

**MAYOR and COUNCIL
TOWN OF MILLSBORO
322 Wilson Highway
Millsboro, Delaware 19966 - 1216**

OFFICE HOURS
MONDAY — FRIDAY
8:00 a.m. to 4:30 p.m.



Phone: (302) 934-8171

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TOWN OFFICE
PARKS/RECREATION
STREETS
WATER/SEWER

POLICE DEPT. 934-8174

**TOWN COUNCIL
REGULAR MEETING
AUGUST 1, 2016**

MINUTES

Meeting was called to order at 7:00 p.m.—with Mayor John Thoroughgood presiding. Also present were Vice Mayor Michelle Truitt, President Pro Tempore Tim Hodges, Secretary James Kells, Treasurer Joseph J. Brady, Councilperson Bradley Cordrey, Councilperson Ron O’Neal, Town Solicitor Mary Schrider-Fox, and Assistant Town Manager Sheldon P. Hudson. No one was absent.

Pledge of allegiance: Mayor Thoroughgood led the pledge.

Public comment: None.

Recommendation from Personnel Committee to promote Sheldon P. Hudson and appoint him as town manager for a 3-year term: Brady made a motion to accept the recommendation. Cordrey seconded. Approved unanimously.

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

Treasurer’s report: Brady made a motion that the bills be paid from the designated accounts. Hodges seconded. Approved unanimously.

Millsboro Fire Company:

John Hall presented the monthly update. There were 185 ambulance calls—180 patients and 7,400 miles traveled. Were without 1–2 ambulances at one point.

There were 28 fire calls. Fire Police assisted with the 5-kilometer run on July 30, 2016. Joined Georgetown for training at new Sharp Energy facility—learning location of emergency shutoffs. Juniors did community service.

CPR training was conducted. About 50 people came—including Brady. Weather may have impacted attendance. Will do another session in the winter.

Greater Millsboro Chamber of Commerce: No representative was present. No update.

Police report:

Chief Calloway presented the monthly report.

Training: Officer David Moyer took a DUI refresher course.

CALEA update: Chief Calloway and Lieutenant Legates attended a CALEA [Commission on Accreditation for Law Enforcement Agencies] conference in Baltimore.

Homeland Security: No threats. Delaware State Police has special units that are assigned to provide backup assistance to other law-enforcement agencies that are shorthanded.

Community event: A planned barbecue took place at Millsboro Village Apartments on a hot July 6, 2016. The event organizers asked the Police Department if they would cook the food, and Chief Calloway said he and officers Gorman, Moyer, and Zubrowski did so—along with playing football. The food was supplied by the organizers. Chief Calloway indicated that just under 100 people may have been in attendance. The organizers sent in a thank-you letter. It was decided by the organizers that this would be an annual event—in the future taking place in the spring or fall.

Run: Chief Calloway expressed his thanks to the Fire Police for their assistance with the 5-kilometer run.

Softball World Series: Many of those who are playing in the Softball World Series are staying in Town. The Department has a plan in place.

Office of Highway Safety monthly initiative overview: Department worked with the Office on a motorcycle-enforcement initiative. 52 arrests were made during the 24 hours that were worked.

Road closures/updates: The (former) crossover on US 113 in front of Food Lion is closed. Chief Calloway said he was not aware of any reported accidents that have taken place in said area.

Road work: A portion of SR 24, most of which is located west of Town limits, is under construction. Wayne Massey of the Delaware Department of Transportation (DelDOT) has been contacted about safety concerns expressed by one or more area residents, but Mr. Massey said DelDOT has determined that police assistance with traffic control in the area is not needed.

Sussex County “Block” Grant:

Chief Calloway asked Council for permission to use “Sussex Block” grant funds to purchase equipment for the 2 new patrol vehicles, buy a police station training monitor (television), purchase tactical footwear (boots), provide a professional-attire allowance for the lieutenant and

for the detective, install camera network desktop software, and buy exterior vest carriers for the 2 new officers.

Brady made a motion to approve the request. Cordrey seconded. Approved unanimously.

Personnel update:

Chief Calloway mentioned that Carrie Rambo would be resigning effective September 11, 2016. Brady made a motion to accept the resignation. Kells seconded.

