

## REGULAR COUNCIL MEETING September 4, 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, John Thoroughgood, Irene Keenan, 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.

RETIREMENT PRESENTATION - Mayor Gum made a presentation to Jane Burton who had retired on August 31st. Jane retired after fifteen years of service with the town as a clerk in the police department. She was presented with a gift from the Mayor and Council with words of congratulations and best wishes for a happy retirement.

SECRETARY'S REPORT - Secretary Tim Hodges presented the minutes from the August 6, 2007 council meeting for Council's approval. Bryan motioned, Wilkins second to approve the minutes from the August 6, 2007 council meeting as written. Motion approved unanimously.

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 approved unanimously.

MILLSBORO FIRE COMPANY - Ray Burton, President Millsboro Fire Company, presented the monthly report to the Council. He reported that the Fire Dept. has responded to 306 fire calls at the end of August. A monthly report was presented to Council for the record. The fire siren is down for repairs.

CHAMBER OF COMMERCE - Fran Bruce, Chamber of Commerce Director, gave the monthly report for the Chamber. She thanked the town, town employees and police department for the help that each gave in making the Big Thursday Festival a success. This year the crowds attending and vendors were doubled from last year. The Boy Scouts have approached Fran asking permission to build handicapped assessable ramps to the Gazebos in Cupola Park. This project would be used to help fulfill a requirement to obtain the rank of Eagle Scout. Council gave approval for the Boy Scouts to proceed with this project working with and being overseen by the Millsboro public works employees. A list of Millsboro Garden Club officers was given to Town Manager Faye Lingo. Ms. Bruce gave dates of upcoming events sponsored by the Chamber. September 15th the Chamber with Food Lion will be holding a Yard Sale with the proceeds to benefit the Children's Miracle Network and the Chamber Scholarship Fund. October 1st the 3rd annual Consumer Expo will be held. October 11th the 9th annual Millsboro-Longneck Classic Golf

Tournament will be held at Baywood. December 1st will see the start of the holiday season with the annual Christmas Parade and Santa Pak. Council was also informed that three more commemorative benches have been ordered.

POLICE REPORT - Chief Murphy reported that Sgt. Calloway has started scheduling training for later this month and into October and November. On August 14th, Lt. Quigley and Cpl. Lowe attended a class on the investigation of officer involved in shootings at the Delaware State Police Academy.

The sidewalk repair and repaving on Main Street is progressing. The majority of the work will continue to be at night. Therefore, traffic is not a significant issue.

Chief Murphy asked Council for an official date for town Halloween trick or treating as soon as possible so that he can schedule extra shifts. Halloween falls on a Wednesday evening which is a good night. After some discussion Council decided that Trick or Treat night would be on Wednesday the 31st between the hours of 6 PM and 8 PM for children 12 years and under in costume.

Big Thursday, the 5K run, the car show and the Hispanic Festival all seemed to go very well with no issues to report.

The Christmas Parade is our next event and provided the route has not changed the department is prepared for that as well.

The department had a DUI Checkpoint Friday, August 31st from 10:00 pm until 2:00 am. One DUI arrest was made and an escapee from work release was apprehended. He was also charged with several drug offenses.

STREET REPORT - No report

PARKS AND RECREATION - No report

WATER/SEWER REPORT

Certificate of Board of Special Election - Council was informed that they need to accept the certificate of Special Election Results and accept the Notice of Adoption. Bryan motioned, Hodges second to accept

the Certificate of Special Election results, 72 for the proposed borrowing and 7 against the proposed borrowing. Motion carried unanimously.

Notice of Adoption of Borrowing Resolution - The proposal to borrow up to \$36,000,000 maximum principal amount has been approved by a majority of those castings votes at a Special Election in the Town on August 25, 2007, which election was called for the purpose of voting for or against the borrowing. Thoroughgood motioned, Wilkins second to accept and approve the Notice of Adoption of the resolution to borrow up to \$36,000,000 maximum principal amount by issuance of its general obligation bonds in order to finance a portion of its capital improvement program as defined in the Resolution adopted by the Town on July 18, 2007 and to issue bonds or indebtedness therefore. Motion carried unanimously.

Well Bid - Improvements to drill well #5 has been advertised with the bid openings to take place on September 27th

Well Ordinance - A draft of an amendment to Chapter 206, Water, Article VI, Wells was presented to Council for consideration. This amendment would allow private wells for use in geothermal heating/cooling systems and irrigation wells. Irrigation wells would be permitted for communities or projects with at least 75 units, whether residential or commercial. Town Solicitor Tempe Steen explained this amendment combines what the town zoning already permits and the addition of permitted private wells for use in geothermal systems and irrigation wells for communities or projects with at least 75 units. This amendment also lists seven stipulations that would be required for regulating private wells. After some discussion Wilkins motioned, Bryan second to approve the amendment of Chapter 206, Water, Article VI, Wells, subsection 206-22, by striking said subsection in its entirety and substituting new provisions for permitting wells under certain circumstances and conditions. Motion carried unanimously.

