

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.

REGULAR COUNCIL MEETING APRIL 2, 2007

7:00 P.M. meeting called to order in the Council Chambers, Mayor-Joseph Brady presiding. Present were Vice-Mayor Larry Gum, Secretary Irene Keenan, Treasurer Robert Bryan, Councilpersons John Thoroughgood, Michelle Truitt, John (Jack) Wilkins, Town Manager Faye Lingo, Town Solicitor Tempe B. Steen, Adm. Assistant Brenda J. Morris, Development Coordinator Linda Johnson, Finance Director William Sauer. Guests see attached.

BLUEWATER WIND PRESENTATION- Rob Propes, DE Project Director, spoke to Council and those present about the possibility of an offshore wind park as an answer to Delaware's energy needs. The country of Denmark is now receiving 20% of its electric from wind turbines. The Offshore Wind Park would dependably provide the amount of energy used by as many as 130,000 households in the state. The wind park would be located at one of two possible sites in the Atlantic Ocean. Each site has its own positive characteristics. Bluewater Wind is bidding for a power contract along with several others. Consultants are studying the different bids that have come in and as early as May 8'h a decision may be made to determine the energy bid choice. If they were to win the bid there would be two years spent in permitting and then two construction seasons. The first half of the project would be built by 20 11 with the second half done by 2012. The first half could be sending electricity by February 2011. The price would be about the same as customers are paying now for their electricity. Some questioned how much of the time these windmills would be able to send electricity to shore, especially if there is no wind. Mr. Propes informed those present that electricity would be sent about 87% of the time, averaging 200 NIGH per hour. There would be no visible storage units on shore and the electricity would be transported to a sub-station through cables six feet under the beach front. Fishing and boating will continue among the turbines and the foundations will serve as artificial reefs, enhancing Delaware's marine life. The Coast Guard would regulate how close to shipping lanes the project could be. The wind turbines are to be located at least six nautical miles off shore. At that distance, the turbines will be difficult to see. On hazy summer days, the wind park will not be visible at all. They feel that

offshore wind is Delaware's own source of energy and it meets the state's needs perfectly; as it is stable-priced, clean, dependable and renewable.

SECRETARY'S REPORT - Secretary Irene Keenan presented the minutes from the March 5, 2007 council meeting for Council's approval. Keenan motioned, Wilkins second to approve the minutes from the March 5, 2007 council meeting as written. Motion carried.

TREASURER'S REPORT - Treasurer Robert Bryan presented the bills and bank balances to Council for approval. Bryan motioned, Gum second to pay the bills from the designated accounts as presented. Motion carried.

MILLSBORO FIRE COMPANY -Ray Burton, President Millsboro Fire Company, presented the monthly report to the Council. The Fire Department responded to 41 alarms, with seventeen of those being in town and nineteen rural.

CHAMBER OF COMMERCE - Fran Bruce, Director of the Greater Millsboro Chamber of Commerce reported to Council and reminded them an Easter Egg hunt would be held on Saturday, April 7th at 12:00 noon, weather permitting at Cupola Park. The Home and Life Show, sponsored by the Chamber, is to be held on Saturday, April 14th. Most of the commemorative benches are in place around town with a few waiting to be placed after anchors for them have been received. She thanked the town maintenance workers for their part in putting the benches together and placing them in different locations around town. The benches have been so well received that she has had orders for more.

PARKS AND RECREATION - No report STREET REPORT - No report

POLICE REPORT

On March 1st Pfc. Forester attended a Defensive Driving for Emergency Vehicle Operators at the DSP Academy.

Sgt. Calloway attended Police Motorcycle Operator Training at the North Carolina Highway Patrol facility.

Cpl. Wheatley attended Munitions Training at the Abington Police Department in Pennsylvania.

Cpl. Legates attended Pedestrian and Bicyclist Fatal Accident Investigations also at the Abington Police Department.

Lt. Quigley attended the CALEA Conference in Greensboro, North Carolina.

Chief Murphy, Cpl. Legates, Pfc. Berrios and Ptl. Morris attended E-Ticket training at DELJIS.

The recruits are doing well in their field training. They will wrap their field training up later this month.

DELDOT will be working on the intersection of US 113 and SR 24 for most of the month of April. I have coordinated with DELDOT and the contractor for police presence during the project. This is a night time project; they will be working from 8 p.m. until 6 a.m.

WATER/SEWER REPORT - The town received a letter from Nina W. Timmons, 111 Irons Ave., informing them of a leak that was found to be underground just beyond the water meter and did not enter the sewer line. She is asking for an adjustment on the sewer portion of her water/sewer bill. An adjustment will be done according to town ordinance.

MAYOR'S REPORT:

An ordinance titled "Town of Millsboro Subdivision & Development Ordinance" was presented to Council for review. The purpose of this Chapter is to provide rules, regulations and standards to guide land development in the Town of Millsboro. No Council action was required at this time.

