

REGULAR COUNCIL MEETING MAY 7, 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, Councilpersons John Thoroughgood, Michelle Truitt, John (Jack) Wilkins, 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/TAX APPEALS - Mayor Brady opened the public hearing to hear any appeals to the 2007-2008 tax assessment. None were heard at this time and the hearing was left opened until later in the meeting.

SECRETARY'S REPORT - Secretary Irene Keenan presented the minutes from the April 2, 2007 council meeting for Council's approval. Keenan motioned, Bryan second to approve the minutes from the April 2, 2007 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 -Ray Burton, President Millsboro Fire Company, presented the monthly report to the Council. The Fire Department responded to 45 alarms, 7 in town, 22 rural and 7 assist in March. The Emergency Medical responded to 146 calls. 105 of those responded to were transported to medical facilities.

The Millsboro Fire Company has submitted a letter asking the Council to consider passing ordinances that would make it mandatory for the installation of automatic fire sprinkler systems in new single-family residential construction. It was noted that over 200 municipalities across the United States now require automatic fire sprinkler systems

in single-family residential construction. After some discussion Mayor Brady appointed a committee, Larry Gum, John Thoroughgood and Jack Wilkins, to meet with Building Code Inspector Kenny Niblett to hear possible alternative ideas he might have.

CHAMBER OF COMMERCE - No report

STREET REPORT - Councilman Thoroughgood brought before Council a request to place seven trees for decoration on Main Street. If approved they would be placed on the north side of Main Street where electric is located so that they could be lit with lighting. The town would lose seven parking spaces downtown if approved. Council was also informed that a new garden club has been established in Millsboro and they are interested in helping to beautify the town with flowers and other plantings. Bryan motioned, Truitt second to approve the placement of seven trees along Main Street. Motion carried.

PARKS AND RECREATION - Councilman Thoroughgood asked Council to approve the construction of a permanent stage area at the Cupola Park. He suggested putting the stage across from Burton's cottage between the two trees located in that area. He was informed this is the location that the new bathroom is to be built in. It was then suggested that the stage area be built in the small parking lot across from Hunters Pointe. This idea was received favorably. The stage area would be three feet tall and 16' x 32' and would not be boxed in. It is hoped it would be used in the summer by different bands offering music on summer evenings for everyone's enjoyment. Bryan motioned, Gum second to proceed with the construction of a permanent bandstand/stage area at the Cupola Park. Motion carried.

POLICE REPORT

Pfc. Doughty attended training at the Federal Law Enforcement Training Center in Glynco, Georgia. He received instructor level training in Law Enforcement Control Tactics. He can now instruct our officers in weaponless defense, straight baton and cap stun. During this training two students were sent home due to medical issues and two washed out as this training was very intense.

Cpl. Legates and Pfc. Berrios attended Background Investigations at the DSP Academy.

Det. Lowe attended Crisis Intervention and Hostage Negotiations also at the DSP Academy.

Chief Murphy attended a Public Information Officer Training Seminar in Ocean City.

The recruits are off field training and are on their own, they have been permanently assigned to a shift.

DELDOT will be wrapping up at US 113 and SR24 later this month; even if they are not done, the construction they are doing should not negatively impact traffic over the Memorial Day weekend.

In conjunction with the Office of Highway Safety the department held a DUI Checkpoint on the bridge this past Saturday evening. They checked 574 vehicles, detained 7 and made 4 DUI arrests.

WATER/SEWER REPORT - The contract for relocation of a power line that was discussed in April's meeting has been sent to Delmarva Power with the suggestions that were made by the town solicitor and engineer. No action needed tonight.

Sewer adjustments have been made as ordinance allows for 316 Old Landing Road, 211 Mitchell Street and 111 Irons Avenue due to water leaks.

MAYOR'S REPORT:

Kenny Niblett - Council congratulated Kenny Niblett for receiving the Governor's Conservation Award for excellence in the fulfillment of urban conservation activities. There were six given in the state and the two from Sussex County were both from Millsboro.

Plantation Lakes, special development district - Last month Council approved the rate and method of apportionment of special taxes and afterwards it was discovered that there was a type error. Council was given the corrected report for the rate and method of apportionment of special taxes and was informed they needed to confirm that the attachment can be substituted because of the typographical error in the ordinance adopted April 1, 2007. Bryan motioned, Wilkins second to confirm that the attachment correcting the rate and method of apportionment of special taxes report can be substituted due to a typographical error that was made in the ordinance adopted at last month's Council meeting. Motion carried.

Comprehensive Plan - The State has approved the amendment to the comprehensive plan to change the maps to allow the property recently proposed for annexation by Millsboro Auto Mart to be zoned Highway Commercial.

Millsboro Auto Mart Annexation - The committee report has been given and the Council has been waiting to see if the state was going to approve the amendment to the comprehensive plan that would change the maps to allow the zoning for the property proposed for annexation to be changed from Residential to Highway Commercial. The town now has that approval and a public hearing needs to be held to hear comments for or against this proposed annexation. Gum motioned, Truitt second to hold a public hearing on June 4, 2007, the next Council meeting, to consider the proposed annexation of certain territory contiguous to the present northwesterly limits of the Town of Millsboro, owned by ADBM Properties, Inc., tax map number 1-33-16-130, 3.60 acres more or less. Motion carried.