Truitt asked who would be responsible for handling Family Night Out after Ms. Rambo's departure. Chief Calloway said he and Officer David Moyer would be.

Motion approved unanimously.

Hodges made a motion to authorize Chief Calloway and the Personnel Committee to begin the hiring process for a replacement officer. Brady seconded.

Kells asked what the current complement of officers was. Chief Calloway said 14. Kells asked if the number could be raised to 15 in order to account for the frequent vacancies. Chief Calloway expressed appreciation but said he was planning on bringing up the issue in the future since current negotiations between the Town and the union [Teamsters] might need to be completed before any such decision could be made as the outcome of the negotiations would have budgetary implications.

Motion approved unanimously.

Chief Calloway said recruits Dallas Millner and Joseph Mulhern were doing well. He indicated that he had spent the night with them at the Academy on July 21, 2016. Chief Calloway stated that Messrs. Millner and Mulhern were scheduled to be sworn in by Superior Court Judge Graves on August 4, 2016 and to graduate from the Academy on August 5, 2016. He said he would bring the recruits with him to the next Council meeting.

Chief Calloway brought up the tattoo and appearance policy and said he would be discussing it in more detail at the next Council meeting. Truitt asked if the Town's policy mirrored the State's policy on the subject. Chief Calloway said State Police policy prohibits troopers from having visible tattoos that are offensive and/or vulgar. He indicated that his review of case law suggested that such a policy can be problematic given that the way in which offensive/vulgar is defined varies from one person to the next.

Streets:

Previous request from DelDOT to conduct night work on and near State Street:

Hudson mentioned that Council, at its last meeting, had denied the request from DelDOT for a waiver of the Town ordinance restricting night work so as to allow such work to be performed along and near State Street. He then indicated that DelDOT submitted a revised request after being advised that its original request had been denied—with the revised request only asking for a waiver for the portion of State Street within the commercial district (i.e., from junction with Ellis Street to junction with Central Alley). Hudson said a councilperson would need to make a motion to amend Council's original decision if Council wanted to approve the revised request.

Brady made a motion to amend Council's original decision. Hodges seconded.

Hodges said he was of the understanding that only allowing day work on the whole of the affected portion of State Street would have a major adverse impact on SR 24 traffic flow. Hudson confirmed that this was the argument being made.

Motion approved unanimously.

Request for DelDOT/the Town to develop an action plan relative to the flow of traffic on far-west side of Town along and near Laurel Road:

Hudson discussed the ongoing concern expressed by some relative to the speed limit and lack of a traffic signal in the area of Plantation Lakes and asked Council if it would have any interest in doing a study or developing an action plan to address the concern. Mayor Thoroughgood stated that he had discussed the subject with individuals in the area and that they said the speed limit did need to be lowered by some amount largely in response to slow-moving vehicles turning onto SR 24 from Plantation Lakes.

In response to a comment from Kells, Mayor Thoroughgood indicated that he had spoken with Senator Hocker and Representative Collins regarding the concern and that the senator and representative said DelDOT would consider whatever proposal Council decided to put forward relative to a speed limit if he wrote the Department a letter. With regard to the lack of a traffic signal, DelDOT is not interested in installing one at the location due to the increased risk of rear-end collisions.

Brady made a motion to authorize Mayor Thoroughgood to write DelDOT a letter asking the Department to lower the speed limit to 35 miles per hour. Kells seconded. Approved unanimously.

Parks and Recreation:

Ron Elliott asked Council for permission to use Cupola Park for a free community event featuring multiple bands and charities on August 27, 2016 from 2:00 to 9:00 p.m. Mayor Thoroughgood indicated that no profanity coming from the band members would be tolerated. Hudson mentioned his previous discussion with Mr. Elliott concerning the need for any vendors to obtain business licenses from the Town.

Brady made a motion approving the request to use Cupola Park. Another councilperson seconded. Approved unanimously.

Water and sewer:

Council was advised that Hudson would be adjusting the sewer bills for 802 Northern Avenue and 103 Washington Street as the town manager is permitted to under the ordinance.

