

MAYOR and COUNCIL

TOWN OF MILLSBORO

REGULAR COUNCIL MEETING

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

PUBLIC HEARING/WHARTONS BLUFF- The application for RPC Zoning and preliminary plan approval for phase II submitted last month to Council was brought before Council for comments and questions. Council and guests were informed that a Tot-Lot would be included along with two miles of walking paths. They feel they have fulfilled all of the committee's requests. After some discussion Wilkins motioned, Bryan second to close the public hearing for Wharton's Bluff, Phase II. Wilkins motioned, Thoroughgood second to approve the request from Wharton's Bluff to amend the zoning ordinance of The Town of Millsboro to add to an existing High Density Residential (HR)- Residential Planned Community (RPC) District known as "Wharton's Bluff" an additional 10.55 acres, more or less, known as Parcel B, tax map number 1-33-17.0016.02, all located on south State Street, also known as Iron Branch Road (County Road 331) and to approve a preliminary site plan for the project as Phase II of Wharton's Bluff with notes. Motion approved unanimously.

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

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

MILLSBORO FIRE COMPANY - President Ray Burton presented to Council a written report showing the total number of Fire/EMS alarms and calls that have been

responded to for the 2008 year through July. This report breaks down fire alarms responded to by town, rural and assist. It also shows the miles traveled by Fire and EMS personnel. He reported that the Fire Dept. has appointed a committee to oversee the purchase of a new ambulance.

CHAMBER OF COMMERCE - Chamber of Commerce Director, Fran Bruce, reported that the Big Thursday Festival went well and with no negative incidents. She thanked both the Town and its employees for their help in setting up and sponsorship of this event. She also noted the Chamber's appreciation for the constant police presence during the two days. There were an estimated 1100 people who attended the festival during the two day period. She also informed Council and those present that Ocean Atlantic Co. will be hosting a question and answer forum at the Independence Village clubhouse on Rt. 5 concerning the proposed racetrack for Sussex County.

STREET REPORT - No report

#### PARKS AND RECREATION

Cupola Park bandstand update - John Thoroughgood reported that the new bandstand is almost finished. The roof shingles are going on with the railing and electric to be done next. There is also one tree in front of the bandstand that will need to be removed. The bandstand has been used already for the two "Croonin in the Park" nights this past month. It was also questioned by Fran Bruce as to whether the bandstand could be rented. She has had a few calls already. Ms. Lingo informed her that this would be a possibility but it would require a Special Use permit that would need to be approved by Council.

Committee Report/Peninsula Crossing Parkland - This committee met on June 11, 2008 to discuss the possible donation of parkland to the Town. Mr. Pret Dyer addressed the Council informing them that there is a 14 acre parcel of land that would be a good location for a park. The other tract of land suggested for a park was 5 acres near the entrance of Handy Rd. The committee's recommendation is that the Town accepts the 14 acres for parkland. Part of these 14 acres is wooded and would be located back away from main roads which would provide a safety feature for children using the park facilities. Hodges motioned, Bryan second to accept the committee's recommendation and approve the 14 acre parcel for the proposed dedicated park area as part of the Peninsula Crossing project.

Motion unanimously approved.

POLICE REPORT - On August 11th officers participated in a Force on Force training scenario focusing on a patrol response to an active shooter at Millsboro Middle School.

On August 14th Chief Murphy attended an Officer Involved Shooting Overview at the DSPTA.

Sgt. Lowe and PFC Doughty attended CVSA training in Florida August 17-23.

Recruit Moyer completed training and graduated the DSPTA on August 29<sup>th</sup>. He will begin his field training in September.

Lt. Callaway is completing the proofs in his CALEA files. He will be scheduling a mock assessment the second week of November. He will actually be ready in October, however, several other agencies are doing mock assessments and agencies that are already accredited get priority.

The 5K Run, Big Thursday, car show and the Hispanic Festival were all completed with no issues to report.

**WATER AND SEWER REPORT - Wastewater Plant Construction Update** The new plant now has power and most of the equipment has been started up and tested.

#### MAYOR'S REPORT

Ocean Atlantic - Del Pointe - Gene Lankford and Preston Schell representing the group proposing the possible development of a horse race track north of Millsboro, made a presentation to Council. The property being considered for possible annexation is 367 acres with 110 acres to be used for the horse race track. This would be a one mile racetrack. It would be built to compliment the three other horse tracks in Delaware. To date the idea has the support of the DE Standard Bred Horse Association; a contract on a farm on the outskirts of Millsboro and a conditional license from the DE Harness Racing Commission with the license conditioned upon permits and construction. They would like to be able to come to Millsboro for construction permits to help raise taxes and the town's economy. This would be a family venue with pony rides and a BBQ area for families to picnic together at the park. They feel that as the population and visitors to the area is greater today this should increase the success of a race track in this area. The next step would be a formal application for the annexation of the farm if the town seems favorable to the idea. This acreage is not in the town's annexation area but is in the town's study area. If they do proceed with the application for annexation two steps would need to be taken. One the town would need to change where the farm is located from a study area to an annexation area for the town. Second the town would need to amend the zoning to allow this usage in this zoning district before they could make application to the State Planning Office for their opinion on the proposed annexation. There is also one property between the proposed annexation area and the town limits. The race track group is working with the property owners to see if they would like to annex into the town limits which would make this farm contiguous. Phase I will be the race track and grandstand with a Phase II being a hotel. This hotel would not be the usual type of hotel but one that would consist of a central area with individual cottages available for rooms. A study is to be done for Council's further information and will be presented when they come back to make application for annexation.

Annexation Applications - Two annexation applications were presented to Council. These are for three parcels that are adjoining the Millsboro Town Center commercial

development Peninsula Crossing along Rt. 113. They are described on the Sussex County Map as 2-33-5.00 parcels 113, 114 and 112. These properties are on the west side of US 113 south of the construction for Millsboro Town Center; between Rt. 113 and Handy Road. Parcels 113 and 114 are owned by Roger W. and Judith Mitchell with parcel 112 being owned by Marie Handy. These are actually two applications because they are originating from two different property owners but the town has decided to allow the presentation to show all three parcels. Mr. Pret Dyer representing Millsboro Town Center I & II was present to give information and answer any questions on the proposed annexation requests. These properties if annexed will become part of Peninsula Crossing as an additional phase of the project. They will be part of Phase II. Mr. Dyer informed Council that these properties will be served thru existing infrastructure of Peninsula Crossing. As they are already zoned for commercial development Millsboro Town Center II is requesting that when and if annexed into the town limits that the zoning is set as Highway Commercial. It was also noted by Mr. Dyer that no new entrances are anticipated either from Rt. 113 or Handy road. Mayor Gum appointed a committee to study the feasibility of these two annexation requests and to report back to the Council with their recommendations. The committee will consist of Jack Wilkins-Chairman; John Thoroughgood and Irene Keenan.

Wilkins motioned, Bryan second to recess the Regular Council meeting at 8:00 PM and to enter into an Executive Session at 8:05 PM to discuss legal and personnel issues.

Respectfully submitted,

Tim P. Hodges Secretary