



**Town Council
Town of Millsboro**

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Mayor Faye Lingo
Vice Mayor John Thoroughgood
President Pro Tem Brad Cordrey
Secretary Jim Kells
Treasurer Larry Gum
Councilman Ron O'Neal
Councilwoman Kimberley Kaan

Jamie Burk, Town Manager

**TOWN COUNCIL
REGULAR MEETING
November 7, 2022**

MINUTES

Call to order: The meeting was called to order at 7:00 p.m.—with Mayor Faye Lingo presiding. Vice Mayor John Thoroughgood, President Pro Tem Bradley Cordrey, Council Secretary James Kells, Councilman Ron O'Neal, Councilwoman Kimberley Kaan, Town Manager Jamie Burk, Town Clerk Joanne Dorey, and Town Solicitor Mary Schrider-Fox were also present. Council Treasurer Larry Gum was absent.

Former councilperson recognition: Mayor Lingo acknowledged Tim Hodges for the time he spent serving on the Millsboro Town Council. Mr. Hodges was presented with a plaque acknowledging the 15 years he served the residents of Millsboro.

Public hearings:

1st hearing –

A PUBLIC HEARING WILL BE HELD ON NOVEMBER 7, 2022, AT 7:00 PM, AT THE MILLSBORO TOWN CENTER, 322 WILSON HIGHWAY, MILLSBORO, DELAWARE. NR & NR, LLC, IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NO. 133-20.00-40.00, 41.00, 41.01, AND 41.02, CONTAINING 69.412 ACRES, MORE OR LESS HAVE MADE AN APPLICATION AT THE TOWN OF MILLSBORO FOR A MAJOR SUBDIVISION IN THE MEDIUM-DENSITY RESIDENTIAL (MR) DISTRICT TO CONSIST OF 214 SINGLE-FAMILY HOMES.

Ring Lardner, PE of Davis, Bowen & Friedel, Inc. presented the preliminary subdivision plan for Somerton Chase which would consist of 214 single-family homes.

- Kaan raised a concern about the stormwater pond being considered open space.
- John Phrem of Plantation Lakes was confused about a traffic light being installed at Rt 24 and Plantation Lakes Blvd. It was determined this item is still being studied. Mr. Phrem also asked if new developments are paying impact fees and contributing to the infrastructure of the town.
- Bob Radish of Radish Road raised concerns about stormwater runoff and the traffic increase on Radish Road.

Thoroughgood made a motion to close the public hearing. Cordrey second. 6 approved; Gum was absent.

2nd hearing –

A PUBLIC HEARING WILL BE HELD ON MONDAY, NOVEMBER 7, 2022, AT 7:00PM, IN MILLSBORO TOWN CENTER, 322 WILSON HIGHWAY, MILLSBORO, SUSSEX COUNTY, DELAWARE, TO CONSIDER AMENDING THE TOWN CODE OF THE TOWN OF MILLSBORO, CHAPTER 210, ZONING, BY REVISING § 210-13 THEREOF TO INCREASE THE MINIMUM LOT SIZE FROM 75 FEET (FRONTAGE) BY 100 FEET (DEPTH) TO 110 FEET (FRONTAGE) BY 130 FEET (DEPTH) FOR ALL LOTS IN THE TOWN'S MEDIUM-DENSITY RESIDENTIAL (MR) DISTRICT.

With no comments, Thoroughgood made a motion to close the public hearing. O'Neal second. 6 approved; Gum was absent.

3rd hearing –

A PUBLIC HEARING WILL BE HELD ON NOVEMBER 7, 2022, AT 7:00PM, AT THE MILLSBORO TOWN CENTER, 322 WILSON HIGHWAY, MILLSBORO, DELAWARE, TO CONSIDER AMENDING THE TOWN CODE OF THE TOWN OF MILLSBORO, BY REVISING THE FOLLOWING CHAPTERS AND SECTIONS THEREOF TO INCLUDE A REQUIREMENT THAT PROPERTIES, THAT ARE THE SUBJECT OF CERTAIN LAND USE RELATED APPLICATIONS, BE POSTED WITH A NOTICE SETTING FORTH THE DATE AND TIME AT WHICH THE APPLICATION WILL BE HEARD, AS WELL AS OTHER INFORMATION RELEVANT TO THE APPLICATION: (1) CHAPTER 56, ANNEXATION OF LAND, BY ADDING A NEW § 56-2 THERETO; (2) CHAPTER 178, SUBDIVISION OF LAND, BY REVISING EXISTING §§ 176-7.B.(8) AND 176-7.C.(7) REGARDING MAJOR SUBDIVISION APPLICATIONS; (3) CHAPTER 210, ZONING, BY ADDING A NEW SUBPARAGRAPH F. TO EXISTING § 210-51 REGARDING CONDITIONAL USE APPLICATIONS; (4) CHAPTER 210, ZONING, BY ADDING A NEW SUBPARAGRAPH F. TO EXISTING § 210-58 REGARDING APPLICATIONS BEFORE THE BOARD OF ADJUSTMENT; AND (5) CHAPTER 210, ZONING, BY ADDING A NEW SUBPARAGRAPH I. TO EXISTING § 210-70 REGARDING APPLICATIONS FOR A CHANGE IN ZONING DESIGNATION OR APPROVAL OF CERTAIN ZONING DISTRICTS.

