

Minutes

Millsboro Town Council

Regular Council Meeting

June 7, 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 Mary Schrider-Fox, Development Coordinator Linda Johnson, Town Clerk Tammy Phillips. Guests-- see attached

PUBLIC HEARING - Retreat at Millstone, tax map 1-33-16.00-138.01 site plan amendment. Bob Areneson, Capson Millsboro 305, LLC, the developer has requested for approval of a modification to the units in the Project in order to eliminate 24 townhouse units (4 building) and replace them with 24 duplex units (12 buildings). The Duplexes are permitted in the HR/PRC District. The proposal is asking a minimum of fifteen (15) feet between the sets of the duplexes rather than the twenty feet (20') required in the underlying regulations. The Developer remains committed to the project and to the Town to build a clubhouse and pool when the developers sells and receives payment for 18 of the remaining 101 as well as to complete the sidewalks as the new units are being constructed. Hodges moved Truitt seconded to approve the final proposal for amending the Final Plan for Retreat at Millstone. Motion approved unanimously.

PUBLIC HEARING - Sign Ordinance- Kyle Gulbranson from URS Engineering Firm, explained the purpose and process of the sign ordinance. The Town of Millsboro Comprehension Plan 2009 shows three major zoning categories. The commercial property and office development are more flexible than urban signage. The new ordinance is for height, vision, unlimited, and less variance meeting with board adjustment opportunity input. Bob Ricker from 28547 DuPont Blvd owner of Baker's Hardware would like council to clarify a few items in the ordinance as follows: Pg 2 Economic, Pg 5 tractors is not parked at location of business over 24 hours consecutively, Pg 6 Unit- A single space within a structure for residential, commercial, institutional or industrial use, Pg 7 Government Signs, Pg 10 (11) Signs located with 25 feet of any right-of-way line of an intersection with another street, Pg 11 (18) Billboards are not permitted, Provisional sign on the building, Pg 12 (g) Signs shall be of a coordinated color scheme and materials which reflect the architectural style of the buildings or commercial complex. (h) Signs shall be fabricated on and of materials that are of permanent quality, good, durability and are complimentary to the building or site of which they are to become a part. (k) At every street intersection there shall be a clear view between the heights of three (3) feet and ten(10) feet in a triangle formed by the corner and

points on the curb thirty (3) feet from the intersection and entrance way. Pg 13 (0) A Sign accessory to a nonconforming use or structure shall conform to the provisions of the zone district in which the nonconforming use or structure is located. Pg 13 (2) Except for public emergency announcements, the message displayed on the EVMS shall be static and non-animated and shall not be changed more than once in any given twelve (12) hour time period. In the event of public emergency, announcements may scroll continuously until the public emergency message is no longer necessary. (3) A public emergency announcement is limited to weather related emergencies, national and local security events, Amber Alerts, and the like. It is not intended to permit scrolling messages, including but not limited to, schools, churches, civic groups for social events, annual meetings, National Fire Safety Week, time to change smoke and fire detector batteries, and other similar messages. (4) The EVMS shall be limited to 2 feet by 12 feet per 20 foot linear front footage of a unit and shall not exceed a maximum of 200 square feet. (5) The applicant for an EVMS permit shall certify in writing to the Town that the message, except for public emergency announcements, to be displayed on the sign shall remain static and shall not flash or scroll at any time and that the message will remain unchanged for least twelve (12) hours at a time. Pg 14 (q) duplicate. Pg 15 (b) Removal of unsafe or nonconforming signs, Subject code enforcement subject for rebate. Pg 8 Monuments should be broadening choice of signs (which are examples). Allen Riley from 216 Washington Street manager of Sussex County Federal Credit Union, they were approved for LED Sign back in February 2010, and he would like to see Pg 13 (2) change from every 12 hours display and change to different color. Gum mentioned would consider change display time. Bryan mentioned will be good for community announcements and Amber Alerts and emergency. Dave Mayer from 238 Main St owner of Millsboro Bazaar has been in town for 21 years, would like to see more options as far as size and feels that their hands are tied with flexible. He also feels there would be disservice to business by signage within 7 years. James Parker from 28375 DuPont Blvd owner of Eastside Developers. His concern was having Town business people to be on the committee. His concerns were Pg 9 sign permit fee. Pg 10 (12) Windblown displays, Pg 13 (4) Not more than three (3) special event permits shall be granted in any calendar year for any one lot or parcel.. He feels if digital LED - stays red only- than everyone would look at emergency Pg 16 (c) One ground or monument sign for any residential community or multiple family complex having 6 feet or fewer units, school, or other institution permitted in the residential district, not to exceed 12 square feet on each side with name of the project of development. Such sign shall not exceed a maximum height of 8 feet and shall be placed at least 2 feet from the right of way. If the community has one common entrance, it may have 2 signs, wall or ground/monument, each no larger than 12 square feet and shall be placed on each side of the common entrance, not in any median or center divide. Pg 20 (a) If the structure/building is located on a parcel 5 acres or less, one (1) internally illuminated or unlighted ground or monument sign along each arterial or collector read on which the structure/building abuts; such sign shall display the name of the business or use but shall not exceed 50 square feet in area. Charlie Towers owner of Tower Signs Co. self illumination signs as well as other lit signs- display signs, county allows 8 seconds allows emergency 'messages such as Amber Alert with the size allowed some will only be able to here 2" lettering in order to get their message up.

