



MINUTES

Milton Town Council

6:30 PM - Monday, September 13, 2021
Milton Library, 121 Union Street

1. CALL TO ORDER

Mayor Kanakos called the meeting to order.

2. ROLL CALL

Present: Mayor Kanakos, Vice Mayor Garde, Councilman Baty, Councilwoman Meredith, Councilwoman Revis-Plank, Councilman Collier
Absent: Councilman Savage

3. AGENDA APPROVAL

Vice Mayor Garde made a motion to remove item 16 I under New Business and approve the balance of the agenda. Councilman Collier seconds the motion. Motion carried 6-0.

4. EXECUTIVE SESSION:

Councilman Collier made a motion to go into executive session. Councilwoman Meredith seconds the motion. Motion carried 6-0.

- 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. Discussion of an individual citizen's qualifications to hold a job

Councilman Collier made a motion to come out of the executive session. Councilwoman Revis Plank seconds the motion. Motion carried 6-0.

Vice Mayor Garde made a motion to go into regular session, Councilwoman Meredith seconds the motion. Motion carried 6-0.

5. DISCUSSION AND POSSIBLE VOTE ON EXECUTIVE SESSION ITEMS

No discussion was needed.

6. ADDITIONS OR CORRECTIONS TO THE AGENDA

Mrs. Rogers previously asked Council to consider removing item 16 I under New Business.

7. MOMENT OF SILENCE

8. PLEDGE OF ALLEGIANCE TO THE FLAG

9. PUBLIC PARTICIPATION

George Miller- 524 Quaker Hill Road, had a complaint about receiving a parking ticket for parking in the boat parking lot in Milton Memorial Park. He was also concerned his personal information was listed on the ticket for others to see. Chief Harvey explained a ticket was not issued. Mr. Miller received a warning. Discussion was held on placing the warnings inside envelopes.

Al Benson- 201 Collins Street, he was appalled to see Ordinance 2021-008 on the agenda. He doesn't like a fee being charged for residents to file an appeal and then pay engineering and attorney charges. This is locking out residents with limited resources that have a legitimate appeal. Seth Thompson explained there will be a public hearing on the ordinance at a later time.

Allen Sangree- 315 Union Street, agreed with Mr. Benson. He noted all three types of appeals have the same language, fees, and escrow totaling \$1,400. The First Amendment gives people the right to challenge the government at their discretion. These fees go against the First Amendment right. This looks like it's designed to discourage appeals and short circuit the democratic process.

Nitan Soni- 223 Chandler Street-spoke on behalf of the Milton Chamber of Commerce board who is hosting an event during trick or treating hours on Saturday, October 30th called The Wicked Weekend. They are currently working with the fire department on events such as a pumpkin carving contest for cash prizes, games, fantasy trail, and haunted walk. The Lions Club will have the train running in the park, the Historical Society will be showing a movie and the Library will have a magic show. Events are scheduled to start at 4:30 pm.

Councilwoman Randi Meredith- 420 Chestnut Street, recognized Town Clerk Stephanie Coulbourn for ten years of service to the Town. Congratulations are in order for Town Manager Kristy Rogers for earning her master of science degree with a 4.0 GPA in Management with a concentration in Public Administration; she previously earned her bachelor of science degree in accounting. Mrs. Rogers has also reached her ten-year anniversary with the Town.

Councilwoman Meredith has received an email from a resident who was almost hit by a car driving into town as he was in the crosswalk on Federal Street near Trenton Block. The Traffic Calming AD-HOC Advisory report addresses this crosswalk and she would like to fast-track action to correct the issue. Mrs. Rogers stated a crosswalk sign has already been ordered and will arrive by the end of the week. Councilwoman suggested a raised pedestrian crossing, speed table and reduce the speed limit on Harbeson Road from Heritage Creek into town from 35 mph to 25 mph. Chief Harvey stated Milton police department does not have jurisdiction between Chestnut Street

and the Rails to Trails to enforce the speed limit, Councilman Collier informed the Town of Dewey Beach sent a resolution to DelDot to reduce the speed limit on Coastal Highway that runs through the town. He further suggested adding a sign on the northbound side alerting motorists of the pedestrian crosswalk ahead.

