



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  
Treasurer Bradley Cordrey, District 1  
Councilperson Ron O'Neal, District 2  
Councilperson Larry Gum, At Large

*Sheldon P. Hudson, Town Manager*

**TOWN COUNCIL  
REGULAR MEETING  
December 4, 2017**

**MINUTES**

Meeting was called to order at 7:00 p.m.—with Vice Mayor Michelle Truitt presiding. Also present were Pro Tem Tim Hodges, Secretary James Kells, Treasurer Bradley Cordrey, Councilperson Ron O'Neal, Councilperson Larry Gum, Town Manager Sheldon P. Hudson, Town Clerk Joanne Dorey and Town Solicitor Mary Schrider-Fox. Mayor John Thoroughgood was absent.

**Pledge of allegiance:** Truitt led the pledge.

**Public comment:** Numerous comments from Plantation Lakes residents concerning the clubhouse.

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

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

**Millsboro Fire Company:** John Hall presented the monthly report. There were 220 alarms in the month of November. EMS are starting their recertification that has to be completed by January 14. There were 45 fire calls during the same time frame. The Fire Police assisted with the Christmas Parade this year.

**Police Department's report:**

Chief Brian Calloway stated Cpl. Patrick Forester attended a traffic safety conference at Dover Downs. Sgt. Evan Rogers, Cpl. Seth Bullock and Cpl. Matthew Dufour attended ALERT training. Sergeant Wheatley received training on the use of less than lethal weapons in Bridgeville. Sergeant Wheatley assisted the Selbyville Police Department by conducting an ALERT training class for other agencies.

Chief Calloway stated that \$1,625.00 had been raised thus far through the Whiskers for Wishes fund-raiser, with the hope of sponsoring 8 families.

Chief expressed gratitude to the Fire Police for all their help with the Christmas Parade.

With regard to Office of Highway Safety initiatives, in the month of November, officers issued 4 cell phone tickets over a period of 4 hours worked.

Chief Calloway presented a traffic study report on Central Alley. From November 7 through November 15, a total of 1,444 vehicles travel this roadway. During the same period, a total of 172 vehicles traveled Central Alley in the wrong direction for a total count of 1,616 vehicles. This is a heavily traveled alley, but excessive speeding does not appear to be an issue.

Chief Calloway stated that all patrol rifles had been purchased through the FY 2018 Combat Violent Crime grant. He informed Council that Patrolman Ebke would be returning to work from deployment later in the month. Chief Calloway said he had heard nothing but positive feedback concerning the Christmas Parade.

### **Streets:**

Request to require that vehicles traveling on the one-way portion of Central Alley move southbound versus northbound: Council was waiting for information from Mayor Thoroughgood. This item was tabled until the January meeting.

George Pierce from the Delaware Department of Transportation addressed Council concerning the State Street project. Mr. Pierce stated the Department was waiting for the utilities to be moved and said the work would probably resume in March. Once utilities have been moved, sidewalks will be completed; the final mill will be performed; and, lastly, the overlay will be done. Mr. Pierce expressed a big thank-you to Delmarva Power for getting the lights on in the municipal lot.

O'Neal asked if there were any future plans for a project from Sussex Alley to Ellis Street. Mr. Pierce stated he was not aware of a formal project in the works. O'Neal also inquired about a request to close State Street to truck traffic; Mr. Pierce stated this type of request would have to go to the traffic department.

Hudson asked Mr. Pierce to coordinate any future projects within city limits through the Town. Carrie Kruger of Duffield Associates stated that it would benefit the Town as well if the pipes under the roadways were inspected to evaluate the age of the pipes before any future road projects were started.

### **Parks and Recreation:**

#### Warren's Mill update:

Carrie Kruger of Duffield Associates presented a proposal to search for funding sources for the Warren's Mill restoration project. Ms. Kruger mentioned there is a list of possible funding sources.

Truitt inquired about the structural evaluation. Ms. Kruger stated that information would be in the final report.

Gum made a motion for Hudson to sign the proposal on behalf of the Town. Cordrey seconded. Approved unanimously.

Millsboro Pond boat ramp improvements: Mark Strickland presented on behalf of the Delaware Division of Fish and Wildlife. The goal of the project is to redesign the boat ramp and expand the parking area along Route 30, getting vehicles off of the roadway. An amendment to the existing easement will be needed. Construction time for the project will be less than three months. The intent is to have final design around March or April. Kells asked that the neighbors be made aware of the project.

