

REGULAR COUNCIL MEETING October 1, 2007

7:00 P.M. meeting called to order in the Council Chambers, Vice- Mayor Robert Bryan presiding. Present were 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. Absent Mayor Larry Gum. Guests see attached.

PUBLIC HEARING - Vice Mayor Robert Bryan opened the public hearing to hear comments on the possible annexation of an area designated as Patriots Landing. The committee report presented to Council states that they are in favor in allowing this annexation at this time under a medium density residential zoning designation. The property is described as Patriots Landing LLC consists of five parcels of property being 157 acres more or less, located contiguous to the existing corporate limits on the west side of Millsboro Pond and the east side of US Route 113 Tax Map No. 1-33-11.00 parcel 14.00; 1-33-11.00 parcel 15.00 and 1-33-16.00 parcel 5.00, 12.00 and 6.00. Hearing was left open until later in the meeting for possible further comments.

SECRETARY'S REPORT - Secretary Tim Hodges presented the minutes from the September 4, 2007 council meeting for Council's approval. Wilkins motioned, Thoroughgood second to approve the minutes from the September 4, 2007 council meeting as written. Motion approved with Mayor Gum absent.

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

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 31 fire alarms during the month of September. Those included ten motor vehicle fires, six assists, one structure fire and 1 brush fire. President Burton informed Council that the week of October 8th begins Fire Prevention Week activities at the school. They will be giving children fire truck rides, tours through the Fire Safety House and holding a mini Fire Muster one day at the school. They will also be taking some grades for a tour of the Delaware State Fire School in Georgetown.

CHAMBER OF COMMERCE - No report

POLICE REPORT - Cpl. Wheatley conducted two department firearms qualifications. All officers qualified.

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.

The department had a DUI Checkpoint Saturday, September 22nd from 10:00 pm until 2:00 am. Over 1100 vehicles passed through the checkpoint. We made 4 DUI arrest as well as several other arrests.

Grant Applications - It has been suggested that there is not any formal process for grant applications and that they need to be submitted to council for approval prior to submission. Councilman Wilkins told those present that he feels council should know what is being submitted. He also suggested that there should be a cap as to how much can be spent without Council approval. Wilkins motioned, Thoroughgood second that all Police grants come before Council for prior approval before submission. Motion carried with Mayor Gum absent.

Car Rally Entry - It has been requested that the Millsboro Police Department be allowed to enter the annual Great Northeastern Car Rally again this year. Any winnings would be donated to a charity of choice. Thoroughgood motioned, Wilkins second to approve the request that the Millsboro Police Dept. be allowed to enter a car in the Great Northeastern Car Rally. Motion carried with Mayor Gum absent.

STREET REPORT - No report

PARKS AND RECREATION - It was noted that several of the teams that play ball representing Millsboro have received championship titles. These include Major League All Star/District III Champs; Jr. League All Star/District III Champs; Jr. League 9 and 10 year old Pat Knight Tournament and Softball Junior League All Stars/District III Champs. Keenan motioned, Truitt second that a letter of congratulations should be sent to each player. Motion carried with Mayor Gum absent.

WATER/SEWER REPORT - Bids were opened on September 27th for the construction of a new well and transmission lines. Bids received were Uni Tech Drilling/Franklinville, N.J. for \$436,153.00; Kent Construction Co./Smyrna, DE for \$494,852.84; American Water Well Systems/Seaford, DE for \$457,683.00; J.J.I.D. Inc./Bear, DE for \$475,806.00 and A.C.Shultes/Bridgeville, DE for \$458,896.00. Town engineers CABA Assoc. has reviewed the bids and has made a recommendation to award the bid to low bidder Uni Tech Drilling in the amount of \$436,153.00. Thoroughgood motioned, Wilkins second to accept CABA Assoc. recommendation to award the bid for construction of a new well and transmission lines to Uni Tech Drilling for the amount of

\$436,153.00. Motion carried with Mayor Gum absent.

