

**TOWN COUNCIL
REGULAR MEETING
January 2, 2024
MINUTES**

Call to order: The meeting was called to order at 7:00 p.m.—with Mayor James Kells presiding. Vice Mayor John Thoroughgood, Council Secretary Kimberley Kaan, Council Treasurer Robert Bryan, Councilman Ron O’Neal, Councilman Matthew Davis, Councilman Marty Presley, Town Manager Jamie Burk, Assistant Town Manager Ashleigh Sander, Town Clerk Joanne Dorey, and Town Solicitor Mary Schrider-Fox were present.

Public comment:

- Mary Anderson, 111 Wilson Hwy – wants her vote to represent all districts.
- Charlie Kincius, 27921 Roanoke Rapids Lndg- what is the urgency of district voting?
- Al Liebeskind, 30115 Plantation Drive- asked the Council to listen to the firm hired regarding district voting.
- Gary Moyle, 29426 Pembroke Lndg- what is the hurry regarding district voting?
- Gail Heiss, 37055 Havelock Ct- has concerns about no parking on the streets.
- Robert McKee, 29516 Glenwood Drive– not in favor of in-district voting.
- Diana Paccapaniccia – 29496 Glenwood Dr- wants district study completed before considering in-district voting.
- Tom Brett, 25329 Shelby Court - does not support in-district voting.
- Mary D’Silva, 230 River Drive - does not support in-district voting and what is the rush?

Public Hearing # 1

A Public Hearing to consider granting final approval of the major subdivision request submitted by Jack Lingo Asset Management, LLC, for 69.412 +/- acres of real property owned by Somerton Chase Holdings, LLC (formerly owned by NR & NR, LLC), located to the west of the intersection of S. Delaware Avenue and Hickory Hill Road (SCR 82) and Radish Road (SCR 338), in the Town of Millsboro, said real property further identified as Sussex County tax map and parcel numbers 133-20.00-40.00, 41.00, 41.01 and 41.02.

Ring Lardner, PE of Davis, Bowen & Friedel, Inc. presented the request to consider granting final approval for Somerton Chase Holdings, LLC. Two comments were made inquiring if Somerton Chase would be paying the Special Development Bond tax. Thoroughgood made a motion to close the public hearing. Bryan seconded. The motion was carried unanimously.

Public Hearing #2

A Public Hearing to consider amending the Town Code of the Town of Millsboro, Chapter 210, Zoning, §210-20. Residential Planned Community (RPC) District, subparagraph J. Minimum lot area and width, by striking the last sentence thereof and by adding a requirement that setbacks shall not be reduced for detached single-family dwelling lots.

No public comments. Thoroughgood made a motion to close the public hearing. O'Neal seconded. The motion was carried unanimously.

Secretary's report: Kaan submitted the December regular meeting minutes and motioned that the Council approve them as written. O'Neal seconded. The motion was carried unanimously.

Treasurer's report: Bryan stated the invoices had been reviewed and motioned that the Town pay the invoices from the designated accounts as recommended. Kaan seconded. The motion was carried unanimously.

Millsboro Fire Company Update: Ron O'Neal stated the fire department volunteers ran 5 different nights of Santa runs. O'Neal mentioned there were 664 fire calls for the year. There were a total of 404 ambulance calls in December.

Greater Millsboro Chamber of Commerce update: Anne Angel, Executive Director for the Greater Millsboro Chamber of Commerce, stated the Chamber ended the year with 48 new members. The Chamber is looking at having a ribbon cutting at their new office in February. Ms. Angel stated they have hired a Membership Director. They are also working on a casino night in March.

Police Department's report:

Chief Brian Calloway mentioned officers attended several training events in December, as stated in the packet.

Chief Calloway said a total of \$5,974 had been raised through the Whiskers for Wishes fundraiser—with 5 families benefiting from the program.

Chief Calloway presented the status of the new Police Station and the below change orders. The paving is partially finished, most of the painting is complete and the building is heated.

Chief Calloway mentioned Change Order #15 for \$2,874.96 for curb cuts/domes.

Bryan made a motion to approve the change order for \$2,874.96. O'Neal seconded. The motion was carried unanimously.

Chief Calloway presented Change Order #23 for \$1,671.53 for a fence.

Thoroughgood made a motion to approve Change Order # 23. Bryan seconded. The motion was carried unanimously.

Chief Calloway presented Change Order #22 for \$3,659.88 for a change in the flooring in the squad room.

Bryan made a motion to approve Change Order # 22. Presley seconded. The motion was carried unanimously.

Chief Calloway presented Change Order #21 for \$5,353.25 for a handrail.

Bryan made a motion to approve Change Order # 21. O'Neal seconded. The motion was carried unanimously.

Chief Calloway presented a Change Order from Advantech for \$5,320.00 for adding a card reader on the door in the lobby to the training room.

Thoroughgood made a motion to approve the Change Order for \$5,320. Bryan seconded. The motion was carried unanimously.

