

Minutes

Millsboro Town Council

Regular Council Meeting

February 7, 2011

7:00 P.M. meeting called to order in the Council Chambers at 322 Wilson Highway, Millsboro, Vice-Mayor Bob Bryan presiding. Present were Secretary Greg Hastings, Treasurer Michelle Truitt, Council Persons, John Thoroughgood, Irene Keenan, Tim Hodges, Town Manager Faye Lingo, Assistant Town Manager Matt Schifano, Town Solicitor Mary Schrider-Fox, Development Coordinator Linda Johnson, and Town Clerk Tammy Phillips. Mayor Larry Gum absent. Guest- see attached list.

PUBLIC HEARING – Plantation Lakes, site plan amendment. Plantation Lakes is a golf course development west of DuPont Boulevard on Millsboro Highway. Lennar has taken over the development and has submitted an amendment to the original plan. Steve Ness, from Lennar presented the plans with few minor changes; we had to review product homes, land plan, golf course design construction cost, and operation. The changes included two separate areas the product and the amenities. We have eliminated 960 condos and replaced with 1046 townhouses 18' wide, smaller lots. The original plan had 24' wide town homes and down size to 18' wide no garage, 18' wide one garage, 22' wide two car garage town homes. Terms with the lots no change on size just smaller homes. Terms of amenities, we have two goals: 1) separate private owned golf course from Public course the homeowner facilities. 2) Large homeowners/ club house facilities basically centralized, terms simple, allow us to locate smaller facilities and amenities. Terms construction cost being in mind makes sense too, but also benefits homeowners because at the end of the day they have to maintain these facilities and pay their home owner association dues, so being in mind as community grows this make cense. The Homeowners Association dues could increase to \$350 - \$400 a month if sales don't increase. (1) Golf course changes made to original plans is the roadway separating the golf facilities from driving range and practice range and that there really just was no need for. We want to , is take the golf course and very simply and redo it with the whole center area with strictly golf course, no roads separating the control is better in terms of golf course design it has taken 8 months to redesign golf course. Terms Homeowners Association facilities, we have a supposedly community recreational facilities- Water Side Park taking advantage of Betts Pond view. The Community center will be located west of recreation facilities on Dukes Property. 1) Recreation area- Belmont Boulevard- change architect size of building came up with a flex space, fitness, training, locker, pool area, central lawn area, cardio, kitchen, ½ basketball course, volleyball, etc. (2)Water side park- that's truly what Plantation Boulevard comes down over looking Betts Pond, 4 tennis courts, complex benches, gazebos, water foundation of that nature. Ken Usab, MRA we are here to amend plan for RPC and amend Dukes Property. Original plans from 2004 are still the same single family house and ponds on Route 24 (Millsboro highway) and current plans have no changes and no changes leading up to Belmont Boulevard. Main change south side of Betts Pond was the condos and town homes were shown on original plans what we have done taken that area and put town homes. There were condos along Hardscrabble Road side to town homes. Land Design has created a place with

