

## MINUTES

### REGULAR COUNCIL MEETING

#### MILLSBORO TOWN HALL

322 WILSON HIGHWAY

SEPTEMBER 8, 2009

#### MILLSBORO TOWN COUNCIL

7:00 pm meeting called to order with Mayor Larry D. Gum presiding. Present were Vice Mayor Robert H. Bryan, Secretary Tim P. Hodges, Treasurer Michelle Truitt, Council person John Thoroughgood and Greg Hastings, town solicitor Tempe B. Steen, town manager Faye Lingo and one council seat vacant.

Secretary's Report - Tim Hodges presented secretary's report. Bryan motion, Thoroughgood second to approve the minutes as written, approved unanimously with one council seat vacant.

Treasurer's Report - Michelle Truitt presented the financial report and the bills ready for payment. Thoroughgood motioned, Hodges second to pay the bills from the designated accounts.

Parks and Recreation Report - none

Millsboro Fire Company - due to a scheduling conflict because of the holiday the president of the fire company cannot be here this evening. It is meeting night for the fire department.

Greater Millsboro Chamber of Commerce - Fran Bruce director reported that Big Thursday went off without any problems. There are two more nights of entertainment with the Concerts in The Park; Sept. 27 and Oct. 4 on the schedule. The army band had to cancel for Sept. 12th. Fran will do a report of the attendance so we can see what entertainment the public most came out to see. The Chamber has produced a post card to help promote the area. The Miss Millsboro contest is scheduled for September 20th. The annual golf tournament is coming up and they are planning to work September 20th. The annual golf tournament is coming up and they are planning to work with the Millsboro Police

Department for "Family Night Out" and they are also beginning to receive applications for the Christmas Parade.

Lease agreement - It was brought up that the lease agreement with the Chamber expired August 31, 2009 so Mayor Gum appointed a committee to review and report back to council. The committee is Bryan, chair, Thoroughgood and Truitt.

Millsboro Police Department - Chief John K. Murphy II report see packet. Chief asked if council would set the date for "Trick or Treat" and approve "Family Night Out" so they can begin making plans. October 31st falls on a Saturday this year, however, the police department does not see that as a problem. They do not see any difference what night it is held on they still have to take the same precautions and have not experienced any higher rate of mischief based on the night of the week. They estimated 300 came through the "Family Night Out" last year and there will not be any cost to the town. Council agreed Saturday, October 31st is okay and to go ahead and plan the "Family Night Out". It will have to be placed on the agenda next month for a formal vote. Statistics: Complaints 257; domestics 21; assist other agencies 12; traffic 423; speed 136; dangerous moving violation 44; DUI 7; warnings 73; crim. Arrests 72; wanted persons 23; accidents 25; per. Inj. Accidents 1; patrol miles 6736.

Grant applications and vehicle budget - vehicles, budget; there were two police cruisers put in the budget for this year and the chief is asking for permission to go ahead and order them from the state contract.

Grant request - the chief went through the grant line by line explaining the equipment and training.(see attached) Bryan questioned the physical fitness instructor, cardio kinetics, and whether or not it would be best to stay with an independent firm. That would eliminate any question of favoritism and the expense of any new equipment. Mayor Gum questioned the medical aspect of it and any liability to the town. He was concerned that the town would be asking a police officer to perform medical duties and if a problem was not recognized and an officer should be injured that they could point the finger at the officer doing the physical assessment. Chief Murphy explained that this is not a medical physical, merely an assessment. It is basically the same physical test that town gives new recruits but it does allow for an individuals age. The officers are required to have an annual physical around their birthday each year. The assessment is a requirement of CALEA and it does not carry any penalty for not reaching certain goals.

Vehicles -Thoroughgood motion and Bryan second to direct the chief to purchase his two new patrol vehicles and to transfer all equipment from existing vehicles to new vehicles except for new digital video camera that will be tied into the laptop. The chief takes the 2004 Ford F-250 for his use, passes the Durango he drives to the lieutenant and get rid of the patrol car that the lieutenant drives, approved unanimously with one council seat vacant.

Grants - Bryan motion, Hodges second to approve the grant request as written by the chief and also authorizing him to use the recovery grant for the other half of the motor unit safety equipment if it becomes available, approved unanimously with one vacant council seat.

Street Report - none

Water and Wastewater Report - M & T is asking to terminate their existing contract for water and sewer fees and is asking to be billed like any other user within the town limits. Their contract was negotiated when it was a manufacturing facility and has changed hands many times and now the current owner is asking for consideration to be given. Mayor Gum appointed a committee to review the existing contract and to come back with a report to council. Hodges, chair, Hastings and Thoroughgood.

Mayor's Report

Zoning amendment to the existing section 210-47d". Kenny has asked for this section setting building requirements for town houses, to be removed as it only adds confusion to the builders. It is addressed in the housing code and is obsolete. Since this is a zoning issue it does require a public hearing. Hodges motion, Hastings second to hold a public hearing October 5 at the next regularly scheduled council meeting, approved unanimously with one council seat vacant.

Monroe Square - Joe Moore representing the property owner explained that they had received final site plan approval and the time had lapsed. They are still moving forward with the project and with the down turn in the economy they had slowed up doing the actual development. The property is located between Monroe Street and Northern Boulevard. They are asking for a one year extension on time to begin the development. Bryan motion, Hodges second to extend the expiration date to October 2010, approved unanimously with one council seat vacant.

