

REGULAR COUNCIL MEETING August 6, 2007

7:00 P.M. meeting called to order in the Council Chambers, Mayor-Larry Gum presiding. Present were Vice-Mayor Robert Bryan, Secretary Tim Hodges, Treasurer Michelle Truitt, Councilperson 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. Absent John Thoroughgood and Irene Keenan. Guests see attached.

SECRETARY'S REPORT - Secretary Tim Hodges presented the minutes from the July 2, 2007 council meeting for Council's approval. Hodges motioned, Wilkins second to approve the minutes from the July 2, 2007 council meeting as written. Motion carried with John Thoroughgood and Irene Keenan absent.

TREASURER'S REPORT - Treasurer Michelle Truitt presented the bills and bank balances to Council for approval. Bryan motioned, Wilkins second to pay the bills from the designated accounts as presented. Motion carried with John Thoroughgood and Irene Keenan absent.

MILLSBORO FIRE COMPANY -Ray Burton, President Millsboro Fire Company, presented the monthly report to the Council. The Fire Department responded to 47 alarms in July. Emergency Medical responded to 147 calls and transported 111 patients. The Fire Dept. will be sponsoring a shrimp and corn-on-the-cob dinner on Saturday during the Big Thursday celebration. On August 25<sup>th</sup> they will be having their annual crab feast at the fire hall.

CHAMBER OF COMMERCE - Fran Bruce, Chamber of Commerce Director, conveyed the Millsboro Garden Club's thank you to Council for the \$500.00 donation. The Garden Club will be using these monies to help with fall plantings around town and at Cupola Park. Ms. Bruce also reported that DELDOT has requested that no flower boxes be placed on the bridge railings along Rt. 24. The Kiwanis's Club has submitted a letter requesting that the Millsboro Garden Club take over the flower garden in Cupola Park maintained by the Kiwanis's Club in years past. The Garden Club has accepted this invitation. Big Thursday preparations are underway and this year's festival should be very successful. Ms. Bruce also thanked the Town and Police Dept. for all their assistance overseeing this festival.

STREET REPORT - DELDOT construction is underway on Main and Washington Streets. They will be making necessary sidewalk repairs along with resurfacing. The work is expected to last through August and September and should be completed early October. George Lynch Const. is doing the work and has hand delivered notices to the properties along the construction route. The work is scheduled to be done at night, Monday-Thursday.

PARKS AND RECREATION -The new gazebo has been placed in the Cupola Park and looks very nice. This is the second gazebo placed in the Cupola Park.

POLICE REPORT- Chief Murphy reported that the Department is in their summer training hiatus. Training will be sporadic during the summer, and will be picked back up in September.

DELDOT has started repairing sidewalks and preparing to resurface Washington Street from US 113 east to Mountaire Farms. This project should take about six weeks to complete. The majority of the construction will start after 7 P.M. and conclude prior to 7 A.M. Traffic issues should not be significant.

The Police Dept. has made all the normal preparations for Big Thursday and the Hispanic Festival. The preparations for Big Thursday do include the 5K run and the car show.

#### WATER/SEWER REPORT -

Resolution/EPA Funding - Bryan motioned, Wilkins second to pass a resolution appointing either Faye L. Lingo, or Larry D. Gum as their authorized representatives to transact and sign any and all documents related to the securing of funds from Federal grants awarded to the Town of Millsboro as administered by the Environmental Protection Agency. Motion carried with John Thoroughgood and Irene Keenan absent.

Resolution/USDA Rural Dev. Funding - Bryan motioned, Wilkins second to pass a resolution appointing either Faye L. Lingo, or Larry D. Gum as their authorized representatives to transact and sign any and all documents related to the securing of funds from Federal grants and loans awarded to the Town of Millsboro as administered by the USDA Rural Development. Motion carried with John Thoroughgood and Irene Keenan absent.

Well-Villages of Millwood - The Village of Millwood developers have asked permission to continue use of a well they had installed on the property. This well was installed sometime between May 2005 and June 2005 and the town was never notified. A committee was assigned to review the request and make a recommendation to council as to how to proceed with the developers request for continued use of the well. The committee's recommendation is to impose a \$1000.00 fine for installing a well without town approval. The development is to operate and maintain their well at Millsboro's direction and Millsboro will inspect to be sure it is to town standards. The well is to have backflow prevention, be metered and bulk rates are to be paid. Hodges motioned, Truitt second to accept the committee report on the Millwood Irrigation Well and to allow the well to remain open and in use with the recommendations

enforced as presented in their report to Council. Motion carried with John Thoroughgood and Irene Keenan absent.

The committee also recommended that new zoning be adopted stating that any development with 75 units or more would be allowed to have a well within town limits for irrigation purposes. Wilkins motioned, Bryan second to have the Town Solicitor, Tempe Steen, draw up an ordinance stating that new zoning be adopted for 75 units or more to have a well for irrigation purposes. Ordinance to be presented to Council for approval at the September 4, 2007 Council meeting. Motion carried with John Thoroughgood and Irene Keenan absent.

Town Manager, Faye Lingo, did a sewer adjustment for 312 Old Landing Road due to a water leak that did not go through the sewer system.

#### MAYOR'S REPORT:

Lenape Properties Management, Inc. has submitted a request to Council to consider permitting self-storage facilities as a conditional use within the Highway Commercial zone. They would like to build such a facility on three acres of a four acre parcel they own in Town limits. The property is located behind and adjacent to the Arby's restaurant at the intersection of Route 113 and Mitchell Street. Lou Ramunno, representing Lenape Properties, told Council that the facility would be climate controlled and would attract long term tenants. He showed pictures of how the building would look. Council is to review the information presented and get back to Mr. Ramunno with their findings. At this time the Town zoning does not allow this type of business in any of the zoning in town. If the council does want to pursue this then the zoning will need to be amended to allow it.