new design throughout the project with pedestrian trails without having to drive your car around the development. There are 2 network golf and pedestrian trails opportunities around community bridge crossing. Town homes set back 20"-30" back from roads very much nicer landscape and parking area, also parallel, enough parking close to resident off side roads, and small off street parking. Small village green areas will be placed around the community. Terms of units marketing condition are really important to have a broad mixer of home opportunities possible to the market segments. Original Plantation Lakes plans we had 2817 totals units including Dukes parcels in the current plan 2819 units against all the condos eliminated 960 replaced – 1086 town homes 18' wide and single family 308 lots on Dukes no change. Traffic circle east will be put up 18' and 22' town home model on 2 lots would be torn down. Douglass Fields, 25195 Lumberton Drive, we bought back in 2007, we like the planned amenities, community golf course, the pier overlooking Betts Pond. He would like to have in writing the increase of home owner associations dues 100 and plus, but what the few of us that are there, why can't you put a cap on the home owners association dues and developer have shortfall. Great ideas hope to see it take off. Jack Ross, 25173 Lumberton Drive, stated very much in favor of the plan. The two wrinkles are 1) home owner association fees opposed, new and shocking and much of that depends of number of homes that are sold between now and when the facilities opens. 2) I have videos home talking about design plan, we are getting much less and willing to live with that but also not willing to live with promises with nothing delivered on the end. If, this to be started lets make sure it is started and certain things get completed rather than just a promise in the future. Sherry Martin, 29452 Glenwood Drive, I appreciate the town giving us all opportunity to speak. I'm not sure if we really have enough right to say. We read our contracts and bought homes, do we have promises made absolutely. Times have changed severely. I don't know how much weight you have to give our comments, but with that being said- believe what we have now and the last 3 years against possibly having nothing or possibly change plan. I don't think there is any question. I have talked to a lot of people around Sussex County that are sitting in a community where the developer has walked away, etc. I don't want to see Plantation Lakes like that, with the news stating about home market struggling for possibly next 5 or more years, be reasonable. It's good for Millsboro, start as soon as possible. Debbie Delosa, 29458 Glenwood Drive, We are supported of the plan and exactly appreciate the change. Jimmy Aschenbach, 24826 Magnolia Circle, has been here since October 2007. Thank Steve for opening 5 holes possibly would be closed when construction begins, but keep the holes open. Allen Lafferman, 25165 Lumberton Drive, Thank you Steve, with all this development concern about traffic- building 2000 plus have not heard or read anything about extra entrance with only 2 entrances could cause congestion. Steve and Vice Mayor Bryan stated that's DELDOT make that call. Jack Ross, 25173 Lumberton Drive, I have been in contact with DELDOT and asked about concerns of traffic on Route 24 (Millsboro Highway) study being done with the increase of houses. They had not looked into situation in awhile, because they had not had any construction in that area for a while to be concerned. Thoroughgood moved Hodges second to approve to close the Public Hearing. Motion approved unanimously, with Mayor Gum absent. Thoroughgood moved Truitt second to approve the new amended site plan for Plantation Lakes. Motion approved unanimously, with Mayor Gum absent.

RT. 113 BYPASS - Vice- Mayor Bryan asked State Representative Atkins stated the project is on hold till June 30, 2010. There has not been any support for the south Route 24 bypass more less dead in the water. State of Delaware is looking north of Stockley Center and North of Doc Frame Road coming out

near Mountaire Farms. State Representative John Atkins, Hodges and Hastings discussed main concern is the congestion in the Town of Millsboro during business hours and summer time.

PUBLIC HEARING – Zoning change for the property know as White Farm from Medium Density Residential to Open Space. Sussex County Map 1-33-15.00 parcel 30.00; 1-33-11.00 parcel 3.00; 1-33-16.00 parcel 75.03. These parcels were annexed into the corporate limits at the November 2010 council meeting as MR. The Millsboro Comprehensive Plan has it designated as Open Space. Hastings moved Thoroughgood second to close the public hearing. Motion approved unanimously, with Mayor Gum absent. Hastings moved Thoroughgood second to change zoning for the property known as White Farm, Sussex County Map 1-33-15.00 parcel 30.00; 1-33-11.00 parcel 3.00; and 1-33-16.00 parcel 75.03 from Medium Density Residential to Open Space. Motion approved unanimously, with Mayor Gum absent.

SECRETARY’S REPORT – Secretary Hastings presented the minutes from the January 4, 2011 council meeting for Council’s approval. Thoroughgood moved Hodges seconded to approve the minutes from the January 4, 2011 council meeting as written. Motion approved unanimously, with Mayor Gum absent.

TREASURER’S REPORT – Treasurer Truitt presented the bills and bank balances to Council for approval. Keenan moved Hastings seconded to pay the bills from the designated accounts as presented. Motion approved unanimously, with Mayor Gum absent.

C.P.I. Index, basis for impact fees has been reported. The ordinance states that the town will automatically follow the new rate unless council takes specific action to waive it and leave at old rate. No action was taken.

