



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  
AUGUST 7, 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, Town Solicitor Mary Schrider-Fox and Town Clerk Joanne Dorey. No one was absent.

**Pledge of allegiance:** Mayor Thoroughgood led the pledge.

**Public comment:** Member of the public spoke about Sheep Pen Road Abandonment and an upcoming Delaware Department of Transportation (DelDot) Public Hearing.

**Public hearing:** Mayor Thoroughgood opened public hearing for the annexation of property located at Sussex County tax map and parcel no. 133-16.00-121.00. Sheldon Hudson commented that the annexation of this 10<sup>th</sup> property on Oak Drive would allow the contiguousness to Plantation Lakes. This would allow Lennar to at any time install water and sewer lines along Oak Drive. As a result the 9 properties that were annexed about 10-15 years ago would be required to connect to the Town within 30 days. Mary Schrider-Fox inquired as to if the Town has heard from OSPC. Sheldon Hudson stated that the Town had not yet received a response from the Office of State Planning Coordination (OSPC). Schrider-Fox stated the Town had fulfilled the obligation for the public hearing but that it should be tabled until a response from the OSPC is received. Tim Hodges made motion to keep public hearing open until September council meeting. Jim Kells seconded. Approved unanimously.

**Public hearing:** Mayor Thoroughgood opened public hearing for the Major Subdivision at Sussex County tax map and parcel no. 233-5.00-115.00. Brock Parker of Parker and Associates is working with Ezra Rickards for this 4 lot Major Subdivision which will include Farmer's Bank of Willards, a small shopping center, a large box store and a proposed Lot 4. Mr. Parker stated the attorneys are still working on the cross-access easement to BJ's shopping center. Michelle Truitt made motion to approve this Major Subdivision approval and close public hearing. Brad Cordrey seconded. Approved unanimously.

**Secretary's report:** Kells submitted the minutes and made a motion that they be approved as written. Larry Gum 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:** Ray Burton presented the monthly report. There were 271 ambulance and 36 fire calls. The Fire Company entered into an ambulance subscription fund drive July 31. There was a water rescue at Millsboro Pond. Delaware State Fire School starts in September.

**Greater Millsboro Chamber of Commerce:** No report.

**Police Department's report:**

Chief Brian Calloway presented motion to promote PFC Jonathan Zubrowski and PFC Mathew Dufour to Corporal. Michelle Truitt made motion and Tim Hodges seconded. Approved unanimously.

On July 26 and 27, Lt. Robert Legates and Sgt. Barry Wheatley attended Homeland Security Conference.

With regard to Office of Highway Safety initiatives, in the month of July, officers issued 22 total traffic arrests over a period of 8 hours worked.

The road work on State Street is still causing some minor delays. Delaware Department of Transportation (DelDot) hopes to have this roadway open before school starts.

Chief Calloway thanked the Fire Police for their assistance with traffic control during and after the Millsboro Stars & Stripes event. Chief has listed some minor concerns to help with next year's event.

A covert speed detection device that was approved during the June council meeting has been installed. A traffic data report was provided to council members.

Sussex County informed the Town of the eligibility to apply for \$25,000 in grant funding. Of this amount, Chief is requesting to allocate this grant funding by purchasing Watch Guard body cameras (\$6,510); Ad Art lettering a new vehicle (\$800); Watch Guard Camera System (\$500); Bicycle program which would include three new bicycles, patrol uniforms/shoes and helmets (\$5,000); A laptop for a new vehicle (\$1,205); Uniform boots (\$1437); Patrol Duty Bags /AED Evidence Supplies (6,700); community/children supplies (\$500); administrative assistant clothing (\$500); Two Glock model 21 pistols (\$948); and firing range supplies (\$900). Tim Hodges made the motion. Larry Gum seconded. Approved unanimously.

On Tuesday, July 18, the Millsboro Police Department conducted an award ceremony to recognize the officers in which Mr. Sheldon Hudson and Mayor John Thoroughgood spoke. Chief's Citation was awarded to Raymond Burton, and Chief's Commendation was awarded to Ptlm. Michael Gorman and PFC Jonathan Zubrowski. Exceptional Performance Award went to Sgt. Barry Wheatley. Cpt. David Moyer was presented the Millsboro Police Department's Officer of the Year award.

**Parks and Recreation:**

A request from Bethel Tabernacle Church to use Cupola Park on August 19 for a family movie night at 7:30 p.m. due to being rained out on July 12. Tim Hodges made this motion and Brad Cordrey seconded. Approved unanimously.

Crystal Wheatley requested permission to use the Millsboro Little League Field for a Girl Scouts Community event on Saturday, September 23, 2017 to showcase local heroes. Michelle Truitt made motion and Jim Kells seconded. Approved unanimously.

Thomas Barry requested the use of the Cupola Park Stage on October 28 for a wedding. The applicant is expecting about 125 guests at the event. Cordrey made this motion. Larry Gum seconded. Approved unanimously.

