



Town Council
Town of Millsboro

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Mayor Faye Lingo
Vice Mayor John Thoroughgood
President Pro Tem Brad Cordrey
Secretary Jim Kells
Treasurer Larry Gum
Councilman Ron O'Neal
Councilwoman Kimberley Kaan

Jamie Burk, Town Manager

**TOWN COUNCIL
REGULAR MEETING
March 6, 2023**

MINUTES

Call to order: The meeting was called to order at 7:00 p.m.—with Mayor Faye Lingo presiding. Vice Mayor John Thoroughgood, President Pro Tem Bradley Cordrey, Council Secretary James Kells, Council Treasurer Larry Gum, Councilman Ron O'Neal, Councilwoman Kimberley Kaan, Town Manager Jamie Burk, Assistant Town Manager Ashleigh Sander, Town Clerk Joanne Dorey, and Town Solicitor Mary Schrider-Fox were present.

Public comment:

- Joyce Graves of 202 Laurel Rd is concerned about a commercial establishment moving into 129 Laurel Rd since this is a residential area, another concern is parking for the proposed business.
- Bert Balbas of 19205 Sandstone Lane, president of Retreat at Millstone HOA. Mr. Balbas is concerned about the proposed Robb Annexation mainly because of traffic and suggested a traffic study be done.

Public Hearings:

Mayor Lingo opened the below-mentioned public hearing. Lingo stated with no public comment she would leave the hearing open until later in the evening.

TO CONSIDER THE REQUEST THAT REAL PROPERTY LOCATED ON THE WEST SIDE OF HANDY ROAD OWNED BY MILLSBORO TOWNE VILLAGE, L.L.C., IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NUMBER 233-5.00-122.00 (P/0), BE REZONED FROM MEDIUM-DENSITY RESIDENTIAL (MR) TO MEDIUM-DENSITY RESIDENTIAL (MR) WITH A RESIDENTIAL PLANNED COMMUNITY (RPC) OVERLAY.

Mayor Lingo opened the below-mentioned public hearing. David Hutt of Morris James LLP presented the Robb annexation request.

TO CONSIDER THE TOWN COUNCIL'S RESOLUTION PROPOSING TO ANNEX CERTAIN TERRITORY, CONTIGUOUS TO THE PRESENT LIMITS OF THE TOWN OF MILLSBORO, OWNED BY AMANDA BAILEY AND ALEX ROBB, IDENTIFIED AS PART OF SUSSEX COUNTY TAX MAP AND PARCEL NO. 133-16.00-136.00, CONTAINING 7.160 ACRES, MORE OR LESS, AND PROPOSING TO AMEND THE ZONING MAP AND ZONING ORDINANCE OF THE TOWN OF MILLSBORO TO INCLUDE SAID TERRITORY IN THE HIGH-DENSITY RESIDENTIAL (HR) DISTRICT.

Mayor Lingo stated residents are concerned with the zoning of high-density residential (HR) and the traffic. Mayor Lingo then asked for public comment:

- Sheryl Bowman stated she is concerned about traffic at Rt 24 and Rt 113 intersections because of the growth in Sussex County.
- Kim from Retreat at Millstone is concerned about the height of the proposed apartments and decreasing property values.
- Gary Brittingham of Jack Lingo Realtor mentioned this property is owned by a local family and the developer is proposing high-quality apartments for the property.
- Mr. O'Neal has concerns about the proposed zoning of the property.
- Diane Murray from Retreat at Millstone asked Council to consider everything in totality.
- Jim Mills from the Retreat at Millstone commented about the fees the homeowners' association charges.
- Tim McManis from 125 Laurel Rd commented about the traffic in Millsboro.
- David Sutz from the Retreat at Millstone has concerns about the infrastructure and inquired as to if the proposed project was considered in the last Deldot study.
- Rose Schroeder of 19038 Jackstone Way has concerns about the height of buildings and also the lack of privacy.

Thoroughgood made a motion to close the public hearing. O'Neal seconded. The motion was carried unanimously.

Annexation of property owned by Amanda Bailey and Alex Robb, located in Dagsboro Hundred, formally known as Sussex County Tax Map and Parcel No. 133-16.00-136.00, containing 7.160 acres, more or less, and proposing to amend the zoning map and zoning Ordinance of the Town of Millsboro to include said territory in the high-density residential (HR) district:

O'Neal made a motion to deny the annexation request. Thoroughgood second. Kells, Cordrey, Kaan, O'Neal, Thoroughgood, and Lingo voted yes, and Gum was a no vote. Motion passed.

