

**MAYOR and COUNCIL
TOWN OF MILLSBORO
322 Wilson Highway
Millsboro, Delaware 19966 - 1216**

OFFICE HOURS
MONDAY — FRIDAY
8:00 a.m. to 4:30 p.m.



**Phone: (302) 934-8171
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TOWN OFFICE
PARKS/RECREATION
STREETS
WATER/SEWER

POLICE DEPT. 934-8174

**MINUTES
MILLSBORO TOWN COUNCIL
JANUARY 5, 2015**

7:00 pm meeting called to order with Mayor Robert H. Bryan presiding. Present were Vice Mayor John Thoroughgood, Secretary Joseph J. Brady, Treasurer Michelle Truitt, Council Persons Irene Keenan, Ron O'Neal and Tim Hodges, Town Solicitor Mary Schrider-Fox, Assistant Town Manager Matt Schifano and Town Manager Faye Lingo.

Pledge of Allegiance

Public Comments – There were three that signed up to address council.

1. - Neil Dickerson of 24073 Magnolia Circle, Plantation Lakes, Millsboro, Delaware

Asked what is council planning to do concerning the solar panels. Faye explained that council has not decided; that she will be presenting to them later in the meeting and that they have not heard the presentation. Mr. Dickerson then asked when the last assessment was done and will the whole town have the same values. Faye explained that the town currently uses the 1992 values and it is town wide. The assessors have a formula that reduces the current new improvements to the 1992 values. The new assessment underway is for the whole town and it will be current values.

2. - Douglas Fields, 25194 Lumberton Drive, Plantation Lakes, Millsboro, Delaware

Mr. Fields said he got a building permit for solar panels and is currently being assessed. Other agencies give credits for installation of the solar panels. He has purchased his and some are leased.

3. - Randy Zipser, 22977 Surry Lane, Plantation Lakes, Millsboro, Delaware

Expressed his concern that a new solar assessment will increase taxes and he leased his solar panels. Council person Hodges asked if he feels they increased the value of his home. Mr. Zipser believes they do increase the value in the beginning but over years they may cause the value to go down since they will need to be replaced.

GREATER MILLSBORO CHAMBER OF COMMERCE

Amy Simmons, Director, reported that the Christmas Parade went well. The attendance may have been down. She received many comments on how beautiful Santa's float was and thanked the town staff for decorating it. Santa saw approximately 550 kids at Santa's house. Next year they are thinking of scheduling a time that pets can meet Santa and have their pictures taken. (No snakes)

The Millsboro Art League has an exhibit scheduled to begin January 8th from the Sussex Correctional Institute. This lasts for a month and is one of their largest exhibits.

The annual Bridal Show is scheduled for March 15th from noon until 3:00 pm and marks the 20th year for the show and will be named a Platinum Affair. (Date reported was the 20th which was incorrect)

The Chamber is also checking into sponsoring a Business Expo in the spring. They have done them in the past but it has been a few years. Right now they are considering April 16th.

There are not any January rentals scheduled, one for February and then the rest of the year is filling up.

Everyone wants to thank D & D Stained Glass for sponsoring the Christmas Parade along with PNC sponsoring the bands of which there were three this year. There were porta toilets downtown this year in PNC's parking lot.

MILLSBORO POLICE DEPARTMENT

Chief John Murphy reported that Cpl. Rogers attended DSP Firing Range training at the DSP Range on December 1st. Lt. Calloway and Det. Legates attended DIAC Training at DIAC (Delaware Information and Analysis Center) on December 1st. Pfc. Forester attended Officer Involved Shooting at the DSPTA on December 2nd. Pfc. Forester attended Cultural Diversity training at the DSPTA on December 11th. Adrian attended the Administrative Assistance Conference training in Dover on December 18th.

No issues with Homeland Security. CALEA is due for a review this spring but there are not any issues at this time. Everything went smooth through the holiday season.

STATS - The number of complaints increased in 2014 over 2013, however believes this is due to self-initiative activity not an increase in crime. Crime reports were 734; Personal Injury Accidents, 21. For the month of December 231 complaints; 62 C/R; 40 speeding violations; 2 DUI; 69 arrests; 8140 miles.

Mayor Bryan asked if the shooting range was working out for the officers and the Chief said it was working beautifully and there have not been any scheduling conflicts everything going smooth.

STREET REPORT, no report

WATER AND SEWER REPORT, no report

MAYOR'S REPORT

Floodplain Ordinance updates. Faye explained that the Federal Emergency Management Agency is requiring all local governments to update their local ordinance and in this ordinance the Town is required to address the new elevation requirements. The new FIRM, Flood Insurance Rate Maps have delineated both the special flood hazard areas and the risk premium zones. They are asking that the local government make the requirement a minimum of twelve inches but the town has the option of going higher, ex. eighteen inches above base flood elevation. Everything else in the ordinance is mostly clean up and updating the information. The committee has met with Mary and she is working on the document and now needs to know what council wants to do with the above elevation measurement.

