



**Town Council
Town of Millsboro**

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Council Vice President & Acting President Tim Hodges
Council President Pro Tem & Acting VP John Thoroughgood
Council Secretary Jim Kells
Council Treasurer Larry Gum
Councilman Ron O'Neal
Councilman Brad Cordrey

Sheldon P. Hudson, Town Manager

**MAYOR AND COUNCIL
REGULAR MEETING
December 6, 2021**

MINUTES

Call to order: The meeting was called to order at 7:00 p.m.—with Council Vice President & Acting President Tim Hodges presiding. Council President Pro Tempore & Acting Vice President John Thoroughgood, Council Secretary James Kells, Council Treasurer Larry Gum, Councilman Ron O'Neal, Town Manager Sheldon P. Hudson, Assistant Town Manager Jamie Burk, Town Clerk Joanne Dorey, and Town Solicitor Mary Schrider-Fox were also present. Councilman Bradley Cordrey was absent.

Public hearing:

RESOLUTION PROPOSING TO ANNEX CERTAIN TERRITORY, CONTIGUOUS TO THE PRESENT LIMITS OF THE TOWN OF MILLSBORO, OWNED BY CONTINUED VENTURES LLC, LOCATED ALONG US ROUTE 113, IDENTIFIED AS TAX MAP AND PARCEL NOS. 1-33 16.00 40.00, 41.00, 92.03 AND 93.00, CONTAINING 9.67 ACRES OF LAND, MORE OR LESS;

AND

TO AMEND THE ZONING MAP AND ZONING ORDINANCE OF THE TOWN OF MILLSBORO TO INCLUDE SAID TERRITORY IN THE HIGHWAY COMMERCIAL (HC) DISTRICT;

AND

ESTABLISHING THAT A PUBLIC HEARING BE RESCHEDULED AND HELD ON SAID ZONING AMENDMENT ON THE 6TH DAY OF DECEMBER, 2021, AT 7:00 O'CLOCK IN THE EVENING, PREVAILING TIME, AT THE MILLSBORO TOWN CENTER, 322 WILSON HIGHWAY, MILLSBORO, DELAWARE

Acting President Hodges opened the public hearing for the proposed annexation of parcel number 1-33 16.00 40.00, 41.00, 92.03, and 93.00 containing 9.67 acres of land, more or less.

Dennis Schrader of Morris James, LLP shared the desire of Continued Ventures, LLC to annex the above-mentioned property.

Thoroughgood made a motion to close the public hearing. Kells seconded. The motion was carried with 5 voting yes; Cordrey was absent.

Secretary's report: Kells submitted the November 2021 regular meeting minutes and made a motion that Mayor and Council approve them as written. Thoroughgood seconded. The motion was carried with 5 voting yes; Cordrey was absent.

Treasurer's report: Gum made a motion that the Town pay the invoices as recommended from the designated accounts. O'Neal seconded. The motion was carried with 5 voting yes; Cordrey was absent.

Millsboro Fire Company update: Gum mentioned the Department is moving forward with the substation on the west side of town.

Millsboro Art League update: Debra Doucette stated the Art League is continuing to get new members. The League currently has 95 members.

Police Department's report:

Chief Calloway stated that patrol officers from shift "A" had conducted the annual Response to Resistance training on November 4. Shift "B" had received the same training on November 16.

On November 23 Cpl. Michael Gorman received training at the Delaware State Police Academy on Ground Fighting.

Chief Calloway stated the Department had held its annual awards banquet on November 17.

The Department was allocated \$6,750 from the fiscal year 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. Chief Calloway requested to allocate \$3,500 towards the purchase of bicycle helmets and bicycle safety equipment; the remaining \$3,250 toward the Millsboro Police Youth Academy. Kells made a motion to approve the request. O'Neal seconded. The motion was carried with 5 voting yes; Cordrey was absent.

Chief Calloway requested a portion of the Sussex County fiscal year 2022 grant be reallocated. Council had previously approved 2 Motorola handheld portable radios (\$9,379.98). The revision is for 1 Motorola handheld portable radio (\$4,689.99) and the WatchGuard annual cloud service plan (\$5,880.00). Thoroughgood made a motion to approve the request. Gum seconded. The motion was carried with 5 voting yes; Cordrey was absent.

With regard to the Office of Highway Safety, during the month of November, the Department participated in one initiative.

Mayor's report:

Employee recognition: George ("Kenny") Niblett, director of public works introduced Keith McGee and congratulated Mr. McGee for being awarded the Delaware Rural Water Association Operator of the Year for 2021.

Mayor's report (cont.):

Financial audit report for town fiscal year 2021:

Sheldon Forney, CPA of the accounting firm Jefferson, Urian, Doane & Sterner, PA presented the financial audit report for fiscal year 2021. On behalf of the firm, Mr. Forney thanked Mayor and Council, and Town staff for their assistance in helping the firm complete the audit. He said the firm was pleased to be able to offer an unqualified opinion that the information in the report was fairly stated—the best opinion available.

Thoroughgood made a motion to accept the financial audit report as prepared. Kells seconded. The motion was carried with 5 voting yes; Cordrey was absent.

Proposed changes to § 210-18(H) of the Code of the Town of Millsboro: Amy Mendelson of AECOM presented the draft language for council review. Thoroughgood made a motion to schedule a public hearing for the proposed Highway Commercial sign regulations at the January Council meeting. O'Neal seconded. The motion was carried with 5 voting yes; Cordrey was absent.

Landscaping requirements in Town zoning code: Amy Mendelson of AECOM stated town staff is reviewing the draft language.