Mayor Lingo opened the below-mentioned public hearing. Lingo stated with no public comment she would leave the hearing open until later in the evening.

TO CONSIDER THE TOWN COUNCIL'S RESOLUTION PROPOSING TO ANNEX CERTAIN TERRITORY, CONTIGUOUS TO THE PRESENT LIMITS OF THE TOWN OF MILLSBORO, OWNED BY SUSSEX COUNTY, IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NO. 233-5.00-110.00, CONTAINING 0.919 ACRES, MORE OR LESS, AND PROPOSING TO AMEND THE ZONING MAP AND ZONING ORDINANCE OF THE TOWN OF MILLSBORO TO INCLUDE SAID TERRITORY IN THE HIGHWAY COMMERCIAL (HC) DISTRICT.

Secretary's report: Kells submitted the February regular meeting minutes and made a motion that Council approve them as written. Councilwoman Kaan stated when voting for the consumer price index(CPI) item last month she intended to increase the CPI not leave it as is. Mayor Lingo asked if everyone else understood their vote last month, and they did, so the vote stands. Thoroughgood seconded. The motion was carried unanimously.

Treasurer's report: Gum made a motion that the Town pays the invoices from the designated accounts as recommended by staff. Cordrey seconded. The motion was carried unanimously.

Millsboro Fire Company update: O'Neal stated the department took in 4 new members last month.

Police Department's report:

Chief Brian Calloway mentioned the training was listed in the packet for review.

Chief Brian Calloway stated Brian Cabezas graduated from the Dover Police Academy on March 3 and was introduced to Mayor and Council; congratulations were offered.

Chief Calloway presented a proposed change to the Millsboro Police Department Policy for review regarding the employment age restriction as listed in Policy # 13, Recruitment & Selection.

Cordrey made a motion to approve the requested change to Policy #13, eliminating sections A & B regarding the age of applicants, which currently states an applicant will be no older than thirty-nine (39) years old at the time of hire. Kaan seconded. The motion was carried unanimously.

Chief Calloway stated the Department was allocated an additional \$6,900 from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program for FY-2022. Chief Calloway requested to allocate these funds towards the purchase of bicycle helmets, bicycle safety equipment, and also the Millsboro Police Youth Academy. Kells made a motion to approve the request. O'Neal seconded. The motion was carried unanimously.

It was mentioned the Millsboro Bike Rodeo is scheduled for May 20 and the Millsboro Police Youth Academy is scheduled for July 13-21.

Change Order #3 for Police Station: Burk presented change order #3 for \$36,516.69 related to stormwater. Gum made a motion to approve the change order as presented in the packet. Thoroughgood seconded. The motion was carried unanimously.

Water and Sewer:

301 Amberly Court Water Meter Fees and Refund Request: Matthew Hall, director of finance presented a request for reimbursement for plumbing services. Thoroughgood made a motion to deny the request for reimbursement. Gum seconded. The motion was carried unanimously.

2023 White Farm Rapid Infiltration Basin Improvements Construction Award: Carrie Kruger, PE, town engineer presented the letter from Duffield Associates, LLC, stating the lowest responsible bidder for the 2023 Rapid Infiltration Basin Improvements project was Kinsley Construction Inc. for \$600,000. Thoroughgood made a motion to award the bid to Kinsley Construction, Inc. Kaan seconded. The motion was carried unanimously.

Mayor's report:

Rezoning Application submitted by Millsboro Towne Village, LLC., for property located on the west side of Handy Road, formally known as Sussex County Tax Map and Parcel No. 233-5.00-122.00 (p/o) from Medium-Density Residential (MR) to Medium-Density Residential (MR) with a Residential Planned Community (RPC) overlay:

Thoroughgood made a motion to close the public hearing. Cordrey seconded. The motion was carried unanimously.

Mark Davidson of Pennoni stated the applicant is requesting the above-mentioned parcel be rezoned as Medium-Density Residential (MR) with a Residential Planned Community (RPC) overlay. Thoroughgood made a motion to approve the requested zoning change. Kells seconded. The motion was carried unanimously.

