



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
November 5, 2018**

MINUTES

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

Pledge of allegiance: Mayor Thoroughgood led the pledge.

Secretary's report: Hodges made a motion to table the secretary's report until the December regular meeting in Kells's absence. O'Neal seconded. Approved unanimously.

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

Millsboro Fire Company update: Gum stated October had been extremely busy. The EMS was running 2 full-time crews. The Department was extremely busy with fire prevention month and the fall festival at Chick-fil-A.

Greater Millsboro Chamber of Commerce update: (None.)

Police Department's report:

Chief Brian Calloway stated Sgt. David Moyer had attended training October 1–5, at no cost to the Town, to be a computer voice stress operator. On October 9, Cpl. Matthew Dufour attended a training conference in Dover on the National Alliance on Mental Illness (NAMI). PFC Michael Gorman attended training at the Delaware State Police Academy on auto theft. October 15–30, Sgt. Patrick Forester attended the Leadership Development Program at the Delaware State Police Academy. Patrolwoman Liana Dodson attended training on legal updates at the Delaware State Police Academy on October 19. October 22–26, Sgt. David Moyer attended training through the FBI's Law Enforcement Executive Development Association. Patrolman Kyle Wharton received training as a GLOCK pistol armorer on October 30.

The Department partnered with Chick-fil-A on October 3 for the "National Coffee with a Cop" program. On October 22, Patrolman Christopher Ebke provided information on trick-or-treating safety to children at GiggleBugs. Sgt. Evan Rogers attended Trunk or Treat at the Department of Transportation on October 29. Officers continued the "Check for Monsters" campaign during the month of October. The Department participated in the annual Community Night Out event organized by Patrolwoman Liana Dodson on October 31. Chief Calloway stated Cpl. Seth Bullock would be creating an operations plan for the Christmas parade scheduled for December 1.

With regard to Office of Highway Safety initiatives, in the month of October, there was a "Distracted Driving" initiative—which resulted in 19 cell phone violations and 4 distracted driving violations issued.

Chief Calloway stated the Department had held its annual awards banquet on October 16.

Streets:

Signs in the vicinity of Millsboro Middle School: Hudson again presented the request from Detective Jeff Hudson, school resource officer for Millsboro Middle School, for the Town to amend Section 200 of the Town Code and place signs that stated "No Stopping Standing or Parking" from "7:00 a.m.–4:00 p.m. Monday–Friday." Hodges made a motion to place signs as shown on the drawings that were presented during a previous Council meeting. Gum seconded. 5 voted yes; Truitt abstained.

Delaware Department of Transportation plans for State-/Town-maintained roads located in/near Town:

Mayor Thoroughgood said the State Department of Transportation had held a public meeting and presented its plan to have Route 113 be 6 lanes wide with no crossovers from east to west. Mayor Thoroughgood stated his opposition to the plan as he felt it would cause a bottlenecking situation. Gum stated his opposition to the plan from a fire safety standpoint. Hodges agreed with Mayor Thoroughgood and Gum and stated he saw no advantages to the State implementing the plan. Truitt said the result would be even more of a backup on Route 24.

Gum asked to go on the record as requesting that the traffic signals at the intersection of US 113 and SR 24 be programmed in such a way so as to direct all eastbound and northbound vehicles to go during one portion of the light cycle and so as to direct all westbound and southbound vehicles to go during another portion of the cycle. Truitt recommended a traffic light be placed at Route 24 and Delaware Avenue as well.

Gum asked to go on the record as supporting the bypass from routes 113 and 20 to Hollyville Road to relieve traffic downtown. O'Neal made a motion supporting the bypass. Truitt seconded. Approved unanimously.

Hudson stated Shanté Hastings from the Department of Transportation was scheduled to address Council at its December meeting. Hudson also stated he would get a letter addressing Council's concerns drafted and sent to the Department.

