

MAYOR and COUNCIL TOWN OF MILLSBORO
322 Wilson Highway
Millsboro, Delaware 19966 - 1216

REGULAR COUNCIL MEETING
March 3, 2008

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, Councilpersons 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. Absent Mayor Larry Gum. Guests see attached.

SECRETARY'S REPORT - Secretary Tim Hodges presented the minutes from the February 4, 2008 council meeting for Council's approval. Thoroughgood motioned, Truitt second to approve the minutes from the February 4, 2008 council meeting as written. Motion carried.

TREASURER'S REPORT - Treasurer Michelle Truitt presented the bills and bank balances to Council for approval. Wilkins motioned, Hodges second to pay the bills from the designated accounts as presented. Motion carried.

MILLSBORO FIRE COMPANY - Ray Burton, President, reported the Fire Dept. had responded to a total of 32 alarms in February. The EMC unit responded to 145 calls. President Burton informed Council and those present that the Fire Dept. will be hosting a Beef & Beer fundraiser at the Millsboro Civic Center April 5th. Funds raised at this function will go towards assisting those EMS personnel that were injured in the January ambulance accident. The new fire truck is to be picked up this month and the new ambulance that was ordered is due to be delivered soon.

CHAMBER OF COMMERCE - Fran Bruce, Director, reported to Council the Chamber will once again be sponsoring a community Easter Egg hunt at the Cupola Park. This will be held at noon on March 22, 2008. Delmarva Power, Walmart and the Insurance Market have already made donations of sponsorship. The Chamber is asking the town to once again make a donation which would be used to buy plastic eggs and candy. Truitt motioned, Hodges second to have the town make a donation of \$250.00 to the Millsboro Chamber of Commerce to be used for the Easter Egg Hunt on March 22, 2008. Motion carried with Mayor Larry Gum absent. Ms. Bruce informed Council that the Bridal Show, held on February 24th, was very well attended. There was double the bride attendance from last year's show. The Chamber's scholarship fund, for local high school seniors, has been increased to a \$1000.00 this

year. Big Thursday plans are underway. The entertainment has been scheduled and the planning committee will begin meeting regularly soon.

POLICE REPORT

On February 27th & 28th Cpl. Wheatley attended firearms instructor re-certification.

The Durango and Crown Victoria have been retrieved from Diamond State Ambulance. They are scheduled to be delivered to Emergency Vehicle Specialists in Berlin, MD to have the safety equipment installed.

The Police Dept. is currently participating in Click It or Ticket. The initiatives are scheduled for nighttime enforcement.

Chief Murphy reported that he would like to hire two officers. The next Police Academy is scheduled to begin April 10th. He would like to send two recruits to this academy. Question was raised concerning the number of officers our charter allows. After some discussion Truitt motioned, Hodges second to officially approve an authorized strength of fourteen officers. Motion carried with Mayor Larry Gum absent. Chief Murphy requested council approval to send Evan Rogers and Robert Krause to the next State Police Academy scheduled to begin April 10, 2008. Wilkins motioned, Thoroughgood second to approve new hires Evan Rogers and Robert Krause. Motioned carried with Mayor Larry Gum absent.

STREET REPORT - No report

PARKS AND RECREATION - The bicycle racks have been ordered along with new picnic tables.

WATER/SEWER REPORT

The town has received a request for a 90 day extension from the contractor, Bearing Construction, for Contract C of the Millsboro Wastewater Treatment Facility. There is a recommendation from the town engineer to approve this request and it will not increase the dollar amount of the contract. Thoroughgood motioned, Wilkins second to approve the request for a 90 day extension to Bearing Construction for Contract C of the Millsboro Wastewater Treatment Facility. Motion carried with Mayor Larry Gum

absent.

The Public Works Assistant position has been advertised and the deadline is March 12th.

The Indian River School District is requesting that they be allowed to install four inch irrigation well on the grounds of Millsboro Middle School. The purpose for the well would be for the irrigation of the athletic fields at the school. Vice-Mayor Robert Bryan appointed a committee to study this request and report back to the Council with their decision. Committee members appointed were John Thoroughgood-Chairman, Jack Wilkins and Michele Truitt.

MAYOR'S REPORT

Plantation Lakes/Land & Pump Station Dedication - The committee appointed by the Mayor met on February 8, 2008 with Plantation Lakes' representatives to discuss the pump house and land dedication to the town. Their report was given with their decisions to Council. They recommended 1) accept the firehouse and park parcel as one; 2) define offsite stormwater location and easements; 3) determine the future access easement(required). Kevin McBride, MRA representative, explained the request for an easement removal. Tempe Steen, Town Solicitor, explained the partition plat for the park property and emergency services building. The easement described would be there for Plantation Lakes use if needed but would be under town control. After further discussion about easements needed and the usage of said easements Hodges motioned, Thoroughgood second to authorize approval of a 20 ft. easement as recommended by council with other easements as shown on the print presented to Council by Plantation Lakes. Motion carried with Mayor Larry Gum absent.

