

MAYOR and COUNCIL

TOWN OF MILLSBORO

322 Wilson Highway Millsboro, Delaware 19966 - 1216

REGULAR COUNCIL MEETING

May 5, 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, 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. Guests see attached.

PUBLIC HEARING - Tax Appeals, Mayor Gum opened the public hearing for tax appeals to tax assessments for the 2008-2009 tax year. No appeals were presented at this time and the hearing was left open until later in the meeting.

SECRETARY'S REPORT - Town Manager Faye Lingo presented the minutes from the April 7, 2008 council meeting for Council's approval. Wilkins motioned, Bryan second to approve the minutes from the April 7, 2008 council meeting as written. Motion carried.

TREASURER'S REPORT - Treasurer Michelle Truitt presented the bills and bank balances to Council for approval. Thoroughgood motioned, Bryan 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 April with seven of those being medical assists and vehicle fires. The Millsboro Fire Dept. also sent a crew to Ocean City to help fight the recent fire on the boardwalk. The Millsboro Fire Company is in the process of purchasing a new fire truck and since the financing will involve the Town of Millsboro's name a resolution to go to public hearing will need to be approved by Council. Mr. Burton informed Council and those present that this fire truck will eventually be stationed at the new Plantation Lakes location once it has been constructed. This location and vehicle will limit the number of fire responders needed and also cut down on water consumption used to extinguish a fire. The cost of this vehicle will be \$450,990.00. The Fire Company has paid \$172,704.00 as of 11/17/07 leaving a balance of

\$278,286. This truck is to be on display at the Fire Expo in Harrisburg, PA and then delivered to Millsboro at the conclusion of the expo this month. The loan for the balance of the cost of the truck will be made through Delaware National Bank. Mr. Burton told Council the loan will not exceed \$300,000 and pay back will be for either five or seven years. Tempe Steen, Town Solicitor, explained that this will be a private activity bond and the Town will not be responsible for the repayment of the bond or have its full faith and credit obligated on the bond. Bryan motioned, Thoroughgood second to approve the resolution proposing that a public hearing be held on Monday June 2, 2008, at 7:00 PM, at the Millsboro Town Hall, to consider the request of the Millsboro Fire Company, Inc. to approve private issue bond financing in an amount not to exceed \$300,000 for purchase of a 1,000 gallon custom pumper with a Hale 2000GPM pump with CAFS mounted on a Spartan chassis and continuation of provision of services to the Town by the Fire Company. Motion carried.

CHAMBER OF COMMERCE - Fran Bruce, Director of the Greater Millsboro Chamber of Commerce reported Chamber activities to Council. The Giant Food Store has opened in the Long Neck area. The new civic center rental contracts are now being used with the increase in rental charge. Two new overseers for rentals have been hired. The Chamber is advertising the Millsboro area in the Pittsburg magazine. This is in conjunction with the Southern Delaware Tourism. The Chamber brochure advertising rental facilities for meetings or conferences in the Millsboro area is being updated. Grant money will be used for this project. Due to the higher cost for fuel and shipping the cost of the park benches has increased from \$500.00 to \$600.00 per bench. St. Marks Church has approached the Chamber about sponsoring a 4th of July celebration. This will be geared towards children with a parade held where children can decorate their bikes, wagons or pets and parade down to Cupola Park from St. Marks Church on State St. The parade would take place at 10.30 AM with three trophies given out for the top three entries. Ms. Bruce said the Chamber may sponsor an essay contest on "What the 4h of July Means To Me" for children with prizes for the top essay winners. Big Thursday plans are underway and progressing nicely.

STREET REPORT - No report

PARKS AND RECREATION - No Report

POLICE REPORT - Several officers have attended training sessions this past month. PFC S. Lowe attended a Background Investigators Course at DSPTA. Cpl. Wheatley attended a Major Case Management Course at DSPTA. D/Cpl. Legates attended a Motorcycle Crash Reconstruction Course in Dover. Recruit Moyer started basic police training at the DSPTA and is doing well. Cpl. Wheatley instructed A Squad for Stop Sticks deflation devices at the Millsboro PD. PFC Doughty attended a Hostage Negotiation Course at DSPTA. PFC Doughty, PFC S. Lowe, Ptlm. Lyons. And Ptlm. Morris attended a Problem Oriented Policing Course at the DSPTA. PFC Forester, PFC S. Lowe and Ptlm. Morris attended a Domestic Violence

Homicide Conference in Dover. D/Cpl. Legates and PFC Doughty attended a Recruitment Training Seminar at Dover PD. Lt. Calloway is progressing very well with the CALEA update.

#### WATER/SEWER REPORT

Millsboro Town Center LLC/Well request - The developers for the Peninsula crossing Shopping Center, Millsboro Town Center LLC, is requesting permission to install two 6" irrigation wells at the US 113 location. The wells will be use to maintain the irrigation requirements and regulation of wet pond levels for the Peninsula Crossing Shopping Center. The Town charter allows one private well for irrigation is permitted for a development of at least 75 residential or commercial units. Millsboro Town Center LLC is requesting a variance from this charter requirement. Mr. Dyer was informed that if these wells were approved the water used would be metered and a fee of \$1.40 per 1000 gallons would be charged. Bryan motioned, Hodges second to approve a variance from the charter requirement for private irrigation wells within town limits requiring 75 commercial units and to allow Millsboro Town Center LLC to install two (2) 6" irrigation wells on the Peninsula Crossing Shopping Center property. Motion carried.

