

Minutes

Millsboro Town Council

Regular Council Meeting

September 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 Greg Hastings, Treasurer Michelle Truitt, Council Persons John Thoroughgood, Irene Keenan, Tim Hodges, Town Solicitor Mary Schriber-Fox, Development Coordinator Linda Johnson, Finance Director Bill Sauer, and Town Clerk Tammy Phillips. Town Manager Faye Lingo absent. Guests-- see attached

PUBLIC HEARING: BARS, TAVERNS, RESTAURANTS, to amend the zoning ordinance for The Town of Millsboro concerning the regulations of such establishments. Amending the Zoning Ordinance for The Town of Millsboro Chapter 210 Article II, definitions; Article IV, District Regulations; and Article V, General Provisions. Public Hearing was left open till later in the meeting.

SECRETARY'S REPORT - Secretary Hastings presented the minutes from the August 2, 2010 council meeting for Council's approval. Hodges moved Bryan seconded to approve the minutes from the August 2, 2010 council meeting as written. Motion approved unanimously.

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

We have two savings accounts with Citizens Bank for The Town of Millsboro transfer tax. Bill Sauer, Finance Director would like to open a money market checking account so that he will be able to transfer money from the savings to a checking when needed to pay certain vendors. The money market checking account will only have money to pay designated bills. Hodges moved Truitt second approved to open the checking account and authorized Bill to transfer funds from savings to checking online. Motion approved unanimously.

MILLSBORO FIRE DEPARTMENT - Ron O'Neal, President - No report.

MILLSBORO POLICE DEPARTMENT - Chief Murphy, II on August 11th, Sgt. Legates, & Det. Wheatley attended Officer Involved Shooting training at DSPTA. Homeland Security threat remains at yellow. Calea Update no issues to report. Big Thursday/Car Show and the 5k Run and the Hispanic Festival were held as scheduled with no issues to report. A sobriety checkpoint was held on the August 28th, they made three DUI arrests.

Review of ordinance draft regulating firearms within the town limits of Millsboro. Town Solicitor Mary Schrider-Fox presented two draft regulating firearms, first draft includes bows and crossbows on the list of firearms, and second draft includes firearms by prohibiting the discharge of deadly weapons. Hastings asked Chief Murphy to think about including firecrackers. Chief Murphy stated that he would like a chance to review and bring back next month, Mayor Gum assigned a committee to review the ordinance and to make any changes that they feel is necessary and report back to council October meeting. Committee consists of Hastings, Truitt, and Bryan. The ordinance will be brought to council meeting October 4, 2010.

Date set for Trick or Treat in Millsboro, will be celebrating on October 30, 2010 from 6 pm to 8 pm and children under 12 must be in costumes. Bryan asked Chief Murphy if they would be during family night again, depends if he has enough officers to help out.

No council action needed.

PARKS AND RECREATION REPORT - have scheduled two additional dates to the Cupola Park Concert which will be September 12th "Paul Cullen" jazz and September 26th "Big Al Karaoke." No council action needed.

STREET REPORT - Paving Sussex, Church Streets, and Wilson Highway the construction is done now and paving should start by the end of September. No council action needed.

WATER AND SEWER REPORT - 215 Morris Street, Faye has adjusted the sewer as ordinance allows due to a water leak. No council action needed.

Wastewater Improvements, Parkson, release of retainer no action taken.

Water Improvements - Unitech final payment of \$43,758.80 is due at this time. The pump has been proven that is doing as designed and approved by the Town engineers for payment. Thoroughgood

moved Hastings second to approve to release the funds to Unitech for final payment of \$ 43,758.80. Motion approved unanimously.

Zachary Riddle received his Level II Wastewater Operator License. Zack has attended evening classes to upgrade his license from a Level I to Level II for wastewater operator. The Town pays for the classes, books, and state applications. In the past the town has rewarded the license upgrade with a 25 cents an hour increase. Byran moved Hodges

second to approve Zachary Riddle increase per hour by .25 cents effective September 1st and would like for the Town Manager to write letter from the Mayor and Council to

Zachary Riddle congratulating him for receiving his Level II Wastewater Operator License. Motion approved unanimously.

MAYOR'S REPORT -

Sample 395 State Street, they have called and written complaints about noise due to construction at the wastewater plant. Faye tried to address their concerns in writing but they still would like to address council. Artenivus Sample represented 395 State Street, complained about the dust, swamp area, drainage, and snakes. He wanted guidance of what they needed to due with the issues. The drainage would have to be directed to Delaware DOT and swamp area would have to be directed to DNREC. Mayor Gum asked what you are looking from the Mayor and Council to do. Artenivus would like to see that The Town of Millsboro eliminates the use of the property from Mr. Fisher.

Conditional Use renewal- development/sales signage from the communities of Villages of Millwood, Sussex County Map No. 2-33-5.00-086.00. They had requested last year to put up to sales signs that promoted the development and it is time for a renewal. The Town has not received any complaints concerning the two signs. Hodges moved Hastings second to grant one year renewal of a conditional use development/sales signage from the communities of Villages of Millwood, Sussex County Map No. 2-33-5.00-086.00. Motion approved unanimously.

Conditional Use renewal - 302 Main Street, Sussex County Map No. 1-33-17.13-088.00 Patel, residence with a business. There is an apartment behind the business that Mr. Patel uses on a part time basis when he works late at night. He is asking for a renewal for his conditional use. The Town has not received any complaints concerning the use. Thoroughgood moved Hodges second to grant one year renewal on a conditional use at 302 Main Street, Sussex County Map No. 1-33-17.13-088.00. Motion approved unanimously.

