



Mayor and Council
The Town of Millsboro

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Mayor John Thoroughgood, District 2

Vice Mayor Michelle Truitt, District 3

Pro Tem Tim Hodges, District 1

Secretary James Kells, District 3

Councilperson Bradley Cordrey, District 1

Councilperson Ron O'Neal, District 2

(Vacant), At Large

Sheldon P. Hudson, Town Manager

**TOWN COUNCIL
REGULAR MEETING
NOVEMBER 7, 2016**

MINUTES

Meeting was called to order at 7:02 p.m.—with Mayor John Thoroughgood presiding. Also present were Vice Mayor Michelle Truitt, Pro Tem Tim Hodges, Secretary James Kells, Treasurer Joseph J. Brady, Councilperson Bradley Cordrey, Town Manager Sheldon P. Hudson, Assistant Town Manager Bill Sauer, and Town Solicitor Mary Schrider-Fox. Councilperson Ron O'Neal was absent.

Pledge of allegiance: Mayor Thoroughgood led the pledge.

Public comment: Jack Prehm, a resident of District 3, spoke in favor of “Welcome to Millsboro” signs being installed, a memorandum of understanding (MOU) for speed enforcement being established, and the streets in Plantation Lakes being dedicated to the Town.

Secretary's report: Kells submitted the minutes and made a motion that they be approved as written. Brady seconded. Approved unanimously.

Treasurer's report: Brady made a motion that the bills be paid from the designated accounts. Hodges seconded. Approved unanimously.

Millsboro Fire Company:

John Hall presented the monthly update. There were 205 ambulance calls and 37 fire calls. Regular and junior members participated in training at Bunting's Garage, and juniors underwent ladder training.

Fire Company is purchasing a new rescue vehicle. Rescue vehicles that are more than 20 years old are considered to be antiques.

34 cars participated in the Road Rally—the most ever. A rookie team from Town came in 17th. The event is scheduled to take place again next year.

Fire Company asked for permission to rent the Faye L. Lingo Reception Hall at a reduced rate October 13–16, 2017 due to a double-booking situation involving the Road Rally and the wedding reception of one of the Company's members and his fiancée. Cordrey made a motion that the request be approved. Hodges seconded. Approved unanimously.

Greater Millsboro Chamber of Commerce:

Amy Simmons, executive director, presented the monthly update.

A membership meeting (breakfast) will be taking place at Mill Pond on November 17 at 8:00 a.m. The guest speaker will be Best Buddies Delaware.

Chamber office will be closed November 23–December 4.

Christmas parade will take place on December 3. A press release has been sent to the *Coastal Point, Wave, Sussex County Post*, WMDT, and WGMD. Ms. Simmons said she and her husband, Robert, would be back from vacation in time for the event. Christmas parade applications are due by November 22. The event is again being sponsored by D&D Stained Glass.

The Sussex Central JROTC will be leading. Brian K. Hall will be the emcee, and he will be setting up near Dollar General.

No trophies will be awarded this year, as there have been challenges with getting some winners to pick up their trophies in past years. Instead, participation certificates will be handed out.

One of the high school band directors informed Ms. Simmons that participation may be limited due to the fact that some members will be taking the SAT on the parade date.

December coffee networking will not take place on the first Thursday but on December 5.

Trip to New York is scheduled for December 6.

Christmas membership meeting (dinner) will be taking place at the Gumboro Community Center on December 14.

Mayor Thoroughgood asked Ms. Simmons who was in charge of the Christmas parade. She said Kris Adams. Ms. Simmons then stated that parade participants had been given Mr. Adams's cell phone number.

Hodges inquired as to what the procedure would be if a prospective participant missed the November 22 deadline. Ms. Simmons said Mr. Adams's name was on the Chamber's Web site but that the Chamber's board was "pretty specific" that the deadline was a firm one.

Mayor Thoroughgood asked if it was free to participate. Ms. Simmons said yes.

Police Department's report:

Chief Brian Calloway presented the monthly report.

Detective Dufour participated in Delaware State Police training academy for criminal investigations #1. In a couple of weeks, Detective Dufour will be heading to North Carolina for Sirchie training—which is more in depth.