Hodges expressed concern that this could cost the lot owner significantly in property value, especially if the lot could not be built on. It was pointed out that there is an appeal process, however, without it they cannot purchase flood insurance and the higher above flood elevation the cheaper the insurance will be for that property. Thoroughgood motion, O'Neal second to approve the twelve inches above flood elevation, approved unanimously.

Plan Approval Extensions. John Thoroughgood committee chair gave the report. The original ordinance has an expiration time line for developments that have received their approvals for both preliminary and final plan approval. It has been the policy of council to renew their approvals based on the down turn of the economy. The recommendation is that if the development does not have the additional agency approvals their zoning will revert to MR-Medium Density Residential. The developer must show evidence that they are actively working on the development and pursuing outside agency approvals prior to ninety days of renewal request. The economy will no longer be accepted as a reason for renewal. If council agrees with this then certified letters should be mailed to all developments that fit this category, giving them notice.

Town Solicitor pointed out that to revert to Medium Density Zoning would require public hearings and then the reasons to be stated for any changes. The Solicitor said she does not see this as being a practical solution and we (the Town) do not want to appear to be taking away any property rights. Hodges asked if since the economy would not be allowed as the only reason could it be one of the reasons. And if the developer has their other agency approvals in place and those approvals are good for three years could the town grant extensions until those approvals expire? How many new developments have come to the town since 2008? Residential development has to happen and come first before commercial development will grow. He knows developments that have had to sell lots for less than they were purchased for to satisfy the bank. Someone looking at lots will see the going rate is less than the developer has invested in it. Is this what we want to happen when we take away the approvals? Have their values go down? Mayor Bryan stated that he thinks the town has been lenient and it is now time to do something. Hodges does not believe this is the time to stop granting extensions based on the economy since values have not improved for this type of property yet. Hodges said these residential developments are good for the Town's future. Mary Schrider-Fox reminded everyone that each applicant for renewal still has to come before the town council. What you are doing tonight is determining policy and letting them know that the town's expectations are different. Brady motioned that we accept the committee recommendations with the understanding that the zoning cannot be changed, Keenan second. Truitt asked if this affects EDU's. Hodges did not believe it would hurt the Town with respect to EDU's at this time. Mayor Bryan called for a roll call vote. Thoroughgood aye, Keenan aye, Brady aye, O'Neal nay, Hodges, nay, Truitt aye, Bryan aye; motion carried.

Conditional Use Application, K. Hovnanian homes is asking to place a construction trailer on Glenwood Drive in Plantation Lakes. The unit is to be ten foot by twenty foot and placed on lot 748. Thoroughgood stated that we have allowed these in the past and town manager confirmed. Thoroughgood motioned, Hodges second to grant the conditional use, approved unanimously.

Plantation Lakes, terms and conditions, no action tonight. The town solicitor has been working with the different consultants.

Property Assessments, solar panels; how they will be assessed. Town Manager informed council that the company doing the assessment for the town needs direction on how the council would like them to treat solar panels. They can assess them like any other property improvement, use one lump sum for each property regardless of the number of panels or do not consider them an improvement and do not assign a value. Before there is a risk of appeals it would be best to establish the rules up front. Some properties have a few panels others could conceivably have more panels. Some owners purchase their panels and others lease and they do depreciate as they age. Does council want to treat them like any heat and air unit that a home may install? Thoroughgood motioned, Brady second to not assess the solar panels, approved unanimously.

Supplemental tax assessments, town manager reported that the third annual supplemental tax list needs council approval. This allows us to bill the properties that have had improvements a tax bill proportionately to what is left of this tax year. A current list is submitted each quarter for approval. Brady motion, Truitt second to approve the supplemental tax list, approved unanimously.

7:45 pm Thoroughgood motion, Brady second to recess and enter into executive session to convene at 7:55 pm, approved unanimously.

REGULAR SESSION

8:30 pm regular session called to order.

Council person Ron O'Neal wanted to make council aware that he will be sworn in as the Millsboro Fire Company new president later this month. He understands that he may need to abstain from voting on matters that involve the fire company but in the past other council members have been able to manage being on the town council as well as the fire company and believes he can as well. He will have another member of the fire department give the monthly report.

Keenan motion, Thoroughgood second to adjourn at 8:32 pm.

Respectfully submitted,



Joseph J. Brady,
Secretary