

MINUTES

OCTOBER 5, 2009

MILLSBORO TOWN COUNCIL

REGULAR MEETING

322 Wilson Highway

Millsboro, DE 19966

7:00 pm meeting called to order with Mayor Larry Gum presiding. Present were Vice Mayor Robert H. Bryan, Secretary Tim P. Hodges, Treasurer Michelle Truitt, Council persons John Thoroughgood and Greg Hastings with one council seat vacant, James Waehler from Steen, Waehler, Schrider-Fox filling in for Tempe Steen and Town Manager Faye Lingo.

PUBLIC HEARING - Mayor Gum opened the hearing to amend the zoning ordinance for The Town of Millsboro, 210-47, townhouses, to delete subsection "d" in its entirety. This was an item that Mr. Niblett the town's building official asked to have removed from the code. This section is already addressed elsewhere and contradicts those requirements. With no further comments the hearing was left open until later in the meeting.

PUBLIC HEARING - To hear the amendment to the resolution annexing properties now or formerly of J. G. Townsend Jr. & Company, contiguous to the present northerly limits of The Town of Millsboro on the east side of U.S. Route 113, easterly part of tax map no. 1-33-11.00-4.00; 97.77 acres more or less. Amended resolution to hold a public hearing and amend the zoning map and zoning ordinance of The Town of Millsboro to include 17 acres with the previously proposed 50 acres of the parcel as a High Density Residential (HR) District and the 30 acres of said territory which are parallel to the easterly of U.S. Route 113 as a Highway Commercial (HC) District. This presentation had already been presented and is here as a clarification of the acreage. The hearing will be left open until later in the meeting.

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SECRETARY'S REPORT

Secretary Hodges presented the minutes; Thoroughgood motion and Hastings second to approve the minutes as written. Motion unanimously approved with one council seat vacant.

TREASURER'S REPORT

Bank Balances in the packet; Treasurer Truitt presented the bills. Bryan motion, Hodges second to pay the bills from the designated accounts, approved unanimously with one council seat vacant.

PARKS AND RECREATION REPORT NONE

MILLSBORO FIRE COMPANY

Ron O'Neal, president of the fire company was able to give statistics for fire calls. Mr. O'Neal also reported that they are expecting the new ambulance to arrive any day now. They are also having new laptop mapping software installed and they have been visiting the schools this week as part of Fire Prevention Week.

GREATER MILLSBORO CHAMBER OF COMMERCE Fran Bruce, not able to be here this evening.

POLICE DEPARTMENT

Chief John K Murphy gave report of statistics and training during the months.

Education - He also has two requests for education. Doughty is asking to have classes approved through Wilmington College for the Criminal Justice curriculum, \$ 1,458.00. Bryan motion, Hodges second to approve the classes for Doughty with the understanding that Doughty pays up front and has to pass the course and then the town will reimburse him; approved unanimously with one council seat vacant.

The second request is for another officer with on-line classes. The only online classes that have been approved are those that with the Delaware Technical degree or Wilmington College. It was suggested that the information be given to the personnel committee and have them do a review, go over it with the Chief of Police and let him know their recommendation.

Trick or Treat - Ratify action taken at the September 8, 2009 council meeting when October 31, 2009 between the hours of 6- 8 pm for ages 12 and under in costume was set aside for Trick or Treat. Truitt motion, Bryan second, approved unanimously with one council seat vacant.

Vehicle - Chief Murphy asked if council would be willing to give one of the police cars that we were on schedule to get rid of this year to the City of Georgetown to use as a canine vehicle. Since the shooting of the officer their canine vehicle has been impounded as part of the investigation. Bob Bryan had some thoughts on how that could happen but needed to discuss it with the town council first and ask for some legal advice. He asked if the matter could be tabled until executive. Mayor Gum tabled the question until Mr. Bryan could get the legal advice he needed.

STREET REPORT No report

WATER AND SEWER REPORT

The new wastewater plant is up and operating. Faye had pictures of the building with the logo in place.

