

## Minutes

Millsboro Town Council

Regular Council Meeting

April 5, 2010

7:00 P.M. meeting called to order in the Council Chambers at 322 Wilson Highway, Millsboro. Mayor Larry Gum presiding. Present were Vice-Mayor Bob Bryan, 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. Guests-- see attached.

PUBLIC HEARING -DEL POINTE, Mayor Larry Gum opened the Public Hearing for comments on Preliminary Plan Approval application, and conditional use request for a horse race track and casino location. The proposal is for a multi-use resort, entertainment and retail complex located on parcels 1-33-11.00-5.00; 6.00; and 7.00 which is 131.30 acres +/- of the complex accessed by DuPont Blvd, Avenue of Honor, Rich Road and Bethesda Road, all to be annexed effectively when the conditions are met. The site is contingently zoned Planned Commercial District (PCD). The purpose of Phase 1 is to approve access roads to the site, relocation of existing roads, and construction of the horse racing track and casino. This project will be developed in multiple phases with seven proposed phases which are follows: Phase 1- Race Track and Roads,

Phase 2 - Grandstand and Casino, Phase 3 Hotel and Water Park, Phase 4 - Indoor Sports Complex, Phase 5 Hotels, Theaters, and Phase 6 and 7 are permitted uses. Preliminary subdivision plan approval is being sought for race track and installation of 60,100 building, a "Sprung Structure", and parking, all of which will be located south west side of Bethesda road. Sprung Structure will house the casino as permanent structure is constructed. Mrs. Tempe Steen, Town Solicitor stated the Sprung Structure (casino) will be the interim structure in phase 1; the casino and grandstand in Phase 2 will be permanent structure for long term. The sewer and water facilities will house the Sprung Structure with a water tower and temporary 5 to 6 holding tanks for sewerage. This request for temporary water and sewer facilities is based on the need for time to bring the utility lines 7 miles of pipe from the Town of Millsboro. After the utility lines are installed, the temporary facilities will be abandoned. Council Person Greg Hasting concerned about the traffic within the town. Mayor Gum informed Mr. Hastings that the DEL DOT has done studies on the roads, planning section. Del Point as the developer has to do certain things for the entrance and roads. Vice-Mayor Bob Bryan informed that the Council that Preston Schell had mentioned that Del Pointe could have shuttle buses running every 30 minutes from Lewes, Rehoboth Beach, Bethany Beach and Fenwick Island area to come up to the casinos. Town Manager Faye Lingo is meeting with the DEL DOT about the studies of the traffic through the town. Bob Bryan moved, Michelle Truitt seconded to close the public hearing. Motion approved unanimously. Bob Bryan moved, approved conditional use amend code with the condition they discussed and give authority to have

Town Solicitor to review and edit from past council and committee meeting and make an adjustments as necessary. Michelle Truitt seconded. Motion approved unanimously. Ms Steen informed council that the second item requested by Del Point is Provisional Approval of the Del Point Project comprised of 7 phases and contingent Preliminary Approval of site plan for Phase 1. She noted that engineering details will appear on the Final Plans which must come back to Council for final approval of Phase 1, before digging dirt. Bob Bryan moved, Michelle Truitt second to grant Provisional Approval of the Del Point Project comprised of 7 phases and to grant Preliminary Approval of the Site Plan for Phase 1, both contingents upon annexation and the underlying zoning to become effective. Motion approved unanimously.

RETREAT AT MILLSTONE -Site Plan Amendment to reduce the number of townhomes and add duplexes altering the setbacks. Mark Davidson DC Group stated there are 193 units in Retreat at Millstone - 181 townhomes and 12 single families at the rear of the property. Sandstone Lane is currently approved for 6 townhome buildings and Developer has asked to change the final plan to substitute duplexes by amending the plan that was approved and recorded. The duplex units will utilize the existing water and sewer lateral locations with only minor modifications for unit connection. Capstone Homes will be the builder; there will be 2-story unit with single car unit and 2 story unit with 2 car unit. Council Person Michelle Truitt asked is there only 11 feet between the side yards. The Town Code setbacks for side yard are 20 feet. Ms. Truitt also questioned the landscaping. Bob Aerenson, the Developer, noted that there will be no landscaping between the units. Mayor Larry Gum stated the Town does not like the narrow setbacks between buildings. Mr. Aerenson stated that the development would lose density. Mayor Larry Gum appointed a committee: Council Person Greg Hastings, John Thoroughgood and Secretary Tim Hodges. Mr. Hastings moved, Michelle Truitt seconded to approve the appointed committee to review the proposal for amending the Final Plan for Retreat at Millstone. Motion approved unanimously.

