

Town of Milton
115 Federal Street
Milton, DE 19968



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Milton Town Council Meeting
Tuesday, March 23, 2021
6:30 pm Regular Meeting

1. Call to Order-
Mayor Kanakos called the meeting to order.
2. Roll Call
Councilwoman Meredith
Councilman Baty
Councilman Cote
Councilman Garde
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-Councilman Garde made a motion to go into executive session; seconded by Vice Mayor Kelly. Motion carried 6-0.
 - a. Personnel matters in which the names and abilities of 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
Councilman Garde made a motion to approve the document discussed in executive session without change; seconded by Vice Mayor Kelly. Motion carried 6-0.
7. Moment of Silence
8. Pledge of Allegiance to the Flag

9. Public Participation- No one requested to speak.

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

- a. Sidewalk waiver- Bay to Beach Builders, 1003 Atlantic Avenue
John Zotcavage representing Bay to Beach builders presented the request for a waiver as there are no sidewalks in the area. Councilman Garde made a motion to grant the sidewalk waiver for 1003 Atlantic Avenue with the condition when and if Council decides sidewalks should go in for walkability within the town, the property owner will be required to install the sidewalk at that time. The motion was seconded by Councilman Cote. Motion approved 6-0.

- b. Sidewalk waiver- Henlopen Homes on behalf of Melissa Reside and Michael Srahola- 413 Sussex Street
Brian Parker from Henlopen Homes presented the request for the sidewalk waiver for the Bay Avenue side of the lot. A sidewalk has already been installed on the Sussex Street side of the property. Councilman Garde made a motion to grant the waiver as requested for 413 Sussex Street; at some point in the future if sidewalks are required in the area, the property owner will be required to install a sidewalk. Vice Mayor Kelly seconded the motion. Motion carried 6-0.

- c. Sidewalk waiver- Randy Preston, 203 Lavinia Street
Mr. Preston presented his request for a sidewalk waiver. There are no sidewalks on Lavinia Street until the area near Rogers Signs and Hillside Flowers. Councilman Garde made a motion to grant the sidewalk waiver at 203 Lavinia Street with the condition the property owner would be required to install the sidewalk if Council deems sidewalks are necessary in that area for walkability. Councilwoman Meredith seconded the motion. Motion carried 6-0.

- d. Temporary driveway waiver- Randy Preston, 203 Lavinia Street
Project Coordinator, Tom Quass stated per Town Code the applicant cannot receive his certificate of occupancy until the driveway is completed. The applicant has other projects to complete which entails moving construction equipment along the property that would ruin the driveway if the Town requires it to be installed now. Mr. Preston is currently living in an existing dwelling unit and has plans to build a home on the property and abandoning the existing unit. Discussion was held on the Town Code. Councilman Garde made a motion to grant a waiver as requested by the applicant with the following conditions: there shall be a temporary stone driveway for no more than 90 days, that the waiver exists; with that waiver and temporary driveway, the Town allows a certificate of occupancy to be issued; the applicant will go through the Planning & Zoning process and depending upon the decision of the Planning & Zoning Commission the applicant must take one of two potential actions to bring his request forward to build the additional dwelling. The motion was seconded by Councilwoman Meredith. Roll call. Motion carried 6-0.

- e. Resolution 2021-007- A resolution to request an amendment of the Charter of the Town of Milton relating to Annexation, Election Registration, Enumeration of Powers, and Referendum

Mrs. Rogers presented the resolution to Council. Discussion was held on the time frame needed for Special Review and changing the requirement to ninety (90) days. Under the voter registration section there is a typo with the word “conduct”. Under the Special Referendum section, the word “super majority” was discussed. Councilwoman Meredith would like to add same day voter registration language to the resolution. Mr. Thompson reviewed Title 15- 7554-A with Council which states voter eligibility must be as specified within the Town Charter, provided however, in no event shall a municipality impose a durational residency requirement in excess of thirty (30) days. Voter registration deadlines shall be no more than thirty (30) days prior to municipal elections. Discussion was held on getting more information to allow a resident to register and vote on the same day of a municipal election.

Councilman Cote suggested a change to add the word “principle forgiveness” to the fourth “Whereas” clause in the resolution.

Councilman Baty made a motion to approve Resolution 2021-007 with the changes noted; seconded by Councilman Garde. Roll call vote. Motion carried 5-1.

Councilwoman Meredith voted against the resolution, she thought Council should look at same day voter registration before passing the resolution.

- f. Amendment to the Tank Maintenance Service Agreement

Mrs. Rogers explained the amendment to allow Corrosion Control Corporation to clean the water tower on Chandler Street.

Councilman Garde made a motion to accept the proposed addendum to the Town of Milton tank maintenance agreement as presented by the President of Corrosion Control Corporation; seconded by Vice Mayor Kelly. Roll call vote. Motion carried 6-0.

Councilman Garde wanted the record to show Council received a letter from H. Pamela Hudgins, 218 Sundance Lane dated February 9, 2021 in favor of the Verizon Tower on Front Street. Councilwoman Meredith stated she has received about eight emails against the tower.

11. Adjournment

Councilman Garde made a motion to adjourn; seconded by Vice Mayor Kelly. Motion carried 6-0.