2007 Operator of the Year Award - Town employee, Richard Buckler/Public Works Assistant, received the 2007 Operator of the Year Award at a ceremony at Delaware Technical and Community College May 1".

#### MAYOR'S REPORT

Millsboro Town Center LLC/Site Plan Amendment - Pret Dyer, representing Millsboro Town Center LLC, came before Council requesting a site plan amendment for the Peninsula Crossing Shopping Center project showing additional out parcels. They are requesting that parcels 9, 10, 11, 12 and 15 now be added to the site plan as additional out parcels. They were previously approved as open space areas but as the property known as the Townsend property, located west of Handy Rd. has been approved for annexation into the town limits, these parcels are now to be shown as out parcels and not as open space. Wilkins motioned, Truitt second to approve the site plan amendment for Peninsula Crossing Shopping Center which would add parcels 9, 10, 11, 12 & 15 as additional out parcels. Motion carried.

Millsboro Town Center LLC/Subdivision - Pret Dyer, Millsboro Town Center LLC, came before Council asking for approval of the subdivision of Peninsula Crossing Shopping Center parcels. This was illustrated for Council on site plans handed out to Council. Phase I will include parcels 1-13. Phase II is to include parcels 14 and 15. Phase III will be parcel 16 which is the property west of Handy Rd. The subdivision approval is needed to be able to finance and lease individual parcels. Phase I financing has been secured and the developer is in the process of securing financing for Phase II. Wilkins motioned, Bryan second to approve and allow the subdivision of parcels as show on the site plan presented to Council tonight.

Motion carried. Subdivision Ordinance - An amendment to the town's subdivision ordinance, which has been reviewed by the Council in the past, was presented to Council for approval. After some discussion Wilkins motioned, Thoroughgood second to approve the amendment to the Subdivision Ordinance of the Town of Millsboro, Sussex County, Delaware, chapter 178, Subdivision, by substitution in full with a new chapter 178, Subdivision and Land Development Ordinance, establishing procedures and standards for regulating land development with the Town of Millsboro. Motion carried.

Planned Commercial District - Kyle Gulbranson of URS spoke to Council on the addition of a Planned Commercial (PCD) District to the town's zoning. He explained this zoning would modify the town's Town Center proposed zoning district to be a more flexible planned commercial district. The changes requested during review by Council have been made. This PCD zoning would request heavier design standards with more flexibility. This PCD zoning would also be more pedestrian oriented. A public hearing will need to be held on this zoning change. Wilkins motioned, Bryan second to approve the resolution proposing that a public hearing be held on June 2, 2008, on the subject of amending the Zoning Ordinance of the Town of Millsboro, Sussex County, Delaware, Chapter 210, zoning, Article IV, District Regulations, by adding a new section to be designated subsection 210-21, "Planned Commercial (PCD) District" and providing regulations therefore. Motion carried.

Slate for Candidacy - The Slate for Candidacy for Town Council has been posted and will be taken down on May 16, 2008 at 4:30 PM. Those council seat terms up for reelection are Districts 2, 3 and the At Large seat.

Lester Annexation - The Lester annexation application has been withdrawn at this time.

STAG Grant - A proposed Town of Millsboro draft resolution for EPA SAAP technical correction request was presented to Council for approval. The Town of Millsboro is requesting the Delaware Dept. of Natural Resources submit to EPA a request for technical corrections for these SAAP's changing the name of the Grantee for the FFY 2002 SAAP from The Town of Millsboro to the City of Wilmington, and accepts the name change of the FFY 2005 and FFY 2006 SAAP's from the City of Wilmington to The Town of Millsboro and that The Town of Millsboro accepts the purpose change of the FFY 2006 Delaware SAAP in the EPA Federal budget from "Combined Sewer Overflow Program" to "Wastewater Infrastructure Improvements." This will result in a decrease of \$419,420 for Millsboro but it extends the time in which Millsboro is required to use the monies. Bryan motioned, Truitt second to approve the resolution requesting the Environmental Protection Agency (EPA) make the technical corrections (name changes) as requested in the resolution to the Special Appropriations Act Projects for the FFY's 2002, 2005 and 2006 and the purpose change of the FFY 2006 Delaware SAAP from "Combined Sewer Overflow Program" to "Wastewater Infrastructure Improvements". Motion carried.

Tax Appeals PH - There were no tax appeals presented for the Tax Year 2008-2009. Wilkins motioned, Thoroughgood second to close the public hearing for tax appeals for the Tax Year 2008-2009. Motion carried.

Wilkins motioned, Hodges second to recess the Regular Council meeting at 8:20 P.M., and to enter into an Executive Session at 8:25 P.M. to discuss legal and personnel issues.

Respectfully submitted,

Tim P. Hodges

Secretary