On October 12 and 13, Department's firearms instructors were recertified at the Selbyville firing range. On October 20, Chief attended a free training at POLYTECH dealing with how to respond to a pipeline gas leak. From October 24 to 28, Lieutenant Legates and Detective Dufour went to a homicide conference in Dover.

There were no Homeland-Security-related threats.

There was nothing new to report relative to CALEA [Commission on Accreditation for Law Enforcement Agencies].

Because of social media, a number of organizations are now donating toward the no-shave fund-raiser. The car rally conducted a raffle and raised \$500. So far, over \$1,200 has been donated altogether.

Chief has consulted with Hudson and Sauer to ensure that the funds are handled in such a way so as to satisfy auditor requirements.

Gifts will be purchased between now and December 1.

Chief thanked everyone who provided assistance with the Halloween event—including Truitt and her girls—who stuffed over 500 bags with candy. Over the past 7 years, 350–380 kids normally attended, but over 725 kids came this year. PFC Zubrowski was in charge of the event, and he will be recognized at the November 29 departmental meeting.

Corporal Forester will be the officer in charge at this year's Christmas parade as he was last year.

On November 19, the Department will be conducting a food drive in the BJ's parking lot. Donations will be given to the Christian Storehouse.

There was an initiative conducted through the Office of Highway Safety.

The road work at US 113 and the former Food Lion crossover has been completed.

Chief asked Council for permission to submit an application for a SALLE [State Aid to Local Law Enforcement] grant for \$5,001.89 to purchase a portable radio and 2 new TASERS. Brady made a motion that the request be approved. Kells seconded. Approved unanimously.

Patrolmen Millner and Mulhern are still doing fine. They remain on track to finish field training in a week or two.

Recruits Dodson, Ebke, and Wharton are doing well.

Sergeant Wheatley arranged to have prisoners come to the police station on October 19 to wash and wax vehicles.

Detective Dufour is in possession of the new unmarked vehicle. Chief said he would have the new marked vehicle by the next Council meeting.

Chief reported that he had been invited to participate in Return Day and would be driving the antique police car in the parade. Hudson has agreed to ride with him.

Streets:

Hudson informed Council that, according to Kenny, the new "SLOW" sign for River Drive had been ordered but had not yet been received.

Hudson shared that state legislator response to the idea of a speed enforcement MOU was mixed. He said there seemed to be some support for the concept of a limited MOU for the area near Plantation Lakes exclusively but some reservation relative to the idea of a broader MOU. Hudson indicated that he was working with the legislator to address his concerns.

Parks and Recreation: No report.

Water and sewer: No report.

Mayor's report:

Request from East-Side Developers, Inc. (Jim Parker) to annex the parcel with a tax map number of 133-16.00-23.00: Hudson indicated that he had confirmed with CABE/Duffield that the plan of services was still under review by the Office of State Planning Coordination [OSPC] and Sussex County.

Request from Lewes Dairy related to the parcel with a tax map number of 133-17.00-72.00: Hudson said the Town had received a letter from John Manis, Hy-Point's realtor, indicating that his client would not be ready to present before Council again until December.

Lease of former train station: Committee Chair Hodges said the committee members had met with a couple of prospective tenants. He said the committee was still working on developing some renovation options.

Warren's Mill: Sauer said turning old mills into hydroelectric plants is popular in Britain. He stated that he had reached out to the owners of Betts Pond and to the former owners of the mill to talk about water rights and water flows and to Bill Whitaker of Delmarva Power. Sauer indicated that he had found historic recordings of the mill.

"Welcome to Millsboro" signs:

Hudson said DelDOT [Delaware Department of Transportation] had indicated that breakaway-style signs would need to be used on US 113 if the Town were to decide to install new town limit signs. In addition, the 2 existing concrete mill wheels on US 113 with the word "Millsboro" on them would have to be removed.

Hudson mentioned Hodges's interest in securing monument-style signs. Hudson stated that DelDOT seemed to be opposed to such signs due to the supposed public safety hazard that they pose.

Hudson said DelDOT exhibited even greater resistance to the idea of town limit signs off of US 113. He suggested that Council might want to ask for assistance from state legislators if the issue was of sufficient importance to them.