SECRETARY'S REPORT - Secretary Tim Hodges presented the minutes from the May 3, 2010 council meeting for Council's approval. Bob Bryan moved John Thoroughgood seconded to approve the minutes from the May 3, 2010 council meeting as written. Motion approved unanimously

TREASURER'S REPORT - Treasurer Michelle Truitt presented the bills and bank balances to Council for approval. Bob Bryan moved Tim Hodges seconded to pay the bills from the designated accounts as presented. Motion approved unanimously.

Budget, council review, and action needs to be taken. It does include a five cent tax increase. Old rate .51 cents new rate .56 cents per one hundred dollars of assessed value. It does include a sewer user fee increase of ten cents. It was sixty cents per one hundred gallons and will be .70 cents per one hundred gallons. When we began the upgrade of the town sewer treatment system it was projected that the town would have to increase the rates to cover the increased operating cost. There is also a boat slip increase from \$ 10.00 a foot to \$ 12.00 a foot. Bob Bryan moved John Thoroughgood seconded to adopt the budget with the rate increase for taxes .56 cents per hundred dollars of assessed value, sewer .70 cents per one hundred gallons and boat slip \$12.00 a foot. Motion approved unanimously.

GREATER MILLSBORO CHAMBER OF COMMERCE - Chamber Director, Fran Bruce, we have scheduled 4 concerts for 2010 - 6/13 Jones Boys. Chamber is hosting their 12th annual Golf Tournament on June 17th at Baywood Greens. Chamber gave out \$1,000 scholarship to Sarah Mayer from Cape Henlopen High School. Big Thursday plans are on the way.

MILLSBORO FIRE COMPANY - Ron O'Neal, President stated they held their annual Firemen's Banquet and made Bob Bryan their honorary fireman due to Northeast Car Rally and donations to the Millsboro Fire Company. The Officers and Members of the Millsboro Fire Company congratulate Tommy Berry on being named EMT-B of the Year for the Central District at this year's annual Sussex County EMS Banquet, held on May 7th at the Seaford Volunteer Fire Department. Tommy has been a full time EMT with Millsboro since 2004, and currently serves as the organization's EMS Supervisor. Tommy's dedication to the EMS profession is much appreciated not only by the community of Millsboro, but by the Ellendale Fire Company for which he is an active volunteer, as well as all of Sussex County. We are very proud to have him as part of the Millsboro family. We also want to congratulate Stacey Scheerer, who was named EMT-13 of the Year for the Western District. Stacey is a full time EMT with the Seaford Volunteer Fire Department, but also works as a part time EMT with Millsboro. Thank you to Tommy and Stacey, as well as all the award winners from this year's banquet, for serving Sussex County's EMS needs with dedication and compassion.

