

REGULAR COUNCIL MEETING

February 4, 2008

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, Administrative Assistant Brenda Morris, Town Solicitor Tempe B. Steen, Development Coordinator Linda Johnson, Finance Director William Sauer. Guests see attached.

Public Hearing/Peninsula Crossing - Pret Dyer, developer for Peninsula Crossing, came before Council requesting a final site plan approval for Phase I. Peninsula Crossing is located on the west side of US 113, south of Millsboro Ford, opposite of Arby's and east of Handy Road. It is zoned Highway Commercial and is identified on the county tax map as #2-33-5.00 parcel 115.010. It consists of 62.41 acres more or less. Mr. Mark Davidson of the engineering firm DC Group gave a description of the plan and the building area, loading and parking data. Mr. Davidson also reviewed the status of the engineering specifics. The street names have been redelineated. The comments made by CABA Assoc. on the second submission of utility plans for Peninsula Crossing have been satisfactorily addressed and they are recommending plan approval. Final approvals have been received from the Delaware Health and Social Services/Office of Drinking Water, Office of State Fire Marshall, DNREC/Division of Water Resources and the Sussex Conservation District. URS, after reviewing the plan with corrections and revisions made that were requested, feels the plan meets the requirements for final plan approval. The sediment and stormwater management plan includes several ponds and a biofiltration pond located on the property. The development has gone through an extensive traffic study with DELDOT. There are to be two entrances on US 113 and one on Handy Rd. Town Center Blvd., which will intersect the complex, is to be built to DELDOT specifications. This will be a private road maintained by the owners but will be dedicated to public use. Handy Rd., which runs along the backside of the complex, will be reconstructed. There are to be signalized entrances on both Centerview Dr. and Town Center Blvd. on US 113. DELDOT has required these signals and also a future signal light at the Handy Rd. entrance. DELDOT is also asking for a future signal at the intersection of Town Center Blvd. and Commerce Dr. Tempe Steen asked what the time frame for beginning to build will be. Pret Dyer remarked that they want to begin pad site work as soon as they receive all the necessary approvals from the town, state and county. It was also noted that if and when the west side of Handy Rd. is developed the pond coverage for storm water management would not be sufficient. Mr. Dyer said that would be addressed when that time came. Wilkins motioned, Bryan second to close the public hearing for final site plan approval on Peninsula Crossing. Motion carried. Bryan motioned, Wilkins second to approve the preliminary and final site plan for Phase I of Peninsula Crossing including all notes and representations made. Motion carried.

SECRETARY'S REPORT - Secretary Tim Hodges presented the minutes from the January 7, 2008 council meeting for Council's approval. Wilkins motioned, Thoroughgood second to approve the minutes from the January 7, 2008 council meeting as written. Motion carried.

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.

MILLSBORO FIRE COMPANY - Ray Burton, President, reported one of Millsboro's ambulances had been involved in an accident where the three EMTs sustained extensive injuries. They are all out of the hospital now but will be out of work for sometime. The Fire Department will be ordering a new ambulance in the future to replace this ambulance as the damage was extensive. In January the Fire Dept. answered 32 fire alarms while the EMS answered 145 calls. President Burton reminded the Council that the annual Fellowship Evening will be held at the Fire Hall on February 15th and they are all invited for some good food and fellowship.

CHAMBER OF COMMERCE - No report

POLICE REPORT

Cpl. Legates attended an accident re-constructionist class at the DSTA.

Cpl. Legates conducted TASER training for Bridgeville P.D. at the Millsboro Police Dept. on the 16th.

Pfc. Doughty, Pfc. Lowe and Pfc. Forester attended the Calibre Press Street Survival Seminar in Atlantic City.

Cpl. Wheatley and Pfc. Doughty taught a CAP STUN class for the Sussex County Deputy Sheriff's Dept. The training was at the Millsboro Police Dept.

On February 29P Police Clerk Dawn Otwell attended training on DELJIS in Dover. She is now authorized to access all criminal justice files.