Annexation Impact Fees - The town engineers, CABA Associates, have been reviewing the impact fees for possible increases. The recommendation for the water and wastewater annexation fee is that it be increased by \$3,100.00. The current rate is \$4,400.00, with a proposed rate of \$7,500.00 an acre. These numbers were presented at the public hearing held on July 18, 2007. Wilkins motioned, Bryan second to approve an increase of \$3,100.00 to the annexation impact fee making the new annexation impact fee \$7,500.00 per acre. Motion carried with John Thoroughgood and Irene Keenan absent.

Sewer Impact Fee - CABA Associates has also recommended a \$2,500.00 increase to the sewer impact fee. Current rate is \$2,000.00 and the proposed rate will be \$4,500.00 per EDU. Wilkins motioned, Bryan second to approve an increase of \$2,000.00 to the sewer impact fee making the new sewer impact fee \$4,500.00 per EDU. Motion carried with John Thoroughgood and Irene Keenan absent.

CABE Associates has also recommended an increase in W/S user fees. That is to be visited in the upcoming budget.

Joseph Annexation - Larry and Vonda Joseph, of 29687 Millsboro Hwy.; Millsboro, DE, have submitted an application for annexation into the town. They would like to have the availability to town water/sewer. Mayor Gum appointed Robert Bryan/Chairman, John Wilkins and Tim Hodges to review the application and make a recommendation to council.

Patriots Landing - The Patriots Landing Committee gave a preliminary report last month and their report to Council this month recommended that the town move forward with the annexation with a Medium Residential District zoning. The committee agrees that the proposed development, Patriots Landing, be annexed into town and be zoned MR

(Medium Density Residential). This community will hook into the town water and sewer and is looking to start development in approximately two years. Bryan motioned, Wilkins motioned to approve the resolution proposing that the town annex part of certain territory contiguous to the present northeasterly limits of the Town of Millsboro owned by Patriots Landing, LLC, tax map number 1-33-11.00-14.00 and 15.00; and 1-33-16.005.00, 6.00 and 12.00, 157 acres, more or less, fronting on the east side of U. S. route 113 and the northwesterly side of the Millsboro Pond, to amend the zoning map and zoning ordinance of the Town of Millsboro to include said territory in the Medium Density Residential (MR) District and to set a Public Hearing on said annexation and zoning amendment for October 1, 2007. Motion carried with John Thoroughgood and Irene Keenan absent.

Board of Election Members Compensation - In previous years those that have volunteered and given their time to work town elections have been compensated with a \$25.00 gift certificate to a local restaurant. Council was asked if they would like to do the same this year. If so Council was informed there were six workers at the June Municipal election and there would be six at the Referendum Special Election on August 25" that this would effect. Wilkins motioned, Bryan second to give those that have worked the Municipal Election in June and the Special Election, to be held in August, a \$25.00 gift certificate to a local restaurant in appreciation for their help. Motion carried with John Thoroughgood and Irene Keenan absent.

Parker 332 Main Street Conditional Use Renewal - John H. Parker, Sr. has submitted an application for a conditional use renewal for apartment #2 at 332 Main Street. There have been no complaints on this usage. Bryan motioned, Wilkins second to extend the conditional use of John Parker for a second conditional use for second single family dwelling/apartment over an existing garage as a second accessory use at 332 Main Street, Town of Millsboro, Tax Map # 1-33-17.09-29. Motion carried with John Thoroughgood and Irene Keenan absent.

Peninsula Crossing Ad-Hoc Committee Report - Kyle Gulbranson, URS, presented an overview of the Peninsula Crossing Ad-Hoc meeting held on May 31, 2007. He explained there are problems with developing a large scale commercial center under the existing HC - Highway Commercial Zoning District. It was discussed with Mr. Dyer that the RPC District is primarily a residential district in nature and has always been interpreted by the Town to be residential and that a RPC overlay over this commercial project was not practical. It was also discussed that the proposed Planned Commercial District Ordinance was basically a "Town Center" or mixed use district which would not lend itself to this type of commercial development. Kyle suggested that a possible solution might be to develop a Commercial Overlay District for a larger scale commercial development. Mr. Dyer, the developer, is willing to work with the town on the zoning. Mayor Gum did express that there was some confusion among Council members about mixing the back property, west of Handy Rd., with commercial and residential. Mr. Dyer would like to have the property which fronts along Handy Rd. annexed in as Medium Residential and then apply to have the 10.8 parcel zoned HC - Highway Commercial with the proposed commercial overlay. The residential portion of the property could remain MR - Medium Density Residential with RPC overlay. Mayor Gum appointed a committee consisting of John Wilkins/Chairman, John Thoroughgood and Robert Bryan to review the annexation request and how this fits with the town's zoning and report back to Council with their recommendation. Bryan motioned, Wilkins second to accept the Ad-Hoc committee report and to send the request for annexation to the appointed annexation committee for review and recommendation. Motion carried with John Thoroughgood and Irene Keenan absent.

September Council Meeting - September's Council meeting will be held on a Tuesday due to a holiday being on the first Monday. The date is September 4, 2007.

Hodges motioned, Wilkins second to adjourn the Regular Council meeting at 7:45 P.M. Motion carried with John Thoroughgood and Irene Keenan absent.

Tim P. Hodges

Secretary