Brady made a motion to ask for assistance from Senator Hocker and Representative Collins after the election. Cordrey seconded. Approved unanimously.

Financial institutions used by the Town:

Hudson indicated that he was speaking on behalf of the bank committee chair, Brady. Hudson said he, Brady, and the other members of the bank committee, Cordrey and Hodges, had met on October 20, 2016. Hudson stated that the purpose of the meeting was to discuss a possible change in the primary financial institution used by the Town.

Hudson mentioned that the committee had met with representatives of Fulton, PNC, and WSFS. He indicated that PNC was the Town's current primary bank.

Hudson said the committee had done analysis and was recommending that the Town change its primary financial institution from PNC to WSFS on or about February 1, 2017. According to the committee's report, the recommendation was based on the projection of increased treasury and investment income; the expectation of better customer service; the fact that WSFS is a Delaware-based bank; and the promise made by WSFS officials

that Town funds would be fully collateralized. Hudson indicated that a move to WSFS would likely lead to the removal of an audit finding relative to collateralization.

Brady made a motion that the Town switch to a new primary bank on or about February 1, 2017. Kells seconded. Approved unanimously.

Request from Delaware Department of Transportation for Town to send letter indicating that Department's plan to have the proposed SR 24 connector cross Millsboro Pond at currently-proposed location would have "de minimis" impact: Hudson notified Council that he had heard back from DelDOT in response to the letter that the Town had sent and that additional input was being sought. Hudson indicated that he had restated Council's position. Hudson advised that the Federal Highway Administration had indicated that the Town might hear from them in the future.

Advertising and hiring process for accounts receivable position: Hudson stated that the closing date for the position previously occupied by Matt Hall had passed and that the Town had received about 20 applications. He indicated that initial interviews had been conducted and computer skills profiles administered. Hudson said applications had been reviewed by Mayor Thoroughgood and Truitt and would be reviewed by Hodges. Hudson said the hope was to make a hiring recommendation at the December Council meeting.

Authorization for town manager and Personnel Committee to begin advertising and hiring process for town clerk position: Hudson stated that the process had not yet been started.

Request to approve supplemental tax list no. FY 2017-2:

Sauer indicated that the Town's assessor had experienced some personal issues and, as such, was delayed in providing a list to the Town. Sauer stated that the assessed value figure had increased by about \$9.8 million—reflecting the impact of about 50 new homes and a couple of commercial upgrades.

Truitt made a motion to approve the list and set the due date as December 31, 2016. Brady seconded. Approved unanimously.

Blue Star Memorial Marker: Kells asked that the item be tabled until the January 2017 Council meeting.

Town-sponsored Christmas events: Hodges made a motion to change the tree lighting and caroling date to Saturday, November 26, 2016 at 6:00 p.m. Truitt seconded. Approved unanimously.

Request from Hub Court (Tim Johnson) for property-tax abatement for 41 Kyle Circle: Schrider-Fox said, in her opinion, Council did not, in fact, need to take action since Mr. Johnson did not owe the improvements tax in question. She indicated that Mr. Johnson is the landowner—not the owner of the mobile home to which improvements were made. Schrider-Fox mentioned that her conclusion was similar to the one reached by Sauer.

Electronic sign for downtown:

Hudson explained that there had been some interest expressed since the last meeting in replacing the current sign with one that was lower in height. He expressed a concern that such a change might cause the Town to lose any grandfathering privileges since the current sign was located within a DelDOT right-of-way.

Schrider-Fox said she believed that the Town could exempt itself from the relevant sign-related ordinance(s) if needed. She stated that she would confirm this. If accurate, no variance would need to be granted.

Brady and Truitt expressed a preference for the current sign height. Hodges expressed a preference for a monument-style sign, and he said he liked the idea of the Town complying with the zoning code in many respects even though the Town might not be required to do so.

Mayor Thoroughgood said the next step, if Council preferred the “monument” option, would be for the Town to approach DeIDOT; Brady and Schrider-Fox agreed. Hodges suggested that some conceptual designs be prepared prior to the Town contacting DeIDOT.