MILLSBORO POLICE DEPARTMENT - Chief John Murphy stated Homeland Security threat level remains at yellow. The training for the month of May was as follows: May 7th Pfc Ober, Pfc Morris, and Ptlm Moyer attended Youth Crimes training at the DSPTA. May 17th-19th Cpl. Wheatley attended Reid Technique training at the DSPTA. May 19th Sgt Legates and Det. Forester attended Excel training at the DSPTA. No Calea issues to report. Memorial Day weekend was heavy traffic with a few very minor accidents.

PARKS AND RECREATION REPORT Tom Kats Ice Cream - request permission to park truck at the W.B. Atkins Park and sell ice cream. Faye has spoken with the president of Millsboro Little League and they are agreeable. Millsboro Little League does have a different location that they would like him to park so he will need to talk with them before he sets up. Bob Bryan moved Hodges to allow for one year when there is games scheduled activity at the park. Motion approved unanimously.

STREET REPORT No report, no council action

WATER AND SEWER REPORT - Update on water treatment construction, no council action. We are planning a start up of the plant this week to get the tests needed. It will not be permanent start up. When the results are back and assuming everything is fine then we will be able to operate.

Update on wastewater treatment construction, partial release of retainage for Bearing Construction. There is still some work to be done on the equalization tank. Once that is done we can release \$ 258,259.89 and still hold \$ 200,000.00 for the items on the punch list.

MAYOR'S REPORT - Conditional use renewal 216 Ellis Street-James Schreppler is requesting a renewal to a conditional use for 216 Ellis Street. The property is zoned Urban Business and 216 Ellis is a residential use behind a business. Bob Bryan moved Michelle Truitt seconded to approve the one year renewal of a conditional use for James R. Schreppler for the use of a second structure, 216 Ellis St., as an accessory use adjacent to an existing commercial building located at 213 Washington St., Town of Millsboro, Sussex County tax map number 1-33-17.13-132, subject to conditions stated in the approved resolution. Motion approved unanimously.

Conditional use application renewal request has been received by the Town from GKHP Enterprises, LLC (Dairy Queen) for the use of the Post Office property next to the Dairy Queen, 100 Main St., to continue to be used for the weekly cruise in for classic cars. John Thoroughgood moved Tim Hodges seconded to grant the GKHP Enterprises, LLC (Dairy Queen) a one year conditional use renewal for the premises at the intersection of Main and Washington Streets, Millsboro, Sussex County Map 1-33-17.13 parcel 143.1, owned by the United States Postal Service, for the "cruise-in" activity, as a commercial use in the UB-Urban Business District. Motion approved unanimously.

Conditional use application renewal request has been received by the Town from Ellen Maude Smith and Bonnie Hitchens Ward trading as Home Town Properties for the use an apartment on the second floor of an existing commercial building to be used for residential living quarters as an accessory use and a shed at 317 Main Street., 1-33-17.0926.01, Urban Business Zoning District. Bob Bryan moved Michelle Truitt seconded to approve the one year renewal of a conditional use for the premises at 317 Main Street. Motion approved unanimously.

Conditional use application request has been received by the Town from Mandrin Homes of Delaware, LLC for a sign on a lot that is part of the Homestead development. Its is for two 4 x 8 foot signs, one along Radish Road and one along Hickory Hill Road, Sussex County Map 1-33-21.00 map 11.00 and map 45.00. They have been given a permit for temporary structure for the signs and are asking for permission to leave them up. Tim Hodges moved Irene Keenan seconded to approve the two 4 x 8 foot signs, one along Radish Road and one along Hickory Hill road. Motion approved unanimously.

Parade Permit Application - Greater Millsboro Chamber of Commerce, Saturday, July 3, 2010 begin 10:00 am until 11:30 am, Independence Day celebration. They have had this parade in the past and for children; does not involve any floats. Everyone walks from Saint Marks to Cupola Park. John Thoroughgood moved Bob Bryan seconded to approve the Independence Day Parade. Motion approved unanimously.

Mayor Gum would like to welcome aboard new Town Solicitor Mary Schrider-Fox.

8:25 pm John Thoroughgood moved Irene Keenan seconded to adjourn. Motion approved unanimously.

Respectfully submitted,

Tim P Hodges

Secretary