

REGULAR COUNCIL MEETING June 4, 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/Millsboro Auto Mart-Mayor Brady opened the public hearing to hear comments on the annexation request and zoning of property owned by Millsboro Auto Mart on US 113, south of Oak Drive, to be zoned Highway Commercial, 1-3316.00 parcel 150. The Town has received the necessary comments from the State and from Sussex County to allow the town to proceed. No comments were heard at this time and the hearing was left open until later in the meeting.

MILLSBORO GARDEN CLUB-Marjorie Lewis, representing the newly created Millsboro Garden Club, presented to Council plans they would like to implement to enhance the streetscape of Millsboro by planting seasonally appropriate beds and planters. The areas they are considering are the planters currently in place on Main street; six new 36 inch long planters to be placed on the guardrails of the Rt. 24 bridge between Millsboro Pond and the Indian River; underneath the sign at the end of the Dairy Queen lot and several areas in Cupola Park. Planters would be planted seasonally, four times a year, with appropriate plant materials. All plant materials, planting media, watering, weeding will be provided by the Millsboro Garden Club. They are hoping to also offer quarterly educational programs open to the public. Membership will be open to anyone who wishes to be involved. They would like to invite the Town and the Chamber to sit down with them and help write a grant proposal to obtain funding for attractive planters.

The consensus of Council was for the Garden Club to go ahead with plans and to work with the Chamber. Council asked for periodic updates from the Garden Club as to what is being done.

SECRETARY'S REPORT - Secretary Irene Keenan presented the minutes from the May 7, 2007 council meeting for Council's approval. Keenan motioned, Bryan second to approve the minutes from the May 7, 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.

Faye Lingo, Town Manager, reviewed the Budget for the FY ending June 30, 2007. She informed Council and those present that the tax and water/sewer rates would not be increased this year. The only increase is in the public hearing fees from \$500.00 to \$600.00. She also informed Council that the building construction permits for new construction will in the future be figured on square footage instead of the estimated cost of improvements. The town engineers are still studying the impact fee schedule and will be making a recommendation, hopefully by July's meeting, however, the town did not have it in time for the budget so it is still unchanged. Thoroughgood motioned, Bryan second to officially approve and adopt the budget for the FY ending June 30, 2007 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 38 alarms. The total number of alarms responded to at the end of May is 190. The Emergency Medical responded to 554 at the end of May. Last year the number responded to at the end of May was 552.

CHAMBER OF COMMERCE - Fran Bruce, Chamber of Commerce Director, presented to Council the new tourism publication for the Millsboro area, "A Treasure Worth Finding". This publication was a collaboration between Chamber, Town and the State Tourism Office. She also informed Council that the Chamber did receive a state grant to use to produce a 60 second video highlighting the Nanticoke Indian Pow-Wow. This will be aired on Comcast channels in July-August-September. Ms. Bruce also commented on how wonderful it has been working with Mayor Brady. This will be the last meeting for Joseph Brady as Mayor and council member. He is not seeking reelection this year. The Chamber has appreciated the Mayor's support in their efforts to work together to enhance the town.

STREET REPORT -No Report

PARKS AND RECREATION -No Report

POLICE REPORT-On May 3`d, Pfc. Berrios attended Youth Crimes at the DSP Academy.

On May 4`h, Pfc. Doughty and Pfc. Lowe attended a MADD ceremony at the Sheraton in Dover. They received their first year pins for excellence in DUI enforcement.

Det. Lowe attended a week long training course in Lewes which related to interviewing children.

On May 8th Cpl. Legates attended the Internal Affairs Investigations course at the DSP Academy.

On May 23`d Det. Lowe attended Internet Navigation also at the DSP Academy.

Homeland security threat level remains at yellow or elevated. There have been several terrorist related incidents over the past month, but none of these incidents involved a terrorist nexus related to the Town of Millsboro or the State of Delaware.

The newest officers to graduate from the DSP Academy and join the Millsboro Police Force were introduced to council. They are Ptm. David Ober, Ptm. Paul Lyons and Ptm. Charle (Chad) Morris.

DELDOT should be wrapping up the US 113 and SR 24 intersection later this week.

The Department participated in the Click It or Ticket Initiative. 193 tickets were issued for seat belt violations and five tickets were issued for other violations.

An education reimbursement request was received from Cpl. Barry Wheatley for \$322.75. The class he took was previously approved and he has submitted proof of passing grades. Thoroughgood motioned, Bryan second to approve reimbursing Cpl. Wheatley \$322.75 for the educational class he took and passed. Motion carried.

