

MAYOR and COUNCIL

TOWN OF MILLSBORO

REGULAR COUNCIL MEETING

December 1, 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, Town Solicitor Tempe B.Steen, Administrative Assistant Brenda Morris, Development Coordinator Linda Johnson, Finance Director William Sauer. Absent Mayor Larry Gum. Guests see attached.

PUBLIC HEARING/Peninsula Crossing II-Preston Dyer-Millsboro Towne Center II, LLC has made an application for annexation for properties that will extend the original Peninsula Crossing commercial development on US 113 which is the new location of Lowe's and BJ's. This extension is being called Peninsula Crossing II by the town for clarification purposes. The properties are described as Sussex County Map #2-33-5.-00 parcels 112.00, 113.00 and 114.00. State comments have been received with no objections to the annexation. Mr. Gary McCrea was here representing the developer. Councilman Jack Wilkins questioned whether the buildings on the property to be annexed would be torn down. He was concerned that there were some older buildings that were old and not in good condition. Mr. McCrea assured Council that these buildings would be torn down in a relatively short time. These properties, when and if annexed, would be used to continue the shopping center. He also informed Council that Millsboro Towne Center II, LLC have settled on the properties. This public hearing was left open until

January 5th for a vote.

SECRETARY'S REPORT - Secretary Tim Hodges presented the minutes from the November 3, 2008 council meeting for Council's approval. Thoroughgood motioned, Wilkins second to approve the minutes from the November 3, 2008 council meeting as written. Motion approved unanimously with Larry Gum absent.

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

MILLSBORO FIRE COMPANY - President Ray Burton was not able to attend tonight's meeting but did send the monthly report for council. The total number of fire alarms for the month of November was 40. The number of emergency medical calls for the end of October was 161 with 126 patients transported.

CHAMBER OF COMMERCE - Director Fran Bruce reported that the annual Christmas parade will be held on December 6th. There are approximately 90 entries with about 300 people participating in this year's parade. The Santa Pak, which is held in the Civic Center in conjunction with the parade each year, has 32 vendors. There will also be a bell choir performing and of course a visit from dear ole Santa himself

STREET REPORT - No report

PARKS AND RECREATION - No report

POLICE REPORT - Pfc. Berrios; Pfc. Forester and Ptlm. Lyons attended training on November 3rd for Drug Investigations.

Pfc. Berrios attended training on November 4th for Fraud Investigations.

Ptlm. Morris attended training on November 21st for Ground Fighting Techniques.

The mock assessment was completed for CALEA as scheduled. The whole process went well with no major issues to report. The assessors gave Chief Murphy a report of their findings and advised him that if this were a full on site assessment by CALEA assessors the department would have passed. The on site assessment has been scheduled for April 18th - 22nd, 2009. Lt. Calloway will be sending our files to our assessors in the near future. Barring any unforeseen issues, we will be assessed and prepared to attend the conference in Raleigh, North Carolina in late July.

Evan Rogers, the department's newest recruit, has completed his first month of training with no issues to report.

Three Millsboro Officers assisted Georgetown Police Dept. with Returns Day.

The department is prepared to assist with the Millsboro Christmas parade as needed. The Fire Police will be assisting with traffic again this year.

Officer David Moyer has completed his field training and has reached the rank of Patrolmen. He is now able to be on his own and does not need to ride with another officer while on duty.

Chief Murphy presented grant updates and asked for Council's approval to move ahead with applications. Chief Murphy asked that he be allowed to use \$15,719.84 from EIDE for a Tactical Team (SWAT) for training and equipment. Chief Murphy brought this request before council last month, suggesting the team could attend training in New Jersey; however he has since found a way for the officers to be trained locally that would save money. The cost would be \$8,600 for two weeks of training - basic and advanced - for up to 20 officers. This would leave the department additional slots that they could use to off set the cost of the training. Equipment, which would be kept in the department, would cost about \$7,500. Because the training could be done at the range in Selbyville, no lodging or travel expenses would be incurred. Take home cars would not be required as most officers live in or just outside Millsboro and could be ready to respond within 45 minutes. The team would be included in the town's current insurance policy with no additional cost needed. Some council members were concerned with the overtime that might result and how that would be paid. Murphy assured them that if any overtime occurred it would be paid as normal overtime by the town. Another concern voiced was if this team would respond to other towns. Chief Murphy does not for see this happening and that this team would be for the Town of Millsboro use only. Councilman Jack Wilkins informed Council and those present that he does not feel this type of team is needed at this time due to cost constraints. Hodges motioned, Truitt second to approve Chief Murphy going forward with making grant application to EIDE in the amount of \$15,719.84 for training and equipment cost of a police Tactical Team. Vote taken: Wilkins nay; Bryan yea; Hodges yea; Truitt yea; Keenan yea; Thoroughgood yea; Gum absent. Motion carried.

Chief Murphy asked for Council approval to apply to SALLE for a grant in the amount of \$8,112.86. \$3000.00 will be used to upgrade in-station video from analog to digital format; and \$5,112.86 will be used to upgrade one of the analog in car cameras to digital. Truitt motioned, Hodges second to give approval to Chief Murphy to apply for the SALLE grant in the amount of \$8,112.86 to be used as quoted above. Motion carried with Larry Gum absent.