Mayor Kanakos stated numerous cars have been parking on Behringer Avenue half on the road and half on private property. He suggested posting no parking signs in the area. Mrs. Rogers will have the item added to the next agenda.

10. PRESENTATION BY M&T BANK REPRESENTATIVE REGARDING BOND INVESTMENTS

Katie Cleary from Wilmington Advisors addressed Council regarding a bond that has matured. The current value of the bond is \$77,231. She presented investment options to Council.

11. NEW BUSINESS- DISCUSSION AND POSSIBLE VOTE ON THE FOLLOWING ITEMS:

- a. Bond Investments as presented and discussed with M&T Bank

Discussion was held on the options. Councilman Baty stated this issue has not been before the Finance Committee however he feels Council should go with the recommendation presented by Ms. Cleary. Councilman Baty made a motion to accept the offer made by Ms. Cleary to replace the maturing bond with the Phillips 66 Company bond. Vice Mayor Garde seconds the motion. Roll Call vote. Motion carried 5-0-1. Councilwoman Meredith abstained.

12. REQUEST FOR REMOVAL OF ITEMS FROM THE CONSENT AGENDA

Vice Mayor Garde requested to remove the Streets, Sidewalks, and Parks meeting minutes from 7-20-21, Planning & Zoning meeting minutes from 7-20-21, Traffic Calming Advisory AD-HOC Committee minutes from 7-28-21, Special Review Committee Minutes from 8-12-21, and Milton Town Council Minutes from 8-16-21. Vice Mayor Garde made a motion to accept the Board of Adjustment meeting minutes of 8-15-21, the Traffic Calming Advisory AD-HOC Committee minutes of 7-12-21 and 8-4-21, and approve the balance of the consent agenda with the exception of the Milton Town Council minutes of 8-16-21. Councilwoman Revis-Plank seconds the motion. Motion carried.

13. APPROVAL OF THE CONSENT AGENDA ON THE FOLLOWING ITEMS:

- a. Written Committee Reports
- b. Finance Report and Statement of Revenue and Expenditures for July 2021
- e. Town Manager's Monthly Report

- f. Admin Monthly Report
- g. Planning and Code Department Monthly Report
- h. Police Department Monthly Report
- i. Public Works Monthly Report
- j. Public Works

14. DISCUSSION AND POSSIBLE VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

Vice Mayor Garde stated his concern regarding accepting the Streets, Sidewalks, and Parks Committee minutes could mean accepting the capital improvement plan and the minutes state the committee would not present the missing sidewalk links, however, the missing sidewalk links were presented as an attachment. Councilman Collier stated this is one committee that does not have a council member involved. He feels Councilwoman Meredith has invested a lot of time regarding these topics and feels she should be a member of that committee. Councilwoman Revis Plank agreed. The appointment will be added to a future council agenda. Discussion was held on the Traffic Calming AD-HOC Advisory Calming report being sent to the Streets, Sidewalk, and Parks Committee for review.

Vice Mayor Garde made a motion to accept the minutes of Streets, Sidewalks, and Parks Committee of 7-20-21 and specifically do not approve the capital improvement plan nor accept the draft missing sidewalk links, Councilman Collier seconds the motion. Motion carried. 6-0.

Discussion was held on the Planning & Zoning minutes. Vice Mayor Garde made a motion to table the Planning and Zoning meeting minutes from 7-20-21, Councilwoman Revis Plank seconds the motion. The meeting minutes will be returned to the Planning and Zoning Commission with the concerns noted. Motion carried 6-0.

Traffic Calming AD-HOC Advisory Committee minutes were discussed. Vice Mayor Garde made a motion to accept the minutes from 7-21-21. Councilman Collier seconds the motion. Motion carried 6-0.

Special Review Committee minutes were discussed. Vice Mayor Garde made a motion to accept the minutes from 8-12-21 minutes as presented. Councilwoman Meredith seconds the motion. Motion carried 6-0.

