 15f will be removed from the content agenda and addressed under #16 of the agenda seconded by Councilman Cote'.

15. 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 July 2020
- d. Minutes: July 27, 2020 and August 3, 2020
- e. Executive Session Minutes: July 27, 2020, August 3, 2020, and August 17, 2020
- f. Appointments to the Board of Adjustment

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

Mayor Kanakos would like to appoint Mr. John Collier and Mr. Walter Tydings to the Board of Adjustment. Vice Mayor made a motion to appoint Mr. Collier and Mr. Tydings to the Board of Adjustments; seconded by Councilman Garde with the provision the proper paperwork such as the required ethics forms have been completed. Motion carried 6-0.

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

- a. Annexation petition from Milton Attainable Housing, LLC for 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, 235-14.164.00. And for the proposed amendment to the Town Comprehensive plan for the same parcels

- b. Annexation petition from BBD, LLC on behalf of Stephen & Lynn Dexter for the parcel 235-14.15 67.00, and for the proposed amendment to the Town Comprehensive Plan for the same parcel.  
Councilman Cote' made a motion to table items 17a and 17b; seconded by Councilman Garde. Motion carried 6-0.
- c. Fiscal year 2021 Annual Budget  
Mrs. Rogers presented the revised FY21 budget with the amendments made by Council in previous meetings as well as the request to include three projects carried from FY20 into FY 21 due to timing issues. Those projects are Front Street paving ADA improvements, Town Hall lobby security improvements and Phase I paving within Shipbuilders Village.  
Councilman Cote' made a motion to approve the budget with the three amendments from the prior year's expenses and revenues; seconded by Councilwoman Meredith. Motion carried 6-0.
- d. Ordinance 2020-005 to amend Chapter 188 of the Town Code entitled "Subdivision of Land", including retitling said chapter as "Subdivision and Land Development"  
Mr. Thompson explained the amendment proposed and discussion was held regarding those changes. Further discussion was held on defining words, gender adjustments and grammatical corrections. Councilman Cote' would like to change the word salary to expenses or cost. He would also like the wording to remain allowing the Town Engineer to weigh in on the wastewater connection.  
Councilman Garde made a motion to table Ordinance 2020-005 until a revised draft is presented with the changes suggested by Council members; seconded by Councilwoman Meredith. Motion carried.

## 18. Adjournment

Councilman Cote' made a motion to adjourn; seconded by Councilman Garde. Motion carried.