



**Town Council
Town of Millsboro**

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Mayor Faye Lingo
Vice Mayor John Thoroughgood
President Pro Tem Brad Cordrey
Secretary Jim Kells
Treasurer Larry Gum
Councilman Ron O'Neal
Councilwoman Kimberley Kaan

Jamie Burk, Town Manager

**TOWN COUNCIL
REGULAR MEETING**

July 5, 2022

MINUTES

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

Swearing in of Councilmembers for new term: Town Clerk Joanne Dorey swore in John Thoroughgood and Kimberley Kaan.

Reorganization of Council:

Kells made a motion to elect Lingo as mayor/president of the Council. Gum seconded. 6 approved; Cordrey was absent.

O'Neal made a motion to elect Thoroughgood as vice mayor/president of the Council. Kells seconded. 6 approved; Cordrey was absent.

Thoroughgood made a motion to elect Cordrey as president pro tem of the Council. O'Neal seconded. 6 approved; Cordrey was absent.

Gum made a motion to elect Kells as secretary of the Council. Lingo seconded. 6 approved; Cordrey was absent.

O'Neal made a motion to elect Gum as treasurer of the Council. Kells seconded. 6 approved; Cordrey was absent.

Public comment:

- John Prehm of 22962 Surry Lane stated he was in favor of keeping the election process as it currently is.
- Reggie Hazzard stated he lives on Rt. 24. He spoke regarding the Robb annexation request. He stated he felt that Millsboro has enough townhomes and is not in favor of townhomes going on that property.
- Mary Anderson of 111 Wilson Hwy spoke regarding the election process. Ms. Anderson stated she would like to see absentee voting and extended voting hours be considered for possible changes to the election process and that the agenda item referenced was too vague. She also stated she hoped the agenda item does not affect §8 (H) of the Town Charter and would like to see the section and chapter number be referenced on future agenda items.
- Robert McKee of 29516 Glenwood Drive stated he would not like to be restricted to only voting in his district.
- Kimberly Pettyjohn of 29571 Millsboro Hwy and spoke regarding the Robb annexation request and stated Millsboro does not have the road capacity to handle all the growth that is happening in Millsboro and does not support townhomes going on this property.

Secretary's report: Kells submitted the June regular meeting minutes and made a motion that Council approves them as written. Gum seconded. 6 approved; Cordrey was absent.

Treasurer's report: Gum made a motion that the Town pays the invoices from the designated accounts as recommended by staff. O'Neal seconded. 6 approved; Cordrey was absent.

Public hearing:

A PUBLIC HEARING WILL BE HELD ON TUESDAY, JULY 5, 2022, AT 7:00PM, IN MILLSBORO TOWN CENTER, 322 WILSON HIGHWAY, MILLSBORO, SUSSEX COUNTY, DELAWARE, TO CONSIDER AMENDING THE ZONING CODE OF THE TOWN OF MILLSBORO, CHAPTER 210, ZONING, BY REVISING § 210-35 TO INCLUDE MORE SPECIFIC REQUIREMENTS AND ILLUSTRATIVE GUIDANCE REGARDING THE CORNER SIGHT TRIANGLES ON PROPERTIES THAT MUST BE MAINTAINED FREE OF LANDSCAPING AND OTHER VISUAL IMPAIRMENTS AND BY REVISING § 210-40.A. TO INCLUDE A REFERENCE TO THE ILLUSTRATIVE GUIDANCE IN § 210-35.

Mayor Lingo opened the public hearing and asked for public comment. There were no comments.

Millsboro Fire Company update: Gum mentioned the department had been extremely busy and the second station has cut down response time for volunteers.

Millsboro Art League update: John Bandish stated the league is doing great, its social media presence has doubled, and had 73 visitors last month.

Employee of the month—June: Burk acknowledged Randolph Jones as the June Employee of the Month recipient.

Police Department's report:

Chief Brian Calloway stated PFC Dallas Millner, PFC John Wharton, and Ptlm Cole Revel attended "Excel" training, on June 1 hosted by the Delaware State Police Academy.

Chief Calloway mentioned that Ptlm Cody Jackson attended "Drug Investigations" training on June 9 at the Delaware State Police Academy.

Chief Calloway mentioned Cpl Jonathan Zubrowski organized the 2nd Annual Millsboro Police Youth Academy; 22 students completed the program this year.

On September 10 the Millsboro Bicycle Rodeo is scheduled to be held in the Lowes parking lot.

Chief Calloway indicated that Matthew Dufour had met all requirements and was eligible to be promoted to the rank of Sergeant. Gum made a motion to promote Officer Dufour. O'Neal seconded. 6 approved; Cordrey was absent.

USDA police station authorization to sign resolution: Burk presented the USDA authorization to sign resolution. Thoroughgood made a motion to approve the resolution as presented. O'Neal seconded. 6 approved; Cordrey was absent.

Police station electronics recommendation to award: Burk stated Advantech was the sole bidder for the new police station access control. Thoroughgood made a motion to award the bid to Advantech as presented. Kells seconded. 6 approved; Cordrey was absent.

Parks and recreation:

Sussex County Councilman John Rieley – presentation of a check from Sussex County: Councilman Rieley presented the Town of Millsboro with a check for approximately \$471,000 from Sussex County.

Water and Sewer:

Olney Way water treatment facility change order (#9): Carrie Kruger, PE, town engineer presented change order #9; a 312-day time extension and a cost addition of \$336,331.45. Thoroughgood made a motion to accept the change order as presented. Gum seconded. 6 approved; Cordrey was absent.

White Farm force main and beneficial reuse main engineering amendments (#1&2):

Ms. Kruger presented the preliminary engineering report amendment No. 1 of \$9,132. Gum made a motion to accept the amendment as presented. Thoroughgood seconded. 6 approved; Cordrey was absent.