Town Council minutes of August 16, 2021, were discussed and three corrections were presented. Vice Mayor Garde made a motion to approve the minutes with the corrections noted, seconded by Councilwoman Meredith. Motion carried 6-0.

15. TOWN MANAGER'S REPORT

Mrs. Rogers presented her monthly report to Council.

16. OLD BUSINESS- DISCUSSION AND POSSIBLE VOTE ON THE FOLLOWING ITEMS:

- a. Fiscal year 2022 Annual Budget. Pay Scale and Fee Schedule

Mrs. Rogers went over the adjustments made to the proposed budget based on the public hearing held on August 16, 2021. Discussion was held on outstanding issues to be addressed during the six-month review process. The current draft of the budget includes nine police officers. Funding a tenth officer during the six-month review will be too late to include the officer in the police academy training session. Discussion was held on the proposed fee schedule and amounts required for appeals.

Councilman Collier made a motion to amend the fee schedule to eliminate the appeal fee and escrow which will be addressed at a later time. Councilwoman Meredith seconds the motion. Motion carried 6-0.

Councilman Collier made a motion to approve the proposed FY 22 budget as presented, accept the proposed pay scale and fee schedule as amended. Councilwoman Meredith seconds the motion. Roll call vote. Motion carried 6-0.

- b. Ordinance 2021-008 to amend sections 220-36 and 220-83 of the Town Code, relating to Appeals within the Zoning Code

Discussion was held by Council on the proposed ordinance. Vice Mayor Garde would like to consider allowing property owners outside of town limits but within 200 feet of a project to file an appeal. Mr. Thompson will amend the wording as discussed.

Vice Mayor Garde made a motion to approve the draft ordinance 2021-008 with the amendments discussed and approved by the Town Council for purposes of inclusion with the resolution to be voted on soon. Councilwoman Meredith seconds the motion. Roll call vote. Motion carried. 6-0

- c. Resolution 2021-014 To Establish a Public Hearing on a proposed amendment to the Zoning Code

Councilman Collier made a motion to approve the resolution as presented, seconded by Councilman Baty. Roll call vote. Motion carried 6-0.

17. NEW BUSINESS- DISCUSSION AND POSSIBLE VOTE ON THE FOLLOWING ITEMS:

- a. Request from Danielle & David Mummert for a waiver to install a sidewalk at 316 Behringer Avenue

Ms. Mummert presented her request to Council. Vice Mayor Garde made a motion to approve the request from Danielle and David Mummert for a waiver to install a sidewalk at 316 Behringer Avenue with the condition that there may be a requirement in the future when Mayor and Council deem that improvement to be appropriate. Councilwoman Revis Plank seconds the motion. Councilwoman Meredith requested the Council stop approving sidewalk waivers. This is the future and Council should start requiring the sidewalks to be installed. Discussion was held on when would be the appropriate time for sidewalks to be installed. Motion carried 5-1. Councilwoman Meredith opposed.

- b. KC America, Inc. request a minor lot line adjustment under Chapter §188-33 of Town Code for the parcel at 9 Park Street, further identified by Tax Map and Parcel #235-21.11-5.00

Veronica Faust of Morris James, LLP presented the application to Council. Discussion was held on the various buildings, paper roads, and the quick claim deed the town gave for Park Street. A hearing for a quiet title action will become before Chancery court on September 15th. There have been no objections to the quiet title action.

Vice Mayor Garde made a motion to approve the request for a minor lot line adjustment under Chapter §188-33 of Town Code for the parcel at 9 Park Street, further identified by Tax Map and Parcel #235-21.11-5.00 and 235-20.11-8.00 as requested by KC America, Inc. and that its contingent upon the petition being granted by the Delaware Court of Chancery. Second by Councilwoman Meredith. Motion carried 6-0.