**Mayor's report:**

Warren's Mill update:

Richard Beringer, PE of Duffield Associates presented Task 2 Summary in which NO fatal flaws were found. A review of recent changes to the Federal Energy Act, administered by Federal Energy Regulatory Commission (FERC), indicates that there are reduced requirements for hydroelectric generation facilities rated at less than 10 megawatts (MW). Warren's Mill falls into this category given that the expected power extraction would be between 6 and 14 kilowatts (kW). The exemptions include no licensing fees (initial and annual fees).

The State Historic Preservation Office is willing to work with the Town of Millsboro to bring this project to fruition. The State of Delaware Dam Safety Program was contacted, and no permits are required, but dam safety review and approval of design plans for changes to the dam, the millrace and the water controls are required prior to the start of construction. Jason Hastings was contacted at the Delaware Department of Transportation (DelDot) and is optimistic about the project and sees no major hurdles. Mr. Hastings also indicated that funding might be available for restoration of the mill and that DelDot usually has needs for projects to mitigate impacts to other historically significant structures. The Delaware Division of Fish and Wildlife was contacted and they have no issues. However, several cautionary comments were provided, such as maintain good water quality and maintain hydrological connections between Ingram and Millsboro ponds; provide information about potential fish mortality associated with the operation of the turbine at the mill; and be aware of bald eagles. Larry Gum made motion to move forward to Task 3. Michelle Truitt seconded. Approved unanimously.

Engineering services agreement with Duffield Associates for planning study for Pumping Station No. 4:

Scott Hoffman from Duffield Associates presented the proposal to the Town to provide engineering and technical services for a Planning Study to replace existing Pumping Station No. 4 (a.k.a. M&T Bank Pumping Station). Since this pumping station is near capacity, the Town wishes to replace it with a new, larger pumping station.

Duffield anticipates that it may take up to four weeks to have meetings with the Town and developers to complete Task 1, EDU projections. Duffield will submit the conceptual M&T Bank Pumping Station site plan, opinion of probable cost, and force main and sanitary sewer alignments within eight weeks of the completion of Task 1. Fees for this task are \$48,000. Funds for this project were included in the FY2018 budget. Larry Gum made this motion. Brad Cordrey seconded. Approved unanimously.

Supplemental tax list nos. FY 2017-4 and FY 2018-1:

Bill Sauer stated the supplemental tax lists for FY2017-4 and FY2017-1 are ready to be invoiced. Tim Hodges made motion to invoice the supplemental tax billings. Larry Gum seconded this motion. Approved unanimously. Council mentioned to not invoice if billing amount is under \$10.

Possible amending of portion of zoning code related to building height in the highway commercial (HC) zoning district:

Schrider-Fox addressed possibly amending portion of zoning code related to building height in the highway commercial (HC) zoning district. Schrider-Fox confirmed that the Town can have different heights as long as the town is uniform in types of building. It was recommended that a committee look at permitted uses and possibly broaden the permitted uses. The committee will possibly want to seek some guidance from AECOM for zoning overview. One suggestion was to consider having different tiers within a district. Mayor Thoroughgood appointed a committee. Gum was appointed as the chair. Kells and Hodges also will serve on this committee. The scope of this committee will be Highway Commercial for now.

Possible amending of portion of sign ordinance related to billboards:

Schrider-Fox addressed amending portion of sign ordinance related to billboards. It was recommended to the Council that the town require an annexation agreement that states specifically fifteen (15) years from when code change was enacted to bring signs into conformity. No action required using the existing zoning code and annexation agreements.

Possible historic designation for building formerly known as Ball Theatre:

Eric Clarke, owner of the Millstone Theatre, spoke regarding condition of the old theatre. Eric stated he hopes to revitalize the theatre. He has repaired the roof. He has met with the State in hopes of getting a Historic classification. Mary asked the council to consider what is the Town trying to accomplish by creating a Historical District? Maybe the Town needs to consider a Historic commission? The Town may want to consider looking at Selbyville's code.

Schrider-Fox also recommended that the Town establish some standards for downtown. It was also mentioned that the Office of Historic Preservation would be willing to help the Town.

Cycling Infrastructure Innovation Grant:

Sheldon Hudson mentioned a cycling infrastructure innovation grant. Ron O'Neal made the motion to apply for the multi modal paths in District 3. Brad Cordrey seconded. Approved unanimously.

**Recess:** Truitt made a motion to go into recess until 8:55 p.m. Cordrey 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:**

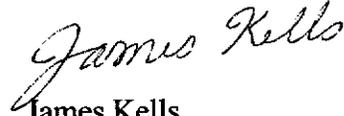
O'Neal made motion that representatives of the Town Council be authorized to meet for discussions concerning the water tower. Hodges and Mayor Thoroughgood were identified as the liaisons of council. Cordrey seconded. Approved unanimously.

Ron O'Neal made motion that the town solicitor modify the provisions of the real estate sales contract and to allow Mayor Thoroughgood and Sheldon Hudson to approve revisions and to sign the contract as discussed in executive session. Truitt seconded. Approved unanimously.

Cordrey made motion that the council accept the committee's recommendation relative to the real estate lease. As discussed in executive session. Truitt 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 9:48 p.m.

Respectfully submitted,

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

James Kells  
Secretary

JK:sh:jd