

MAYOR and COUNCIL

TOWN OF MILLSBORO

322 Wilson Highway

REGULAR COUNCIL MEETING

March 3, 2009

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 Thoroughgood, Irene Keenan, Town Manager Faye Lingo, Town Solicitor Tempe B. Steen, Administrative Assistant Brenda Morris, Development Coordinator Linda Johnson, Finance Director William Sauer. The March Council meeting was held on Tuesday, March 3, 2009 due to a winter snow storm which closed the office on Monday. Guests see attached.

WILKINS PRESENTATION - Louise Wilkins and family were invited to attend this council meeting to receive presentations in honor of past council member John (Jack) Wilkins who passed away in January. A proclamation presented from the town was read by Mayor Larry Gum. Mayor Gum made comment that Jack always kept people, including the council, accountable. Vice Mayor Robert Bryan presented Mrs. Wilkins with a plaque acknowledging Mr. Wilkins years of service to the town. It was also noted that the town is going to order a memorial bench in honor of Mr. Wilkins which will be placed at Grace Church. There will also be a tree planted in his honor at Cupola Park. Mrs. Wilkins thanked everyone for their kindness during this hard time and noted that Mr. Wilkins enjoyed being on council very much. He will be missed.

SECRETARY'S REPORT - Secretary Tim Hodges presented the minutes from the February 2, 2009 council meeting for Council's approval. Bryan motioned, Keenan second to approve the minutes from the February 2, 2009 council meeting as written. Motion approved unanimously.

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

Borrowing of money - Council was asked to consider the approval of a resolution that would authorize a loan agreement and documents in form and substance to be approved by the Mayor in consultation

with the Town Solicitor and bond counsel relating to the USDA loan for the wastewater treatment plant and related systems. Town Solicitor, Tempe Steen, informed Council that this is the next step in closing the loan with the USDA for the wastewater plant upgrade. This would authorize the USDA to sponsor the loan and set the terms. This bond would be in the amount of and up to five million eight hundred seventy thousand dollars. Bryan motioned, Keenan second that the resolution to authorize the loan agreement with the USDA be approved and give the Mayor authorization to approve documents in consultation with the Town Solicitor and bond council relating to the USDA loan for the wastewater treatment plant upgrade. Motion approved by show of hands.

MILLSBORO FIRE COMPANY - Ron O'Neal, President, gave the Millsboro Fire Company monthly report. Scott Ward from Municipal Emergency Services is working with the Fire Company in writing a grant that will be submitted to the 2009 federal Assistant for Firefighters Grant (AFG) program. This will open for applications sometime in April. These grants are used for the purchase of gear, training and apparatus to enhance their ability to protect the public and fire service personnel from fire and related hazards. Millsboro's grant is requesting 70 new sets of turnout gear, gloves, hoods and helmets, worth approximately \$2500 per set. If approved the grant money could be awarded beginning in September. President O'Neal also reported on the fire departments Junior Limited Membership. This is a program open to any person between the ages of 14 and 18 who reside within the Millsboro Fire district and who wish to learn and participate with fire suppression and rescue activities in a limited capacity. The Junior Limited member's roster has now reached 10, the largest number of members in the last five years. The Juniors are guided by the Junior Limited Committee, a three person team of Fire Company members who take great pride in teaching, training and preparing these young individuals for a spot in the volunteer service. President O'Neal reported that the installation of the laptop equipment (holding brackets, wiring, modems, GPS units) in their first run ambulance and engine is taking place this week, in preparation for receiving their laptop mapping system from the County.

CHAMBER OF COMMERCE - No report

STREET REPORT - The Delaware Department of Transportation (DELDOT) has announced proposed improvements to intersections at some US 113 locations (crossovers). Mayor Gum told Council that he is not in agreement with some of the proposals. Some of the closings will have the public going out of their way, down to new crossovers to be able to travel where they might need to go. This he feels will be an inconvenience to the public. He also reported that the Millsboro Ford/Ames crossover was not addressed and feels that this is one of the worse areas on 113 for a crossover as there have been many accidents at this particular crossover. After some discussion it was the consensus of the Council that they would like to schedule a meeting with DELDOT to discuss these proposals. Hodges motioned, Thoroughgood second to send a letter to DELDOT requesting a meeting to discuss and inform them of the town's feelings about the proposed 113 improvements, with a copy being sent to area legislators

also. Motion carried. It was also noted that there is still concern with the light sequence at the Rt. 24/113 intersection.

