

MAYOR and COUNCIL

TOWN OF MILLSBORO

322 Wilson Highway

Millsboro, Delaware 19966 - 1216

REGULAR COUNCIL MEETING

July 7, 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, Town Solicitor Tempe B.Steen, Development Coordinator Linda Johnson, Finance Director William Sauer. Guests see attached.

REORGANIZATION OF COUNCIL

Mayor - Bryan motioned, Thoroughgood second Larry D. Gum as Mayor. With no other nominations Wilkins motioned, Thoroughgood second to close the floor to nominations. Vote called for, Gum for Mayor, approved unanimously.

Vice-Mayor - Thoroughgood motioned, Wilkins second Robert Bryan as ViceMayor. With no other nominations Wilkins motioned, Thoroughgood second to close the floor to nominations. Vote called for, Bryan for Vice-Mayor, approved unanimously.

Secretary - Truitt motioned, Bryan second Tim Hodges as Secretary. With no other nominations Wilkins motioned, Bryan secon to close the floor to nominations. Vote called for, Huges for Secretary approved unanimously.

Treasurer - Bryan motioned, Keenan second Michele Truitt as Treasurer. With no other nominations Wilkins motioned, Bryan secon to close the floor to nominations. Vote called for, Truitt for Treasurer approved unanimously.

Committee appointments - The only permanent committee we have right now is the personnel committee. The existing committee is John Thoroughgood, John Wilkins and Robert Bryan. Mayor Gum

appointed Robert Bryan as Chairman, John Thoroughgood and Michelle Truitt to fill the personnel committee seats for the 2008-2009 fiscal year.

Subdivision Ordinance - An ordinance amending the revised and amended "Subdivision Ordinance" of The Town of Millsboro was presented to Council for approval. After some discussion Hodges motioned, Thoroughgood second to approve the ordinance amending the Subdivision Ordinance of The Town of Millsboro by substitution in full, being chapter 178, "Subdivision and Land Development Ordinance". Motion approved unanimously. Hodges motioned, Thoroughgood second that a committee be appointed to further study the new chapter 178, "Subdivision and Land Development". Motioned approved unanimously. Mayor Gum appointed Tim Hodges as Chairman, Michelle Truitt and Robert Bryan to fill this committee seats.

Millsboro Fire Dept. Service Agreement - An agreement between The Town of Millsboro and the Millsboro Fire Company, Inc. for firefighting services was presented to Council for ratification. This agreement is for the purpose of the fire company borrowing money. Thoroughgood motioned, Bryan second to approve and ratify the agreement between The Town of Millsboro and the Millsboro Fire Company, Inc. to furnish firefighting services as presented. Motion approved unanimously.

Retreat at Millstone - A bill of sale for equipment at the pump station for the Retreat at Millstone was presented to Council for their consideration and acceptance. Retreat at Millstone is ready for the dedication of the pump station and it has been approved by the town's engineers. Town Solicitor Tempe Steen has worked on the language in the dedication with the representatives of the development. Council was advised if agreeable a motion and a second is needed. After some discussion Hodges motioned, Wilkins second to approve and accept the bill of sale as presented for the pump station at the Retreat at Millstone. Motion approved unanimously.

SECRETARY'S REPORT - Secretary Tim Hodges presented the minutes from the June 2, 2008 council meeting for Council's approval. Hodges motioned, Bryan second to approve the minutes from the June 2, 2008 council meeting as written. Motion approved unanimously.

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 approved unanimously.

MILLSBORO FIRE COMPANY - On display tonight for the Council and publics viewing were several new vehicles which have been added recently to the Fire Department's fleet. Among those on display were the traffic control unit, new ambulance and new fire engine. The traffic control unit was placed in service in February 2008. The new ambulance on display replaces the ambulance that was in an accident

in January. President Ray Burton reported that this ambulance is a larger unit than the one it is replacing. The new fire engine is a multipurpose vehicle and can carry 1000 gallons of water and 40 gallons of foam on board. The foam can be used to fight house and vehicle fires. President Burton reported that the Fire Company responded to 48 fire alarms in June. Some of those included 9 auto fires, 3 structure fires, 2 wires down, 3 brush fires and 14 emergency accidents. The EMS responded to 9 calls. The new web site for the Fire Company is now up and running. It can be viewed at [millsborofire.com](http://millsborofire.com). President Burton thanked the town for their continued support of the department.