Villages of Millwood/Final Plan Amendment - The town has received a letter from Frank Robino Companies, LLC/Mitchell Avenue Associates, LLC asking for Council approval to revise the phasing plan of the Villages of Millwood. They would like to vary from and revise the originally proposed phasing plan approved by Council and recorded on August 3, 2005. They would like to build out of sequence by proceeding with Phase Four before the completion of building in Phase Three. They are requesting to be allowed to start the single family homes in Phase Four due to prevailing market conditions in the residential building industry. They feel the single family homes are more in demand at this time than the townhouses slated for Phase Three. Councilman Wilkins brought up a concern he has with the weeds that are now growing out of control on the unfinished portion of Phase Three. He would like to have a verbal commitment that the weeds would be cut and maintained as necessary. Solicitor Tempe Steen questioned issues that had been raised by the Sussex Conservation District and rather they had been addressed by Millwood. Mr. Paul A. Robino informed Ms. Steen that those issues were being addressed. One issue deals with a form, a "Notice of Intent", that needs to be updated. The form that is on file at this time had been filed by Millwood Associates, the original developer. Since that time Mr. Robino's company and Mitchell Avenue Associates LLC has taken over the development of this property and the

Sussex Conservation District wanted an up to date form from them. The other form they are requesting is one showing all parties currently involved in the development of this property. Councilperson Keenan stated that she would rather see the Villages of Millwood finished in the original sequence with Phase Three being completed before the beginning of Phase Four. Kenny Niblett, Building Inspector, asked if the infrastructure stacks could be cut down. He feels if these stacks were cut down and the weeds maintained in the Phase Three area that it would make for a better looking area. Mr. Robino agreed to lower the infrastructure stacks and to maintain the weeds in the unfinished areas of the Villages of Millwood. Hodges motioned, Wilkins second to approve the request from Mitchell Avenue Associates, LLC to skip Phase Three and to begin building in Phase Four with streets being completed that will make a complete loop and that the weeds will be maintained in the development with the sewer lateral stacks cut down to a minimum of four feet. Motion carried with Mayor Larry Gum absent.

Mosquito Control - Each year the State sends a request to the town in regard to participating in and permitting the Mosquito Control Section spray activities to occur this year. Council approval is needed to issue a waiver permitting spray application by low flying aircraft and authorizing a signer of the endorsement agreement. Wilkins motioned, Truitt second to approve the issuance of a waiver permitting spray application by low flying aircraft and authorizing a signer of the endorsement agreement for mosquito control within the town limits. Motion carried with Mayor Larry Gum absent.

Election Ordinance - Council was informed that the State General Assembly has passed a new law which will provide comprehensive election procedures, rules and regulations for all towns in the State of Delaware. The town's procedures have historically followed state election law as a guide. Town Solicitor, Tempe Steen, explained that the town will need to adopt an ordinance presented to them tonight accepting the state ordinance passed. Some of the changes for the town will include time frames and the appointment of a Board of Election. Thoroughgood motioned, Wilkins second to approve the ordinance adopting the election procedures and requirements of Title 15, Delaware Code, Subchapter IV, section 7501 ET SEQ, as new Chapter 12 "Elections for Mayor and Council Members". Motion carried with Mayor Larry Gum absent.

WW Operator Test - Keith McGee has passed his test for a Level III Wastewater Treatment Operator that would qualify him for a Level III Operator in Training and Zachary Riddle has passed his test for Level I Wastewater Treatment Operator. Neither one of them can receive their license yet due to some confusion on duties within the wastewater treatment facility. Kenny has been working with the licensing department and hopes to have it solved in the near future. In the past the Town has give a \$.25 an hour pay increase to an operator that goes from one level of operator to another. It was decided this pay raise discussion would take place under personnel in the executive session.

Conditional Use Renewal - Hometown Properties has requested a renewal for the conditional use on property located at 317 Main Street. The conditional use is for an apartment on the second floor of the building and a shed. As there have been no complaints received Thoroughgood motioned, Hodges

second to approve the request from Hometown Properties for a renewal of the conditional use at 317 Main Street for an apartment and shed. Motion carried with Mayor Larry Gum absent.

Main Street Program - Millsboro has been advised that the town is eligible to receive training and consultation services focusing on business development and downtown revitalization provided by the Delaware Economic Development Office (DEDO) through a USDA Rural Community Development Initiative (RCDI) grant. Council was advised if they wish to pursue this they would need to approve with a motion and a second. As this would only be training and consultation services Councilman Thoroughgood felt it would not benefit the town at this time. Councilman Hodges told Council that he thought it could possibly provide the town with information from others who have been through the revitalization process and how it might benefit the downtown area. Council was informed that this is for consultation services only and no monies are available. After discussion Wilkins motioned, Thoroughgood second not to enter into the Initiative for training and consultation services focusing on business development and downtown revitalization at this time. Motion carried with Mayor Larry Gum absent.

Wilkins motioned, Thoroughgood second to recess the Regular Council meeting at 8:05 P.M., and to enter into an Executive Session at 8:15 P.M. to discuss legal and personnel issues.

Respectfully submitted,

Tim P. Hodges Secretary