



Town Council
Town of Millsboro
322 Wilson Highway
Millsboro, Delaware 19966
(302) 934-8171
(302) 934-7682 (Fax)
town@millsboro.org

Mayor Jim Kells
Vice Mayor John Thoroughgood
President Pro Tem Ron O'Neal
Treasurer Robert Bryan
Secretary Kimberley Kaan
Councilman Matthew Davis
Councilman Marty Presley

Jamie Burk, Town Manager

**TOWN COUNCIL
REGULAR MEETING
October 2, 2023**

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, Town Clerk Joanne Dorey, and Town Solicitor Mary Schrider-Fox were present. Assistant Town Manager Ashleigh Sander was absent.

Senior Little League Recognition: Mayor Kells presented the Mid-Sussex senior league all-star baseball team with a proclamation acknowledging the team winning district and state championships this summer.

Conduct at Town Meetings: Kells and Burk addressed conduct at town meetings.

Public comment:

- Zoe Patchell, 218 N State Street – is opposed to the ban on legal cannabis business.
- Joseph Dipasquale, 20555 Overman Way – is opposed to the ban on cannabis shops.
- Jack Prehm, 22962 Surry Lane – looking for more information regarding the 10-acre park parcel and the limit on public comment.
- Ralph Barrett, 29467 Glenwood Dr- is opposed to the proposed parking restrictions.
- Dick Bailey, 27935 Roanoke Rapids – expressed concerns about voting changes.
- Robert McKee, 29516 Glenwood Drive- expressed concerns about charter change; district voting.
- Rick Komyanek, 29485 Glenwood Drive – opposed to proposed parking restrictions.
- Mary D'Silva, 230 River Dr – spoke regarding Chapter 172-Special events and was concerned about large gatherings in a residential neighborhood.
- Lizzie Golob, 20476 Asheville Dr.- is opposed to the ban on the legal cannabis business.
- Ken Christenbury, 25185 Lumberton Dr. – questioned parking study data and is opposed to parking restrictions.
- Mark Golob, 20476 Asheville Dr.- is opposed to the ban on the legal cannabis business.

Secretary's report: Kaan submitted the September regular meeting minutes and made a motion that the Council approve them as written. Bryan seconded. The motion was carried unanimously.

Treasurer's report: Bryan stated the invoices had been reviewed. O'Neal made a motion that the Town pay the invoices from the designated accounts as recommended. Presley seconded. The motion was carried unanimously.

Millsboro Fire Company Update: O'Neal stated Fire Prevention Week is October 8–14 with a lot of events scheduled.

Greater Millsboro Chamber of Commerce update: Anne Angel, Executive Director for the Greater Millsboro Chamber of Commerce, stated the annual Stars and Stripes event had to be canceled due to conditions at Cupola Park. The Chamber is looking at a different location for next year's event. Ms. Angel stated there were 8 new members in September, bringing the total to 38 members since mid-March. Ms. Angel also mentioned sales have started for the visitor's guide.

Police Department's report:

Chief Brian Calloway mentioned the below training:

- September 19, Ptlm Justin Guevarez attended the "Advanced Search and Seizure" training hosted by the Ocean View Police Department.
- September 20, Cpl. Michael Gorman attended the "Advanced Traffic Stops" training hosted by the Ocean View Police Department.

Chief Calloway stated the Department was requesting approval to participate in the "Whiskers for Wishes" program again this year. This would be a "no shave" event where officers could pay not to shave between November 1 and December 31. The proceeds from this event would provide gifts to needy families within the Millsboro area.

Bryan made a motion to approve the request. O'Neal seconded. The motion was carried unanimously.

Chief Calloway requested approval to have the annual Halloween Night Out event at the Town Hall and to have Trick or Treating within town limits.

Thoroughgood made a motion that the annual Night Out event take place on October 31 from 6:00 to 8:00 p.m. at the Town Hall parking lot. Davis seconded. The motion was carried unanimously.

Thoroughgood made a motion the Town of Millsboro observe trick-or-treating on October 31 from 6:00 to 8:00 p.m. Participants must be 12 years old or younger and must be in costume while trick-or-treating. O'Neal seconded. The motion was carried unanimously.

Police Department Report (cont):

Chief Calloway mentioned the below upcoming community events:

- October 4 from 7:00–10:00 am, Coffee with a Cop at Beach Bound Nutrition.
- October 14, from 10:00–2:00 pm, Touch a Truck event at Preston Ford.