Mayor's report:

Final approval of proposed site plan for Taco Bell—property with a Sussex County tax map and parcel number of 233-5.00-115.12: Brian Cleary, PE of The Pettit Group, LLC presented the proposed site plan for Taco Bell and requested final site plan approval. Mr. Cleary stated that Taco Bell would be requesting a variance for signage. Cordrey made a motion to grant final site plan approval contingent upon Board of Adjustment approval for signage. Hodges 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 2018. 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 examine its current rate structure as it was not set up to fully fund the Town's debt service without the help of onetime fees.

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

Hudson expressed his gratitude to Mr. Forney and the firm and to Matt Hall and other Town staff for having the audit completed one month earlier this year.

Real property valuation adjustments for certain properties located in the Plantation Lakes subdivision: Matt Hall, the Town's finance officer, relayed to Council Eric Piner of PTA/DelVal's recommendation to use an adjustment factor of 1.30 for properties located along the golf course and an adjustment factor of 1.05 for properties not located along the golf course. Truitt made a motion to use the adjustment factors presented. Cordrey seconded. Approved unanimously.

Parks and Recreation:

Improvement of property with a Sussex County tax map and parcel number of 133-20.00-37.01: Matthew Spang of Landscape Architectural Services, LLC presented 2 conceptual drawings for the possible future Town park located on the west side of town. After some discussion, it was decided (1) to allow Council time to review the presentation and (2) to revisit the subject in December.

Water and sewer:

New elevated water storage tank: Carrie Kruger of Duffield Associates presented a proposal to provide planning, design, bidding and construction services for a new 500,000-gallon elevated water storage tank—possibly to be located on the White Farm property. Cordrey made a motion to accept the proposal as presented. Truitt seconded. Approved unanimously.

Water and wastewater grants:

Carrie Kruger of Duffield Associates presented a draft resolution authorizing the preparation and submission of an application to the Delaware Department of Natural Resources and Environmental Control (DNREC) for participation in a wastewater matching planning grant program to receive \$50,000 in grant funds to assist in planning studies for the Town's wastewater system. Cordrey made a motion to accept the resolution as written. Gum seconded. Approved unanimously.

Ms. Kruger also presented a draft resolution authorizing the preparation and submission of an application to the Delaware Health and Social Services Division of Public Health's Drinking Water State Revolving Fund loan program for participation in the drinking water matching planning grant program to receive grant funds to implement a planning study for a new 500,000-gallon elevated storage tank. Cordrey made a motion to accept the resolution as written. O'Neal seconded. Approved unanimously.

Ms. Kruger advised Council that she had received a quote in the amount of \$7,000–\$8,000 to install an iron analyzer at the water treatment facility.

Streets (cont.):

§ 200-31 of the Code of the Town of Millsboro—prohibit parking in portions of the Plantation Lakes subdivision: Hudson relayed the request from Kells that no-parking zones be established within 30 feet of all stop signs located on public, Town-owned streets in the Plantation Lakes subdivision. Hodges made a motion to accept the draft resolution presented by Schrider-Fox with the understanding that the Public Works Department would determine, on a case-by-case basis, whether painting curbs or installing signs was more appropriate. O'Neal seconded. Approved unanimously.

§ 200-25 of the Code of the Town of Millsboro: During the October 2018 Council meeting, a motion was approved to install a "Reduced Speed Ahead" sign on the northbound side of Mitchell Street. Hudson suggested that adjustments be made to the locations of the speed zones in response to Town employee feedback. Hodges made a motion to amend § 200-25 in such a way so as to indicate that the speed limit on Mitchell Street from the top of the hill near M&T to the southern limit of the Town was 40 mph. Truitt seconded. Approved unanimously.

Dedication of roads located in "Section K" of the Plantation Lakes subdivision to the Town:

Matthew Destino of Lennar presented a request to have the roads and water and sewer infrastructure located in "Section K" of Plantation Lakes dedicated to the Town. Schrider-Fox stated the dedication would be similar to the one for "Section J." Mr. Destino mentioned the 1-year maintenance agreement would not start until after all legal documents had been signed.

Hodges made a motion to authorize the dedication contingent upon all legal documents being signed by all parties. Truitt seconded. Approved unanimously.

