

**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

**MINUTES
Millsboro Town Council
Regular Council Meeting
Millsboro Council Chamber
322 Wilson Highway
Millsboro, Delaware
February 3, 2014**

7:00 P.M. Meeting called to order, Mayor Robert H. Bryan presiding. Present were Vice-Mayor John Thoroughgood, Treasurer Michelle Truitt Councilpersons Tim Hodges, Irene Keenan, Jim Petruzella, Town Manager Faye Lingo, Assistant Town Manager Matt Schifano, Town Solicitor Mary Schrider-Fox, Development Coordinator Linda Johnson, and Town Clerk Tammy Phillips with Secretary Greg Hastings absent. Guests - see attached list.

Pledge of Allegiance

Public Comments – Mayor Bryan announced he would hold the comments until council got to that agenda item.

Mayor Bryan presented Council person Michelle Truitt gift certificates from local restaurants in appreciation for all the hard work that she has done in preparation for the open house and making the museum ready for visitors. Without her hours of work it would still be a work in progress.

SECRETARY'S REPORT –Town Manager Faye Lingo presented the minutes from the January 6, 2014 council meeting for Council's approval. Thoroughgood moved and Petruzella seconded to approve the minutes from the January 6, 2014 council meeting as written. Motion approved with Secretary Hastings absent.

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

Faye Lingo presented CPI – Consumer Price Index, impact fee rates; the CPI has a 1.21% increase. This is a total of \$ 103.00 increase for a new home. This includes water, sewer and building fund component. The annexation component will increase \$ 138.00. Faye explained that the ordinance is written that no action from council automatically adopts the new adjusted fees. Council action is only necessary if they choose to freeze at the current rates. To make it clear council decided to still take action. Thoroughgood moved Truitt seconded to approve to move forward with the increase of the CPI, motion approved with Secretary Hastings absent.

MILLSBORO FIRE COMPANY –

President Mike Mitchell presented, it has been fourteen years since he has last had the privilege to serve as President of the Millsboro Fire Company. A lot of things have changed over the last fourteen years but they are still here for the same reasons and purpose, to serve and protect the public.

A lot of things are ahead of them in the next sixteen months. First, they are hosting the Delmarva Fireman’s Association Convention the first weekend in May of 2015. Second, they will be celebrating the 100th Anniversary of their organization on the 23rd of May in 2015.

They hope to continue to work with and support The Town of Millsboro and our community.

Town Manager Lingo presented that the Millsboro Fire Company has requested the council to waive fees for a Board of Adjustment variance request. The fire company is making application to build a new building and they need to appeal to the Board of Adjustment. The town council sets the rates for the board of adjustment so only they can waive the fees. Thoroughgood moved Petruzella seconded to approve to waive the fees for Millsboro Fire Company application to the Board of Adjustment for a variance. Motion approved with Secretary Hastings absent.

GREATER MILLSBORO CHAMBER OF COMMERCE – Amy Simmons, Executive Director is absent. Town Manager Faye Lingo presented the Bridal Show will be held March 2, 2014 from 11 a.m. till 3 p.m. at Millsboro Town Center.

MILLSBORO POLICE DEPARTMENT – Chief Murphy presented,

Training January 13th to 15th Pfc. Berrios attended interview and interrogation at the DPSTA.

January 27th to 31st – Chief Murphy and Sgt. Legates took FBI Law Enforcement Executive Development Association Supervisor Leadership Institute training at Dover PD.

January 9th – Ptl. Baker attended Ethical Decision making at the DSPTA.

Lt. Calloway has reported to the FBINA and all is well with his training.

Homeland Security No issues to report.

CALEA Update - No issues to report.

Miscellaneous – We've had a few winter storms – no issues to report.

Chief Murphy has received a resignation from Pfc. Berrios, whom has served with the town for 11 years and 4 to 5 years of that time he has served at the Millsboro Middle School as a school resource officer.

Chief Murphy would like to fill the open position with a candidate that has already been through the background check during the last hiring. The academy begins February 24th. In a similar situation in the past the authority was given to the personnel committee to do the interview and hiring. Due to the time demand Chief is wondering if this could be done this time. Thoroughgood moved Petruzella seconded to approve to have the personnel committee interview and have the authorization to hire a new applicant for the academy scheduled for Feb. 24th then report back to council on March 3, 2014 with decision. Motion approved with Secretary Hastings absent.