Annexation of property owned by Sussex County, located in Dagsboro Hundred, formally known as Sussex County Tax Map and Parcel No. 233-5.00-110.00, containing 0.919 acres, more or less, and proposing to amend the zoning map and zoning Ordinance of the Town of Millsboro to include said territory in the highway commercial (HC) District:

Thoroughgood made a motion to close the public hearing. O'Neal seconded. The motion was carried unanimously.

Kaan inquired as to if the property should be zoned Urban Business (UB). With no further discussion regarding the Sussex County proposed paramedic station, Thoroughgood made a motion to accept the annexation request as presented with a highway commercial (HC) zoning designation. Kaan seconded. The motion was carried unanimously.

Mayor's report (cont.):

Application for Conditional Use submitted by Anthony Khoi Nguyen, for property located at 129 Laurel Road, formally known as Sussex County Tax Map and Parcel No. 133-17.17-9.01, to operate a nail, hair and body massage business: Ms. Bich Hang Nguyen stated she was requesting the conditional use to be able to offer massages on the upper level of the home and have a nail salon by appointment only on the lower level of the home. Ms. Nguyen stated she would have 4 employees and there would be no retail component to the business. Thoroughgood made a motion to deny the request because it does not fit and does not meet the zoning requirements. Gum seconded. The motion was carried unanimously.

Application for Conditional Use Renewal submitted by Shelly Shaffer on behalf of Chimes Metro Inc., for property located at 28393 DuPont Boulevard, formally known as Sussex County Tax Map and Parcel No. 133-16.16-7.00, to operate an establishment as an accessible home for intellectually disabled individuals for citizens of Southern Delaware: Kaan inquired about why there was a conditional use for this property. Kaan made a motion to approve the renewal request. Cordrey seconded. The motion was carried unanimously.

Water Meter and AMR/AMI System Installation Award: Hall stated VEPO Solution was the lowest, responsible bidder for \$314,580.00. Thoroughgood made a motion to accept the recommendation and award the bid to VEPO Solutions. Gum seconded. The motion was carried unanimously.

W.B. Atkins Ball Park Drainage Construction Award: Kruger stated George and Lynch, Inc. was the lowest, responsible bidder for \$171,910.76. Gum made a motion to accept the recommendation and award the bid to George and Lynch, Inc. Cordrey seconded. The motion was carried unanimously.

Verdantas IRSD Spray Irrigation Proposal: Kruger presented the proposal for the design and permitting of the athletic field irrigation system at Sussex Central High school for \$49,700.00. Kruger stated the matching planning grant was approved and the Indian River School District has agreed to pay the remaining half. Thoroughgood made a motion to approve the request as presented in the packet. Gum seconded. The motion was carried unanimously.

Millsboro Chamber of Commerce Annual Stars and Stripes Event: Cordrey made a motion that the Town allow the Greater Millsboro Chamber of Commerce the use of Cupola Park for the Stars & Stripes event. O'Neal seconded. The motion was carried unanimously.

Millsboro Chamber of Commerce Annual Fireworks for the Stars and Stripes Event: Cordrey made a motion that the Town authorize the Greater Millsboro Chamber to display fireworks during the Stars & Stripes event. O'Neal seconded. The motion was carried unanimously.

Art League Lease Renewal: Burk stated he and Kaan met with the Art League and it appears they will be relocating. No action.

Employee Holiday Schedule Kaan made a motion to designate Juneteenth as a Town holiday for 2023 only—to be observed. Thoroughgood seconded. The motion was carried unanimously.

Mayor's report (cont.):

Barker Alley - Appointment of committee pursuant to Section 31 of the Charter to investigate possibility of changing the street structure of the Town by closing/vacating public use of alley: Schrider-Fox stated Council approved the conveyance of the alley to the property owner at a previous meeting. To change the street structure and vacate an alley to not be used, a committee needs to be appointed. Lingo appointed a committee and asked Kells, Gum, and Kaan, to serve thereon—designating Kells as chair. Cordrey made a motion to approve the committee appointment. Thoroughgood seconded. The motion was carried unanimously.

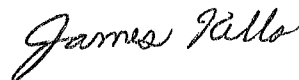
Recess: At 9:12 p.m., Cordrey made a motion that Council recess until 9:17 p.m. O'Neal seconded. The motion was carried unanimously.

[Executive session]

Call to order: Cordrey made a motion to go back into regular session. Kells seconded. The motion was carried unanimously.

Adjournment: With no further business, Cordrey made a motion to adjourn. O'Neal seconded. The motion was carried unanimously.

Respectfully submitted,



James Kells
Secretary