

MAYOR and COUNCIL TOWN OF MILLSBORO

Regular Council Meeting

November 2, 2009

7:00 pm meeting called to order with Mayor Larry D. Gum presiding. Present were Vice Mayor Robert Bryan, Secretary Tim Hodges, Treasurer Michelle Truitt, Council persons John Thoroughgood and Greg Hastings, Town Solicitor Tempe B. Steen and Town Manager Faye L. Lingo.

Public Hearing - Annexation of White Farm, LLC; Tax Map No. 1-33-11.00 parcel 03.00, 162.60 acres; 1-33-15.00 parcel 30.00, 109.10 acres; 1-33-15.00 parcel 30.01, 84 acres; 1-33-16.00 parcel 75.03, 166.60 acres 1-33-16.00 parcel 75.00, 88 acres; both sides of route 20 and north of road 433 and route 20 from intersection with 113 to intersection with Stockley Road. Mayor Gum asked for comments or questions. Council had no questions at this time and there were no questions from the audience. The hearing was left open until later in the meeting.

Secretary's Report - Thoroughgood motion, Hastings second to approve the minutes as written, approved unanimously with one council seat open.

Treasurer's Report - Treasurer reported the bills had been reviewed and are presented for payment. Bryan motion, Thoroughgood second to approve paying the bills from the designated accounts, approved unanimously with one council seat vacant.

Parks and Recreation Report - no report

Millsboro Fire Company - Ron O'Neal, president of the Millsboro Fire Company gave his report to council with no council action necessary.

Greater Millsboro Chamber of Commerce - no report

Police Report - Chief John Murphy gave report 257 Complaints; 19 domestics; 15 assist other agencies; 395 total tickets; 111 speed violations; 30 dangerous moving violations; 8 DU1's; 86 criminal arrests; 6192 patrol miles.

Promotion - Murphy reported that he has met with the personnel committee and he is ready to make a recommendation for Sergeant. It has been a year with the testing and hands on training and the recommendation is Robert Legates. Thoroughgood motion, Hodges second to promote Legates to Sergeant, approved unanimously with one council seat vacant.

Street Report - no report

Water and Sewer Report

USDA resolution, no action, not ready for this month.

M & T water and sewer rate committee report - the committee reviewed the fee schedule with the town's finance officer and recommend that M & T be charged the same as other users in town. Their usage is equivalent to other users and there isn't anything unusually with the property. It has changed hands many times since the origination of the existing contract. Bryan motion, Thoroughgood second to terminate the current contract and to charge fees pursuant to the town's rate structure, approved unanimously with one council seat vacant.

Mayor's Report

Villages of Millwood, Tammy Rust, realtor presented a plan to add additional entrance signs at the single family residential side of the project. The original site plan did not show any signs or landscaping. They would like to give it a name of its own and the landscaping would separate the townhouses from the single family homes. Bryan motion, Hodges second to approve the proposed sign and landscaping, approved unanimously with one council seat vacant.

J. G. Townsend annexation agreement - the property had petitioned for annexation and the hearings have been held. The annexation agreement is scheduled to be finalized November 2nd and they are requesting to have an extension that matches the Chesapeake tract, March 1, 2010. Hodges motion, Bryan second to approve their request for finalizing the annexation agreement, approved unanimously with one council seat vacant.

Impact Fee recommendation: a request was made to council by a developer to allow an adjustment on the payment of impact fees by him to the town. After reviewing the current fees, building permits and meeting with Millsboro's finance officer the committee has come up with a proposal for council to consider. Based on today's economy the committee is willing to suggest that council waive the building fund component portion of the impact fees along with the fire and ambulance impact fee for twelve months from the night of approval. The committee was Thoroughgood chair, Hastings and Hodges. They considered this an incentive for the developers to build again and would be the town's attempt to

stimulate the building in town. This would leave the water and sewer impact fees in place. Bryan motioned, Truitt second to accept the committee recommendation becoming effective midnight tonight, approved unanimously with one council seat vacant. Tammy Rust asked if it could be made retroactive to include the two permits that they just received in October since their development initiated the discussion. Hodges replied no, that it would be from now forward. Ron O'Neal, president of the Millsboro Fire Company reminded the town that the fire department depends on the funds from the town; that they have already been hit by the State and Sussex County by reduction of funding. Gum commented that he understood but to remember that a quarter of a percent of nothing is nothing if there are not any building permits.

Vacant Council Seat District 3 - Irene Keenan was deemed elected since no one run in her seat of District 3 in July 2009 and because of a job change had to leave the council for a short while. Her job situation has leveled out and she is available to resume her council seat if agreeable with the council. Council never did officially accept her resignation and if still agreeable then she can return to council December 7th. Very good, everyone agreeable and look forward to her return.

White Farm annexation - Mayor Gum asked if there was any further comment or questions concerning the annexation proposal hearing none Thoroughgood motion, Bryan second to close the public hearing, approved unanimously with one council seat vacant.

7:40 pm Hodges motion, Truitt second to recess and enter into executive session at 7:50 pm to discuss legal, approved unanimously.

REGULAR SESSION

8:10 pm Mayor Gum presiding. Present were Vice Mayor Robert Bryan, Secretary Tim Hodges, Treasurer Michelle Truitt, Council persons John Thoroughgood and Greg Hastings, Town Solicitor Tempe B. Steen, Town Manager Faye Lingo.

It was suggested by Hodges that in the future the executive session be moved to another room and allow the visitors to stay in council chambers, we can provide coffee and cookies and they will be here when the council returns and will not feel uncomfortable by waiting outside. Considered a good idea and to plan on doing it next month.

8:15 pm Truitt motion, Hodges second to adjourn, approved unanimously.

Respectfully submitted,

Tim P. Hodges,

Secretary