Truitt asked if the existing metal posts were in satisfactory condition. Hudson said Phillips Signs had indicated that they were.

Hudson mentioned that he had been approached by the Millsboro Garden Club and that they had expressed some concern relative to the impact that any improvements to the sign might have on their plantings.

Truitt asked Hudson if the electronic sign would be two sided. Hudson said yes.

Hodges made a motion that some conceptual designs for a monument-style sign be prepared and that he and/or Cordrey ask Senator Hocker for assistance with securing DeIDOT approval. Kells seconded. Approved unanimously.

Request from Horvath Communications to enter into lease agreement with Town and build tower on Town property: Hodges, committee chair, stated that there was little to report. Kells asked where the property was located; Hodges indicated that it was situated on the White Farm.

Request from Gateway Construction to conduct night work near the corner of Main and State streets: Brady made a motion to allow Gateway to conduct night work in association with The Corner Liquor Store project except during Thanksgiving weekend. Cordrey seconded. Approved unanimously.

The Homestead development agreement terms and conditions relative to impact fees: Tammy Rust asked Mayor Thoroughgood to form a committee to review the impact fee scheme for those older projects that are still “in phase”—such as The Homestead—and to consider “grandfathering in” the projects under the old scheme. Mayor Thoroughgood formed a committee and appointed Brady, Cordrey, and Kells to sit thereon—with Brady serving as chair.

Request from Lennar to transfer ownership of certain Plantation Lakes roads to the Town:

Demetrios Kaouris of McAllister, DeTar, Showalter & Walker and representing Lennar asked Council to accept the Section J streets of Magnolia Circle and Surry Lane subject to a final deed being negotiated. Mr. Kaouris said the construction and funding agreement contemplated the dedication of Plantation Lakes streets and roads to the Town at some point.

Schrider-Fox indicated that the deed now stated that the storm-water facilities were not being transferred to the Town. Hodges asked if the language specified that only the streets themselves were being conveyed. Schrider-Fox stated that the current version of the deed referred to rights-of-way and plot plans and that she had informed Mr. Kaouris that she would need to get input from Kenny Niblett in terms of whether or not the language was acceptable.

Schrider-Fox said it would be appropriate for Council to agree in principle to move forward with the dedication since this was contemplated by the bond documents. She said the deed language would need to be finalized and a clear title report received by the Town.

Hodges asked Schrider-Fox if Council could wait until after the outstanding items had been addressed to take action. She indicated that Council could wait or could grant conditional approval.

Brady made a motion to grant conditional approval and to authorize Mayor Thoroughgood and Hudson, in consultation with Schrider-Fox, to negotiate the final deed language. Kells seconded. Approved by a vote of 5-1—with Hodges voting no.

Community Development Block Grant application: Hudson said the item was not yet ready for consideration by Council.

Request from American Legion Sussex Post No. 8 for a donation toward a World War I monument to be placed on The Circle in Georgetown: Truitt made a motion that the item be tabled until the December meeting. Brady seconded. Approved unanimously.

Small Business Saturday proclamation: Hodges made a motion that a proclamation be issued and that the name of the secondary source be identified. Kells seconded. Approved unanimously.

Request from Millsboro Properties to extend the final site plan approval for Monroe Square: Hodges made a motion that the extension request be granted. Brady seconded. Approved unanimously.

Request from contractor to provide letter of conditional approval relative to certain infrastructure in Commons at Radish Farm/The Homestead: Hudson stated that Ken Adams of Melvin Joseph had not yet been paid for work he had performed in Commons at Radish Farm/The Homestead and that Kenny Niblett thought the requested letter might help Mr. Adams to secure payment. Brady made a motion that a letter be drafted. Hodges seconded. Approved unanimously.

Funding of Railroad Street Improvements Project:

Brady made a motion to authorize the use of transfer tax monies for the Project. Cordrey seconded. Approved unanimously.

Hodges made a motion to formalize the decision to use additional Town funds toward the Project. Truitt seconded. Approved unanimously.

Adjournment: With no further business, Mayor Thoroughgood asked for a motion to adjourn. Brady made such a motion. Cordrey seconded. Approved unanimously at 8:48 p.m.

Respectfully submitted,



James Kells
Secretary