The Police Department was allocated \$6,644.46 from the State fiscal year 2024 State Aid to Local Law Enforcement (SALLE) grant. Chief Calloway requested these funds be allocated toward the following items: Evidence tracker software solutions, and overtime.

Thoroughgood made a motion to approve the request. Bryan seconded. The motion was carried unanimously.

The Department was also allocated \$4,886.04 from the State fiscal year 2024 Emergency Illegal Drug Enforcement (EIDE) grant. Chief Calloway requested to allocate these funds toward overtime patrols.

Thoroughgood made a motion to approve the request. Bryan seconded. The motion was carried unanimously.

Chief Calloway mentioned there is approximately 4 4-week delay for Delmarva Power, the Thin Cast is ordered, and the generator is expected in a few days.

Water and Sewer:

Olney Way Field Change Directives: Burk presented the report as in the packet.

Utility bill adjustment request- 201 State Street: No one is present to speak for or against this agenda item. Presley made a motion to not approve the credit requested. Kaan seconded. The motion was carried unanimously.

Mayor's report:

Plantation Lakes Stormwater Maintenance Agreement: David Steele of Lennar and David Hutt of Morris James LLP presented the maintenance Agreement that was in the packet. Steele stated the stormwater agreement was previously approved when the Section L Final site plan was approved. The parcel of land consists of 11.2 acres; the Stormwater pond consists of 1.92 acres of the Millsboro land and 2.17 acres on the Plantation Lakes side leaving the Town with 9.28 acres. Davis made a motion to approve the agreement as presented in the packet. Bryan seconded. 6 voted yes and 1(Kaan) voted no. Motion passed.

Utility Easement - 29777 Millsboro Highway: Davis made a motion to approve the water easement as presented in the packet. Kaan seconded. The motion was carried unanimously.

Dedication of Streets and Infrastructure in Plantation Lakes Sections B and C: After much discussion, Thoroughgood made a motion to table this item until all comments from Verdantas are addressed. Kaan seconded. The motion was carried unanimously.

Mayor's report (cont):

Review Current Business License Scope and Fees: Burk presented Chapter 140 of the code for the Council to review.

Budget Amendments:

Backflow Prevention- Matthew Hall, director of finance presented the need to begin a cross-connection plan for commercial only by February 2024. After some discussion, O'Neal made a motion to approve \$8,811.00 for commercial only. Hall stated these funds would be reallocated from the Morris Street engineering water main replacement line item. Kaan seconded. The motion was carried unanimously.

Tree Trimming- White Street – Hall stated the Magnolia Meadow HOA reached out to the Town and stated they were concerned about some trees that need to be trimmed. A quote has been received for \$10,200-\$13,000 to do the work. Davis made a motion to put this item on the list for the next budget cycle since there does not seem to be an immediate need. Bryan seconded. The motion was carried unanimously.

Special Event Permits: Burk presented Chapter 172, Special Events of the Code, and asked for the Council to review it. Kaan inquired as to whether there are limits to how many Special Events someone could have and also if music at special events can have a time limit to be played. Presley recommended handling events on a case-by-case basis. Schrider-Fox suggested we look at the code and see if any changes need to be made. Kaan also inquired about whether the event that takes place regularly on Dodd Street should have a Special Event Permit. Schrider-Fox stated Council needs to review the Special Event definitions to determine if a permit is required.

Code Amendment re: Definitions: Burk stated the Town Code Official has requested possibly adding some definitions to the code. The proposed new and amended definitions are in the packet for the Council to review.

Parking Committee Update: Burk stated the next committee meeting will be on October 11 and possibly reviewing design standards.

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

Charter Change re: District Voting: Burk presented potential language for annual municipal election voting and also some re-districting language from other municipalities for the Council to review. No action.

Marijuana Sales and Production within the Municipal Boundaries: Schrider-Fox presented some draft language related to potential regulations regarding marijuana sales and production within municipal boundaries. Presley made a motion to schedule the suggested revisions from the packet to be placed on the November agenda, and to schedule a public hearing to be held on November 6 for the required zoning code changes. O'Neal seconded. The motion was carried unanimously.

Adjournment: With no further business, Thoroughgood made a motion to adjourn at 9:25 p.m. Kaan seconded. The motion was carried unanimously.

Respectfully submitted,

Kimberley Kaan
Secretary

KK:JB:jd