Chief Murphy then presented that there are events being held in an area that is not inside the town limits, however, due to the proximity of the property it does effect The Town of Millsboro and suscom often sends Millsboro to respond. The venue is extremely out of control. Once the events are over they all leave in mass and go to a local business and destroy it. Managers have been overwhelmed and are unable to lock the doors due to company policy. The police department has blocked the driveway but this is only a temporary solution which just moves the activity. Chief has contacted the National and State levels and met with the local organization. It did stop for a short time but has now started back. Chief wants to get all agencies involved so it doesn't get out of control. Mayor stated to send letters to State level and County local lawmakers, Representative Atkins, Senator Hocker notify them on where we stand with the issue.

STREETS – Truck traffic downtown update. We are finally able to connect with representatives from Deldot and they have agreed to meet with the committee to discuss and help find a solution. A date and time has not yet been set.

RECREATION - NONE

WATER AND SEWER REPORT – Sewer adjustment due to water leak at #8 Nash Circle Hub Court West has been done by the town manager as ordinance allows, no council action required.

Water tank maintenance contract, the Town has been working under a contract with Utility Tank and it has expired. We have gotten a renewal quote from Utility Tank and quotes from Preferred Tank and Pittsburg Tank and Tower and references. Kenny Niblett, Public Works Director and Bill Sauer, Finance Director have both reviewed the fees and the recommendation is to use Pittsburg Tank and Tower if Mary approves the language in the agreement. Mary responded that she has read it and it meets with her approval. Hodges moved Truitt seconded to approve Pittsburg Tank and Tower contract. Motion approved with Secretary Hastings absent.

Water use, Town of Dagsboro; Faye explained, if you remember a few months back it was discussed and decided not to do anything about issuing a credit to Dagsboro for the water usage. Since everything was done verbally Dagsboro is now making a formal request to Millsboro for a credit. Mayor Bryan asked who selected the first meter? Faye explained that the engineer for Dagsboro and Millsboro authorized the type that was installed. When it stopped working Millsboro had it replaced with the same type meter and Dagsboro reimbursed Millsboro for the cost. Town of Dagsboro selected the third meter and the usage has been reduced by nearly half. Hodges requested that we pull water use reports to compare the information and report back on March 3, 2014.

Contract H, wastewater, Scott Hoffman from Cabe was here to explain the change order. Increase the Contract substantial completion time by 24 days. The new substantial completion date is February 7, 2014. Increase the contract final completion time by 86 days. The new final completion date is May 15, 2014. Incorporation of this change order in the Contract will not change the contract price. Hodges moved and Truitt seconded to approve to increase the contract final completion time by 86 days; the new final inspection date is May 15, 2014. Motion approved with Secretary Hastings absent.

MAYOR'S REPORT- White Farm – deer control - The farmer that is leasing the land has reported that there are definite signs of deer being on the property and that it will be a problem once he plants his crops. He is asking permission to be able to shoot the deer. If the council is agreeable to let him hunt on the property then you want to set some rules or guides since town employees may have to visit the wastewater disposal site the

same hours hunting is planned. Hodges stated that they can do hunting off season with permit policy; set time, notify town exactly with police department and maintenance person. Set a time to sit down with Tim Rogers of ABC Farms to put together a plan and bring back to council.

Construction hours – clarify ordinance to allow certain activities. It has been brought to our attention that some retail stores stock their shelves through the night and sometimes this means moving shelving or replacing shelving while the business is closed. Did the council intend for this to be considered construction? Town Solicitor Mary Schrider-Fox has revised Amendment of Chapter 70, Building Construction Article II, hours of construction 70-6 definitions, by clarifying what constitutes “construction” as such term in used in Chapter 70, Article II of the Town Code. Thoroughgood moved and Petruzella seconded to approve the Amendment of Chapter 70, Building Construction Article II, hours of construction 70-6 definitions, by clarifying what constitutes “construction” as such term in used in Chapter 70, Article II of the Town Code. Motion approved with Secretary Hastings absent.

Liborio – final site plan approval. The committee looked at the plans and saw that URS and CABA comments have been addressed. Mr. Niblett wanted to be sure that shut offs were on the plans are located at Rt. 113 as well as Mitchell St. A note was requested to be placed on the plans that the mains are to be private and maintained by the developer and the Town is not responsible. The note was added to the plans. All approvals are in place from the other agencies. The committee has made recommendation as follows: (1) Approve the plans (2) Review Development agreement (3) Estimated escrow account suggested - \$12,000. Thoroughgood moved and Hodges seconded to approve with final site plan with the recommendation as follows: (1) Approve the plans (2) Review Development agreement (3) Estimated escrow account suggested - \$12,000. Motion approved with Secretary Hastings absent.