Tree removal - The town has received four quotes for the removal of a tree on Monroe Street as approved at last month's council meeting. Quotes received were: Jacono Enterprises \$700.00; Clark Tree Expert \$950.00; Complete Tree Care \$1,100.00 and Jim Driver and Sons \$600.00. After reviewing the quotes and what they included Councilman Hodges voiced some concern with the depth of the stump grinding being less than 12" and also some of the quotes not being clear about hauling the grindings off as well as the wood. It was suggested that new bids be received for the removal of the tree on Monroe St. with the job description to include stump grinding done one foot (12") below grade level and grindings hauled off site. Hodges motioned, Thoroughgood second to request new bids for the removal of the tree on Monroe St. that include in the quote stump grinding done one foot (12") below grade level with the grindings and wood hauled off site. Motion carried.

PARKS AND RECREATION

Cupola Park Entertainment - Last year the town had three Sunday evenings of entertainment on the new bandstand. These concerts in the park were attended well and those in attendance said they hoped the town would continue with the Sunday evening entertainment. The Chamber has approached the town with the idea to do a concert each Sunday during the summer months. The Chamber has offered to do the scheduling and find sponsors. After some discussion it was decided that the dates and type of entertainment would need to be approved by the Council. Thoroughgood motioned, Bryan second to give the Millsboro Chamber of Commerce permission to book entertainment for Sunday evening concerts in Cupola Park, between the hours of 5:30-8:30 PM, with a list of dates and entertainment being submitted to Council for approval. Motion carried. Councilman Hodges suggested that some type of signage be placed in Cupola Park showing the bandstand schedule planned for the Sunday evening concerts in the park. He suggested it be visible as you come into and are leaving Cupola Park. Town Manager Faye Lingo is to look into this and report back to Council.

Festival Hispano - El Centro Cultural has submitted a request to hold their Festival Hispano on Sunday, August 23, 2009, from 12:00 noon until 7:00 p.m., at the W.B. Atkins Park on State Street. The office has cleared this date with the Millsboro Little League. Thoroughgood motioned, Keenan second to give approval to El Centro Cultural to hold the 2009 Festival Hispano at the W.B. Atkins Park on August 23, 2009 with times as requested and with the same lease agreement and retainer as in previous years. Motion carried.

POLICE REPORT - Ptl. Morris took Drug Investigations at the DSPTA on February 5th

Cpl. Legates taught DUI/SFST's at the DSPTA on Feb. 11-13th.

Sgt. Lowe and Ptl Morris took Fraudulent Document training at the DSPTA.

Pfc. Berrios and Ptl. Morris took Pedophile Investigations at the DSPTA on Feb. 24th. Pfc. Berrios and Pd. Morris took Ground Fighting Techniques at the DSPTA on Feb. 26th.

CALEA UPDATE - The department's files have been sent to the assessors and Lt. Calloway has been in contact with them several times. They have indicated that all the files look good with only minor issues to address. The department is on schedule to be accredited at the July conference.

Recruit Rogers is progressing well in the academy with no issues to report. He is scheduled to graduate on April 8th.

WATER AND SEWER REPORT - A question has been raised about the town sending the water and sewer bills to the owner of Hub Court instead of to the individual units. Right now the town sends them directly to the owner/manager of the development, Tim Johnson, and he forwards them to the unit owner. The Town does accept payment from either party. After some discussion Bryan motioned, Thoroughgood second to not change how water/sewer bills are handled and that they would continue to go to the property owners. Motion carried.

MAYOR'S REPORT

Planned Commercial District - The resolution to hold a public hearing to amend the zoning in the Planned Commercial (PCD) District, which would add and clarify additional uses and conditional uses that was tabled from last month's meeting was brought before Council once again. Town Solicitor Tempe Steen has made the recommended changes. A height restriction has been added that is not to exceed sixty feet (60'). It was noted that this would be the maximum height allowed and if a developer wanted to go past this height they would have to go before the Board of Adjustment and request a variance. It was also noted that the council would not be locked into approving the 60' it could be less. The time maximum's that have been added were explained by Ms. Steen. After some discussion it was decided that the council may want to address the time limits when this amendment goes to public hearing. Ms. Steen explained that she is trying to build in flexibility and control for the council on this amendment. The council feels the time limits for construction allowance need to have more clarification before approval. Ms. Steen explained that a public hearing is still necessary as changes have been made. Ms. Steen is to look at the language and address possible changes for clarification. Hodges motioned, Bryan second to approve the resolution proposing that a public hearing be held on April 6, 2009, at 7:00 P.M. on the subject of amending the zoning ordinance of The Town of Millsboro that would add additional permitted uses and conditional uses including golf courses, country clubs, horseracing facilities, swimming pools, convention centers, amusement parks, sports arenas, colleges, universities and research facilities to the "Planned Commercial (PCD) District". Motion carried.