Chief Calloway presented a Change Order from Advantech for \$28,315.00 for cameras in the interview rooms.

O'Neal made a motion to approve the Change Order for \$28,315.00. Thoroughgood seconded. The motion was carried unanimously.

Chief Calloway presented a Change Order from Advantech for \$5,145.00 for additional data drops.

Thoroughgood made a motion to approve the Change Order for \$5,145.00. Bryan seconded. The motion was carried unanimously.

Chief Calloway presented a Change Order from Advantech for \$690.00 for card reader/keypad replacements.

O'Neal made a motion to approve the Change Order for \$690.00. Bryan seconded. The motion was carried unanimously.

Chief Calloway presented a Change Order from Advantech for \$30,375.00 for a bi-directional amplifier.

Thoroughgood made a motion to approve the Change Order for \$30,375.00. Kaan seconded. The motion was carried unanimously.

Mayor's report:

Final approval of the major subdivision request submitted by Jack Lingo Asset Management, LLC, for 69.412 +/- acres of real property owned by Somerton Chase Holdings, LLC (formerly owned by NR & NR, LLC), located to the west of the intersection of S. Delaware Avenue and Hickory Hill Road (SCR 82) and Radish Road (SCR 338), in the Town of Millsboro, said real property further identified as Sussex County tax map and parcel numbers 133-20.00-40.00, 41.00, 41.01 and 41.02.

Bryan made a motion to grant the final approval of the major subdivision for Somerton Chase, LLC contingent upon the conditions stated below, and the town receives copies of the following documents:

- Sanitary sewer easement as recorded in the Office of the Recorder of Deeds
- Wastewater construction permit issued by DNREC
- Deldot entrance permit
- Deldot utility permit
- The execution & recordation of the development agreement

Presley seconded. Thoroughgood voted no because he feels there are too many homes per lot and too close to a major roadway. O'Neal voted no because there was only one entrance into the property. There were 5 yes votes and 2 no votes. The motion passed.

Amend the Town Code of the Town of Millsboro, Chapter 210, Zoning, §210-20. Residential Planned Community (RPC) District, subparagraph J. Minimum lot area and width, by striking the last sentence thereof and by adding a requirement that setbacks shall not be reduced for detached single-family dwelling lots.

Kaan made a motion to approve the ordinance as presented in the packet. Presley seconded. The motion was carried unanimously.

Presentation and acceptance of annual audit report: PKS & Company, P.A. presented the financial statements for the fiscal year ending June 30, 2023. The auditors issued a clean/unmodified opinion, which is the highest level of assurance that can be given. Thoroughgood made a motion to accept the report as presented. O'Neal seconded. The motion was carried unanimously.

Verdantas 2024 Project Proposals: Burk presented 6 different proposals from Verdantas for projects the town has on the strategic plan.

- a. Wastewater Hydraulic Sewer Modeling- \$50,000 will be paid by a grant and \$50,000 will be paid from non-restricted funds.
Presley made a motion to approve the proposal as presented in the packet. Bryan seconded. The motion was carried unanimously.
- b. Old Landing Road Elevated Storage Tank-\$125,000 will be paid from non-restricted funds.
Thoroughgood made a motion to approve the proposal as presented in the packet. O'Neal seconded. The motion was carried unanimously.

Mayor's Report (cont):

- c. Old Landing Road Water Main - \$42,000 proposal
Thoroughgood made a motion to approve the proposal as presented in the packet. Bryan seconded. The motion was carried unanimously.
- d. White Farm RIBs -\$274,200 will be paid from transfer tax.
Kaan made a motion to approve the proposal as presented in the packet. Thoroughgood seconded. The motion was carried unanimously.
- e. Indian River School District to White Farm Force Main- \$133,000 proposal
Thoroughgood made a motion to approve the proposal as presented in the packet. Bryan seconded. The motion was carried unanimously.
- f. Morris Street Water Main - \$98,000 will be paid with non-restricted funds.
Presley made a motion to approve the proposal as presented in the packet. Thoroughgood seconded. The motion was carried unanimously.

Sussex County EMS Station, located at tax map & parcel no. 233-5.00-110.00, Final Site Plan Approval: Mark Parker from Sussex County presented a request for final site plan approval. All agency approvals have been obtained except the final comment letter from Verdantas. Thoroughgood made a motion to approve the final site plan contingent upon the receipt of the final comment letter from Verdantas and all recommendations being met. O'Neal seconded. The motion was carried unanimously.

Lot Line Adjustment request for 345 Grace Street (identified as tax map & parcel no. 133-21.05-38.00) and 28588 DuPont Blvd (identified as tax map & parcel no. 133-21.05-21.00): Jerry Clark, the property owner, presented the request for the lot line adjustment at 345 Grace Street. Kaan made a motion to approve the lot line adjustment as presented in the packet. Thoroughgood seconded. The motion was carried unanimously.