### Hunting on Town lands:

Charles Spray of the National Wild Turkey Federation stated they have an initiative called "Save the Habitat. Save the Hunt." One of the objectives of the organization is to provide mentored hunts. The organization is looking for private land on which to conduct these mentored hunts. Schrider-Fox advised the Town to reach out to its insurance carrier. Chief Calloway said the Town ordinance stated that there shall be no discharge of a firearm within city limits - with certain exceptions. Chief Calloway also mentioned the need to know who would be hunting and when and where they would be doing so. Hudson said he strongly opposed allowing any organization or Town employee to hunt on Town - owned land.

Hodges recommended the Town do some research and that Council table the proposal until the January meeting. Gum stated he, too was opposed because there was too much activity at the White Farm and too much equipment that could be damaged.

Hudson mentioned that Kenny Niblett, (director of public works) had stated that deer were damaging the RIBs (rapid infiltration basins) at the Farm. Mr. Spray said he would provide the Town with a certificate of insurance.

### **Water and sewer:**

Inaccessible water meters: Hudson stated that Town staff had reached out to various HOAs concerning the inaccessible water meter issue and had experienced some success. Hodges recommended that all property owners use the remote-read meters.

### Proposal related to the raising of the elevated water storage tank located in the Plantation Lakes subdivision:

Carrie Kruger of Duffield Associates presented a proposal to provide engineering and inspection services for the raising of the Plantation Lakes elevated storage tank. Kruger stated the first item was a design and bid phase. Second, there was a geotechnical evaluation third, a construction phase. Hudson reminded Council of the urgency of moving forward before the high- water - usage months.

Hodges made a motion to authorize Hudson to sign the proposal - which would include a special meeting in January. Gum seconded. Approved unanimously.

Gum inquired as to what would happen to the control valve vault that was currently in use. Ms. Kruger stated it would be abandoned in place.

Schrider-Fox stated that the Town had reached a settlement with the developer of Plantation Lakes and some monies were being held in escrow.

### **Mayor's report:**

Request for approval of conditional use application and proposed comprehensive signage plan—properties with Sussex County tax map and parcel numbers of 233-5.00-115.03 and -115.00:

Ezra Rickards presented a comprehensive sign plan. Hudson stated this would be a conditional use that would be good for 5 years. Hudson mentioned there would be no conflict with the WSFS sign in terms of visibility.

Hodges made a motion to accept the comprehensive sign plan as presented. Kells seconded. Approved unanimously.

Mr. Rickards stated that the Farmer's Bank of Willards was close to completion and that they were excited about becoming a more permanent fixture in Millsboro.

Request for approval of proposed site plan for Tractor Supply—property with a Sussex County tax map and parcel number of 233-5.00-115.24: Schrider-Fox stated there was a cross-access easement in place in favor of the Town for purposes of public works. Hodges made a motion directing Hudson to write a letter to G&I VIII Peninsula LLC expressing support for the establishment of a general public easement. Gum seconded. Approved unanimously.

Request for Town to change its policy relative to the allowance of “food trucks” and off-site sale of food items by nonprofits: Schrider-Fox presented a proposed new code chapter for “Special Events” for Town Council's consideration. Gum suggested this item be tabled until January so Council members could review.

Request for preliminary approval of proposed site plan for Plantation Lakes clubhouse:

Cindy McAuliffe of Lennar requested preliminary approval for the golf clubhouse. Ms. McAuliffe stated there had been many meetings to get public input. Ken Usab of Morris & Ritchie Associates, Inc. presented the diagram of the site plan.

Carrie Kruger of Duffield Associates said she had not been made aware of the changes to the footprint prior to the meeting. Ms. Kruger mentioned that all other comments were minor. Mr. Usab stated all comments would be addressed when the request for final approval was submitted.

Hodges said he was pleased that Lennar was responding to the residents and made a motion to grant preliminary approval. Cordrey seconded. Approved unanimously.