Day Care – Learning Center – zoning, committee report. The committee met and considered how this would work and have come back with a recommendation to approve the amendment to the MR District with the following changes (1) must have a Delaware State Business License and Town Business license. (2) must be licensed for a minimum of (80) eighty children (3) must have 20,000 sq. ft. of property unless State requirements are greater (4) must have 75 sq. ft. play area per child unless State requirements are greater (5) Play-area must be 15 ft. play area per child unless State requirements are greater (6) Play area must be solid fenced area on rear and sides and secure with a minimum height of 6 ft. unless State requirements are greater (7) Parking must be one (1) space per employee and one (1) space per every three (3) children/family – approximately number of parking spaces thirty (30), unless State requirements are greater. (8) All agency approvals. Petruzella moved and Truitt seconded to approve committee recommendations and set a Public Hearing for March 3, 2014 during regular council meet-

ing. Mayor Bryan called for a roll call. Keenan –yes, Petruzella – yes, Hodges-yes, Truitt-yes, and Mayor-yes, so the motion approved with councilperson Thoroughgood abstaining (sister in law has day care). Motion approved with Secretary Hastings absent.

Food Truck Vendor – Howard Klein, 24915 River's Edge Rd, Millsboro, DE. Had signed up for public comment so he will be speaking for he and his daughter. They are requesting to place a food truck in front of Lowe's store. Lowe's has given permission for them to plug in. They have expressed that they would like to have the food cart there for their employees and customers. Contractors would be able to grab a sandwich for breakfast and lunch and keep on going. These customers are not able to go in a restaurant and set down and eat a meal. BJ's has the similar type of food service inside their store for their employees and customers. Mayor stated, that restaurants and fast food services are charged and pay impact fees based on seating capacity and this type business would be competition and does not pay the same fees. The committee recommendation is to not allow any food truck vendor in the Town of Millsboro. Thoroughgood moved and Keenan seconded to not allow food truck vendors in Town. Motion approved with Secretary Hastings absent.

Conditional Use Application; Chimes is applying for an accessible home for intellectually disabled individuals for citizens of Southern Delaware in a Highway Commercial Zoning District, Sussex County Map # 1-33-16.16 parcel 7.00. Town Solicitor Schrider-Fox explained that the Highway Commercial Zoning District does allow the option as a conditional use. The conditional use is written so that council can allow this residential activity and allow for the four (4) people as in their request. Town Manager pointed out that the zoning normally restricts to no more than three unrelated living in the same unit. The attorney explained that this can be allowed as one of the conditions so it would only apply to this one unit. Thoroughgood moved and Truitt seconded to approve the conditional use as requested, Section 210-51 Sub D approval valid one year initially and renewals for two (2) years on Sussex County Map # 1—3-16.16 parcel 7.00. Mayor Bryan called for a roll call. Keenan –yes, Petruzella – yes, Hodges-yes, Truitt-yes, and Thoroughgood-yes, motion approved with Mayor Bryan abstaining (family member attends Chimes care). Motion approved with Secretary Hastings absent.

Millwood, amendment to existing subdivision plan. Monika Sloan, Northpoint Engineering, explained that the applicant would like to revise Millwood, Phase 3. The density would be reduced to 303 lots which would be losing 59 lots. Phase 3 would have the same setbacks as previously included. Mayor appointed a committee to review their proposal and come back with their recommendations to council; Petruzella (chair) Thoroughgood and Truitt.

Conditional Use Application, Patel residential accessory to the business to be located at 306 Main Street, Sussex County Map # 1-33-17.13 parcel 88.01 Urban Business Zoning.

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The existing Corner store must be demolished and add landscape to that area. Thoroughgood moved and Hodges seconded to approve the conditional use for residential accessory to the business on 306 Main Street, Sussex County Map 1-33-17.13 parcel 88.01. Motion approved with Secretary Hastings absent.

8:30 pm Thoroughgood moved and Truitt seconded to recess and to enter Executive Session at 8:40 pm. Motion approved with Secretary Hastings absent.

**Regular Session
Reconvene @ 9:13 pm**

No council action or discussion.

9:13 p.m. Keenan moved and Hodges second to adjourn the meeting. Motion approved with Secretary Hastings absent.

Respectfully submitted,



Filling in for the Secretary
Faye L. Lingo,
Town Manager