



Mayor and Council 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 JULY 3, 2017

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, Secretary James Kells, Treasurer Bradley Cordrey, Councilperson Ron O'Neal, Councilperson Larry Gum, Town Manager Sheldon P. Hudson, Assistant Town Manager Bill Sauer, and Town Solicitor Mary Schrider-Fox. No one was absent.

Pledge of allegiance: Mayor Thoroughgood led the pledge.

Reorganization of Council:

Cordrey made a motion to elect John Thoroughgood as mayor. Gum seconded. Approved unanimously.

O'Neal made a motion to elect Michelle Truitt as vice mayor. Kells seconded. Approved unanimously.

Gum made a motion to elect James Kells as secretary. Truitt seconded. Approved unanimously.

Truitt made a motion to elect Bradley Cordrey as treasurer. O'Neal seconded. Approved unanimously.

Public comment: Members of the public spoke about (to quote from the agenda) “water-related concerns . . . in a portion of . . . Plantation Lakes.”

Public hearing: Cordrey made a motion to close the public hearing for tax assessment appeals. Gum seconded. Approved unanimously.

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

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

Millsboro Fire Company:

John Hall presented the monthly report.

There were 264 ambulance and 55 fire calls.

The Fire Company and Fire Police assisted with the Millsboro Stars & Stripes event. A couple of "hot spots" were identified and addressed.

Mr. Hall reported that dry hydrant training/testing would be taking place next week.

Plantation Lakes Garden Club:

Margaret Woda provided an update. She indicated that the Club had received a national award and 6 1st-place awards at the state level. Ms. Woda said the Club had planted flowers at Atlantic Shores Rehabilitation & Health Center.

Ms. Woda stated that Lennar had denied the Club's request to install a Blue Star Memorial marker in the Plantation Lakes subdivision and that the Club would be appealing the decision. She said the annual fundraiser for the marker was scheduled for February 24 at the Williams Center.

Greater Millsboro Chamber of Commerce:

Amy Simmons presented the monthly report.

On behalf of the Chamber, Ms. Simmons thanked Mayor and Council, the Police Department, the Fire Company, and the various sponsors for their support of Millsboro Stars & Stripes. She said she had not received any complaints about the event. Ms. Simmons stated that "a food vendor or two" would be added in the future since the event was so well attended. She indicated that she was in the audience and that the response to the fireworks was positive. Ms. Simmons complimented Justin Kahoe for the drone footage. When she mentioned that she would like the event to take place again, various members of Council informally agreed.

Ms. Simmons said a coffee networking would be taking place on Thursday from 8:00 to 9:00 a.m. at the Chamber office. She indicated that a membership breakfast meeting was scheduled for the 20th at 8:00 a.m. at Mill Pond.

Police Department's report:

Chief Brian Calloway presented the monthly report.

On June 5 and 6, Patrolman Gorman received training on abnormal psychology at the Delaware State Police Academy.

On June 7 and 8, Sergeant Rogers and Corporal Bullock received training on search warrants at the Delaware State Police Academy.

With regard to Office of Highway Safety initiatives, in the month of June, officers issued 109 Click-It-or-Ticket-related tickets over 42 hours and 30 motorcycle-safety-related tickets over 4 hours. 33 DUI-related stops were made over 24 hours, but no tickets were issued.

Seashore Striders has been notified of the road closure at State Street and River Drive and has adjusted the race course accordingly.

Chief Calloway thanked the Fire Police for their assistance with traffic control during and after the Millsboro Stars & Stripes event.

Mayor's report:

Supplemental tax list no. FY 2017-4:

Sauer said staff was recommending that the supplemental property tax bills for the 4th quarter not be sent since the annual bills were about to be mailed. He reported that Matt Hall [finance officer] and Hudson had notified the assessor that the Town had no intention of paying the assessor's bill for the service in question since the assessor was very late in providing the information needed to prepare the supplemental bills—with the idea being that the amount not paid would help to offset the lost revenue figure.

Truitt made a motion not to send the supplemental property tax bills in question. Gum seconded. Approved unanimously.

Water-related concerns expressed by certain individuals residing in a portion of the Plantation Lakes subdivision: Hudson mentioned that a copy of the drinking water quality report for 2016 was contained in the agenda packet and pointed out that the report stated that the “system had no violations” and that the “drinking water meets or exceeds all Federal and State requirements.” He said the Town and Town's consultant had contacted the State for an update on the letters concerning Plantation Lakes and indicated that those in the subdivision with concerns could contact the Delaware Department of Health and Social Services, Division of Public Health, Office of Engineering directly for information.

Application for annexation—Sussex County tax map and parcel no. 133-16.00-121.00:

Truitt [committee chair] provided a verbal summary of the committee's written report. She said the committee was recommending that a public hearing on the application be scheduled.

Truitt made a motion to schedule a public hearing for August 7 at 7:00 p.m. Cordrey seconded. Approved unanimously.

