

MAYOR and COUNCIL

TOWN OF MILLSBORO

REGULAR COUNCIL MEETING

May 4, 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. Town Manager Faye Lingo, Town Solicitor Tempe B. Steen, Administrative Assistant Brenda Morris, Development Coordinator Linda Johnson, Finance Director William Sauer. Absent Irene Keenan. Guests see attached. One council seat vacant.

PUBLIC HEARING - Public hearing was opened by Mayor Gum to hear tax appeals to the 2009-2010 tax year assessments. The assessment list has been posted and there were a few appeals that were given to Property Tax Associates. Mr. Curt Riley, from Property Tax Associates, has reviewed those properties and the appeals have been resolved. The town has not received any further appeals at this time. The hearing was left open until later in the meeting to hear any further appeals that might be presented.

SECRETARY'S REPORT - Secretary Tim Hodges presented the minutes from the April 6, 2009 council meeting for Council's approval. Bryan motioned, Thoroughgood second to approve the minutes from the April 6, 2009 council meeting as written. Motion approved unanimously with Councilperson Irene Keenan absent.

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 with Councilperson Irene Keenan absent.

MILLSBORO FIRE COMPANY - Ron O'Neal, President, gave the Millsboro Fire Company monthly report. The Fire Department's ladder truck is currently waiting to undergo repairs to the turntable hydraulic system at DPC in Marydel, DE. Parts are on order to make the necessary repairs; unfortunately there is a 30 day delivery period on these components. Once the repairs have been completed on the ladder turntable, the truck will be towed to Buntings Garage in Dagsboro for the installation of the new motor. On the weekend of April 10th and 11th four members of the fire company's dive team participated in dive certification at the Willow Springs Park Dive Training Center in Richland, PA. This includes open water dive training in an on-site quarry and is part of the requirements for holding a rescue diver certification. Four more members will be attending the same training certification over the weekend of May 8th and 9th. The dive Team, along with members from Selbyville and Millville Fire Companies, also

participated in a practice dive in the Millsboro Pond on Saturday, April 25th. Two of the department's volunteer members have successfully completed their Delaware EMT-B certifications, allowing them to now respond to emergency ambulance calls. The certification requires 135 hours of classroom requirements, testing and clinical participation. These individuals are now qualified to participate in the National Registry exam. Members of the Fire Company participated with the Baskin-Robbins organization with their annual 31 Cent Scoop Night on Wednesday, April 29th. Volunteers displayed some of the departments' newest and oldest pieces of apparatus, handed out fire prevention information and worked behind the counter dipping ice cream. Even though the chilly and wet conditions were not perfect ice cream weather, a good crowd turned out to support the National Junior Firefighter Program as well as our local volunteers.

CHAMBER OF COMMERCE - No Report STREET REPORT - No Report PARKS AND RECREATION - No Report

POLICE REPORT - PFC Doughty took Major Case Management at the DSP Academy on April 6th. PFC Lyons, PFC Forester and PFC Berrios took Emergency Vehicle Operators Collision Avoidance training at the DSP Academy on April 9th and 10th. PFC Forester and PFC Berrios took Problem Oriented Policing at DSP Academy on April 27th. CPL Wheatley took Munitions Certification at the Wilmington Police Department on April 28th and 28th. The onsite assessment for the CALEA accreditation has been completed as scheduled. Prior to the departure of the assessors, Chief Murphy met with them and was assured that their report would make a full unconditional recommendation to the CALEA Board that the Millsboro Police Dept. receive accreditation. The last step before receiving the accreditation is to attend the conference in July to receive final approval from the board. Recruit Rogers graduated as scheduled. He is currently in field training status with no issues to report. The academy staff presented Ptm. Rogers with the award for the Outstanding Municipal Recruit.

WATER AND SEWER REPORT - The town received two requests for sewer adjustments due to water leaks at 66 Kyle Circle and 400 Mitchell St. The Town Manager made adjustments as described by ordinance.