WATER/SEWER REPORT -Millwood/Robino is requesting to have an irrigation well at the development on Mitchell St. The Town has not allowed wells in town in the past with the exception of Plantation Lakes because the well existed when it was annexed into town and that well is to be turned over to the town and metered. They then pay the town for the water used; all of which is outlined in their development agreement. The Millwood well is after the fact and is not included in the development agreement. After some discussion the Mayor appointed John Thoroughgood, Chairman, Jack Wilkins and Larry Gum to review this request and bring before the Council at July's Council meeting.

A Change Order No. I for the 2006 Wastewater Treatment Improvements, Contract C, was presented to Council for approval. The Change Order increases the contract amount by \$77,937.15 and increases the contract time by 20 calendar days. The total adjusted contract price is \$8,017,687.15. The adjusted contract deadlines are 420 days to

substantial completion and 455 days to final completion. Bryan motioned, Gum second to approve the request for Change Order No. I as presented to Council. Motion carried.

Council was presented for review and approval a revised Construction Agreement by Delmarva Power for the 69 kV transmission line relocation proposed at the Town of Millsboro's wastewater treatment facility. Tempe Steen, Town Solicitor, has reviewed the original contract and CABA Assoc. relayed her concerns to Delmarva Power with some of the content of the contract. The revised agreement included a transmittal letter by Delmarva power with replies to comments forwarded to them by letter from CABA Assoc. dated April 26, 2007. The cost of moving the line will be \$436,000 and they would like their money by July 6th in order to keep everything on schedule. CABA Assoc. is recommending that Council approve the Construction Agreement and remit payment 1 in the amount of \$436,000 by July 6, 2007. Thoroughgood motioned, Bryan second to approve the Construction Agreement by Delmarva Power for the 69 kV transmission line relocation and to send payment of \$436,000 by July 6, 2007 as requested. Motion carried.

Faye Lingo, Town Manager, informed Council that a date has not been locked in as of yet for the referendum for funding for the additional improvements for the water and wastewater plants.

MAYOR'S REPORT:

The Town received a letter from Mr. Timothy A. Frey, of Saul Ewing LLP, informing them he has been employed as bond counsel for the Town of Millsboro and also represents the State in the loan closings for the State Revolving Fund. He has informed the State of this and is expecting that the State will waive any potential conflict in their representation of DHSS in the State Revolving Fund financing the Town has applied for. They are asking for the Town to agree to waive such a potential conflict also. Tempe Steen, Town Solicitor, recommended that the town agreement to a waiver of conflict would be in the Town's best interest. Gum motioned, Bryan second to have the town sign off on a waiver of conflict with Timothy A. Frey. Motion carried.

Homestead made a presentation at last month's Council meeting explaining how sections are transferred to the builders and this requires an amendment to the site plan originally approved by Council. The site plan amendment would allow the builder (Anderson Homes) to purchase the land so they could begin building. This is necessary due to Delaware state law ruling Condominiums. Nothing on the basic plan will change; it just allows the building to go forward. Gum motioned, Wilkins second to accept and approve an amended site plan for Homestead 1. Motion carried.

GKHP Enterprises, LLC, Dairy Queen, is asking for a conditional use renewal for a weekly Cruise-In to be held on the neighboring property owned by the United States Postal Service. They are asking for permission to continue for another year. Bryan motioned, Thoroughgood second to approve a conditional use for a "Cruise-In" on part of

the lands of the United States Postal Service, located between Main and Washington Streets, 1-33-17.13-143.1, for one year with the same conditions as in the past. Motion carried.

Millsboro Auto Mart- No further comments were heard on the annexation request by Millsboro Auto Mart. Gum motioned, Bryan second to close the public hearing. Gum motioned, Wilkins second to approve the annexation of property owned by Millsboro Auto Mart, 1-33-16.00 parcel 150 and to set the zoning as Highway Commercial. Motion carried.

Special Development District Update - Plantation Lakes has asked permission to delay their fourth payment of \$990,045.50 that was due June 1, 2007 until after the bond closing, July 1, 2007. Since Council approved the schedule of payment it requires Council's approval for the delay. Thoroughgood motioned, Bryan second to extend the payment date for the Plantation Lakes fourth payment of \$990,045.50 for one month as asked to July 1, 2007. Motion carried.

Election - The municipal election will take place Saturday, June 9, 2007, 1 pm- 7 pm in the Council Chambers. The candidates are Stewart Gray and Tim P. Hodges. All districts are allowed to vote. Voters must be 18 years of age and a resident of the Town of Millsboro.

Election Appointments - Bryan motioned, Gum second to appoint Thelma Monroe, Sandi Brigandi as judges and Brenda Morris as inspector for the June 9, 2007 Municipal Election. Motion carried.

Bond Closing-Tempe Steen, Town Solicitor, informed Council that the bond closing will be Tuesday, June 12, 2007.

Gum motioned, Wilkins second to adjourn the Regular Council meeting at 7:35 P.M. Motion carried.

Respectfully submitted,

Irene Keenan Secretary