John E. Jones/Water/Sewer Hookups -Mr. John E. Jones owns property between Intervet and Hillcrest on State Street extended (now Iron Branch Rd.) which has been previously annexed into the town limits. He is now ready to run the water and sewer

lines to his property and has asked that since it is a conflict of interest for CABE Assoc. to work for him and inspect for the town, would the town consider hiring CABE to design the lines and then Mr. Jones reimburse the town CABE's fees for that work. It was also suggested that if Council is agreeable with this arrangement that Mr. Jones sign a contract stating that he will reimburse the town CABE Associates fees for design of the lines. Bryan motioned, Thoroughgood second to approve hiring CABE Associates to design the lines for water and sewer hook ups to Mr. John E. Jones' property with CABE's fees being billed to Mr. Jones for payment. A contract will be drawn up stating that Mr. Jones is to reimburse the town for all CABE fees incurred during the design of these water/sewer lines. Motion carried.

Homestead Phase II / Final Approval - Homestead came before Council for final approvals of Phase II. They have been working on Phase I but due to more detailed study being needed for the balance of the development it has taken longer. All required approvals needed by the town have been received for the Phase II portion of The Homestead. Wilkins motioned, Bryan second to approve the final site plan for Phase 2 of The Homestead, approximately 40.9 acres of land, zoned HR-RPC, High Density Residential Planned Community District, located on the north and south sides of Radish Road (County Road 338) and west of US 113, tax map number 1-33-21.00 parcel 3.0. Motion carried.

Village at Peninsula Cove/Annexation Request - Mr. Pret Dyer presented a proposal for annexation of property owned by Millsboro Town Center, LLC, tax map #2-33-5.00 parcel 122. This property is located on the west side of Handy Road and is contiguous with town limits. The property consists of 57 acres more or less. They are requesting that the zoning be set as 45.28 acres High Density Residential and 12.61 acres as Highway Commercial. The High Density Residential section would be developed with 200 residential units, consisting of 80 apartment/condos and 120 townhouse units. There would also be the possibility of a town park within this area. He also asked Council to consider creating an RPC District overlay on both the property being presented for annexation and the front property already annexed (63 acres). They believe the resulting RPC would allow a superior design than would be permitted if they develop the subject parcel separately through Sussex County. Town Solicitor Tempe Steen suggested that an interim committee be appointed to meet with Pret Dyer to discuss his proposal before a committee is appointed by the Mayor to study the feasibility of the proposed annexation. This would give Council more time to better study the proposed project for annexation. Mayor Brady appointed Jack Wilkins-chairman, Irene Keenan and John Thoroughgood to meet with Pret Dyer to discuss his proposal.

Election Slate - The election slate was posted May 1st and will be removed May 25th at 4:30 PM. The seats that expire are one seat in District 1 and one seat in District 2. John Thoroughgood has already signed up for District 2. If there is a contest the election will be the second Saturday in June; June 9th

Schreppler Conditional Use Renewal - James Schreppler has requested a conditional use renewal for 213 Washington Street. This renewal request is for a second structure as an

accessory use adjacent to an existing commercial building. There were no objections heard against this renewal. Wilkins motioned, Truitt second to approve the conditional use renewal for 213 Washington Street for one year with the same conditions that were placed on it in previous years. Motion carried.

Patriots Landing Annexation Request - C. T. Bochau, representing Patriots Landing LLC, came before council with an annexation request for property located on the northeast side of US 113, tax map numbers 1-33-11.00 parcels 14.0 & 15.0; 1-33-16.00 parcels 5.0, 6.0 and 12.0. He is asking that the property be annexed with a zoning set as Medium Residential (MR). He was informed it would probably be 2-3 years before he would be allowed to go into development. Mayor Brady appointed a committee to study the feasibility of annexing this property into the town limits consisting of Larry GumChairman, Robert Bryan and Michele Truitt. They will report back to Council with their decision after reviewing this request.

Homestead - Tom Ford, of Land Design, question when a request they had submitted for Council approval for a revision of development of Homestead, Phase I would be on the agenda. He informed Council that no site or engineering changes would take place. They need to do a temporary subdivision which would allow the builders to buy land on which to build the condominiums. This is necessary due to state rules and regulations. When complete a declaration plan will be drawn up. Mr. Ford was informed this would be placed on next month's (June) Council meeting.

Planned Commercial District - Council was given an addition to the town zoning, 21021 Planned Commercial District (PC) to study. This will be discussed at next month's Council meeting, June 4th

Tax Appeals - As no tax appeals were heard Mayor Brady closed the public hearing for tax appeals.

Gum motioned, Truitt second to recess the Regular Council meeting at 8:00 P.M. and to enter into an Executive Session at 8:15 P.M. to discuss legal and personnel issues.

Respectfully submitted,

Irene Keenan Secretary