

REGULAR COUNCIL MEETING JANUARY 2, 2007

7:00 P.M. meeting called to order in the Council Chambers, Mayor Joseph Brady presiding. Present were Vice-Mayor Larry Gum, Secretary Irene Keenan, Treasurer Robert Bryan, Council persons John (Jack) Wilkins, John Thoroughgood, Michelle Truitt, Town Manager Faye Lingo, Town Solicitor Tempe B. Steen, Adm. Assistant Brenda J. Morris, Development Coordinator Linda Johnson, Finance Director William Sauer. Guests see attached.

PUBLIC HEARING/ "WELLHEAD PROTECTION OVERLAY DISTRICT"

Mayor Brady opened a public hearing for public comment on the subject of amending the zoning ordinance of the Town of Millsboro, Chapter 210, by adding a new zoning district, "Wellhead Protection Overlay District", to subsection 210-8; and by adding a new section to be designated subsection 210-23, "Wellhead Protection Overlay District" and adding requirements and regulations. This zoning amendment is necessary to meet state requirements and requirements of Millsboro's Comprehensive Plan which require the town to identify and develop an ordinance to protect the well head protection area which has been identified for the town by the state as shown in Public Water Supply Water Assessment for Millsboro and map number 2 in the Millsboro's Comprehensive Plan. Hearing was left open until later in the meeting.

PUBLIC HEARING/PARKING SPACE SIZE

Mayor Brady opened a public hearing for public comment on the subject of amending the zoning ordinance of the Town of Millsboro, Chapter 210, Article V, General Provisions, subsection 210-40, relating to off street parking by clarifying that the size of parking spaces is ten feet (10') by twenty feet (20') in new Subsection (I). The town has always made the requirement 10 by 20 feet, however, this was not clearly written in the code. This will include it in the ordinance with exceptions only being allowed in a RPC District by council or by the Board of Adjustment if an applicant seeks a variance. Hearing was left open until later in the meeting.

Otter Branch/Preliminary Plan Approval-John Barwick from Meridian Architects & Engineers came before Council representing the applicant to explain the plan and changes

that have been made at the town's request. It was noted that they have met with the town committee and satisfied the zoning requirements. The plan has also been reviewed by the planning consultants for the town. Issues which they have addressed at the town's request are moving the gazebo, playground, off-street parking and sidewalks. A townhouse design was shown to the Council and those present. After some discussion Wilkins motioned, Bryan second to give Council approval to the Preliminary Plan for Otter Branch as presented. Motion carried.

SECRETARY'S REPORT- Secretary Irene Keenan presented the minutes from the December 4, 2006 council meeting for Council's approval. Keenan motioned, Wilkins second to approve the minutes from the December 4, 2006 council meeting as written. Motion carried.

TREASURER' S REPORT - Treasurer Robert Bryan presented the bills and bank balances to Council for approval. Gum motioned, Wilkins second to pay the bills from the designated accounts as presented. Motion carried.

MILLSBORO FIRE COMPANY -No report given

CHAMBER OF COMMERCE - Fran Bruce, Director of the Greater Millsboro Chamber of Commerce gave Council a progress report on the information sign to be erected outside the Civic Center. The sign will allow for four lines of letters and the cost will be \$1015.00 installed. Ad Art is to do the installation sometime in January. Payment will not be due until the installation is complete. She did note that a second set of letters will not be necessary as the old letters will fit this sign. She also reported that out of the first ten memorial benches to be sold only one remains. A separate checking account has been set up for the money brought in through the sale of these benches. The benches will not be ordered until all ten have been sold and money has been received. Each bench will have the space for engraving on both sides of the slats with twenty four letters each and spaces do not count. One bench is to go to the Little League field with the rest going to Cupola Park. The Ruritan Club has placed a handicapped picnic bench at the Civic Center. A resort video is to start showing in the spring which will highlight Millsboro and the Long Neck area. A sixteen page booklet detailing Millsboro then, now and future is being printed. The town and the chamber are partnering to produce this booklet with 10,000 copies to be split between the two. This booklet will include up to date maps and will be used to encourage tourism in our area.

PARKS AND RECREATION - The town has received approval for \$25,000. from the State of Delaware Redevelopment Fund to go towards the new restrooms at Cupola Park.