Possible comprehensive plan amendment: Amy Mendelson of AECOM presented draft maps for review. Gum made a motion to authorize AECOM to submit the Plus application to amend the comprehensive plan on behalf of the Town of Millsboro. Thoroughgood seconded. The motion was carried with 5 voting yes; Cordrey was absent.

Streets:

Parking study implementation: Amy Mendelson of AECOM stated a partial bid had been received.

Warren's Mill: Carrie Kruger, PE, town engineer stated the demolition contractor would be onsite to begin the demolition on December 13. Mrs. Kruger requested a budget amendment of \$25,000 for the asbestos abatement, lightweight aggregate fill, and some additional detour costs. Thoroughgood made a motion to approve the budget amendment of \$25,000 from the existing transfer tax account. Gum seconded. The motion was carried with 5 voting yes; Cordrey was absent.

Water and sewer:

Water and sewer adjustment requests—31162 Olney Way, 222 Washington Street, 21 Nash Circle, 28494 Dupont Boulevard, 25175 Lumberton Drive, and 20578 Charlotte Boulevard South:

Matthew Hall, director of finance and technology presented a request from 31162 Olney Way requesting a reduction of their water and sewer bill. Gum made a motion to issue a one-time-only credit of \$151.87. Kells seconded. The motion was carried with 5 voting yes; Cordrey was absent.

Water and sewer (cont.):

Hall presented the request from 222 Washington Street to waive the penalties and late fees. Thoroughgood made a motion to waive fees one time only, to perform a gallon test, and to have the meter re-read in July 2022 to evaluate usage. The customer will call to remind staff of the mid-summer reading. Gum seconded. The motion was carried with 5 voting yes; Cordrey was absent.

Hall presented the request from 28494 Dupont Boulevard to waive the penalties and late fees. Thoroughgood made a motion to deny the request as presented. Gum seconded. The motion was carried with 5 voting yes; Cordrey was absent.

Hall presented the request from 25175 Lumberton Drive to waive the penalties and late fees. Thoroughgood made a motion to deny the request as presented. Gum seconded. The motion was carried with 5 voting yes; Cordrey was absent.

Hall presented the request from 20578 S Charlotte Boulevard to waive the on/off fees. Thoroughgood made a motion to deny the request as presented. Kells seconded. The motion was carried with 5 voting yes; Cordrey was absent.

Interconnection agreement with the Town of Dagsboro: Gum made a motion to approve the interconnection final version of the draft agreement with revisions as previously discussed with the amended signature block. Thoroughgood seconded. The motion was carried with 5 voting yes; Cordrey was absent.

White Farm spare rapid infiltration basin proposal: Kruger presented the proposal. Thoroughgood made a motion to accept the proposal as presented. O'Neal seconded. The motion was carried with 5 voting yes; Cordrey was absent.

Request for transfer of ownership of water and sewer mains to Town—St. Helen's Crossing: Mr. Niblett recommended to table this item until proof of ownership is confirmed and bill of sale and easements is received.

Mayor's report (cont.):

Borrowing referendum for capital projects and infrastructure improvements: Schrider-Fox presented the notice of adoption. O'Neal made a motion to approve the notice of adoption and to authorize the Town Clerk to fill in the date. Kells seconded. The motion was carried with 5 voting yes; Cordrey was absent.

Annexation request and possible zoning amendment—Continued Ventures: Gum made a motion to table this item until a future meeting to allow time to work on the draft development agreement. Kells seconded. The motion was carried with 5 voting yes; Cordrey was absent.

Hunting on Town-owned land: Thoroughgood requested town staff and Council do some research to possibly consider authorizing hunting on the White Farm property due to the damage the deer population is causing.

Appoint annexation committee—Betts Commons: Acting President Hodges appointed an annexation committee and asked Thoroughgood, Gum, and O'Neal to serve thereon—designating Thoroughgood as chair.

Mayor's report (cont.):

TidalHealth proposed easement agreement: Schrider-Fox presented the Tidal Health proposed easement agreement. Thoroughgood made a motion to approve the easement agreement as revised by the town. Kells seconded. The motion was carried with 5 voting yes; Cordrey was absent.

Amend and replace Chapter 189 of the Code of the Town of Millsboro: Schrider-Fox presented the revision to Chapter 189 of the Code of the Town of Millsboro. Gum made a motion to approve the revised code as presented. Thoroughgood seconded. The motion was carried with 5 voting yes; Cordrey was absent.

Amend § 178-14(B)(16) of the Code of the Town of Millsboro: Schrider-Fox presented the proposed ordinance to amend Chapter 178, subdivision of land, § 178-14(B)(16), by revising the design standard for streets to specifically exclude concrete curbs and/or concrete curbs and gutters from the paving width calculation for all streets. Thoroughgood made a motion to approve the ordinance as presented. O'Neal seconded. The motion was carried with 5 voting yes; Cordrey was absent.

Proposed Charter change—"principally-forgiven loans": Kruger presented some information on principally-forgiven loans. More information to follow.

Tax late fee and penalty waiver request—35135 Wright Way: Mr. Hall presented a request from 35135 Wright Way to have the tax late fee and penalty waived and reimbursed. Thoroughgood made a motion to deny the request as presented. Gum seconded. The motion was carried with 5 voting yes; Cordrey was absent.

Town Christmas market: Acting President Hodges mentioned the Market is scheduled for December 11&12 from 9:00 am-2:00 pm at the Town Hall.

Town Christmas parade and "tree lighting": Acting President Hodges expressed gratitude to the entire staff of Millsboro for the success of the Christmas parade and tree lighting event .

Adjournment: With no further business, Acting President Hodges asked for a motion to adjourn. Thoroughgood made such a motion. Kells seconded. The motion was carried with 5 voting yes; Cordrey was absent.

Respectfully submitted,



James Kells
Secretary