Chief Murphy asked for Council approval to apply for a Sussex County Block Grant in the amount of \$25,000 to be used as follows: \$6,000. will be used for funds to offset expenses for CALEA on site assessment; \$5,000. to upgrade analog in car camera to digital format; \$3,000. to install Mobile Data Terminal on motor unit; \$3,750. for CALEA on site fee; \$4,000. for a server for in car camera video files and \$3,250. for a Command Trailer generator. Truitt motioned, Wilkins second to give approval to Chief Murphy to apply for a Sussex County Block Grant in the amount of \$25,000.00 to be used as quoted above. Motion carried with Larry Gum absent.

Street Report - No report

WATER AND SEWER REPORT - Two contract amendments to Contract C for the Wastewater Treatment Plant are being requested for Council approval. The first is for a new restroom in the Headworks Building at a cost of \$13,678.59. This was not originally included at all but the public works department has asked that it be installed. After some discussion Hodges motioned, Thoroughgood second to approve the amendment to Contract C for a new restroom in the Headworks Building at a cost of \$12,678.59. Motion carried with Larry Gum absent.

The second request is for a new main breaker in MCC2. The existing breaker is at its load capacity and a larger breaker is required for the blower building at cost of \$6,598.25. Some council members questioned why this was not included in the original proposal and not anticipated? After some discussion Wilkins motioned, Thoroughgood second to table a decision on this request until next month's council meeting and more information has been received and reviewed. Motion carried with Larry Gum absent.

MAYOR'S REPORT

Livable Delaware Grant Application-The town is in the process of the 5 year upgrade of the existing comprehensive plan and would like to submit a grant application for \$10,000. The State of Delaware has funds available for assisting municipalities with planning projects especially for implementation of Livable Delaware initiatives. Funds are available from the State as matching funds to a maximum of \$10,000. After some discussion Wilkins motioned, Thoroughgood second to authorize the Town Manager to prepare the necessary documents and application for planning project funds from the State of Delaware in the maximum amount of \$10,000.00 and further that the amount of \$10,000.00 is hereby allocated from the Town's funds as a matching amount for the purposes of comprehensive land use review and revision of the existing zoning ordinance of The Town of Millsboro. Motion carried with Larry Gum absent.

Zoning Amendment to Planned Commercial District-It has come to the town's attention that a possible zoning amendment might be needed to the Planned Commercial District and or Large Scale Commercial District Overlay that would accommodate a horse race track and other commercial and recreational uses. The horse race track that has been introduced to the table does not fit in any of the town ordinances so they will need to be amended. Two of the ordinances the town has been working on that could be made to fit are the Planned Commercial District or the Large Scale Commercial District Overlay. Council needs to authorize staff to move forward with working on the amendment to these zonings so that a comprehensive plan amendment can be made prior to the whole update to the current plan. The

new zonings will come back to council for approval. It was advised that a committee be appointed to work on these amendments with staff. Wilkins motioned, Thoroughgood second to authorize staff to move forward with working on proposed zoning amendments that would accommodate a horse race track and other commercial and recreational uses within The Town of Millsboro. Motion carried with Larry Gum absent. A committee was appointed by Vice-Mayor Bryan to work on these amendments with the staff. This committee will be John Thoroughgood/Chairman; Irene Keenan and Robert Bryan

Comprehensive Plan Amendment - Council was advised that while the town is waiting to redo the current comprehensive plan one of the actions council may take is to amend the annexation area to include what is now the study area north of the town limits. This will allow for the possible annexation of the horserace track property when or if it becomes feasible. This would allow this action prior to the update of the whole plan. Town Solicitor, Tempe Steen, also advised Council to be thinking about what land use the map should show as future land use as to how it should be zoned. Vice-Mayor Bryan appointed a committee to study this request and to report back to Council. Committee members appointed are Tim Hodges/Chairman; Michele Truitt and Jack Wilkins.

Bond Money Targeted for Infrastructure-Town Manager, Faye Lingo, is asking for Council approval to allocate \$58,305.65 of the bond money towards stormwater improvements for the entrance to Town Hall. The Council was informed the town has \$92,000. allocated towards the improvements but this will not be enough to cover the total costs. By authorizing the additional \$58,305.65 the town can go ahead and advertise and proceed with the work. These improvements will be from the juncture of Mitchell St. and Wilson Hwy. to the railroad tracks on Wilson Hwy. Councilman Thoroughgood also asks that the railroad be contacted to see if the tracks on Wilson Hwy. could be replaced at this time. Thoroughgood motioned, Hodges second to authorize \$58,305.65 of the town bond money be applied to the stormwater improvements in front of Town Hall to cover additional costs. Motion carried with Larry Gum absent.

Employee Christmas Bonus-Council will need to approve the giving of a Christmas bonus to employees this year and the amount. Town Solicitor, Tempe Steen, suggested that this be discussed in Executive session before a decision was made.

Wilkins motioned, Thoroughgood second to recess the Regular Council meeting at 7:45 PM and to enter into an Executive Session at 7:50 PM to discuss legal and personnel issues.

Respectfully submitted,

Tim P. Hodges

Secretary