With no comments, Thoroughgood made a motion to close the public hearing. Kaan second. 6 approved; Gum was absent.

4th hearing –

A PUBLIC HEARING WILL BE HELD ON MONDAY, NOVEMBER 7, 2022, AT 7:00PM, IN MILLSBORO TOWN CENTER, 322 WILSON HIGHWAY, MILLSBORO, SUSSEX COUNTY, DELAWARE, TO CONSIDER AMENDING THE TOWN CODE OF THE TOWN OF MILLSBORO, CHAPTER 210, ZONING, BY REVISING § 210-40 THEREOF TO INCLUDE OVERFLOW PARKING REQUIREMENTS IN RESIDENTIAL SUBDIVISIONS AND TO REVISE THE FOLLOWING SECTIONS IN CHAPTER 178, SUBDIVISION OF LAND, AND CHAPTER 210, ZONING, TO REFER TO AND INCORPORATE THE NEWLY ESTABLISHED OVERFLOW PARKING REQUIREMENTS IN RESIDENTIAL SUBDIVISIONS: § 178-14, § 210-13, § 210-14, § 210-15, §210-20, AND § 210-25.

With no comments, Cordrey made a motion to close the public hearing. Kells second. 6 approved; Gum was absent.

Secretary's report: Kells submitted the October regular meeting minutes and made a motion that Council approve them as written. Kaan requested that the *Preliminary site plan — Somerton Chase (Radish Road (SCR 338))* section of the minutes be amended to include how each council member voted. Kells made a motion to revise his original motion as mentioned above. Kaan seconded. 6 approved; Gum was absent.

Treasurer's report: Cordrey made a motion that the Town pays the invoices from the designated accounts as recommended by staff. O'Neal seconded. 6 approved; Gum was absent.

Millsboro Fire Company update: O'Neal mentioned the volunteers have been extremely busy with Fire Prevention month. Volunteers also put American flags on the graves of veterans at the Millsboro Cemetery.

Millsboro Art League update: John Bandish introduced Miranda Manelski as part of the leadership team for the art league. Miranda stated the 1st Annual Autumn Festival at the Millsboro Middle School was a great success.

Police Department's report:

Chief Brian Calloway stated Cpl. Christopher Ebke attended Basic Crime Scene Investigations at the Millsboro Town Hall October 5—7.

Chief Calloway mentioned on October 11—13, officers from shifts A & B conducted annual Response to Resistance training.

Chief Calloway mentioned on October 17—21, Sgt. David Moyer and Cpl. Christopher Ebke attended the annual Homicide Conference hosted by the Delaware State Police.

Chief Calloway presented Council proposed changes to the Millsboro Police Department Policies for review. The proposed policy changes are:

- Policy # 3 Job Descriptions (Rotating Shift Requirement)
- Policy # 14 Patrol Procedures (Rotating Shift Requirement)

Chief Calloway mentioned members of the Department partnered with Starbucks for the annual "Coffee with a Cop" event on October 5. On October 12, the Department partnered with the Millsboro Fire Department for a safety presentation at East Millsboro Elementary, and on October 31 the Department participated in the annual Community Night Out event.

Chief Calloway expressed gratitude to Councilman John Rieley from Sussex County for his assistance in obtaining an electric bike for the department.

Water and Sewer:

Water meter upgrade project: Matthew Hall, director of finance asked the Council if they wanted him to continue moving forward with the project as discussed in July. Thoroughgood made a motion to move forward with the project. Kells seconded. 6 approved; Gum was absent.

RKK services agreement: George ("Kenny") Niblett, director of public works presented the Wastewater Treatment Facility upgrade feasibility study amendment. Kaan made a motion to approve the amendment as presented in the packet. Cordrey seconded. 6 approved; Gum was absent.

Mayor's report:

Millsboro Police Station legal services agreement: Burk presented the legal services agreement required by the United States Department of Agriculture (USDA) for the new police station project. Kaan made a motion to accept the legal services agreement as presented. Kells seconded. 6 approved; Gum was absent.

Millsboro Police Station funding sources: Hall presented the funding options for the new police station project. Thoroughgood made a motion to borrow up to 8 million through a USDA loan instead of using the previously committed 5 million cash on hand. Cordrey seconded. 6 approved; Gum was absent.

Millsboro Police Station interim funding: Hall presented the interim financing package from WSFS. for the construction of the police station. Kells made a motion to accept the proposal as presented in the packet. O'Neal seconded. 6 approved; Gum was absent.

Annexation request — annexation request for Tax Parcel ID 133-16.00-95.03 located west of U.S. Route 113 at the intersection of Kerlyn Drive — Schertle: Lingo appointed an annexation committee and asked Kells, O'Neal, and Kaan to serve thereon—designating Kells as chair.