SECRETARY'S REPORT - Secretary Tim Hodges presented the minutes from the March 1, 2010 council meeting for Council's approval. John Thoroughgood moved, Bob Bryan seconded to approve the minutes from the March 1, 2010 council meeting as written. Motion approved unanimously.

TREASURER'S REPORT - Treasurer Michelle Truitt presented the bills and bank balances to Council for approval. John Thoroughgood moved, Irene Keenan seconded to pay the bills from the designated accounts as presented. Motion approved unanimously.

MILLSBORO FIRE COMPANY- President Ron O'Neal stated that EMS calls have increased 16% and they have had to hire 2 EMT full time to work 12 hours day which will start first of May. They have hired a paid supervisor to work 40 works covering both shifts. Federal government has granted 70 % for the first snow in February. It cost them over \$4000 in fuel, feed, and repairs. They have a house for training

rescue and in the fall the house will be controlled burn. Lady Auxiliary had made over 5600 Easter egg this year. Once again, The Baskin-Robbins organization will be hosting a 31 Cent Scoop Night on Wednesday, April 28, at their location on DuPont Boulevard.

GREATER MILLSBORO CHAMBER OF COMMERCE - No Report

MILLSBORO POLICE DEPARTMENT - No Report

PARKS AND RECREATION - Millsboro Little League President Mike Jones started that the parade will be April 17, hoping for Sherman to start off the parade at 8:00 am at Millsboro Civic Center going down Railroad Avenue crossing Main and Washington Street over to Millsboro Senior League Field. Mike Jones really appreciates the Town Police with the traffic for the day. They have over 500 kids signed up this year. Thank the town with paying the electric bill each month. They have a company coming to give a price on the fencing at the park. The construction on the water lines has begun.

No council action necessary.

Cupola Park, entertainment scheduling and fundraising, Greg Hastings moved, John Thoroughgood seconded to have Chamber of Commerce proceed with scheduling entertainment in the Cupola Park. Motion approved unanimously. Bob Bryan moved, Michelle Truitt seconded to do fundraising to help offset the band cost. Motion approved unanimously.

Hispanic Festival -El Centro Cultural Inc. has once again requested use of the W.B. Atkins Park for their Festival Hispano 2010. They are requesting to use the park on August 22, 2010 Bob Bryan moved, Michelle Truitt second to approve the use of the W.B. Atkins Park on August 22, 2010 for the Festival Hispano 2010 as requested by El Centro Cultural Inc. Motion carried unanimously.

STREET REPORT - No Report

WATER AND SEWER REPORT - Water improvements, engineering contract amendment. This is for the water improvements resulting in engineering cost for design changes in the amount of \$ 5470.57. This was discussed in a progress meeting back in December. John Thoroughgood moved, Bob Bryan seconded to accept the engineering cost for design changes in the amount of \$ 5470.57. Motion approved unanimously.

MAYOR'S REPORT

Tax assessment list - was presented to the Council for approval. The public appeal night is the regular council meeting in May, the first Monday. The tax assessment list is posted and notices of any assessments changes are ready. The public hearing to hear any appeals will be at the regular council meeting, May 3rd.

Building Committee -recommendation for contract, Mike from Davis, Bowen, and Freidel was present and was asked to stay till the executive session.

Chesapeake Utilities - easement, Millsboro Pond. This is for a gas line to go across the Millsboro Pond. Since the Town owns the Millsboro Pond the easement from the Town Council. The construction company is asking to be allowed to float the line on the pond until it has been bored under. This will allow them to connect the length of the pipe and not have to assemble along Washington Street while in progress. Millsboro Town Hall easement, the gas line is to go across the rear of the property along the railroad tracks. The same information as the pond applies here as well. Greg Hastings, moved, John Thoroughgood seconded to approve the granting of both easements and the floating of the pipes on the pond for assembly. Motion approve unanimously.

Bob Bryan moved John Thoroughgood seconded to recess the Regular Council meeting at 9:12 PM and to enter into an Executive Session at 9:15 pm to discuss legal and personnel issues.

Executive Session @ 9:15 till 10:00 pm

Regular Session

10:00 pm meeting called to order with Mayor Larry Gum presiding. Present were Vice Mayor Robert Bryan, Secretary Tim Hodges, Treasurer Michelle Truitt, Council persons John Thoroughgood, Irene Keenan, and Greg Hastings, Town Solicitor Tempe Steen, Town Manager Faye Lingo.

John Thoroughgood moved, Bob Bryan second to approve the contract with Davis, Bowen, and Friedel for building improvements on the Civic Center. Motion approved unanimously.

Irene Keenan moved, Michelle Truitt second to adjourned 10:02 pm. Motion approved unanimously.

Respectfully Submitted,

Tim P Hodges, Secretary