CHAMBER OF COMMERCE - Chamber Director Fran Bruce reported to Council that the 4'h of July parade was a success and they hope to see it held in upcoming years and hope that it will grow. This year there were 50 participants who consisted of children 12 years old and under. Ms. Bruce thanked Councilman Bryan for his support and the donation of the trophies used as prizes. He also judged the parade and gave out the trophies to the winners. Ms. Bruce also thanked Mayor Gum and Councilman Thoroughgood for their participation. The Big Thursday plans are just about complete and the Chamber is looking forward to a festival that will be a lot of fun for all ages. In the past two years the changes and upgrades to Cupola Park have made a wonderful place for the festival to be held. Ms. Bruce made a request that a baby changing station be added to the men's bathroom at Cupola Park. There is already one in the women's bathroom.

STREET REPORT - No report

PARKS AND RECREATION - No Report

POLICE REPORT - Cpl. Wheatley and Cpl. Legates attended motor school at the North Carolina Highway Patrol's facility. Both officers successfully completed this intensive training. In the past two sessions there have been 20 officers attending and only 12 have successfully passed. That's a 40% failure rate. The department will be scheduling regular patrols of the motor unit this month.

Cpl. Legates and Pfc. Doughty attended Crime Scene 1 at the DSPTA.

Cpl. Wheatley attended Search Warrants As An Investigative Tool at the DSPTA.

A daytime firearms qualification for pistol and patrol rifle was attended by all officers except Chief Murphy and Ptlm. Ober. A makeup shoot will be scheduled later this month for Murphy and Ober.

Chief Murphy received a mid term training report on Recruit Moyer. The academy reports that he is doing very well with no issues to report. His graduation date is scheduled for Friday, August 29th.

The department participated in a DUI Checkpoint on June 28th from 10:00 P.M. until 2:00 A.M. with 936 vehicles being checked. One DUI arrest, a criminal arrest and several other traffic arrests were made. The next checkpoint is on July 18th

On June 30th the Deputy Director of the Office of Highway Safety performed an audit of our records and equipment. Chief Murphy has not received the formal response yet but was informed by the auditor that the audit went very well and that the report would be positive.

#### WATER REPORT - Change order for water treatment contract(fence&generator)

In order for the well No. 5 generator to be the same as our existing generators it means a change in the contract price. Kenny Niblett would like to see all the generators at the water plant the same company brand so they can be serviced under the same contract and all be done at the same time. The cost for a Cummins generator would be an additional cost of \$4,545.00. The second change is to include barbed-wire around the fence area. This isn't necessary as far as the workings of the plant; however since security is a major concern for everyone Kenny thought it may be worth having done. The additional cost for the barbed-wire installation is \$3,000.00. After some discussion Thoroughgood motioned, Bryan second that the change order for the generator at an additional cost of \$4,545.00 be approved as presented. Motion approved unanimously. Thoroughgood motioned, Bryan second that the change order for the barbed-wire installation at an additional cost of \$3000.00 be approved as presented. Motion approved unanimously.

#### WASTEWATER REPORT - No report MAYOR'S REPORT

Award of contract for the paving of the Indian River Senior Center Parking Lot. The town received two bids for the paving of the Indian River Senior Center parking lot. Jerry's Inc. sent in a bid for \$97,046.00 and Terra Firma submitted a bid for \$108,486.00. Hodges motioned, Wilkins second to award the contract to Jerry's Inc. for the bid of \$97,046. Motion approved unanimously.

#### Councilman Phillips Grant

The town received a \$5000.00 grant from the Sussex County Council through Councilman Vance Phillips. This is a Community Investment Grant and will be used for community improvement projects in the town.

#### Conditional use renewal, Dairy Queen

The Dairy Queen on Main Street has been holding a weekly Cruise In now for several years. A conditional use agreement was necessary for this event to be held at that location next to the Dairy Queen. They are requesting a renewal of that conditional use for one year. Town Hall has not received any negative comments over the years, only positive ones. A motion and second is needed from Council to approve this renewal. Bryan motioned, Hodges second to approve a conditional use for a Cruise-In on part of the lands of the United States Postal Service, located between Main and Washington streets, Sussex County tax map number 1-33-17.13-143. I, as a commercial use in the UB-Urban Business District and as requested by GKHP Enterprises, LLC, doing business as Dairy Queen. This conditional use shall be in effect for a period of one year. Motion approved unanimously.

#### Capitation write offs

Council was presented with a list of capitation write offs in the amount of \$3,818.87.

This is a list of Capitation Taxes that the town, over the years, has not been able to collect. After some discussion Truitt motioned, Bryan second to table a decision until the August Council meeting. Motion approved unanimously.

No executive session was needed tonight.

Thoroughgood motioned, Wilkins second to adjourn the meeting at 8:20 P.M. Motion approved unanimously.

Respectfully submitted,

Tim P. Hodges

Secretary