Engineering Agreement - CABA Associates has submitted an amendment to the engineering agreement reference the wastewater improvements. Mark Downes of CABA Associates presented the proposed amendment and engineering agreement with the changes that have been made. This Amendment #3 supersedes and replaces the July 1, 2004 Engineering Services Agreement for the Phase 1 Improvements, Amendment No. 1 dated November 7, 2005 and Amendment No. 2 dated November 2, 2006 in their entirety. Mr. Downes informed Council that this is a stand alone document and will be helpful when applying for funding. The previous agreement didn't include land purchase and transmission lines for spray irrigation. There is also a separate scope of work for project financing services. Also new is an Archaeologic and Historic Preservation services scope of work description. Fees for the projects listed were discussed and explained. It was noted that the fees for #5 Construction Administration and #6 Inspection did not include the fees for Transmission and Disposal construction administration services and inspection and that these would be established upon mutual agreement at a later date. Thoroughgood motioned, Bryan second to accept the proposed Amendment No. 3, from

CABE Associates, to engineering services agreement for Phase 1 wastewater treatment facility upgrade. Motion carried unanimously.

#### MAYORS REPORT:

Dukes Manor - The Dukes Manor development is requesting final site plan approval. This is the development between Monroe Street and Northern Ave. They have already received preliminary plan approval. Engineer for the development, Casper Carmean, informed Council all approvals needed from the various state agencies, CABE Associates and URS have been received. All comments made earlier by CABE and URS have been satisfactorily addressed. This included among other issues the adding of two parking spaces and landscape plan revision. Wilkins motioned, Truitt second to give approval to the final site plan for Dukes Manor. Motion carried unanimously.

Self Storage Facilities - Lenape Properties Management, Inc. has presented a request to have self storage facilities allowed in the Highway Commercial zoning. They have purchased 4 acres located within Millsboro behind and adjacent to the Arby's restaurant at the intersection of Route 113 and Mitchell St. The back three acres would be used for the construction of a self storage facility and the one acre fronting on Rt. 113 would be used for a retail business. It was Council's understanding last month that they were asking for a change in the zoning which would make self storage facilities an allowable use in the Highway Commercial District. Mr. Lou Ramunno, owner, informed Council tonight that his letter stated they were requesting self storage units as a conditional use within the Highway Commercial District. They are not requesting a change to the town's zoning. Tempe Steen, Town Solicitor, advised Council that if they approved the conditional use they would need to decide what conditions they would want to place on this usage. They could place conditions that would control how many units would be allowed, access to units, on site overseer, limited access hours and what ever else they might want implement as conditions for this type of usage. Councilpersons Keenan and Thoroughgood advised Council that they feel this property would be better used as retail and not storage. Councilman Thoroughgood asked the Mayor to appoint a committee to study this request and meet with the owner. Mayor Gum appointed John Thoroughgood Chairman, Tim Hodges and Robert Bryan. They are to meet with the owner to discuss this request and report back to Council next month.

Verizon/Conditional Use Application - Verizon Delaware LLC has submitted an application for conditional use on property located at 300 Monroe St., tax map #1-3316.16 parcel 3.00. The conditional use would be for storage of vehicles, indoor/outdoor storage of materials and offices for technicians and supervisors associated with new Verizon fiber optic service projects. If approved they will be placing a 12x60 ft. office trailer and a 20x45 metal storage building on the property. There will be an eight foot high barb wire fence placed around the property with wood screening over the fence for security. There will also be lighting placed on property for further security at night. They will be using only Northern Ave. for entrance and exit to the property. This property is currently being used by Stewart Gray, C.A.R.S., for repossessed car storage. Councilman Wilkins asked to be excused from the vote for

approval as he is a retired Verizon employee. Bryan motioned, Thoroughgood second to give approval for a one year conditional use as requested by Verizon Delaware LLC for property located at 300 Monroe St., tax map #1-33-16.16 3.00 per the concept plan and presentation. Motion carried unanimously with Councilman Wilkins abstaining due to reason stated above.

Zoning Amendment/Highway Commercial - Tempe Steen, Town Solicitor, presented to Council a draft for an amendment to the Highway Commercial District zoning. It was noted that various applications have come to the Town asking for specific uses in the Highway Commercial District that are not listed as permitted uses. This then involves either changing the zoning to allow for these uses or requesting a conditional use. This amendment would broaden the business categories allowed in the Highway Commercial District. After some discussion it was the consensus of Council members to bring this resolution back to next month's council meeting after Council members have had a chance to review the draft presented to them tonight.

Bryan motioned, Truitt second to recess the Regular Council meeting at 8:00 P.M. and to enter into an Executive Session at 8:05 P.M. to discuss legal and personnel issues.

Respectfully submitted,

Tim P. Hodges Secretary