

**MAYOR and COUNCIL  
TOWN OF MILLSBORO  
322 Wilson Highway  
Millsboro, Delaware 19966 - 1216**

OFFICE HOURS  
MONDAY — FRIDAY  
8:00 a.m. to 4:30 p.m.



**Phone: (302) 934-8171  
Fax: (302) 934-7682**

TOWN OFFICE  
PARKS/RECREATION  
STREETS  
WATER/SEWER

POLICE DEPT. 934-8174

**COUNCIL MINUTES  
MILLSBORO TOWN COUNCIL  
DECEMBER 5, 2011**

7:00pm meeting called to order with Mayor Robert H. Bryan presiding. Present were Vice Mayor John Thoroughgood, Secretary Greg Hastings, Treasurer Michelle Truitt, Council persons Irene Keenan, Jim Petruzella and Tim Hodges, Town Solicitor Mary Schrider-Fox, Town Manager Faye Lingo, Assistant Town Manager Matt Schifano. Guests see attached.

**Pledge of Allegiance**

**Secretary Greg Hastings** introduced a scout that is attending tonight's meeting, Matthew Parsons, from Troop 89 in Millsboro and his father Kevin Parsons. Matthew explained that he is here working on his citizenship badge towards his eagle scout. Mayor Bryan welcomed him and all of council wished him good luck.

**Public Comments – none**

**PUBLIC HEARING – PENINSULA CROSSING:** Advertised to hear the subdivision proposal of the commercial shopping center Peninsula Crossing. They are ready to develop the section on the south end of the shopping center. Pret Dyer representing Millsboro Town Center LLC; Millsboro Town Center II LLC; Millsboro Town Center III LLC; Millsboro Town Village, LLC explained the different parcels in the phases. They have reconfigured parcel 14 into 14A and 14B; parcel 15 is unchanged; parcel 16, 17 18 & 20 are in the residential in the back property off of Handy Road. Agency approvals have been received along with URS and CABA Assoc. Fourteen acres of land has been dedicated to the town for park land. That 14 acres plus the additional open space in the development meets the requirements of 14.64 acres for open space alleviating the need for a variance request.

Mayor Bryan asked if there were any comments or questions from the public since this is a public hearing. Hearing none asked if council had any further questions. All concerns had been addressed with the presentation. The committee did meet to go over the subdivision and Mr. Thoroughgood chair person read their report recommending approval of both the subdivision and the development agreement. G. Hastings motion, J. Petruzella second to close the public hearing, approved unanimously. J. Thoroughgood motion, J. Petruzella second to approve the development agreement as rewritten by the town solicitor Mary Schrider-Fox, approved unanimously. J. Thoroughgood motion, J. Petruzella second to approve the amended subdivision plan, approved unanimously.

#### **SECRETARY'S REPORT**

The November minutes have been emailed to council for review. J. Thoroughgood motion, M. Truitt second to approve the minutes as written, approved unanimously.

#### **TREASURER'S REPORT**

**Bills;** Treasurer M. Truitt reported that she has reviewed the bills and they are ready for payment. J. Petruzella motioned, G. Hastings second to approve paying the bills from the designated accounts. Approved unanimously.

**Audit report** – Sheldon Forney from Jefferson, Urian, Doane and Sterner presented the budget to council thanking the council for allowing the firm to do the audit. Sheldon explained the council has copies of the audit along with letters explaining the improvements that need to be made. In review Mr. Forney advised that the town's debt service has been mostly interest but in 2013 we will begin paying principle as well. The Town revenues were up over the budgeted amount but then also were the expenses and that most of the towns funds are in the restricted accounts and not available for general use. The town needs to keep these items in mind when they establish user fees in the future. Because the town used federal funds either in the form of a grant or a loan there is a second audit required for the federal government called a single audit and this gets sent to the inspector general. Sheldon asked if there were any questions and G. Hastings asked if they came up with something later do they go to Mr. Forney or to the town manager. The town manager answered that it could be either and Mr. Forney said he would be glad to talk with a council person or meet with them if they would like. With no further discussion G. Hastings motion, M. Truitt second to accept the audit report as presented, approved unanimously.