MAYOR'S REPORT

Vacant Council Seat - The "at large" seat was vacant after Councilmen Wilkins death in January. The town has received three letters from persons that are interested in volunteering to fill the remaining unexpired term for this seat on Council. The term has two more years left on it. After some discussion it was decided to table a decision until next month's meeting and after council members have had time to read each letter of interest. The town ordinance states that an unexpired term of office may be filled by a majority vote of the remaining members of the Town Council.

Zoning-Planned Commercial District - A public hearing was held open from last month's council meeting to discuss the proposed changes to the Planned Commercial District (PCD). Comments and discussion were heard on the additional changes proposed to the PCD zoning that would include adding casino, video lottery terminal lounges and Traditional Neighborhood Development (TND) District as conditional uses. The changes presented tonight will build on what has already been looked at. Town Solicitor Tempe Steen advised that a second public hearing will be necessary due to the changes made which will include adding casino, video lottery terminal lounges and Traditional Neighborhood Development (TND) District as conditional uses and other changes to the PCD District. Bryan motioned, Thoroughgood second to approve the resolution to hold a public hearing on June 1, 2009 on the subject of amending the town Zoning Ordinance by adding additional permitted uses, conditional uses and regulations including residential and mixed residential-commercial uses, 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 approved unanimously with Councilperson Irene Keenan absent.

Zoning-Restaurants with bars - The committee appointed by the Mayor has met with Town Solicitor Tempe Steen and she is working on a zoning amendment to cover restaurants with bars. Changes in wording and definitions will be in various districts using words the committee has suggested to clarify what bars are and regulations for such businesses. After some discussion it was decided to defer to next month's meeting after council members have had a chance to read the zoning amendment draft purposed by the committee and Ms. Steen.

Zoning - Traditional Neighborhood Development (TND) District- This is a new zoning district that has been proposed for the town. This draft presented to council this evening was drafted by URS. This will be a mixed use district, not necessarily an overlay, but will be able to stand alone. After some discussion Town Solicitor Tempe Steen advised that this be sent to public hearing next month. Bryan motioned, Thoroughgood second to approve the resolution to hold a public hearing on June 1, 2009 on the subject of amending the Zoning Ordinance of the town by adding a new section "210-25" Traditional Neighborhood Development (TND) District" and regulations therefore. Motion approved unanimously with councilperson Irene Keenan absent.

Zoning -Highway Commercial District - There has been discussion to update the list of business types that can be allowed in the Highway Commercial District. This amendment to the town zoning ordinance will add clarification to this particular zoning district. Bryan motioned, Hodges second to approve the resolution to hold a public hearing on June 1, 2009 to consider amending the Zoning Ordinance of The Town of Millsboro, chapter 210-18, Highway Commercial (HC) District, by adding a new subsection (26) to provide for business, personal, retail, social and research service establishments. Motion approved unanimously with councilperson Irene Keenan absent.

Zoning - Vending Machines - Some questions have been raised concerning vending machines outside town businesses. Right now there are newspapers and soda machines allowed. Council members are questioning whether the town might need to put in place regulations that will tell what kind of vending machines are allowed and where they can be placed in town. It was also brought up that there should be regulations that state how many of these vending machines can be placed within proximity to each other especially on sidewalks that may restrict pedestrian traffic flow. Some council members feel that these types of machines should not be on the sidewalks of town but within the businesses themselves. It was decided to bring this issue back to the table next council meeting for further discussion.

Zoning - Street Vendors - Town Solicitor Tempe Steen asked council for guidance and clarification concerning street vendors within town limits. This might include such vendors as a Good Humor Ice Cream truck, lunch wagons that might visit construction sites to sell the workers lunch and produce wagons that might sell their products along the street. Council was asked if this was something they would want to allow and how they would like them treated. Should they be required to get a business license and if so how this would be monitored? A question was asked if the town even wants to allow these types of vendors in town. Ms. Steen was asked by council to look at what other town's ordinances pertaining to this issue might state and to bring those findings back to next month's council meeting for council's consideration.