Mayor's report:

Annexation Committee update on request from East-Side Developers, Inc. (Jim Parker) to annex the parcel with a tax map number of 133-16.00-23.00—zoned highway commercial: Committee Chair Cordrey indicated that the Committee had not yet met concerning the request but that they would be doing so prior to the next Council meeting and would provide a report during said meeting.

Request from Lennar to reduce the bond amounts associated with Section I, Pump Station 7-C, and Section H, Subphase 2.1:

Steve Frisina of Lennar asked Council to approve the reductions. He stated that Duffield/CABE [Town's consultant] had reviewed the request and had no objection to the Town approving it.

Brady made a motion approving the reductions. Kells seconded. Approved unanimously.

Request from Grace United Methodist Church to add 3 entrances/exits:

Pastor Ed Kuhling of Grace Church presented the request to add entrances/exits. Schrider-Fox stated that the administrative details could be worked out after any initial approval was granted.

O'Neal asked if curb work would need to be done. Mayor Thoroughgood said yes—along with sidewalk work. Schrider-Fox indicated that, if Council were to grant initial approval, the matter would likely be brought back before them in the future—accompanied by, perhaps, an easement agreement.

Brady made a motion approving the request. Kells seconded. Approved unanimously.

Request from Old Town Hall Associates, LLC via the Law Offices of Doroshow, Pasquale, Krawitz & Bhaya to combine the parcels with tax map numbers 133-17.00-79.00 and 133-17.00-80.00:

Eric Doroshow of the Law Offices spoke on behalf of the firm/Old Town Hall and asked Council to combine the parcel on which Connections is located with the parcel on which the associated temporary parking lot is located. Hudson confirmed with Mr. Doroshow that the request in question would be followed by a request to the Town's Board of Adjustment to grant a variance related to lot coverage. Truitt asked if there were plans to enlarge the building, and Mr. Doroshow said yes. Schrider-Fox said a combining of the parcels would at least partially address the issue related to a lack of parking that exists currently. Mayor Thoroughgood inquired about signage, and Mr. Doroshow said he would speak with the appropriate person(s) about the addition thereof.

Brady made a motion to combine the parcels. Cordrey seconded. Approved unanimously.

Request from Lewes Dairy via Long and Foster to erect buildings on the parcel with a tax map number of 133-17.00-72.00—zoned urban business:

Kim Kersey, one of the prospective sellers, expressed an interest in selling the parcel located on Mitchell Street south of the bowling alley to Hy-Point/Lewes Dairy.

The prospective buyer's representative, John Manis of Long and Foster, said his client was interested in building a distribution center on the site—and, a few years later, self-storage units or warehouse space. He indicated that the center would be built to look like an old barn. Mr. Manis said the prospective buyer was also considering the inclusion of an ice cream parlor. He stated that 12–15 new jobs would be created. Mr. Manis mentioned that formal plans would be presented at the next Council meeting if Council had sufficient interest.

Mayor Thoroughgood appointed a committee composed of Kells (chair), Brady, and Cordrey to study the request and visit the present distribution center in Lewes, Delaware to get a sense in terms of the amount of noise made by the refrigeration units.

Request from Best Veterinary Solutions, Inc. via Pennoni Associates, Inc. relative to the parcel with a tax map number of 133-16.16-4.02—zoned commercial:

Carlton Savage of Pennoni said his client was interested in purchasing the parcel but wanted to confirm that a business that distributed prepackaged products to other businesses would be permissible under commercial zoning. Schrider-Fox recommended that the use be permitted given that one of the permitted uses listed in the *Code* under commercial zoning, "general business," is nonspecific.

The applicant confirmed that no manufacturing activities would be conducted.

Brady made a motion to combine the parcels. Kells seconded. Approved unanimously.

Recess: Brady made a motion to go into recess for 5 minutes prior to Council going into executive session. Cordrey seconded. Approved unanimously at 8:20 p.m.

Executive session

Regular meeting

Mayor Thoroughgood called the meeting to order at 8:50 p.m.

Truitt made a motion to authorize the Personnel Committee to conduct interviews and make offers as discussed in executive session. Cordrey seconded. Approved unanimously.

With no further business, Mayor Thoroughgood asked for a motion to adjourn. Brady made such a motion. Kells seconded. Approved unanimously at 8:52 p.m.

Respectfully submitted,



James Kells
Secretary