Millwood Expansion - They had received preliminary plan approval in 2006; Mr. Paul Robino distributed a schedule that outlined the progress since that time. This property is located behind the Villages of Millwood, between Millwood and the railroad tracks. He explained that they have not been idle but have been moving forward it just is taking longer to get through the permits with the state. Bryan motion, Thoroughgood second to extend the expiration date one year from today, approved unanimously with one council seat vacant.

Liborio Commercial - Craig Shannon of Van Cleef Engineering represented the property owner. The property is located between Mitchell Street and US 113 along side Arby's and the private road that belongs to M & T. Mr. Shannon explained that they have been working with the state agencies to get

the necessary permits. The one that they are missing is the Deldot entrance permit. They have approval for the plat recordation plan. They understand they have things to work out with the state and the owner is working on those things. Bryan motion, Thoroughgood second to grant final approval subject to Deldot approval, the development agreement and other standard conditions being met, approved unanimously with one council seat vacant.

Wharton's Bluff- Parcel B - Dennis Gilligan is here to answer questions concerning the development agreement. The bond is still being worked on per CABA's recommendation. Thoroughgood motion, Truitt second to approve the development agreement, approved unanimously with one council seat vacant.

Conditional Use Renewal - Hometown Properties. Sussex County Map. 1-3317.09 p 26.01. This is for a combination of a shed in the rear yard and an apartment over a business. There have not been any complaints received in town hall. The original paperwork included two separate conditional uses and we are combining them into one with one expiration date being June 2010 if approved by council. Council had discussion making sure they all knew the location of the unit and then Thoroughgood motioned, Bryan second to approve with an expiration date of June 2010, approved unanimously with one council seat vacant.

White Farm annexation resolution - Sussex County Map. No. 1-33-11.0003.00;1-33-15.00; 1-33-16.00-75.03; 1-33-15.30; 1-33-16.75; State route 20 from its intersection with US route 113 on the east in a westerly direction to its intersection with Stockley Road. The resolution had been amended to include a portion of Route 20 into the annexation process. A committee report is attached that gives the reason for inclusion is to afford the properties in that area to be able to have the benefit of routine police patrol. It made more sense if the properties were going to be in town that they should also get the added benefit of police presence. Tempe advised if council was agreeable to make the public hearing November 2<sup>nd</sup> to allow for time to receive comments from the State and Sussex County. Hodges motioned, Bryan second to hold a public hearing at the regular council meeting November 2<sup>nd</sup> to consider annexation of the properties as listed in the written resolution, approved unanimously with one council seat vacant.

J. G. Townsend, Jr. & Company annexation resolution - an amendment was made to the original resolution due to the number of acres being changed. There was a difference when the new survey was completed as to what was on the deed. This action is the same as taken before with the only change being the acres but that still means a new resolution and a public hearing. Sussex County Map No. 1-33-11.00 parcel 4.00, 97.77 acres more or less. Bryan motion, Thoroughgood second to hold the public hearing October 5, 2009, approved unanimously with one council seat vacant.

Committee appointments - since Irene Keenan is not available to serve on the committees Mayor Gum would like to appoint someone to fill her seat and he appointed Greg Hastings. Irene was actually chair of the Millwood committee so Mayor Gum also appointed John Thoroughgood to serve as chair.

Amazing Grace - Sherri Kerr operates the Amazing Grace retail store and would like to host a book signing with entertainment under a tent in front of the parking lot of the shopping center where her store is located, Millsboro Town Square. (The Food Lion Shopping Center). The hours will be ten until four with a live radio broadcast under a tent. There are three church praise bands to perform and they will bring their own sound equipment. Thoroughgood asked about electric and Sherri advised that they would have generators. She also has volunteers to monitor the area with safety in mind. Hodges suggested a fence of sort to guard the perimeter and Sherri was agreeable. Bryan motion, Thoroughgood second to approve the event, approved unanimously with one council seat vacant.

Millsboro Scout Hut - Council person Greg Hastings submitted a letter asking that the Town Council waive the building permit fee. The building committee has been performing some repairs to The Hut and did not think to apply for building permits. The fee will be in the neighborhood of \$ 35.00. He apologized on behalf of The Hut representatives and is asking for consideration. They are a not for profit organization that helps the youth in the area. Thoroughgood motion and Hodges second to waive the building permit fee, approved unanimously with one council seat vacant and Greg Hastings abstaining.

8:30 pm Bryan motion, Thoroughgood second to recess and enter into an executive session to begin at 8:40 pm approved unanimously with one council seat vacant.

Respectfully submitted,

Tim P. Hodges

Secretary

REGULAR SESSION MILLSBORO TOWN COUNCIL SEPTEMBER 8, 2009

9:20 pm meeting called to order with Mayor Larry D. Gum presiding. Present were Vice Mayor Robert H. Bryan, Secretary Tim P. Hodges, Treasurer, Michelle Truitt, Council persons John Thoroughgood and Greg Hastings, Town Solicitor Tempe B. Steen, Town Manager Faye L. Lingo, with one council seat vacant.

Bryan motioned, Truitt second to authorize the town manager to move forward and acquire "request for proposals" for engineering for the stormwater improvements on Wilson Highway. Approved unanimously, with one council seat vacant.

9:22 pm Bryan motion and Truitt second to adjourn, approved unanimously with one council seat vacant.

Respectfully submitted,

Tim P. Hodges

Secretary