Ability to transfer fund electronically to withholding and payroll accounts from the general account. Right now checks have to be written from the general account to the payroll account to cover the amount of the checks and to the withholding account to cover withholdings. Then the checks have to be taken to the bank to be deposited to cover the payroll checks. If council authorizes those transfers to be done electronically then it saves a trip to the bank each week. Truitt moved Keenan second to authorized ability to transfer fund electronically from general account to payroll account and withholding account. Motion approved unanimously, with Mayor Gum absent.

GREATER MILLSBORO CHAMBER OF COMMERCE - Amy Simmons stated she has attended Downtown Delaware meeting February 4, 2011 and attended Downtown Millsboro Revitalization at Blue Water Grill on February 7, 2011. There were positive attitudes from business owners and residents. Bridal Show will be held February 20, 2011 at the Civic Center over 32 vendors are attending. Chamber of Commerce next meeting is being held at Fast-Tek in Georgetown.

MILLSBORO FIRE DEPARTMENT - No Report

MILLSBORO POLICE DEPARTMENT - Chief Murphy stated on January 20th Lieutenant Calloway, Sergeant Legates, Detective Wheatley, Pfc. Moyer, and Pfc. Lyons had firearms training at the Bridgeville Rifle Range. January 28th Detective Wheatley and Pfc. Lyons attended NHTSA Refresher course at DSPTA. Homeland Security threat level remains at yellow. CALEA Update no issues to report. Lt. Calloway has put their annual report in council boxes if anyone has any questions.

PARKS AND RECREATION REPORT – No report

STREET DEPARTMENT – No report

WATER AND SEWER REPORT – There have still been problems with iron in the water this month but it is believed that the problems have been resolved.

MAYOR'S REPORT – Building Code amendment, reference, residential sprinkler systems. Millsboro automatically follows the new International Building Code and with the latest updated version there is a requirement for residential sprinkler systems is making them mandatory. Kenny Niblett is asking for council to waive that requirement in the code. Hodges moved Thoroughgood second to waive the residential sprinkler system requirement. Motion approved unanimously, with Mayor Gum absent.

Lease agreement; appoint committee to meet with the Art League to discuss a rental lease. The paperwork has been completed that signs the property over to the town and now the lease agreement needs to be finalized. Vice-Mayor Bryan appointed Hastings, Hodges and Keenan for the committee.

Wharton's Bluff – is ready for the dedication for utilities for both phases A and B. Wharton's Bluff is a development between East State Street (Iron Branch Road) and the Indian River. Phase A includes the Lift Station along with the sewer and water mains. All the terms have been met and it is ready to be dedicated to the town. Hastings moved Hodges second to approve Wharton's Bluff Phase A includes the Lift Station along with sewer and water mains. Motion approved unanimously. Truitt moved Hastings second to approve Wharton's Bluff Phase B. Motion approved unanimously, with Mayor Gum absent.

Municipal vehicles – suggestion to have all municipal owned vehicles marked recommendation was made that all town owned vehicles have some emblem or display that will make them recognizable as

belonging to the town. Chief Murphy requested to have 2 vehicles exempt. To be discussed at Executive session.

8:50 pm Truitt moved Hastings second to recess till 8:55 to enter into executive session. Mayor Gum absent. Motion approved unanimously.

Regular Session

Reconvene 9:30 p.m.

Wastewater/DNREC - Hastings motion Hodges second to authorizing dropping appeal #1 when the necessary permits are received. Motion approved unanimously, with Mayor Gum absent.

Dagsboro - Thoroughgood motion Truitt second to not amend the water bill as requested but to bill according to the meter readings. Motion approved unanimously, with Mayor Gum absent.

Thoroughgood also suggested offering our assistance with reading the water meters for a fee. Agreed by council to see if there was anything we could assist.

Woodland - Hastings motion Hodges second to work with Sussex County and charge them the old rate until next budget year. Motion approved unanimously, with Mayor Gum absent.

Marked & Unmarked Vehicles - Thoroughgood motion Hodges second to leave the Chiefs vehicle and the detective vehicle unmarked unless used for patrol then they should metallic signs to mount, all other vehicles should be marked including public works. Motion approved unanimously, with Mayor Gum absent.

Keenan motion Truitt second to adjourn at 9:50 pm

Respectfully Submitted,

Greg Hastings

Secretary

