

Minutes

Millsboro Town Council

Regular Council Meeting

August 2, 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 Greg Hastings, Treasurer Michelle Truitt, Council Persons John Thoroughgood, Irene Keenan, Tim Hodges, Town Manager Faye Lingo, Town Solicitor Mary Schrider-Fox, Development Coordinator Linda Johnson, Town Clerk Tammy Phillips. Guests-- see attached

SECRETARY'S REPORT - Secretary Hastings presented the minutes from the July 6, 2010 council meeting for Council's approval. Bryan moved Hodges seconded to approve the minutes from the July 6, 2010 council meeting as written. Motion approved unanimously.

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

The first interim financing is to be finalized and closed and we will need to do the second phase of interim financing for wastewater transmission and disposal. This enables the town to pay the water and sewer construction statements in a timely fashion while we wait for reimbursements from USDA. Bryan moved Truitt seconded to authorize Finance Director Sauer to finalize and close first interim financing and to open second phase of interim financing of the wastewater transmission and disposal. Motion approved unanimously.

GREATER MILLSBORO CHAMBER OF COMMERCE - Town Manager Faye Lingo stated that Greater Millsboro Chamber of Commerce is requesting permission to have a beer and wine tasting by Dogfish Head or a similar company which will be education on how they made the beer and wine. Thoroughgood mentioned that they would like to consider this for Big Thursday but there is not any alcohol allowed in the park so it would require special permission from the council for this to be allowed. They will have to be approved by the Alcohol License Board before the big event at Big Thursday. Bryan moved Truitt seconded to approve to have a beer and wine tasting by the Big Thursday event. Motion approved unanimously.

MILLSBORO FIRE DEPARTMENT - Ron O'Neal, President stated the first half numbers for Fire and EMS calls have been determined as of the end of June. The number of Fire emergency calls stood at 275, and EMS numbers are also up, with a total of 1055 calls at the end of the 2nd quarter. This is an approximate 10% increase over last year's numbers.

Reports from both the State and County concerning funding show no further cuts being anticipated for 2011. The funding from Sussex County is being increased by 4% over last year when the Fire Companies in Sussex were hit with an 8% cut. Also, Fire Prevention funding that was expected to be eliminated will still be received, although at a reduced rate over last year.

Our Federal AFG (Assistance to Firefighters Grant) application has been submitted and is in the process of being reviewed. There is approximately \$420 million designated by the Government to be handed out the 2010 grant process, with grants being awarded beginning in September. Millsboro's application is requesting 45 sets of turnout gear.

The Fire Company has been requested to provide EMS coverage for the Hispanic Festival in Sunday, August 22. We will be providing an ambulance on stand-by at the festival from noon to 6 pm on that date.

The Fire Company will be hosting the August meeting of Sussex County Volunteer Firefighters Association on Tuesday, August 24.

MILLSBORO POLICE DEPARTMENT - Chief Murphy, II stated that Homeland Security is still at level yellow and no Calea to report. Senior League Softball World Series will be staying at Atlantic Inn from August 7 to August 15, 2010 and will be providing security. We will be during traffic control August 7 during the 5k run. We will be present during Big Thursday event and we will have 2 officers at the Hispanic Festival held August 22, 2010. We have two dates set for DUI checkpoint August 28, 2010 and December 17, 2010.

Firearms ordinance, does not address cross bows. It does mention other items but with the new state hunting regulations council may want to take action to amend the ordinance to include cross bows as not allowed to use within town limits. There needs to be more clarifications on suggested hunting regulations.

Plan for police vehicles not in service, right now the police department has 8 Crown Victoria's in use, 2 Durango's, 1 pickup truck and 1 motorcycle. There is a 2001 and 2004 Crown Victoria in storage.

Thoroughgood moved Bryan second to approve to take the 2001 and 2004 Crown Victoria that are in storage at Wastewater Treatment Plant to auction. Motion approved unanimously.

PARKS AND RECREATION REPORT - Concerts in the park new entertainers submitted for council approval. The Cruisers, Big Al's Karaoke, and Paul Cullen are the new entertainers, but no dates have been scheduled yet due to council approval. Thoroughgood moved Hastings seconded to approve the new entertainers, The Cruisers, Big Al's Karaoke, and Paul Cullen with no dates schedule yet. Motion approved unanimously.

STREET REPORT - 113 crossovers on US 113, council has discussed this in the past but question has come up so if you would like to make further comments to DELDOT. Mayor Gum and Chief Murphy concern is the intersection at Ames Shopping Center and Denney Electric Supply. DELDOT has in the past stated not enough incidents to close this intersection at the present time. Council needs to send letter to DELDOT to request that they meet with Council about the concerns. Councilperson Hodges mentioned about the drainage at the same location that when it rains, water sits in the left lane. The water lying in the road during a storm (rain) needs to be addressed to the engineering department at DELDOT.