Tempe Steen, Town Solicitor, introduced Council for Town/Bond Issue, Timothy Frey of Saul Ewing, LLP and John Stalfort, Bond Council, of Miles & Stockbridge. They will be working with and advising the town during the sale of the Special Obligation Bonds on the Plantation Lakes Special Development District.

A supplemental application was introduced to Council for approval. This application is to request the Amendment of District Boundaries of the Plantation Lakes Special Development District and the Levy of Special Taxes on the Property in the Plantation Lakes Special Development District and the Issuance of Special Obligation Bonds. Gum motioned, Bryan second to approve the Supplemental Application of Plantation Lakes as presented. Motion carried.

A resolution amending the boundaries of Plantation Lakes Special Development District providing for the creation of the special tax fund; pledging the special tax to be levied on real property within Plantation Lakes Special Development District to the Plantation Lakes Special Tax Fund; and promising that the proceeds of the special tax will be paid into the Plantation Lakes Special Tax Fund was introduced to Council for approval. Bryan motioned, Gum second to approve and accept the resolution amending the boundaries of Plantation Lakes Special Development District (The "Plantation Lakes District"); providing

for the creation of the Plantation Lakes Special Development District Special Tax Fund (The "Plantation Lakes Special Tax Fund"); pledging the Special Tax to be levied on real property within the Plantation Lakes District to the Plantation Lakes Special Tax Fund; and promising that the proceeds of the Special Tax

will be paid into the Plantation Lakes Special Tax Fund; all in accordance with Title 22 of The Delaware Code, Chapter 18 and section 34B of The Charter of Millsboro (collectively, The "ACT"). Motion carried.

An ordinance was presented to Council for approval which confirms the creation of the Plantation Lakes Special Development District, the future direction and regulations pertaining to the selling of the Special Obligation Bonds. After some discussion Bryan motioned, Gum second to accept and approve "An ordinance of The Town of Millsboro (The Town): confirming the creation of The Plantation Lakes Special Development District (The "Plantation Lakes District"); confirming the creation of The Plantation Lakes Special Development District Special Tax Fund (The "Plantation Lakes Special Tax Fund"); providing for the levy of a special tax on all real property within the Plantation Lakes District; pledging the special tax on real property within the Plantation Lakes District to the Plantation Lakes Special Tax Fund and promising that the proceeds of the special tax will be paid into the Plantation Lakes Special Tax Fund; providing for the use of moneys in the Plantation Lakes Special Tax Fund; authorizing the Town to enter into funding agreements with one of the current owners of the property within the Plantation Lakes District; making certain legislative findings, among others, concerning the public benefit and purpose of Special Obligation Bonds to be issued by the Town; authorizing and empowering the Town to issue, sell and deliver, at any one time or from time to time, its Special Obligation Bonds in one or more series in an aggregate principal amount not to exceed \$52,000,000; Providing that such Special Obligation Bonds and the interest thereon shall never constitute a general obligation debt of or a pledge of the Town's full faith and credit or taxing powers; making a finding that the use of the property in The Plantation Lakes District is consistent with the Comprehensive Plan for the area; authorizing and empowering the Mayor of the Town prior to the issuance, sale and delivery of such Special Obligation Bonds, to prescribe the rate or rates of interest such Special Obligation Bonds are to bear, the form, tenor, terms and conditions of and security for such Special Obligation Bonds, and to prescribe, determine, provide for and approve various other matters, details, documents and procedures in connection with the authorization, issuance, security, sale and payment for such Special Obligation Bonds; and generally providing for the financing of public infrastructure improvements within and without the Plantation Lakes District and for the imposition and levy of a special tax and the issuance of Special Obligation Bonds, all in accordance with Title 22 of The Delaware Code, Chapter 18 and section 34B of Chapter 457, Volume 60, Laws of Delaware, as amended and with attachments. Motion carried.

The Buffering/Landscaping resolution was brought before Council. Recommendation of the Planning Commission is that the Mayor appoints a committee to include Kenny Niblett, Linda Johnson and others to review the studies, reports and make recommendations to Council, Mayor Brady appointed committee members Kenny Niblett, Linda Johnson, Joseph Brady, Larry Gum and Robert Bryan.

The increase in the cost of trash collection by Waste Management to the town was discussed. The increase cost to the town doubled what is currently charged to town

residents. It was suggested the town seek out a better rate for trash collection. Wilkins motioned, Bryan second to advertise for bids for town trash collection. Motion carried.

The town received a letter of request from El Centro Cultural, Inc. They would like to hold their Festival Hispano 2007 once again in Millsboro using the W.B. Atkins Park. The date requested is August 19, 2007. Gum motioned, Wilkins second to approve the use of the W.B. Atkins Park for the Festival Hispano 2007, August 19, 2007, with same terms and agreements as 2006 and with Little League notification. Motion carried.