Cpl. Wheatley has scheduled all in service training for 2008. The department has several initiatives scheduled through March. They are working on pedestrian safety, DUI saturation patrols and they also participated in a Super Bowl DUI saturation patrol.

Click It or Ticket begins on February 24th and runs through March 0. All patrols will be scheduled for late hours.

The department has received numerous complaints regarding motorists passing stopped school busses on Laurel Road. They have scheduled officers to be in the area in the morning and in the afternoon.

The Crown Victoria and Durango have arrived and are currently at Diamond State Ambulance being outfitted. Delivery is expected next week.

Lt. Calloway has "built" over half of the files for CALEA. We will start doing the "proofs" when he has all of the files done.

Gene Donaldson did spend time observing the intersection at 113 and 24. Chief Murphy informed Council that he has not heard from him and will follow up later this week with a phone call.

Councilman Bryan feels that a pedestrian crosswalk is needed in front of Dollar General and Dance Alley on Main St. Chief Murphy is to do a letter to DELDOT.

STREET REPORT - No report

PARKS AND RECREATION - No report WATER/SEWER REPORT

The town received a request for a sewer adjustment due to a leak at 226 Main Street. Town Manager, Faye Lingo, did the adjustment, according to town ordinance and no Council action was necessary.

MAYOR'S REPORT

Lester Annexation Request - The town has received a letter from E & L Lester Investments, LP requesting annexation of land identified on the Sussex county map as 133-16.19 parcels 19.00; 20.00. The property is located on West State St. and formerly housed a business known as Middlesex Lumber. Robert Stickles, of George, Miles & Buhr LLC, and Ed Lester were present to answer any questions Council might have concerning the request. The property is being renovated and will house three office suites. They are asking that the property be zoned as Commercial if the town decides to annex them into the town limits. Tempe Steen asked that a copy of the deed be forwarded to her. Mayor Gum appointed Thoroughgood-Chairman, Wilkins and Keenan to review this request with the applicant and report back to the Council with their recommendations.

Girl Scout Proclamation - Mayor Gum read a proclamation for Girl Scout Cookie Month. Truitt motioned, Wilkins second to accept the proclamation as written. Motion carried.

Woodlands Sewer Connection Request - The committee appointed by Mayor Gum met with Woodland's representatives on January 15, 2008. The Woodlands Home Owners Association has approached the Town of Millsboro regarding treatment of their wastewater. The community has a failing drain field system that has become a hazard to the community. Tempe Steen advised the town that the current comp plan would have to be amended to extend to this area. Also the homeowners can't afford a lot of the cost. The town will need to consider the user cost, impact fees and town taxes that would have to apply in the future. The committee recommends getting the cost from the town for the homeowners. There is also additional information needed from the Woodlands before a stronger recommendation can be made. The committee will meet again when additional information has been received and can be reviewed.

Verizon Conditional Use - Verizon was granted a conditional use in September 2007 for property located on Monroe Street and Northern Avenue. They are asking for an amendment to that conditional use due to changes in the sizes of buildings to be placed on the property. Eric Marks, architect for the project, explained they are in need of more storage on the property and that is why the request for larger buildings. They would like to place a 20x45, 24x36 storage buildings and a 24x60 office trailer. More crews are anticipated to be working from this location than originally planned. A question was asked about the fence that is currently there now and if it was to be replaced. Mr. Marks assured Council that the old fence would be torn down and replaced. Councilman Thoroughgood also commented on the color of the metal building that is to be erected there. Mr. Marks informed the Council that they would be more than agreeable to go with a neutral color. The buildings are to be permanent structures and will rest on pads. Thoroughgood motioned, Wilkins second to accept and approve the conditional use change in building sizes as presented with the color of the metal building to be a neutral color. Motion carried.

Thoroughgood motioned, Wilkins second to recess the Regular Council meeting at 7:55 P.M., and to enter into an Executive Session at 8:00 P.M. to discuss legal and personnel issues.

Respectfully submitted,

Tim Hodges

Secretary