WATER AND SEWER REPORT - Faye Lingo, Town Manager, and sewer adjustment due to water leak @ 29453 Glenwood Drive, Plantation Lakes. No council action needed Town Manager Faye Lingo has already adjusted as ordinance allows.

MAYOR'S REPORT -

Townsend Tract 1-33-11.00 parcel 4.00 - Zach Crouch from Davis, Bowen and Freidel requested for extension of annexation and rezoning agreement for the Townsend Tract that expired August 2, 2010. Town Manager Faye Lingo has a letter on file authorizing Zach Crouch to represent them at tonight's meeting. Bryan moved Truitt seconded to extend the time for annexation and PCD zoning approvals, and as presented the set date to August 2, 2011. Motion approved unanimously.

Chesapeake Tract 1-33-11.00 parcels 5.00; 6.00 and 7.00 - Zach Crouch from Davis, Bowen, and Freidel requested for extension of annexation and rezoning agreement for the Chesapeake Tract that expired August 2, 2010. Bryan moved Truitt seconded to extend the time for annexation and PCD zoning approvals, and as presented the set date to August 2, 2011. Motion approved unanimously.

Millwood 2 -33-5.00 parcel 12.00 - Mark Prata from Mitchell Avenue Associates, LLC, requested to submit new site plan amendment by Ryan Homes. They wish to make some minor changes to the foot prints of the townhouses in phase III. These changes will only affect the ten unit buildings. They would

like to put a court yard separating the ten unit buildings into four packs and five packs, joining the buildings with a connecting wall at the front and a split rail fence at the rear. Town Solicitor Mary Schrider-Fox requested that they delete from Notes (1) either in the locations shown or in other locations on the site. Town Solicitor Mary Schrider-Fox pointed out that if they want to increase density a public hearing is required. Hodges moved Bryan seconded to approve the spec drawing with 2 hour firewall and delete from Notes (1) either in the locations shown or in other locations on the site, and submit new plans without statement. Motion approved unanimously.

Somerton Chase 1-33-20.00-040.00, 041.00 and 41.01 Mr. Wentling presented Council with a request for a time extension for preliminary plan approval for Somerton Chase. Somerton Chase had received preliminary approval June 2005 and in March 2007 they received an extension to June 2008. They have come before Council tonight requesting an extension until August 2011. They have been working with DELDOT and there have been new design and improvements required. During their last meeting with DELDOT in January a substantial amount of additional design work was needed. Mr. Wentling also informed Council that it has become evident that there is a drainage issue on the east side of Delaware Ave. as it approaches Rt. 24 intersection and DELDOT now wants them to add some storm water pipe on the east side of this road and re-do some of the curb and catch basins on the south side of the intersection, none of which they expected. Bryan moved Hodges seconded to approve Somerton Chase a time extension for preliminary plan approval until August 2011. Motion approved unanimously

Conditional Use 1-33-17.09-029.00 -John H. Parker, Sr.: The town has received a request for a continued conditional use allowance for apartment #2 from John H. Parker, Sr., located over the warehouse located at 332 Main Street, Millsboro. Hastings moved Bryan second to extend the conditional use of John Parker, Sr. for a second conditional use for a second single family dwelling/apartment over the existing garage as a second accessory use at 332 Main Street, Town of Millsboro. This conditional use renewal is until December 2010 which the apartment # 1 expires at that time. Staff is directed to prorate the fee since it will not be a full year, the reason is to be able to get apartment 1 & 2 on the same schedule and hopefully end some confusion. Motion approved unanimously.

Zoning amendment -Chair person Bryan stated that the committee has reviewed the bars and taverns zoning changes and can set a public hearing date for September 7, 2010. Thoroughgood moved Hastings seconded to set a public hearing date for September 7, 2010 for the bars, and taverns ordinance. Motion approved unanimously.

8:10 pm Hodges moved Truitt seconded to enter into executive session. Motion approved unanimously.

Regular Session entered a 9:45 pm

9:45 pm meeting called to order with Mayor Larry Gum presiding. Present were Vice Mayor Robert Bryan, Secretary Greg Hastings, Treasurer Michelle Truitt, Council persons John Thoroughgood, Irene Keenan, and Tim Hodges, Town Solicitor Mary Schrider-Fox, Town Manager Faye Lingo.

Bryan moved Truitt seconded to increase Sgt Robert Legates pay by \$ 905.00 effective August 2, 2010 pay period. Motion approved unanimously.

Hodges moved Keenan seconded authorizing Town Solicitor Mary Schrider-Fox to respond to seller's proposal to negotiate the items as discussed in executive session. Motion approved unanimously.

Hodges moved Truitt second to adjourn at 9:50 pm

Respectfully submitted,

Greg Hastings

Secretary