STREET REPORT -Mayor Brady and Kenny Niblett walked the downtown area along with DELDOT representatives to review the sidewalk repairs that are needed. We have no details as of this date but

DELDOT is going to send a report with anticipated cost to the town and state. The town is anticipating the work to begin in the fall of 2007.

POLICE REPORT -

Training: On 12-13 Lt. Quigley attended Ethical Decision Making at the DSP Academy.

On 12-14 Pfc. Forester attended Report Writing and LEISS update.

On 12-15 Pfc. Doughty attended Cultural Diversity.

On 12-18 & 19 Lt. Quigley attended Introduction to Computer Crimes.

Personnel: The recruits are doing well in the academy. Chief Murphy called the Academy and was given a positive update on their training. Their graduation date is February 2nd. A time or location has not been decided at this date. Chief Murphy would like to extend an invitation to the council to attend the graduation.

Cpl. Wheatley is requesting to be reimbursed for his expenses for classes completed with a passing grade. The classes were criminology and crisis intervention and were preapproved. The cost for both classes was \$575.50. Bryan motioned, Truitt second to approve reimbursement of \$574.50 to Cpl. Wheatley for classes completed with a passing grade. Motion carried.

Cpl. Wheatley is requesting pre-approval for a class, Corrections in America, as part of the requirement for a degree in Criminal Justice Technology I (understanding the jail system). Bryan motioned, Gum second to approve Cpl. Wheatley's request to take the class Corrections in America. Motion carried.

Miscellaneous: The Police Dept. worked a saturation patrol on a five week campaign, there were 2 criminal arrests, 3 wanted persons apprehended, 1 DUI arrest and 17 other traffic arrests made.

There were two DUI checkpoints this month, one on the 15th and another on the 30th. We had a total of 1055 vehicles pass through with 15 vehicles detained. We made 4 DUI arrest, 6 criminal and 34 other traffic arrests. The next checkpoint will be in July.

WATER/SEWER REPORT - The construction has begun at the wastewater treatment plant. Council and those in attendance were informed that the large hole that can be seen from the road is where the new headworks building will be. This is where the wastewater enters onto the site to be treated. The majority of the pre-purchase equipment has arrived for Contract C, phase 1 of the expansion and modification of the plant.

MAYOR'S REPORT: The public hearing for the wellhead protection amendment to the zoning ordinance was addressed for further comments. As no further comments were heard for or against this zoning ordinance change Wilkins motioned and Thoroughgood second to close the public hearing. Gum motioned, Bryan second to approve the amendment to the zoning ordinance of the Town of Millsboro, Sussex County, Delaware, Chapter 210, by adding a new zoning district, "Wellhead Protection Overlay District" to subsection 210-8; and by adding a new section to be designated subsection 210-23, "Wellhead Protection Overlay District" and adding requirements and regulations therefore. Motion carried.

The public hearing for the parking space size clarification amendment to the zoning ordinance was addressed for further comments. As no further comments were heard for or against this zoning ordinance change Wilkins motioned, Thoroughgood second to close the public hearing. Thoroughgood motioned, Gum second to approve the ordinance amending the zoning ordinance of the Town of Millsboro, Sussex County, Delaware, Chapter 210, Article V, General Provisions, subsection 210-40, relating to Off-Street Parking by clarifying that the size of parking spaces is ten feet (10) by twenty feet (20') in new subsection (I). Motion carried.

CHM Homes, Inc., d/b/a Luv Homes located at 501 E. Dupont Hwy. has requested annexation into the town limits of Millsboro. Mayor Brady appointed a committee comprised of Larry Gum as chairman, Robert Bryan and Jack Wilkins to study the feasibility of this annexation and to make recommendation to the council.

The town has received a letter from DNREC referencing State Mosquito Control for the 2007 year. The state is once again requesting the "Municipality Endorsement" be signed and sent back giving them permission to spray for mosquitoes within the town limits of Millsboro and a waiver on official city or town letterhead stationery permitting spray application by low-flying aircraft. Gum motioned, Bryan second to give permission to DNREC for state mosquito control services within the town limits of Millsboro and that the proper paperwork be issued. Motion carried.

Wilkins motioned, Keenan second to recess the Regular Council meeting at 7:20 P.M. and to enter into an Executive Session at 7:25 P.M, to discuss legal and personnel issues.

Respectfully submitted,

Irene Keenan

Secretary