Capitation Tax - write off request, accounts that no longer reside in town limits in the amount of \$ 970.10. Thoroughgood moved Hodges second to write off capitation tax accounts that no longer reside in town limits. Motion approved unanimously.

Sign Ordinance - council has held a public hearing and rewrote the draft. Hodges stated have the businesses that had concerns have they been sent a letter and has the ordinance been placed on webpage. Sign Ordinance has been table till October 4, council meeting.

Zoning Change request - Sussex County Map No. 1-33-17.17- 070.00, 340 Old Landing Road, currently zoned medium density residential. The property owner Lois E Hudson is requesting it be Highway Commercial. This will involve amending the comprehensive plan and getting approvals from the State Office of Planning and Sussex County. Mr.

Parker is representing property owner Lois E Hudson states his intention with the property will be more parking space and picnic area with gazeboes and park bench. Mayor Gum has selected a Committee to review plans and come back to Council with adjustments or approvals. Committee consisted of Thoroughgood, Keenen, and Hastings.

Monroe Square - Monroe Street and Northern Avenue, Sussex County Map No. 1-33-17.13-015.00 are requesting for final site plan extension October 2010. Mr. Joe Moore asked Council for one year extension on final site plan. Hodges moved Hastings second to grant one year extension at Monroe Street and Northern Avenue, Sussex County Map No. 1-33-17.13-015.00. Motion approved unanimously.

Homestead Phase II - Sussex County Map No. 1-33-21.00-003.01, located between Old Landing Rd, Delaware Avenue and Hickory Hill Road(Radish Road) and the Town Square Shopping Center (Food Lion). The project received final plan approval from the Town in 2007 and it expires October 2010 and they are requesting for an extension. Bryan moved Thoroughgood second to grant one year extension on Sussex County Map No. 1-33-17-13-003.01 located between Old Landing Road, Delaware Avenue, Hickory Hill Road (Radish Road) and the Town Square Shopping Center (Food Lion). Motion approved unanimously.

Building Fund Impact fee waived - Last year the fee was waived beginning midnight of the November 2nd 2009, council meeting for twelve months. Thoroughgood moved Bryan second to restate the building impact fee effective November 1st 2010. Motion approved with 5 yes and 1 nay Hodges.

Board of Adjustment appointments - Joseph Kollock, Darwin Hall and Reginald Brittingham. The town has been working with three members and we had one of them resigned. The code actually recommends five members so with these three appointed the Town will be complying. Town Solicitor Mary Schrider- Fox would like to do a training session for the new board members so they will know what needs to be done. Bryan moved Hodges second to recognize Joseph Kollock, Darwin Hall, Reginald Brittingham, Dorothy Gray, and John Doughty and Board of Adjustment members. Motion approved unanimously.

Diana L Hundley - is asking permission to hold a fund raiser for the National Kidney Foundation on the property belonging to the US Postal Service, next to Dairy Queen between Main Street and Washington Street, Sussex County Map No. 1-33-17.13-143.01. The National Kidney Foundation will be October 3, 2010 from 1:00 to 4:00. Diana has been granted permission to use the postmaster, Shawn Jones. Attending will be Senator George Bunting who is a kidney recipient and Dr S John Swanson who is the Chief of

Kidney Transplant at Christiana Hospital. There will be tables set up to hand out information on NKF. A local band is willing to donate their time to play some music and face painting table for the kids. There will be no food or beverages sold there. Thoroughgood moved Keenan second to allow holding a fund raiser for the National

Kidney Foundation on the property belonging to US Postal Service, Sussex County Map No.1-33-17.13-143.01, on October 3, 2010. Motion approved unanimously.

Hispanic Festival was held this month and the Town of Millsboro was presented with an appreciation plaque for working with them for fifteen years.

PUBLIC HEARING: BARS, TAVERNS, RESTAURANTS, After hearing no further discussion Mayor Gum closed the public hearing on Bars, Taverns and Restaurants zoning ordinance. Bryan moved, Thoroughgood second to close the public hearing. Motion approved unanimously. Bryan moved Thoroughgood second to accept the proposed Amending the Zoning Ordinance for the Town of Millsboro Chapter 210 Article II, definitions; Article IV, District Regulations; and Article V, General Provision. Motion approved unanimously.

8:13 pm Bryan moved Hodges second to recess till 8:20 to enter into executive session. Motion approved unanimously.

Regular Session

Reconvene 9:20 p.m.

9:25 p.m. 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, and Town Manager Faye Lingo absent.

White Farm Contract - Bryan moved Hodges second to approve the 1st amendment to the White Farm contract for purchase. Motion approved unanimously.

Patriots Landing - Bryan moved Truitt second to authorize the Town Manager to bill the owner of Patriot Landing the annexation fees. Motion approved unanimously.

Police seized vehicle - Bryan moved Hodges second to authorize the Millsboro Police Department to use a seized vehicle 1992 Cougar for undercover work which will be require tags and insurance. Motion approved unanimously.

Police overtime initiative Bryan moved Truitt second to approved the special overtime initiative as presented by Chief Murphy beginning 10/1/2010 ending 12/31/2010. Motion approved unanimously.

Truitt moved Keenan second to adjourn approved unanimously 9:40 p.m.

Respectfully submitted,

Greg Hastings

Secretary

