

MAYOR and COUNCIL TOWN OF MILLSBORO

322 Wilson Highway

Millsboro, Delaware 19966 - 1216

REGULAR COUNCIL MEETING

June 2, 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 - Planned Commercial District(PCD) public hearing was opened at 7:00 PM by Mayor Larry Gum to hear comments on the proposed new zoning district to address commercial development. No comments were presented at this time and the hearing was left open for any additional comments until later in the meeting.

PUBLIC HEARING - Millsboro Fire Company public hearing was opened at 7:05 PM by Mayor Larry Gum to consider the request of the Millsboro Fire Co., Inc. to approve private issue bond financing in the amount not to exceed \$300,000.00 for purchase of a 1,000 gallon Custom Pumper with a Hale 2000 GPM Pump with CAFS mounted on a Spartan Chassis and continuation of provision of services to the Town by the Fire Company. Mr. Buck Smith, solicitor representing the Fire Co., explained to those present that this is a legal requirement by the State of Delaware that a town or municipality must authorize the private activity bond in order for the Fire Co. to get the loan needed for the new truck and defining that the Millsboro Fire Co. will provide fire protection to the town and does not obligate the town. Hearing was left open until later in the meeting for further comments.

Representative Greg Hastings Presentation - Representative Hastings presented a proclamation from the House of Representatives to Richard Buckler, State Wastewater Operator of the Year, congratulating him for earning this prestigious award.

Miss Millsboro 2008 - Heather McKenney, Miss Millsboro 2008, introduced herself to Council and informed them that she will be representing Millsboro in the Miss Delaware pageant later this month.

Her platform which she had chosen to work on this past year has been the American Heart Association and getting information out to children about the importance of living a heart healthy lifestyle. She is excited and honored to be Millsboro's representative in the pageant this year and has enjoyed her reign as Miss Millsboro this past year.

SECRETARY'S REPORT - Secretary Tim Hodges presented the minutes from the May 5, 2008 council meeting for Council's approval. Thoroughgood motioned, Wilkins second to approve the minutes from the May 5, 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.

Bill Sauer, Millsboro's Finance Officer, presented the final budget for approval along with the schedule of rates and fees. The total budget for the 2008-2009 fiscal year is \$26,013,859.00 which includes the capital improvements taking place at the water treatment facility and the wastewater treatment facility. The only rates that are being raised this year are the water and wastewater rates as they were presented prior to the referendum. The new water rate is 30 cents per one hundred gallons and the wastewater rate is 60 cents per one hundred gallons. This will raise the minimum water and sewer cost from \$52.50 to \$67.50. The extra revenue received from this increase will be used for the operation costs of both the water and waste treatment plants. After some discussion Bryan motioned, Thoroughgood second to approve the budget as presented for \$26,013,859.00. Motion carried. Wilkins motioned, Bryan second to approve the schedule of fees with the increase in the water and wastewater rate as presented. Motion carried.

Council was presented for approval a resolution for the issuance of a \$3,770,000 principal amount general obligation bond, series 2008-SRF, to the Delaware Department of Health & Social Services Drinking Water State Revolving Fund, as registered owner, to finance the improvement of The Town of Millsboro's wastewater facilities, lines and systems as approved by the electors; setting forth the substantial form of the bond including the interest rate, the time of payment of interest, the time of maturity, and other details of the bond; determining that the bond will be sold by private sale and authorizing execution of a financing agreement; pledging the full faith, credit and taxing power of the Town for the bond; and authorizing other necessary action. Town Solicitor, Tempe Steen, explained to Council that this is the next step needed to proceed with the bond process. Wilkins motioned, Truitt second to approve the resolution as presented for the issuance of a \$3,770,000 principal amount general obligation bond, series 2008-SRF. Motion carried.