Partition request for 400 River Drive, identified as tax map & parcel no. 133-17.14-11.01: Jerry Clark, the property owner, presented the request for partitioning at 400 River Drive. Kaan made a motion to approve the partitioning as presented in the packet. Presley seconded. The motion was carried unanimously.

Dedication of Public Roads and Utility Infrastructure in Plantation Lakes, Section D, Beaufort Court, Fayetteville North and Fayetteville Court: Burk stated this item was not ready for a vote. Kaan made a motion to table this item. O'Neal seconded. The motion was carried unanimously.

Dedication of Plantation Lakes Sewage Pump Station No. 6 in "North Shore" section of project: Kaan made a motion to table this item until a letter has been received from Verdantas. Thoroughgood seconded. The motion was carried unanimously.

Hiring Incentives/Employment sign-on bonus: Burk presented the request for a \$5,000 sign on bonus for police only. Bryan made a motion to move forward with a \$5,000 sign-on bonus for the police officers only. Kaan seconded. The motion was carried unanimously.

Mayor's Report (cont):

Budget Amendment for the contracting of Vendor Technical Assistance for Municipal Redistricting: Hall proposed \$5,044 be reallocated from General Decorations for Christmas to General Other Professional Services, to pay for the Vendor Technical Assistance Agreement. O'Neal made a motion to approve the budget amendment as presented. Thoroughgood seconded. The motion was carried unanimously.

Municipal Redistricting- Vendor Technical Assistance contract: Presley made a motion to approve the contract from The Center for Applied Demography and Survey Research (CADSR) for \$5,044 as presented in the packet. Thoroughgood seconded. The motion was carried unanimously.

Municipal District Voting- Possible Charter Change: Mayor Kells presented a possible Charter change that would entitle a bona fide resident to vote for one candidate who represents the district in which they reside. Bryan made a motion in favor of the proposed Charter change. O'Neal seconded. After much discussion, Bryan and O'Neal withdrew their motion. Presley then made a motion to table district voting until at least the August meeting. Davis seconded. Kells, O'Neal, and Thoroughgood voted no. 4 yes votes and 3 no votes. Motion passed to table this item.

Supplemental Tax Billing: Hall supplied the Council with information on the proposed quarterly changes to tax assessments. Kaan made a motion to invoice all increases greater than \$5.00. O'Neal seconded. The motion was carried unanimously.

BRIC Grant Application for Cupola Park Bulkhead Replacement Project: Sander presented the Building Resilient Infrastructure and Communities (BRIC) grant request. Sander stated this is a 90/10 grant. Davis made a motion to proceed with the grant application. Presley seconded. Kaan was a no vote, she did not like the conditions of the grant. 1 no vote, 6 yes votes. Motion passed.

Amend the Town Code, Chapter 140, Mercantile Licensing, by revising §140-1, §140-3, §140-4 and §140- 13 to establish a single day license and single day license fee: Bryan made a motion to amend the Town Code as presented in the packet. Thoroughgood seconded. The motion was carried unanimously.

Amend the Town Code, Chapter 200, Vehicles and Traffic, Article V, Schedules, §200-31. Schedule VII: parking prohibited at all times, to remove the reference to all areas within 30 feet of the stop signs located on public, town-owned streets in the Plantation Lakes development: Kaan made a motion to amend the Town Code as presented in the packet. Davis seconded. The motion was carried unanimously.

Amend the Town Code, Chapter 206, Water, by adding to the end there of a new Article VIII, Cross Connection Control: Burk presented the State mandated Cross Connection Control plan. Kaan made a motion to amend the Town Code as presented in the packet. Presley seconded. The motion was carried unanimously.

Resolution to adopt the "Cross Connection Control Plan for Town of Millsboro" prepared by HydroCorp: Kaan made a motion to accept the resolution adopting a Cross Connection Plan. Kaan made a motion to accept the resolution as presented in the packet. Thoroughgood seconded. The motion was carried unanimously.

Mayor's Report (cont):

Proposed Employee Handbook Change to Section 35:6, Employees Required to have a Commercial Driver's License, to allocate compensation for CDL: Burk presented the proposed employee Handbook change to Section 35:6. O'Neal made a motion to accept the proposed handbook change as presented in the packet. Presley seconded. The motion was carried unanimously.

2024 Christmas Parade date and time: O'Neal inquired as to whether the Council wanted to consider changing the day and time of the parade in the future. Thoroughgood made a motion to do some more research. O'Neal seconded. The motion was carried unanimously.

Town Code Amendments and possibly schedule a Public Hearing re: Definitions in Chapter 210, Zoning and other related amendments to Chapter 210, Zoning and Chapter 70, Building Construction, suggested by staff: O'Neal made a motion to table to allow Council the opportunity to offer feedback. Davis seconded. The motion was carried unanimously.

Adjournment: With no further business, Thoroughgood made a motion to adjourn at 10:34 p.m. O'Neal seconded. The motion was carried unanimously.

Respectfully submitted,

Kimberley Kaan
Secretary

KK:JB:jd