

Minutes

Millsboro Town Council

Regular Council Meeting

February 1, 2010

7:00 P.M. meeting called to order in the Council Chambers, Vice-Mayor Robert Bryan presiding. Present were Secretary Tim Hodges, Treasurer Michelle Truitt, Council Persons John Thoroughgood, Irene Keenan, Greg Hastings, Town Manager Faye Lingo, Town Solicitor Tempe B Steen, Development Coordinator Linda Johnson, Finance Director William Sauer, Town Clerk Tammy Phillips. Absent Mayor Larry Gum. Guests see attached.

DEL POINTE - Preston Schell representing Chesapeake Tract, LLC, and reported legislation regarding casinos is stalled. Legislators may accept RFP's for possible sites. He believes there will be two new casinos in the State of Delaware. He also believes that legislators will come back and ask how quickly will you be able to deliver revenue to us? Zach Crouch from Davis, Bowen and Friedel presented the preliminary site plans of Del Pointe. They are considering the purchase of a temporary structure tent, if it is fiscally possible and approved by The Town of Millsboro. If they could build a permanent structure faster than about 12 months it makes no sense to build the temporary structure, but if it takes 16 to 18 months to build a permanent structure, then it makes sense to do the temporary structure. Temporary structures can be durable for at least 25 - 30 years. Zach also stated that the plans were reviewed by the Development Coordinator Linda Johnson and the Building Inspector Kenny Niblett back in December. Davis, Bowen and Friedel received the letter of comments on January 28, 2010 and they have addressed all issues. The whole purpose of the plan is for a temporary structure as well as Race Track and relocation of Bethesda Road and Ave of Honor. Ave of Honor and Bethesda Road exist today are the two roads that will be relocated. The relocation of these two roads has been approved by DELDOT. Before those two roads are abandoned DELDOT has to inspect the roads and take full responsibility and also coordinate with the school on the Bethesda Road. The plans show how the temporary facilities can be constructed in Phase 1, as well as the storm water management facility for the track and the road and the track itself. State Fire Marshall had a few issues that needed to be addressed and they have been. They stated that they have received State Fire Marshall approved for the site plan on February 1, 2010. Developer agreement is being reviewed by the property owner once they receive the agreement back they will submit to the town. When they submit for building permit for the structure itself additional information will be provided for water treatment facility and storage tank. Until the utilities are available to them there will be 2 or 3 holding tanks. When the permanent infrastructure has been installed well and holding tanks will be abandoned. Town Solicitor Tempe Steen mentioned that no application for a subdivision has been filed with The Town of Millsboro which is required before a Public Hearing can be scheduled for March 2010. The Developer is requesting provisional approval of both the master plan and preliminary approval for Phase 1, including the racetrack, parking and casino building. Town Solicitor Tempe Steen, suggested combining all applications, and further noted that necessary zoning for

the conditional uses and accessory uses is not in place as the land only has contingent PCD zoning. The Code requires notice be sent to residents within 250ft. advising that an application has been filed with proof of such notice to the town. If The Town of Millsboro receives all applications: Zoning, Subdivision, Conditional Use, Temporary Structure all incorporated and proof of notice to residents 250ft. from property, the Council will be able to consider the requests. Once the Town of Millsboro receives all application and Developer meets all requirements, the advertising for a Public Hearing might be able to be done April Stn

SECRETARY'S REPORT - Secretary Tim Hodges presented the minutes from the January 4, 2010 council meeting for Council's approval. Thoroughgood moved, Keenan seconded to approve the minutes from the January 4, 2010 council meeting as written. Motion approved unanimously with Mayor Larry Gum absent.

TREASURER'S REPORT - Treasurer Michelle Truitt presented the bills and bank balances to Council for approval. Hodges moved, Thoroughgood seconded to pay the bills from the designated accounts as presented. Motion approved unanimously with Mayor Larry Gum absent.

GREATER MILLSBORO CHAMBER OF COMMERCE - No report.

MILLSBORO FIRE COMPANY - President Ron O'Neal, reported that, the final numbers have been tabulated for the calendar year 2009. Fire calls totaled 414, a drop of 15% from the 488 calls in 2008. Unfortunately, EMS calls rose almost 3.5% from 1900 in 2008 to 1962 last year.