MILLSBORO FIRE COMPANY - Ray Burton, President, reported the Fire Dept. had responded to a total of 143 EMS calls and 41 Fire Alarms for the month of May. The report given to Council shows the Fire Dept. has responded to 138 fire alarms between January and April. The EMS units have responded to 574 calls

and transported 434 patients. The Fire Company accepted delivery of the new fire engine in May. It will be placed in service in a few weeks after members have received training on operations of the unit. The new ambulance is in the paint shop at Diamond State Ambulance in Newark. On May 20, 2008, Chief Larry Gum and President Burton met with the Delaware State Fire Prevention Commission for the intent for a fire substation. This substation is to be located on the south side of Delaware Rt. 24, approximately 1 mile west of the intersection of US 113 and Delaware Rt. 24. This land was dedicated to the town and set aside as an area for a Fire/EMS station. A copy of the letter of intent was presented to each Council member. This meeting and letter of intent is the beginning of the process to move forward with the building plans.

CHAMBER OF COMMERCE - No report STREET REPORT - No report

PARKS AND RECREATION - No Report

POLICE REPORT - PFC Doughty attended Youth Crimes at DSPTA CPL Wheatley conducted stop stick training for B Shift at Millsboro PD

SGT Lowe and PFC Doughty attended booster seat awareness training at Dover PD conducted by OHS

PFC Doughty and Pltm. Morris attended Auto Theft Investigations at DSPTA

Lt. Calloway is progressing very well, no issues to report. They will begin building proof files this month. Lt. Calloway is on schedule to have these files completed in October and a mock assessment in November.

Recruit Moyer is doing well in the academy.

Officers worked a special duty assignment on Sunday morning, June 1, 2008, from 7:00 AM until 11:00 AM. 45 traffic summonses were issued. Of the 45, 40 were for speed and 5 were seatbelt violations. This special duty was scheduled in response to the race weekend at Dover Downs.

The department has a Citizens Feedback form on our website. At this time it is only five questions and should only take a couple of minutes to complete. The website address is [millsboropolicedepartment.com](http://millsboropolicedepartment.com).

WATER REPORT - Council was informed by Town Manager Faye Lingo the town should anticipate a change order for the project concerning costs for a generator and fence for the July Council meeting.

WASTEWATER REPORT - The notice to begin Contract D has been given and since it is the same contractor they will continue without a break.

The Town of Millsboro has been approached about treating the wastewater from The Woodlands of Millsboro. In the beginning it was looking like the project would be the town's project and the town would bill The Woodlands for the cost but the indebtedness would be the towns. Town representatives attended a meeting with DNREC Groundwater Discharge Branch, Sussex County engineers, Delaware Financial Assistance Branch, representatives from The Woodlands, Delaware Public Service Commission, Delaware Rural Water Association, Mark Downes, Tempe Steen and Representative Greg Hastings. It was determined that it would be easier for Sussex County to take over the project and run a collection line to Millsboro's pump station and then Millsboro treat the wastewater. Letters have been sent from the town to Sussex County and the State recommending this action. Council needs to approve treating the wastewater from The Woodlands. Bryan motioned, Wilkins second to approve the town treating The Woodlands wastewater with an official agreement written based on the agreement with Sussex County. Motion carried.

#### MAYOR'S REPORT

St. Mark's Church has applied for a parade permit for the 4th of July. This parade would involve about thirty children, with adult supervision, walking, riding bikes or being pulled in wagons. It would go from St. Mark's Church on Ellis Street, across State, to Morris St. turning by the Fire Hall and down to Cupola Park. There they hope to continue the July 41 celebration with family picnics and some festivities. Hodges motioned, Thoroughgood second to approve the parade request from St. Mark's Church for a 4th of July parade as shown on the permit application. Motion carried. It was also noted that they are to coordinate with the Millsboro Police Department and Millsboro Town Hall. Since the route includes state owned and maintained roads there may have to be some coordination with the state and that should be communicated through the Town.

James Schreppler has applied for renewal of a conditional use on property located at 216 Ellis St., county map #1-33-17.13 32.0. This is a residential use of a dwelling behind a business. There have been no negative comments received by Town Hall. Wilkins motioned, Truitt second to approve the conditional use renewal request for property located at 216 Ellis St. by James Schreppler for one year. Motion carried.