Comprehensive Plan Update - The Comprehensive Plan draft went for review with the Office of State Planning and they are to have their comments back to the town. There were no new surprises just a few comments none of which were negative. The next step in the approval process is to hold a public hearing next month. Hodges motioned, Truitt second to approve the resolution to hold a public hearing on June 1, 2009 on the subject of adopting the revised and amended Town of Millsboro Comprehensive Plan on file at the Town Hall. Motion approved unanimously with councilperson Irene Keenan absent.

USDA Loan

Sewer - The Town of Millsboro has approval by referendum to borrow 36 million dollars. As part of this 36 million the town is preparing for loan closing on \$5,870,000. with the USDA Office and 1.5 million of grant from the USDA Office. The council needs to authorize the Mayor and Town Manager to execute documents necessary to close the loan on behalf of the town. Hodges motioned, Bryan second to authorize and empower the Mayor and Town Manager to take all action necessary to execute documents to close the loan on behalf of the town. Approved unanimously with councilperson Irene Keenan absent.

Water - The Town of Millsboro has approval through referendum to borrow 36 million dollars. As part of the 36 million the town is preparing for loan closing on \$2,602,500 with the Delaware Office of Drinking Water for well installation with treatment as needed to the town's water facilities, lines and systems. At this time council needs to approve the borrowing of the \$2,602,500 and authorize the Mayor and Town

Manager to execute the necessary paper work. Hodges motioned, Thoroughgood second to approve the town moving forward with the borrowing of the \$2,602,500 from the Delaware Office of Drinking Water and to give the Mayor and Town Manager authorization to take all action necessary to execute documents needed to close the loan on behalf of the town. Approved unanimously with councilperson Irene Keenan absent.

Of this \$2,602,500, 52.3114% is to be principal forgiveness (ARRA) \$1,361,404.19. Hodges motioned, Truitt second to authorize the Mayor and Town Manager to take all action necessary to execute documents to close the ARRA loan on behalf of the town. Approved unanimously with councilperson Irene Keenan absent.

Sewer - There has been a pre-application made for funding to the Delaware Water Pollution Control Revolving Fund ARRA Green Project Reserve. The project cost is \$250,000 and the amount of the ARRA principal forgiveness is \$130,000. Council was informed that no action was needed at this time. Town Manager Faye Lingo wanted the council to know that this loan was in the works. The project is for the purpose of recycling water WWTP effluent with "purple pipe" water reuse system.

Close Public Hearing - As there were no further tax appeals to be heard Thoroughgood motioned, Hodges second to close the Tax Appeal public hearing opened earlier in the evening. Approved unanimously with councilperson Irene Keenan absent.

Thoroughgood motioned, Bryan second to recess the Regular Council meeting at 7:55 PM and to enter into an Executive Session at 8:05 PM to discuss legal and personnel issues.

Respectfully submitted,

Tim P. Hodges Secretary

REGULAR SESSION MINUTES MILLSBORO TOWN COUNCIL

MAY 4, 2009

8:30 pm meeting called to order with Mayor Larry D. Gum presiding. Present were Vice Mayor Robert Bryan, Secretary Tim P. Hodges, Treasurer Michelle Truitt, Council persons John Thoroughgood and Irene Keenan, Town Solicitor Tempe B. Steen, Town Manager Faye Lingo. One council seat vacant.

Hodges motion, Truitt second that the town manager schedule a meeting with Bearing and CABA to discuss retainer, approved unanimously with one council seat vacant.

Hodges motion, Truitt second to authorize the Town Solicitor and Town Manager to handle the land acquisition as discussed in executive, approved unanimously with one council seat vacant.

Thoroughgood motion, Truitt second to adjourn, 8:35 pm. Approved unanimously with one council seat vacant.

Respectfully submitted,

Tim P. Hodges,

Secretary