#### **MILLSBORO FIRE COMPANY**

Ron O'Neal president of the fire company said that their fundraiser with Jake's Wayback Burgers went well and would like to do it again next year. The ladies auxiliary did the cookie walk Saturday and it was also a success. The parade went well with the fire police helping with traffic control. Members of the fire company had met with Deldot to discuss the possibility of installing the lights in front of the fire house on State

Street that would alert traffic when there is an alarm but there was not funding available. This year with the help of Rep. Ruth Briggs-King, Rep. John Atkins and Senator George Bunting using their legislative funds they hope to have them installed.

### **GREATER MILLSBORO CHAMBER OF COMMERCE**

Amy Simmons, Office Coordinator reported that the parade went well and a thank you to Millsboro Police and the Fire Police. The judges used this year were from New Jersey and they thought the parade was a good one and are willing to return next year. December is the annual meeting with a thank you for the volunteers and swearing in of new officers. Their next event is the bridal show which they can have in the Cheer Center if the Millsboro Civic Center is under construction. The Town Manager is to check the schedule to see if it is going to be able to use for a public function that month.

### **MILLSBORO POLICE DEPARTMENT**

Chief Murphy reported that two officers had training this month. PFC Morris went to Delaware State Police Training Academy for power point training and Sgt. Wheatley attended high impact supervision training in Harrington. Homeland security alert remains yellow. The Christmas parade seemed to be very well organized and the weather was very agreeable. Stats: Complaints 172, Domestic Incidents 11, Assist Other agencies 9, DUI 6, Warnings 54, Criminal Arrests 43, Accidents (property damage) 12, Accidents (personal injury) 2, Patrol miles 3564.

**Sussex County Block Grant**, the rifle range fees have been paid prior years out of the grant and it is time for renewal. The grant application has not been approved this year for this expense but it has been allowed in the past and the regulations have not changed so do not anticipate any problem. The amount is \$1,700.00 at the Bridge Rifle & Pistol Club, LTD. Council asked if this range suited their needs and they were satisfied with it. Chief Murphy explained that it was closer than others so the officers could get there easier and scheduling was not difficult. Therefore, the officers were getting more range time in than in some other years. J. Petruzella motioned, M. Truitt second to approve the range fees and to submit to the Sussex County Block Grant, approved unanimously.

### **PARKS AND RECREATION REPORT**

None

### **STREET REPORT**

The committee met and submitted their report. Town Solicitor submitted an ordinance prepared from her understandings of the discussions. Council asked for clarification that this met no obstruction in the street of any apparatus as well as persons playing in the street. Town Solicitor explained it did and also that the portion about the skateboarding was already in the code and this just added this language to that portion of the code. G. Hastings motion, M. Truitt second to amend the ordinance by changing the

name of the chapter to “Skateboards and games/objects in streets”, approved unanimously.

#### **WATER AND SEWER REPORT**

The Town manager reported that the sewer was adjusted for 59 Kyle Circle due to a water leak as ordinance allows with no action required by council.

#### **MAYOR’S REPORT**

**Sussex County Community Development Block Grant** – Sussex County will apply for grants to help homes in The Town of Millsboro if we would like to participate in this program. They will apply for and manage the funding if anyone is eligible. If agreeable a motion and a second is needed to hold the public hearing at the next regular council meeting January 3<sup>rd</sup>. Council did this last and year and Mayor Bryan asked if there were any residents in Millsboro that received assistance. The Town Manager advised that there was one home that was on the schedule and as far as she knew they did receive the assistance. J. Thoroughgood motioned, T. Hodges second to approve the application with Sussex County and to hold the public hearing January 3, 2012, approved unanimously.