Tempe Steen has been reviewing job descriptions and has done some editing. There are some questions that have been raised and will need to be answered before finalization. There may be more changes needed also. Tempe to continue to review and bring back before Council.

The Planned Commercial District public hearing was revisited. As no further comments were heard Bryan motioned, Wilkins second to approve 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 210-21, "Planned Commercial (PCD) District and providing regulations therefore. Motion carried.

The Millsboro Fire Co. request for private issue bond financing public hearing was revisited. As no further comments were heard Hodges motioned, Bryan second to approve 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 2000 GPM pump with CAFS mounted on a Spartan Chassis and continuation of provision of services to The Town of Millsboro by the Millsboro Fire Company. Motion carried. The Council also authorized town solicitor, Tempe Steen, to work with the Fire Co. solicitor, Buck Smith, on the language of the agreement to be written.

Mr. Tom Ford of Land Design brought before Council a request for preliminary site plan approval for Wharton's Bluff, parcel B. It was noted that both parcels A and B were annexed into the town limits in 2003. Parcel B was denied access to development by DNREC and Division of Fish and Wildlife due to this area being a nesting area to Eagles. The entire parcel, both A and B were zoned High Density Residential (HR) when annexed into the town in 2003 with parcel A then going on to be zoned Residential Planned Community (RPC). Parcel B has now been released for development by the state. The developers are asking for the approval of the preliminary site plan with a RPC zoning. Mr. Ford informed Council that a letter has been received from the Division of Fish and Wildlife giving them permission to develop parcel B which was one of the conditions appearing (#8) on the site plan. Development of parcel B will include 49 townhouses with 3.77 acres to remain in a natural state for the possible return of the Eagles. This area will remain as a conservation area to satisfy DNREC and the Division of Fish and Wildlife. Mr. Ford informed Council that parcel B is being designed to be a gated community with its own Home Owners Association. Parcel A would have a separate Home Owners Association as well as a third Home Owners Association formed to oversee the amenities that will be shared by both groups such as the pool and crabbing pier. The next step would be to approve a resolution for a public hearing to hear comments on the RPC zoning request. There was some concern expressed by Council members about three Home Owners Associations within one community. Also Council needs to discuss exactly what can the town control within the development. Tempe Steen, town solicitor, also requested documentation from Land Design addressing the three Home Owners Associations as presented. After further discussion Wilkins motioned, Thoroughgood second to table any decisions on the approval requested until more information can be reviewed. Motion carried.

A resolution for USDA funding was brought before Council for approval. In order to be able to receive USDA funding Council will need to approve the borrowing, the grant and authorize the Mayor and Town Manager to take necessary action. Wilkins motioned, Truitt second to approve a loan resolution of the Town Council of The Town of Millsboro authorizing and providing for the incurrence of indebtedness for the purpose of providing portion of the cost of acquiring, constructing, enlarging, improving, and/or extending its sewer facility to serve an area lawfully within its jurisdiction by raising a portion of the cost of such undertaking by issuance of its bonds in the principal amount of five million eight hundred seventy thousand and xx/100 dollars(\$5,870,000.00) pursuant to the provisions of the Charter of The Town of Millsboro and to accept a grant not to exceed \$1,500,000.00 under the terms offered by the Government, and that the Mayor and Town Manager are authorized and empowered to take all action necessary or appropriate in the execution of all written instruments that may be required to or as evidence of such grant. Motion carried. Tempe Steen, Town Solicitor, also noted that the word "THE" should be placed in front of Town of Millsboro where it appears in the Loan Resolution.

Somerton Chase has been preparing for final approvals and the town needs to replace Joe Brady on the committee for review. The committee appointed in 2004 was BryanChair, Brady and Wilkins. Mayor Gum appointed Tim Hodges to replace Brady.

There will not be an election in June. The incumbents will continue serving the town and the reorganization of the council will take place July 7th.

Hodges motioned, Bryan second to recess the Regular Council meeting at 8:10 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