Liborio Commercial District - Liborio-Louviers, LLC have submitted a plan to develop between US 113 and Mitchell Street behind Arby's. This property is described on the Sussex County Map as No. 2-33-5.00 parcel 10. URS has reviewed and LiborioLouviers, LLC have complied with their comments and have gone to the Board of Adjustment and received variances for lot coverage and the screen plantings. The variance they received for the screen plantings did not remove the plantings but just changed the type that was required. They are here tonight asking for site plan approval from the Town Council. Craig Shannon, P.E., from Van Cleef Engineering, spoke to Council informing them that the subdivision will consist of splitting the single vacant parcel into two (2) parcels for a bank and a hotel. Landscaped buffers have been included to screen residential use properties in accordance with the town standards. An additional entrance is to be added off Mitchell Street. The committee appointed by the Mayor to study this project has met with the developers and are in favor of approving the preliminary plans. Thoroughgood motioned, Bryan second to approve the request from Liborio-Louviers, LLC for a minor subdivision and a preliminary site plan. Motion carried.

Mosquito Control - The town has received a letter from the DNREC/Division of Fish and Wildlife asking if the town wants to receive the State's mosquito control services for the upcoming year (2009). If the town is in agreement we need to send a waiver signed by the town on town letterhead and the signed Municipality Endorsement letter. Thoroughgood motioned, Truitt second to give permission to DNREC/Division of Fish & Wildlife to provide mosquito control services for the upcoming year (2009). Motion carried.

Zoning/Sports Bar - The town has received some questions showing interest for a sports bar in town and at this time the town ordinances do not address this type of establishment within the town zoning. The comprehensive plan surveys that went out recently also showed an interest for a sports bar in town. The council needs to discuss and define the term "sports bar" and set some explicit terms as to what the town might want or not want in this type of establishment within the town limits. Council instructed Town Solicitor Tempe Steen to write a preliminary resolution defining a "Sports Bar" with conditions that would regulate that type of an establishment within the town limits. Mayor Gum appointed a committee consisting of Robert Bryan/Chair, John Thoroughgood and Irene Keenan to meet with Town Solicitor Tempe Steen to discuss what the town would like to see or not see in a sports bar within the town limits.

Education - The tree trimming and education of the bald cypress at the Cupola Park is taking place at 10:00 AM, Saturday, March 21st. This will be presented by Dan Atkinson, an arborist working with The Town of Millsboro.

Comprehensive Plan Public Workshop - A public workshop will be held on March 25, 2009 from 6:00 PM to 8:00 PM at the Millsboro Civic Center to discuss the results from the recent Comprehensive Plan public survey.

Bryan motioned, Thoroughgood second to recess the Regular Council meeting at 8:10 PM and to enter into an Executive Session at 8:20 PM to discuss legal and personnel issues.

Respectfully submitted,

Tim P. Hodges,

Secretary

REGULAR SESSIONMINUTES

MARCH 3, 2009

9:30 pm meeting called to order with Mayor Larry D. Gum presiding. Present were Vice Mayor Robert H. Bryan, Secretary Tim P. Hodges, Treasurer Michelle L. Truitt, Council persons John Thoroughgood and Irene Keenan, Town Solicitor Tempe B. Steen, Town Manager Faye L. Lingo.

Bryan motion, Thoroughgood second authorizing the Town Manager and Mayor to proceed with the land acquisition as discussed in executive session, approved unanimously.

Thoroughgood motion, Bryan second that the sewer user fee remain the same for the Villages of Millwood, approved unanimously.

Thoroughgood motion, Hodges second to adjourn, 9:45 pm, approved unanimously.

Respectfully submitted,

Tim P. Hodges,

Secretary