Four of our Fire Line Officers attended the Chief's Retreat Breakfast held at the Indian River Volunteer Fire Company on Sunday, January 31. This is a yearly event sponsored by Station 80, giving opportunity for Chief Officers from surrounding fire companies to discuss situations facing their organizations.

Representatives from Millsboro attended the review of the proposed Delaware Standards for Emergency, held at the Emergency Operations Center in Georgetown on Monday, January 18. These guidelines pertain to the training requirements for all Firefighters, Fire Officers, Fire Police and Administrator positions within the volunteer fire service, and is an effort to standardize the courses and knowledge necessary to hold elected or nominated positions within the 59 volunteer fire companies throughout the State. Millsboro Fire Company currently complies with these proposed standards for all levels of membership except Administration positions, which are now being offered by the State Fire School.

Eight volunteers from Millsboro were on standby at Station 77 in Georgetown on Saturday, January 23, allowing members of Georgetown Fire Company to attend their annual banquet, which was held at the Millsboro Fire Company Banquet Hall. Also, a number of our members spent the night at the Millsboro firehouse on Saturday, January 30 during the recent snowstorm. This enabled us to maintain a Fire/EMS crew at the station in order to respond to emergencies regardless of the road conditions.

POLICE REPORT - Lt. Calloway gave a CALEA update. He reported to Council on the annual report which describes what the department does as a whole. He also informed Council that this report is on the police website. Vice-Mayor Bryan said the report was informative and professional: councilman Thoroughgood commented that it looked like a lot of work and was informative.

Chief Murphy informed Council about the Grant for State Aid to Local Law Enforcement balance of \$6,291.84. He requested these funds be used to purchase 3 new desktop computers and mark refurbished police vehicles. Emergency Illegal Drug Enforcement grant funds total \$18,020.28. He requested these funds be used to purchase 7 vests for the Tactical Team and for an advanced tactical training class. The ARRA grant totaling \$26,527.00 is being used to refurbish two patrol vehicles. The vendor replaces key components of the drive train and offers a 3 year 75K mile warranty through Ford. The cost to do this to two vehicles will be approximately the cost of one new vehicle. The Department will be replacing two vehicles that it has in excess of 90k miles. These vehicles will be "moth balled" and the Chief will have "U" titles assigned to them and the insurance will be cancelled. The Department will consider refurbishing them in the future and they will be a viable alternative if the department ever needs to replace a vehicle due to an accident. It may be more cost effective to refurbish a vehicle to avoid filing an insurance claim. John Thoroughgood moved for grant approval, seconded by Hodges. Motion approved unanimously with Mayor Larry Gum absent.

Pfc. Doughty asked for reimbursement for college classes that he has completed and for approval to take additional classes. Hastings moved, Truitt seconded to approve to take additional classes. Motion approved unanimously with Mayor Larry Gum absent.

PARKS AND RECREATION REPORT - No Report STREETS REPORT - No Report

WATER AND SEWER REPORT - Impact Fees are automatically adjusted annually to reflect changes in the CPI unless council waives the adjustment. The CPI increased 3% this year and last year it went down .4%. Action was not taken last year to, not reduce the fees, so if Council does decide to modify the impact fees, the increase would be a net 2.60% increase. Council decided to take no action with the effect that the impact fees by 2.60 %.

Sewer adjustment due to water leak, 3 Marie Court, Hub Court Mobile Park: Faye has made the adjustment as ordinance allows.

MAYOR'S REPORT - Board of Adjustment member, David Shugard resigned due to schedule conflicts with new job responsibilities. If anyone is interested they must submit a letter to the Town Manager, Faye Lingo, will be discussed at next council meeting.

Sign Ordinance - Council needs to review and discuss sign ordinance. A meeting will be set.

Truitt moved, Keenan seconded to recess the Regular Council meeting at 8:15 PM and to enter into an Executive Session at 8:25 pm to discuss legal and personnel issues.

Respectfully submitted,

Tim P. Hodges,

Secretary