AN ORDINANCE OF THE TOWN OF MILLSBORO (THE “TOWN”): CONFIRMING THE AUTHORIZATION OF THE TOWN TO ISSUE, SELL AND DELIVER, AT ANY ONE TIME OR FROM TIME TO TIME, ITS SERIES OF ADDITIONAL SPECIAL OBLIGATION BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$24,000,000; AUTHORIZING THE TOWN TO ISSUE, SELL AND DELIVER, ITS REFUNDING SPECIAL OBLIGATION BONDS IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$19,000,000 TO REFUND ALL OR A PORTION OF CERTAIN OUTSTANDING SPECIAL OBLIGATION BONDS OF THE TOWN AS PROVIDED IN THIS ORDINANCE; CONFIRMING CERTAIN LEGISLATIVE FINDINGS, AMONG OTHERS, CONCERNING THE PUBLIC BENEFIT AND PURPOSE OF SPECIAL OBLIGATION BONDS TO BE ISSUED BY THE TOWN; PROVIDING THAT SUCH SPECIAL OBLIGATION BONDS AND THE INTEREST THEREON SHALL NEVER CONSTITUTE A GENERAL OBLIGATION DEBT OF OR A PLEDGE OF THE TOWN'S FULL FAITH AND CREDIT OR TAXING POWERS; AUTHORIZING AND EMPOWERING THE MAYOR OF THE TOWN PRIOR TO THE ISSUANCE, SALE AND DELIVERY OF ANY SUCH SPECIAL OBLIGATION BONDS, TO PRESCRIBE THE RATE OR RATES OF INTEREST SUCH SPECIAL OBLIGATION BONDS ARE TO BEAR, THE FORM, TENOR, TERMS AND CONDITIONS OF AND SECURITY FOR SUCH SPECIAL OBLIGATION BONDS, AND TO PRESCRIBE, DETERMINE, PROVIDE FOR AND APPROVE VARIOUS OTHER MATTERS, DETAILS, DOCUMENTS AND PROCEDURES IN CONNECTION WITH THE AUTHORIZATION, ISSUANCE, SECURITY, SALE AND PAYMENT FOR SUCH SPECIAL OBLIGATION BONDS; CONFIRMING THE DECLARATION OF OFFICIAL INTENT; ALL IN ACCORDANCE WITH TITLE 22 OF THE DELAWARE CODE, CHAPTER 18 AND SECTION 34B OF CHAPTER 457, VOLUME 60, LAWS OF DELAWARE, AS AMENDED: Kells made a motion to approve the ordinance so as to allow the process associated with the second and final bond tranche to move forward. Cordrey seconded. Approved unanimously.

Request for approval of proposed amended final site plan for Royal Farms—property with a Sussex County tax map and parcel number of 233-5.00-115.15:

Mike Riemann, PE from Becker Morgan Group requested approval of an amended final site plan that included a car wash. Schrider-Fox stated that, after a review of the ordinance, if there was any gray area, the decision would be made in favor of the property owner.

Gum made a motion to approve the site plan with the condition that water usage would be taken into consideration when calculating the cost of the permit. Hodges seconded. Approved unanimously.

Request for preliminary approval of proposed site plan for Hardee's:

Jamie Sechler, P.E. of Davis, Bowen & Friedel Inc. requested preliminary approval of a proposed site plan for Hardee's at the Millsboro Towne Square. Mr. Sechler confirmed there was a variance for parking lot coverage in place for the property.

Gum made a motion to grant the preliminary approval. Cordrey seconded. Approved unanimously.

Financial audit report:

Sheldon Forney, CPA of the accounting firm Jefferson, Urian, Doane & Sterner, PA presented the financial audit report for fiscal year 2017. On behalf of the firm, Mr. Forney thanked Council and Town staff for their assistance in helping the firm complete the audit. He said the firm was pleased to be able to offer an unqualified opinion that the information in the report was fairly stated. Mr. Forney encouraged the Town to look at its current rate structure as it is not set up to fund its debt service without the help of onetime fees.

Gum made a motion to accept the financial audit report as prepared. Cordrey seconded. Approved unanimously.

**Recess:** O'Neal made a motion to go into recess until 10:05 p.m. Cordrey seconded. Approved unanimously.

**Executive session**

**Call to order:** At 10:20 p.m., Cordrey made a motion to go back into regular session. Gum seconded. Approved unanimously.

**Business conducted in executive session:** Cordrey made a motion to approve Christmas bonuses as discussed in executive session. Kells seconded. Approved unanimously.

**Adjournment:** With no further business Truitt asked for a motion to adjourn. Kells made such a motion. Cordrey seconded. Approved unanimously at 10:25 p.m.

Respectfully submitted,



James Kells  
Secretary