Request from Gunshooter Enterprises to lease former train station: Hodges [committee chair] made a motion to lease the former train station for \$150 per month with the understanding that (1) the facility could not be used by the lessee for storage of any items; (2) the facility could be utilized by the lessee once per month; and (3) the electric would remain in the Town's name. Gum seconded. Approved unanimously.

Major subdivision plan—Sussex County tax map and parcel no. 233-5.00-115.00:

Brock Parker of Parker & Associates, Inc. addressed Council on behalf of the applicant. Mr. Parker indicated that the subdivision in question would involve 4 lots—with the Farmer's Bank of Willards presently under construction being located on lot no. 1; a shopping center with 3 cells (paint store on one end, quick-service restaurant with a drive-thru on the other, & unspecified in the middle) being built on lot no. 2; and a “large-scale” retail store selling “tractor implements and large outdoor” items being constructed on lot no. 3.

Hudson asked if DelDOT [State Department of Transportation] was requiring that improvements be made to the existing entrance from Dupont Boulevard (US 113) as part of the proposed development. Mr. Parker said no in the cases of lot no. 1 and lot no. 2. He indicated that DelDOT had suggested that it might require the

developer to install a multimodal path on the north side of the entrance and/or reconstruct the nose of the island during the improvement of lot no. 3.

Hudson inquired as to whether or not DelDOT had provided the guidance in writing. Mr. Parker said not yet.

Hudson asked if a cross-access easement agreement involving Peninsula Crossing had been finalized. Mr. Parker said the applicant was working on this task on his own.

Mr. Parker asked if he could “take [Council’s] temperature” relative to whether or not it might approve the proposed subdivision plan. Hodges indicated that he wanted the Town to require that a cross-access easement agreement be in place. Mayor Thoroughgood said, “I think we’re good.”

Hodges made a motion to schedule a public hearing for August 7 at 7:00 p.m. Kells seconded. Approved unanimously.

Preliminary site plan—Lidl grocery store:

David Kuklish of Bohler Engineering spoke on behalf of the applicant.

In response to a question from Truitt, Hudson said neither AECOM nor Kenny Niblett [director of public works] had any concerns relative to the preliminary site plan.

Hudson said the Town might require Lidl to enter into a development agreement and/or to make a contribution to upgrade the pump station that serves the area in question. Mr. Kuklish indicated that Lidl was willing to pay its fair share.

Hudson mentioned that Council might want to require that sidewalks be installed along the road owned by M&T Bank given the amount of foot traffic that could be expected to come from the nearby Millwood subdivision. Mayor Thoroughgood and Hodges expressed support for including such a requirement.

Truitt and Gum asked if M&T had granted the necessary easement. Mr. Kuklish said the easement agreement was in the process of being finalized.

In response to a question from Hodges, Mr. Kuklish said, in his opinion, Lidl is “a cross between Trader Joe’s and maybe a Whole Foods.”

Hodges made a motion to grant preliminary site plan approval contingent upon any concerns expressed by AECOM being addressed to the Town’s satisfaction; sidewalks being added along the private road; and, if required, a development agreement being executed and/or a contribution to improve the pump station being made. Gum seconded. Approved unanimously.

Possible amending of portion of zoning code related to building height in the highway commercial (HC) zoning district: Mayor Thoroughgood proposed that the height limit for hotels be increased to 5 stories. Schrider-Fox said she would research and think through the subject and report back.

Possible amending of portion of sign ordinance related to billboards: Mayor Thoroughgood proposed that a property containing a billboard at the time of annexation be grandfathered and its owner allowed to keep the billboard for a period of 10 years from the date of annexation. Schrider-Fox said she would research and think through the subject and report back.

Possible historic designation for building formerly known as Ball Theatre: Hudson said the Town might want to determine if it had the authority to designate Ball Theatre as a historic building. Mayor Thoroughgood mentioned that a meeting with the owner would be taking place.

Renewal of lease agreement with Greater Millsboro Art League for its use of former post office building: Mayor Thoroughgood asked the Art League committee to meet to discuss the lessee's request that the rent amount be reduced.

22 Nash Circle: Hodges made a motion to write off the accounts receivable for property tax and for utilities based on the understanding that the former owner was deceased and had no heirs and the home was abandoned. Truitt seconded. Approved unanimously.

Recess: Truitt made a motion to go into recess until 8:33 p.m. O'Neal seconded. Approved unanimously.

Executive session

Call to order: At 9:38 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 to authorize Hudson to make employment offers. Kells seconded. Approved unanimously.

Hodges made a motion to authorize Hudson and Schrider-Fox to make an offer to purchase real property. Truitt seconded. Approved unanimously.

Truitt made a motion to change the Town's policy with regard to the pay increase amount when an employee earns an operator's license or a higher-level operator's license and then to change an employee's pay rate. Cordrey seconded. Approved unanimously.

Adjournment: With no further business, Mayor Thoroughgood asked for a motion to adjourn. Truitt made such a motion. Hodges seconded. Approved unanimously at 9:40 p.m.

Respectfully submitted,



James Kells
Secretary