MAYOR'S REPORT

Parker Conditional Use - Council received a request from John H. Parker, Sr. for a continued conditional use allowance for the apartment #1 located over the warehouse at 332 Main Street, tax map number 1-33-17.09 parcel 29.0. The town has not received any negative comments concerning the property. Thoroughgood motioned, Wilkins second to grant the request of John H. Parker, Sr., for an extension for one year of the conditional use for the premises at 332 Main Street, tax map number 1-33-17.09 parcel 29.0 for a single family dwelling as an accessory use, specifically, an apartment #1 over an existing garage. Motion carried with Mayor Gum absent.

Patel Conditional Use - Council received a request from Chandrakant K. Patel, HPRP, Inc. for a continued conditional use allowance for a single family dwelling as an accessory use at 302 Main Street, tax map number 1-33-17.13 parcel 88.0. The town has not received any negative comments concerning the property. Truitt motioned, Keenan second to grant the request of HPRP, Inc. for further extension for one year of the conditional use for the premises at 302 Main Street for a single family dwelling as an accessory use as stated and described in the resolution presented to Council. Motion carried with Mayor Larry Gum absent.

Millsboro Chamber Donation - Each year the town council makes a donation to the chamber to help support Big Thursday. Council was informed that this year when the budget was done it was asked to have council discussion and approval. The council needs to approve a specific amount if they desire to go forward with this. At the time of the budget \$3000.00 was set aside as a possible donation amount. Hodges motioned, Truitt second to give to the Greater Millsboro Chamber of Commerce a donation from the town in the amount of \$3000.00. Motion carried with Mayor Larry Gum absent.

Baker's Hardware Request - The town has received a letter from Bob Ricker, President of Baker's Hardware, requesting a quit claim for the town alley that runs parallel along US 113. Council was informed that in the past a committee has been appointed to review the site and request then come back with a report to council. Vice Mayor Robert Bryan appointed John Thoroughgood/Chairman, Tim Hodges and Jack Wilkins as the committee to study this request and report back to council with their recommendations.

Boy Scout Town Project - The town was advised last month that Boy Scout Troop 89 would be willing to build ramps for the gazebo at the Cupola Park as a service project. They would work with Kenny Niblett, town maintenance supervisor, and build them to his specifications. The town would purchase the supplies and the scouts would furnish the labor. Wilkins motioned, Hodges second to give town

approval to Scout Troop 89 to build the ramps for the gazebo at Cupola Park with supervision and materials provided by the town. Motion carried with Mayor Larry Gum absent.

Millsboro Town Center LLC Annexation - The annexation committee for the Millsboro Towne Center, LLC gave their recommendation to council. They are recommending that this property be annexed into the town limits and that the zoning is set as Medium Residential (MR). Thoroughgood motioned, Hodges second to accept the committee report as presented. Motion carried with Mayor Larry Gum absent. Thoroughgood motioned, Hodges second to set a public hearing for this annexation request on December 3rd, 2007 at 7:00 PM. Motion carried with Mayor Larry Gum absent.

Homestead Development Agreement - An amended and restated development agreement for The Homestead development was present to Council for approval. Solicitor Tempe Steen advised Council and those present this amended agreement was done to keep it narrow and that the developers are agreeing to do the utility work as stated. This is for the 49.52 acres on the south side of Radish Road. The property located on the north side of Radish Road will come before council again. Thoroughgood motioned, Wilkins second to accept the amended and restated development agreement for The Homestead, phase 1, on the south side of Radish Road. Motion carried with Mayor Larry Gum absent.

Patriots Landing - Council was informed that no comments have been received from the state on the possible annexation of Patriots Landing. The public hearing was left opened until the next council meeting, November 5, 2007, until the town has received the necessary comments from the state to move forward with a decision on this annexation request.

Thoroughgood motioned, Wilkins second to recess the Regular Council meeting at 7:25 P.M. and to enter into an Executive Session at 7:35 P.M. to discuss legal and personnel issues.

Respectfully submitted,

Tim P. Hodges Secretary