**Zoning amendment request** – Joe and Annabelle Bartell are pursuing the idea of opening an assisted living facility on West State Street with a MR – Medium Density Residential Zoning. The definition in the town code does not list assisted living but addresses convalescent homes and clinics and gives definitions of each. Ms. Bartell is a home therapist and sees the need. There is a population that is now living alone but is dependent for other people to give assistance. The type home they are speaking of allows for the individual to have their own room large enough for a microwave are kind of an efficiency kitchen, more than just a bedroom. They would have a common kitchen area and a common living room area. Mr. Bartell is in the construction end and is looking into getting his nursing home administrator license which is a state requirement for to manage a facility. They are considering the property across from the ball park which they feel is a good site and will allow their residents to enjoy the activity. They are hoping for a small, homey atmosphere similar to the one in Ocean Pines, probably about twenty beds. M. Truitt asked is this what Seaford has? Mrs. Bartell said they have both over there; assisted living with separate units, then a nursing home. They do not know if they would be able to use the warehouse that is there now. An evaluation would have to be done to the building along with codes to see if it is feasible. They are asking if council would be agreeable to including such a use in the MR District. Mayor Bryan stated that there is an interest so he is going to appoint a committee to study and then report their recommendation to council. Chair, Greg Hastings, Jim Petruzella and himself B. Bryan. Advised the Bartell’s that the committee would be contacting them to go over their ideas.

**Sign amendment request** – Tim Hodges brought up a situation that he found when trying to promote Hill Crest and how the signage would work. He does not feel the ordinance does what council wanted it to do. If a development has a sign 36 square feet then in order to promote lots that are for sale inside the development, only have 8 square

feet sign is allowed. This is not able to be seen from the road. He is describing major developments only and not individual for sale lots. T. Hodges suggests a 4 x 8 foot, which is the standard size. G. Hastings asked if this is in addition to the two signs naming the development and yes it is. This would not take away the need for a conditional use for signs that Plantation Lakes recently asked for. J. Petruzella motioned Keenan second to amend the zoning ordinance allowing for the additional sign and set the date for a public hearing for January 3, 2012. Vote – J. Thoroughgood aye, I. Keenan aye, G. Hastings aye, J. Petruzella aye, Tim Hodges abstain, M. Truitt aye, B. Bryan aye, motion carried.

**Conditional Use Renewal** – a renewal for 332 Main street apartments one and two over a garage area. This is an existing use and town hall has not received any complaints. G. Hastings motion, J. Thoroughgood second to renew the conditional use for apt. 1 and 2 for the two year renewal, approved unanimously.

**Board of Adjustment** – recently Dorothy Gray resigned from the Board of Adjustment leaving them with a four member board which being an even number is a concern. The board can consist of three to seven members and we have been trying to keep five. Recently Larry Gum said he would be interested in serving if the town decided to replace Mrs. Gray. Mayor Bryan directed that if the council is willing then we need a motion to that effect. J. Thoroughgood motion, M. Truitt second to appoint Larry Gum to fill in Dorothy Gray’s seat on the Board of Adjustment, approved unanimously.

8:10 pm J. Thoroughgood motion, I. Keenan second to recess into executive session to convene at 8:20 pm, approved unanimously.

Respectfully submitted,



Greg Hastings,  
Secretary

**9:20 pm regular session reconvene** with Mayor Robert Bryan presiding. Present were Vice Mayor John Thoroughgood, Secretary Greg Hastings, Treasurer Michelle Truitt, Council persons Irene Keenan, Jim Petruzella, Tim Hodges, Town Solicitor Mary Schrider-Fox, Town Manager Faye Lingo, and Assistant Town Manager Matt Schifano.

**Christmas Gift to employees** – J. Thoroughgood motion T. Hodges second to give each of the employees \$100.00 as a thank you. This is the same amount as the last two years, approved unanimously.

**Raises** – while working on the budget for year ending June 30, 2011 the council felt raises could not be done but are hopeful to be able to do something in January 2012. If it is still agreeable the amount that was discussed was 50 cents an hour across the board for police and civilian. J. Thoroughgood motion, J. Petruzella second to give the fifty cents an hour raise to all employees beginning the first work week in January 2012.

**Accounts payable position** – J. Thoroughgood motion, M. Truitt second to make the job offer to Joanne Dorey for the accounts payable position, approved unanimously.

**Zack Riddle** – T. Hodges motion, I. Keenan second to approve a gift card in the amount of \$50.00 for the Georgia House for Zack Riddle for the use of his wagon and straw for the Christmas Parade, approved unanimously. This has saved the council from having to hire a vehicle and everyone likes the decorated wagon.

9:25 pm I. Keenan motion, G. Hastings motion to adjourn, approved unanimously.

Respectfully submitted,

  
Greg Hastings,  
Secretary