Next, Ms. Kruger presented amendment No. 2 to the Owner-Engineering Agreement of \$11,077. Gum made a motion to accept amendment No. 2 as presented. Kells seconded. 6 approved; Cordrey was absent.

USDA Loan resolution – \$6 million loan: Gum made a motion to approve the \$6 million USDA loan resolution as presented. Kells seconded. 6 approved; Cordrey was absent.

USDA Loan resolution – \$9 million loan: Gum made a motion to approve the \$9 million USDA loan resolution as presented. O’Neal seconded. 6 approved; Cordrey was absent.

USDA legal services agreement – WWTF and force main: Ms. Kruger presented the USDA legal services agreement. Kaan made a motion to accept the agreement as presented. Gum seconded. 6 approved; Cordrey was absent.

Use of ARPA local funds for White Farm WWTF: Ms. Kruger stated that USDA requires a Town Council vote for the use of the Town’s total allocation of local ARPA funds as the Town’s local contribution towards the funding of its new White Farm WWTF. Gum made a motion authorizing the total allocation of local ARPA funds to be designated to the White Farm Wastewater Treatment Facility. Thoroughgood seconded. 6 approved; Cordrey was absent.

Atkins Park stormwater project: Ms. Kruger presented a proposal from George, Miles & Buhr, LLC for the Atkins Park Drainage Improvements Bid Package Preparation. Thoroughgood made a motion to approve the proposal for \$16,644 as presented. Kells seconded. 6 approved; Cordrey was absent.

Streets:

Request for stop signs and do not enter signs - Plantation Lakes Boulevard, Wilson Highway, and Mitchell Street: George (“Kenny”) Niblett, director of public works will work with Schrider-Fox on draft language for the Council to review.

Mayor’s report:

Audit services contract: Matthew Hall, director of finance and technology presented the audit contract from PKS & Company, P.A. for audit services for a period of 3 years. Thoroughgood made a motion to approve the contract as presented. Gum seconded. 6 approved; Cordrey was absent.

Water meter upgrade: David Wilson of LB Water presented the proposed water meter upgrade. Thoroughgood made a motion to move forward with the planning of the water meter upgrade process. Gum seconded. 6 approved; Cordrey was absent.

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Mayor Lingo asked if there were any comments regarding the above-mentioned public hearing; after hearing none Mayor Lingo asked for a motion to close the public hearing. Thoroughgood made a motion to close the public hearing. O'Neal seconded. 6 approved; Cordrey was absent.

Thoroughgood made a motion to accept the draft ordinance presented amending the zoning code in Chapter 200 by revising § 210-35 regarding sight triangles. Kells seconded. 6 approved; Cordrey was absent.

Supplemental tax list: Hall supplied Mayor and Council with information on the proposed quarterly changes to tax assessments. Thoroughgood made a motion to invoice all increases. Kells seconded. 6 approved; Cordrey was absent.

Proposed change – § 127-6 of the Code of the Town of Millsboro: Hall presented the draft ordinance to section § 127-6 of the code regarding impact fees. Kaan made a motion to approve the draft ordinance as presented. Gum seconded. 6 approved; Cordrey was absent.

Preliminary site plan – Plantation Lakes Section L: Andrew C. Vail, PE for Whitman, Requardt & Associates, LLP presented the preliminary site plan submission for Plantation Lakes Section "L". Gum made a motion to approve the preliminary site plan as presented. Kells seconded. 6 approved; Cordrey was absent.

Introduction of proposed change – §178 of the Code of the Town of Millsboro: Mr. Niblett will work with Schrider-Fox on draft language for Council to review.

Mayor's report (cont.):

Final site plan—Mid-Atlantic Commercial: Chad Warren, PE for Davis, Bowen & Friedel, Inc. presented the final site plan request for Mid-Atlantic Commercial. Thoroughgood made a motion to approve the final site plan as presented. Gum seconded. 6 approved; Cordrey was absent.

Comprehensive plan amendment resolution: Burk presented the request to amend the comprehensive plan by amending Map 4, future land use, and annexation to redesignate tax map and parcel numbers 233-5.00-3.00 and 233-5.00-4.00 as commercial from highway commercial. Gum made the motion to amend the future land use map as discussed. Thoroughgood seconded. 6 approved; Cordrey was absent.

Conditional use renewal – (216 Ellis Street): Gum made a motion to approve the renewal of the conditional use as presented. Kells seconded. 6 approved; Cordrey was absent.

Conditional use renewal – (207 North Morris Street): Gum made a motion to approve the renewal of the conditional use as presented. O'Neal seconded. 6 approved; Cordrey was absent.

Annexation request – Robb: David Hutt of Morris James Wilson Halbrook & Bayard presented the Robb annexation request. Mayor Lingo appointed an annexation committee and asked Thoroughgood, Gum, and Kells to serve thereon—designating Thoroughgood as chair.

Lot line adjustment – 119 West State Street: Niblett presented the request for a lot line adjustment for the property at 119 West State Street. Kells made a motion to approve the lot line adjustment as presented. Thoroughgood seconded. 6 approved; Cordrey was absent.

Entrance adjustment – Grace United Methodist Church: Rev. Joshua Berry presented a request for entrance adjustments on Church Street and also on Wilson Hwy for Grace United Methodist Church as presented in the agenda packet. Kells made a motion to approve the entrance adjustments as presented. O’Neal seconded. 6 approved; Cordrey was absent.

Millsboro Town Charter review and update of election provisions: Council discussed the election process. No Action was taken.

Adjournment: With no further business, Thoroughgood made a motion to adjourn. Kells seconded. 6 approved; Cordrey was absent.

Respectfully submitted,



James Kells
Secretary

JK:JB:jd