Lack of (improved) roads connecting parcels—properties with Sussex County tax map and parcel numbers of 233-5.00-115.03, -115.19, and -116.00:

Hudson stated this item dealt with the possible future cross-access easement between the Peninsula Crossing development and the property/properties located immediately to the north thereof. The Town had been asked to assist with efforts associated with the establishment of an easement agreement, but Hudson reported that these efforts had been unsuccessful. Schrider-Fox stated there would be great legal expense involving Superior Court if Council were to pursue the condemnation option.

Hodges made a motion to request that Schrider-Fox (1) prepare a list of pros and cons associated with the condemnation option and (2) prepare language to be included as a note on all future site plans indicating that the establishment of a cross-access easement was a requirement. Truitt seconded. Approved unanimously.

Street lighting:

Burk stated he had been working with Delmarva Power and the lighting work on Old Landing Road was slated to take place in December at virtually no cost to the Town.

Burk mentioned “Arlington” lights for Laurel Road would cost approximately \$125,000 plus costs associated with the securing of easements. The project could be broken down into phases, but this would increase the price.

Parks and Recreation (cont.):

Cupola Park maintenance: Hudson advised Council that Public Works had completed the power washing, mulching and lighting repair work at Cupola Park.

Mayor’s report (cont.):

Downtown improvements project: Burk stated Jason Loar, P.E. of Davis, Bowen & Friedel, Inc. had submitted the design plan for the downtown improvements project to the Delaware Department of Transportation. George, Miles & Buhr, LLC was tentatively scheduled to provide an update on the Town’s State Street project at the December Council meeting.

Proposed amended final site plan for the Commons at Radish Farm subdivision: Hudson stated the developer had requested to amend the landscaping plan and, in turn, the final site plan for Commons at Radish Farm. Hodges made a motion to authorize Town staff to allow the current developer of Commons at Radish Farm to amend the landscaping and final site plans on a onetime basis since the trees had not been planted by the current developer. Truitt seconded. Approved unanimously.

Bills of sale for certain infrastructure located in the Commons at Radish Farm and/or Homestead subdivisions: Hudson presented a request to authorize Schrider-Fox to prepare the appropriate bills of sale for certain water/sewer infrastructure located in the Commons at Radish Farm and/or Homestead subdivisions. Truitt seconded. Approved unanimously.

Bidder selection criteria: Hudson discussed the possibility of changing the Town’s policy relative to competitive bidding. He mentioned that a “local vendor preference” provision could possibly be added. Schrider-Fox stated that this would require a *Charter* change. Schrider-Fox was asked to research legal options for other language that could be added to the *Code* that would allow the Town to consider additional factors.

Chapter 66 of the Code of the Town of Millsboro: Burk mentioned chapter 66 of the *Code* currently stated a tall-grass notice delivered during a given year shall be deemed effective until October 1 of that same year without the need for the Town to provide additional notice. Schrider-Fox and Burk agreed to work on language possibly removing the October 1 date and on utilizing the certificate of mailing option.

“Places of worship” as a permitted use in one or more additional zoning districts: Schrider-Fox stated Council may want to look at “places of worship” in the future when looking at zoning districts.

Recess: Truitt made a motion to go into recess until 9:55 p.m. Hodges seconded. Approved unanimously.

Executive session

Call to order: At 11:18 p.m., Cordrey made a motion to go back into regular session. O’Neal seconded. Approved unanimously.

Business conducted in executive session:

Cordrey made a motion in reference to property discussed in executive session to have the engineer perform a “limited” or “full” Phase II environmental site assessment and to authorize the town manager to sign the associated contract. Gum seconded. Approved unanimously.

Cordrey made a motion to accept the draft contract as discussed in executive session for the property on Ellis Street and to authorize the mayor to sign said contract. Truitt seconded. Approved unanimously.

Adjournment: With no further business, Mayor Thoroughgood asked for a motion to adjourn. Truitt made such a motion. Gum seconded. Approved unanimously at 11:20 p.m.

Respectfully submitted,



James Kells
Secretary

JK:SH:jd