- c. CNR Properties, LLC requests land development approval to build a 5,500 sq. ft. warehouse on the parcel located at 301 Broadkill Road further identified by Tax Map and Parcel number 235-14.15-93.00

Mr. Quass and Zach Crouch engineer from Davis, Bowen Friedel presented the request to Council and answered questions regarding the project. The project will consist of warehouse and office space for three employees. There will be a few deliveries during the day; all made by 26-foot box trucks. Mr. Crouch presented architecture pictures to Council and discussion was held on the appearance of the building, parking spots, sidewalk, and entrance. Councilman Collier made a motion to approve the request to build a 5500 sq. ft. warehouse on the parcel located at 301 Broadkill Road further identified by Tax Map and Parcel number 235-14.15-93.00. Councilwoman Revis Plank seconds the motion. Motion carried 6-0.

- d. Request from Milton Arts Guild for the closure of Strawberry Alley for the Annual Art Walk

Linda Gannon, Vice President of the Milton Arts Guild informed Council they will be moving into 107 Federal Street hopefully in November and requested the closure of Strawberry Alley during the move. Ms. Gannon further requested to close Strawberry Alley for the Annual Art Walk on October 16th and for their grand opening on January 9, 2022. The closure of the alley will be from Federal Street to the end of the building and will not include the location behind 109 Federal Street or the Milton Fire Department.

Councilman Collier made a motion to approve the request for October 16th and to offer approval for the other dates requested provided the Milton Arts Guild gives a two-week notice to the Town when the exact dates are secured. Councilwoman Meredith seconds the motion. Motion carried 6-0.

- e. Resolution 2021-015 to support the Outdoor Recreation Parks and Trails grant application

Mrs. Rogers explained the resolution is to support an application for the DNREC Outdoor Parks and Trail grant in the amount of \$150,000 towards the Magnolia Street project.

Councilman Collier made a motion to approve resolution 2021-015 to support and approve the Outdoor Recreation Parks and Trails grant application related

to the Magnolia Street drainage and bulkhead project. Councilwoman Meredith seconds the motion. Roll Call vote. Motion carried 6-0.

- f. Recommendation from the Streets, Sidewalks and Parks Committee for boat dock and boat slip upgrades

Discussion was held on the request and looking for possible funding. Councilwoman Revis Plank made a motion to table the request from the Streets, Sidewalks, and Parks Committee dated August 18, 2021, and invited the committee to the next council meeting to explain the recommendation and how it fits into their long-range plan. Councilman Collier seconds the motion. Motion carried 6-0.

- g. FY2021 Budget: Distribution of Council Donations and amendment to Police Department line items

The distribution of Council donations was discussed including the amounts suggested and why the council wished to acknowledge each entity. Vice Mayor Garde made a motion that Mayor and Council approve the allocation of the \$20,000 budgeted for council donations as indicated in the memo from the Town Manager dated September 7, 2021, and to include a \$500 donation to the Milton Chamber of Commerce. Councilwoman Meredith seconds the motion. Motion carried 6-0.

Chief Harvey requested surplus funds be reallocated for the purchase of a new police vehicle. Currently, two patrol vehicles are not in service due to necessary repairs. Mrs. Rogers explained line item 300-5100 Salaries- will have a \$20,000 surplus as of September 30th; line item 300-5185 Academy/Recruit Expenses will be reduced by \$5,000, and line item 300-5240 Legal Fees will be reduced by \$8,000. The reduction of these line items will allow the purchase of the new patrol vehicle in the amount of \$33,000. Chief Harvey already has the equipment to outfit the vehicle.

Vice Mayor Garde made a motion to accept the request by Chief Harvey dated September 1, 2021, with respect to rearranging budget line items in the FY2021 budget in order to allow the purchase of a new patrol vehicle for the cost of \$33,000. Councilman Collier seconds the motion. Motion carried 6-0.

- h. Appointment of Board of Elections and Election Officers

This item was removed from the agenda.

- i. Adoption of Construction Manual as referenced in Town Code 188-15

Vice Mayor Garde made a motion table approval of the construction manual to provide additional time to review and comment. Councilwoman Revis Plank seconds the motion. Motion carried 6-0.

18. ADJOURNMENT

Vice Mayor Garde made a motion to adjourn. Councilman Baty seconds the motion. Motion carried 6-0.