An amendment to Chapter 140, Mercantile Licensing was presented to Council for approval. Gum motioned, Thoroughgood second to approve the amendment to Chapter 140, of the Code of the Town of Millsboro, MERCANTILE LICENSING, to clarify the applicability of this chapter and providing specifically for solicitors, hawkers, and peddlers. Motion carried.

David O. Rickards, of UEK Delaware, came before Council to discuss a project that would generate "green electricity". They are looking for a site to place a UEK turbine in a moving current and would like to utilize the Millsboro spillway at Cupola Park. The area just beyond the spillway can be used to place one or two 3' turbines capable of generating electricity that could be used to light the park and street lights, or connected into the grid and credited towards the town's usage. Even though the spillway is controlled by DNREC, the water by Army Corp. of Engineers, the access point would be the Cupola Park and therefore they would also need permission from the town to proceed with this type of project. They need a working site that can be used to promote their technology. They feel the site at Cupola Park would be ideal. It is easy to access and can be used as an educational tool for the schools as well as the public. It was decided to defer any decision on this project until the May Council meeting after discussion can be held with Kenny Niblett.

The town received notice of a public hearing from Sussex County for Parker Block Co., Inc. Parker Block is asking the County to consider the Conditional Use of land in an AR1 Agricultural Residential District for expansion of a concrete block plant, concrete plant, concrete / block crusher, and future asphalt plant to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 10.00 acres, more or less, lying 800 feet south of Route 24, 1,183.53 feet southwest of Road 409 (Mumford Road). Councilman Wilkins told Council he is against the asphalt hot mix plant as it will be adjacent to town boundaries which may be in the next area of interest to be developed when the Comprehensive Plan is reviewed. Councilman Gum informed members that there is already this type of plant near town boundaries. Wilkins motioned, Bryan second to send written comment to the County expressing that the Town of Millsboro opposes the approval of this ordinance for a conditional use of land, as requested, due to the location of the asphalt mix plant being near property being developed for residential use in town limits. Vote taken as Thoroughgood abstained due to conflict of interest. Brady aye, Gum aye, Bryan aye, Truitt aye, Keenan aye, Thoroughgood abstain, Wilkins aye. Motion carried.

The Delmarva Power agreement for relocation of transmission lines at wastewater treatment plant was discussed. Councilman Gum feels it is open ended and needs to be redone with stipulations stated in agreement. Also details on clarifications within the

agreement need to be included. To be revisited after Delmarva Power has been informed of the Town's concerns.

The 2007-2008 tax assessment list has been posted for public review. A public hearing needs to be set to hear any appeals at the next regular council meeting. Thoroughgood motioned, Bryan second to hold a public hearing at the May 7, 2007 Council meeting to

hear any tax appeals to the 2007-2008 assessment. Motion carried.

A Patriots Landing update pertaining to possible annexation and development was discussed by Council and Mr. C.T. Bochau representative from the Patriots Landing development group. Last month the State Planning Office reported to Council that they feel the property that the Patriots Landing group would like to develop could be considered contiguous to the town limits as a portion does touch Betts Pond. The town has said that it was not in favor of annexing any more property into the town limits until 2009 when the Comprehensive Plan is revisited for update. Mr. Bochau is questioning where the possibility of this annexation sits at this time. They would like some direction from the town as to where and when they should proceed with their annexation and development plans that have been presented to Council. Mr. Bochau was told that at this time they would have to modify the RPC zoning to allow for the type of development they are asking for and Tempe Steen, Town Solicitor, informed those present the property is not ready to go through the annexation procedure as the feasibility study has not been presented to Council yet. It was decided that the former feasibility committee of Gum, Bryan and Wilkins are to get together with Mr. Bochau and discuss the details involving this request.

The election slate will be posted May 1, 2007 and comes down May 25, 2007. District 1/Brady and District 2/Thoroughgood are up for election. If an election is needed it will be held June 9, 2007.

Burtens Crossing LLC has requested the town reimburse part of the cost of relocation of the water main behind Bakers Hardware. The total cost for this relocation was \$7,510.00. Gum motioned, Bryan second to reimburse 1/2 of the \$7,510.00, \$3,755.00, in the form of a credit on future building permit fees processed for the Burtens Crossing development. Motion carried.

Louis Garver, Union Street, questioned Council on the public notice of sex offenders living in and around Millsboro. He feels more should be done to make these names better known to the public.

Thoroughgood motion, Bryan second to recess the regular council meeting at 9:00 pm and enter into executive session at 9: 10 pm to discuss legal and personnel.

Irene Keenan, Secretary

Respectfully submitted