MAYOR'S REPORT

Eagle Scout - Darin Troy has received the rank of Eagle Scout in July 2009. Mayor Gum had planned to attend the ceremony but was unable to and wanted to introduce Mr. Troy to council and present him with a congratulatory letter from Mayor and Council. Darin was present while Mayor Gum read the letter aloud and presented it to him. No further council action to be taken.

DEL POINTE - Zack Crouch from Davis, Bowen and Freidel and Wendy Baker from Ocean Atlantic gave an update on the progress of the Del Pointe project. They have hired a consultant to work on the project, Deldot approvals have been given. Pictures still show a one mile track with park, traditional style retail, big box, lifestyle center (commercial first floor with living units second floor), and indoor sports complex. Hope to have a tram visitors can move around the site without having to get in their car. Hope to have more than one motel to offer different price ranges. They do not have the actual race days until the track is build.

They are asking for an extension on the annexation, development agreement until March 2010; to allow time to work on their plans and permits from the state. Casino is still hopeful. Mr. Waehler pointed out the J.G. Townsend property representatives are not okay with the March 2010 extension for their property. They are scheduled to have their agreement for the November 2, 2009 council meeting and plan on being here. Bryan motion and Thoroughgood second to approve the time until March 2010 to have the annexation and development agreement in place and ready to annex properties with an update from the applicant in December 2009 or January 2010, approved unanimously with one council seat vacant.

Townhouses; Mayor Gum asked if there was any further comment or questions on the zoning amendment. Hearing none Thoroughgood motion, Bryan second to close the public hearing. Thoroughgood motion, Hodges second to approve the amendment, approved unanimously with one council seat vacant.

J G. Townsend annexation - Mayor Gum asked if there was any further comment or questions on the annexation amendment to the J.G. Townsend property and hearing none Thoroughgood motion and Bryan second to close the public hearing, approved unanimously with one council seat vacant. Hodges motion, Bryan second to approve the annexation amendment, approved unanimously with one council seat vacant.

Conditional Use Renewal - Apt #2, 332 Main Street, this is the second apartment over the garage on Central Alley but is a part of the property facing Main Street. Mayor Gum asked if town hall had received any complaints or had any members of the town council. Since there have not been any complaints received Thoroughgood motion, Bryan second to approve the conditional use, approved unanimously with one council seat vacant.

Supplemental Tax Assessments - The Town Charter requires that the supplemental assessment list be prepared quarterly and presented to council for approval. This is the first quarter and it needs council's approval to move forward with the billings. Hastings motion, Thoroughgood second to approve the supplemental tax list as presented. Approved unanimously, with one council seat vacant.

7:50 pm Hastings motion, Hodges second to recess into executive session with a ten minute break, approved unanimously with one council seat vacant.

9:15pm Bryan motion, Hastings second to enter into regular session, approved unanimously with one council seat vacant.

9:16 pm meeting called to order with Mayor Larry Gum presiding. Present were Vice Mayor Robert Bryan, Secretary Tim Hodges, Treasurer Michelle Truitt, Town Solicitor, James Waehler filling in for

Tempe Steen from Steen, Waehler, Schrider-Fox, Town Manager Faye Lingo and guest Mark Downes from CABA Assoc.

White Farm - Hodges motion, Bryan second to authorize CABA to proceed with the next step in the hydrological and soil testing, \$ 340,000.00; archaeologist \$150,000.00; soil studies \$ 100,000.00. Approved unanimously with one council seat vacant.

Thoroughgood motion, Truitt second to sell one of the crown vics that we are retiring this year for \$500.00 with the purpose of it going to the Town of Georgetown to

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be used as a canine unit. This is due to the homicide involving a Georgetown officer. Motion approved with one council seat vacant and Bryan abstaining.

Truitt motion, Bryan second to adjourn 9:23 pm, approved unanimously with one council seat vacant.

Respectfully submitted,

Tim P. Hodges,

Secretary