Annexation request — annexation request for Tax Parcel ID 233-5.00-110.00 located along Dickerson Rd. — Sussex County EMS: Lingo appointed an annexation committee and asked Thoroughgood, Cordrey, and Gum to serve thereon—designating Thoroughgood as chair.

Preliminary subdivision plan — Somerton Chase (Radish Road (SCR 338)): Thoroughgood inquired as to if the dog park was private or public. Mr. Lardner stated it would be a private park. O'Neal asked when the pool and bathhouse would be constructed. Mr. Lardner stated it would begin construction when approximately 25% of the units were built. Cordrey made a motion to approve the preliminary subdivision plan as presented. Kells seconded. Kaan, Cordrey, and Kells voted yes. Thoroughgood and O'Neal voted no. In summary, there were 3 yes votes and 2 no votes, motion passed.

Posting of properties subject to public hearings— suggested changes to the Code of the Town of Millsboro:

Amend Chapter 56-2 Annexation of Land by adding a new § 56-2. Property posted with notice.,

Amend § 178-7 Major subdivision, subsection B. Preliminary approval, subparagraph (8),

Amend § 178-7. Major subdivision, subsection C. Procedures for final approval of major subdivision, subparagraph (5),

Amend § 210-51. Conditional Uses, by adding a new subsection F. Property posted with notice,

Amend § 210-58. Meetings; rules and regulations, by adding a new subsection F. Property posted with notice.

Amend § 210-70. Amendments, by adding a new subsection I. Property posted with notice.

Thoroughgood made a motion to approve the resolution as presented in the packet. Cordrey seconded. 6 approved; Gum was absent.

Revision to proposed change – §210-40 of the Code of the Town of Millsboro Overflow Parking Required: Cordrey made a motion to approve the resolution as presented in the packet. Thoroughgood seconded. 6 approved; Gum was absent.

Mayor's report (cont.):

Request for tax-exempt status – 29977 Plantation Drive (Homestead clubhouse): Hall stated the clubhouse is tax-exempt and the customer requested the current year taxes be waived. Thoroughgood made a motion to waive the current year's taxes. O'Neal seconded. 6 approved; Gum was absent.

Annexation committee report – Parasram: Mayor Lingo stated the committee report was in the packet but needed a correction, Larry Gum was the chair, not Thoroughgood. Thoroughgood made a motion to schedule a public hearing for the December council meeting. Kells seconded. 6 approved; Gum was absent.

Suggested changes to the Code of the Town of Millsboro: amend Chapter 12 Elections for Town Council to add § 12-7. Absentee voting: Schrider-Fox presented the amendment to allow absentee voting at the Municipal elections. Thoroughgood made a motion to accept the amendment to Chapter 12 to allow absentee voting. Cordrey seconded. 6 approved; Gum was absent.

Update of potential change – § 210-13 Medium Density (MR) of the Code of the Town of Millsboro - minimum lot size requirements: Kaan stated she thought she heard 100ft frontage by 130ft depth within the medium density (MR) district at last month's council meeting and has concerned about 110ft frontage by 130ft depth that was proposed. After some discussions, Thoroughgood made a motion to approve 100ft frontage by 130ft depth within the medium density (MR) district. Kells seconded. 6 approved; Gum was absent.

Conditional use request – Alderleaf Meadows: Mr. Niblett stated the proposed amenity signage requested was 30ft x 8ft to be placed internally within the development. Kaan made a motion to approve the conditional use. Cordrey seconded. 6 approved; Gum was absent.

Merry Millsboro Holiday Market event at Town Hall: Burk reminded Council the Christmas market will be held on November 19 & 20 from 9:00 am-2:00 pm at the Town Hall.

Christmas employee bonuses: Thoroughgood made a motion to approve a Christmas bonus of \$200 net direct deposit for all Town employees. Kells seconded. 6 approved; Gum was absent.

Recess: At 8:40 p.m., Thoroughgood made a motion that Council recess until 8:45 p.m. Cordrey seconded. 6 approved; Gum was absent.

[Executive session]

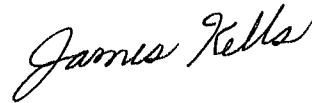
Call to order: Cordrey made a motion to go back into regular session. O'Neal seconded. 6 approved; Gum was absent.

Cordrey made a motion to amend the motion for employee Christmas bonuses to give all Town employees \$250 net direct deposit as it has been in prior years instead of \$200. Thoroughgood seconded. 6 approved; Gum was absent.

Cordrey made a motion to terminate the lease agreement as discussed in the executive session and authorized the town solicitor to move forward with the necessary paperwork. Kells seconded. 6 approved; Gum was absent.

Adjournment: With no further business, Thoroughgood made a motion to adjourn. Kells seconded. 6 approved; Gum was absent.

Respectfully submitted,

A handwritten signature in cursive script that reads "James Kells".

James Kells
Secretary

JK:JB:jd