



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
October 3, 2022**

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, Town Clerk Joanne Dorey, and Town Solicitor Mary Schrider-Fox were also present.

Public comment:

- John Prehm of 22962 Surry Lane raised concerns regarding the election process specifically only being allowed to vote within the district you live in.
- Robert McKee of 29516 Glenwood Drive spoke about the item identified on the agenda as “Millsboro Town Charter/Town Code review and update of election provisions”. Mr. McKee felt this item was hidden on the agenda and not transparent.
- Al Liebeskind of 30115 Plantation Drive stated he felt there was a need for absentee voting and the ability to vote for any candidates running for Town Council regardless of the district.
- Mary Anderson of 111 Wilson Hwy felt absentee voting should be written into a town ordinance. She also felt the Town Charter should not be gender specific.
- Marty Presley of 27949 Roanoke Rapid spoke about the item identified on the agenda as “Millsboro Town Charter/Town Code review and update of election provisions”. Mr. Presley felt this item was thrown on the agenda and he felt residents should have the ability to vote for any candidate running for Town Council regardless of the district.
- Laurie Walsh of 27806 Roanoke Rapids was concerned about district voting and believes she should be allowed to vote for any candidate running for Town Council.

Public comment (cont):

- Mayor Lingo stated a resident emailed in recommending in-district voting and another resident was supportive of district voting not being restricted and also supported absentee voting.

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

Millsboro Fire Company update: Gum mentioned several residents were recognized at the Annual Delmarva Fire Convention for 50 years of service. Gum also mentioned Ron O'Neal is the first vice president of the Fireman's Association. Gum stated there were 330 ambulance calls during September. O'Neal mentioned the Department is preparing for Fire Prevention month.

Millsboro Art League update: John Bandish stated the league is working with some other art organizations to share opportunities within Millsboro. Mr. Bandish also mentioned the 1st Annual Autumn Festival at the Millsboro Middle School.

Employee of the month—September: Burk acknowledged John Lynn as the September Employee of the Month recipient.

Police Department's report:

Chief Brian Calloway stated Cpl. John Wharton and Cpl. Michael Gorman attended PowerPoint training, on Sept 15 hosted by the Delaware State Police Academy.

Chief Calloway mentioned Sgt. Matthew Dufour attended the Leadership Development Program hosted by the Delaware State Police from Sept 12—30.

Chief Brian Calloway introduced the agency's newest recruit, Brian Cabezas, he will begin training at the Dover Police Academy on October 9 and was introduced to Mayor and Council; congratulations were offered.

Chief Calloway indicated that Seth Bullock and Jonathan Zubrowski had met all requirements and were eligible to be promoted to the rank of Senior Corporal. Thoroughgood made a motion to promote both Officer Bullock and Officer Zubrowski. Cordrey seconded. The motion was carried unanimously.

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.

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

Police Report (cont.):

Chief Calloway mentioned the Community Bike Rodeo event was held in the Lowes parking lot on September 10. On September 6, Lt. Moyer attended the Millsboro Village board meeting. Chief Calloway reminded everyone that on October 5, Coffee with a Cop is scheduled at Starbucks, and the Millsboro Halloween Night Out is scheduled for October 31 from 6:00 pm - 8:00 pm at the Town Hall.

The Police Department was allocated \$6,671,75 from the State fiscal year 2023 State Aid to Local Law Enforcement (SALLE) grant. Chief Calloway requested these funds be allocated toward the following items: Ballistic Shield, a pocket jet printer, and overtime.

Kaan made a motion to approve the request. Gum seconded. The motion was carried unanimously.

The Department was also allocated \$4,940.89 from the State fiscal year 2023 Emergency Illegal Drug Enforcement (EIDE) grant. Chief Calloway requested to allocate these funds toward overtime patrols.

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

Chief Calloway presented Council with five years of crash data for the Wilson Hwy and Mitchell St. intersection. During this period there was a total of 5 crashes.

Parks and recreation:

Outdoor Recreation and Trails Program (ORPT) grant resolution for Cupola Park: Carrie Kruger, PE, town engineer presented the resolution in the packet needed to apply for a matching planning grant. Kaan made a motion to approve the request. Thoroughgood seconded. The motion was carried unanimously.

Water and Sewer:

Century Engineering beneficial reuse and force main engineering amendment #3: Alan Martency, PE of Century Engineering, LLC presented amendment # 3 of \$49,000. After much discussion, Thoroughgood made a motion to table this item and wait for more information from Century Engineering, LLC. Cordrey second. The motion was carried unanimously.

GMB proposal for engineering and design – Tiger Branch: Brent Jett, PE, CFM, senior project engineer for George, Miles & Buhr, LLC presented a proposal for Tiger Branch Conveyance System Restoration Design Services proposal. Kaan made a motion to accept the proposal as presented in the packet. Kells second. The motion was carried unanimously.

Water and Sewer (cont.):

Indian River School District high school irrigation permitting proposal:

David Small of Verdantas, LLC presented the proposal to collect the required soils and hydrogeologic data for the green fields. Thoroughgood made a motion to accept the proposal as presented in the packet. Gum second. The motion was carried unanimously.

Next, Mr. Small presented the proposal to collect the required soils and hydrogeologic data for the white fields. Thoroughgood made a motion to accept the proposal as presented in the packet contingent upon receiving the wastewater matching planning grant approval. Kells second. The motion was carried unanimously.

Proposed budget amendment for Indian River School District soils investigations: Matthew Hall, director of finance presented the budget amendment request. For the white fields, we need to increase the sewer grant revenue account by \$50,000 and increase the sewer Construction in progress (CIP) expense account by \$50,000. For the green fields, we need to reallocate \$50,000 from the sewer repairs and maintenance expenses account (RIB rehab project) to the sewer CIP expense account. Gum made a motion to approve the amendment as presented. Thoroughgood second. The motion was carried unanimously.

Streets:

Proposed change – §200-27 & §200-28 of the Code of the Town of Millsboro Request for stop signs and do not enter signs - Plantation Lakes Boulevard: Schrider-Fox presented the revised version of the amendment as presented in the packet, excluding Wilson and Mitchell Street. Kells made a motion to accept the amendment as presented. Cordrey second. The motion was carried unanimously.

Mayor's report:

Conditional use – 201 Laurel Road – Ink and Lash shop by Jennifer McCahill (133-16.30-32.00): Ms. McCahill stated she missed the renewal date of her original conditional use application which is why this is a one-year request. The services being provided are permanent cosmetics, haircare, skincare, body art, and massage therapy, and the business will still have a retail component. The business is all on the first floor of the building and would be open from 9:00-7:00 pm daily. Gum made a motion to approve the conditional use for one year. Kaan seconded. The motion was carried unanimously.

Right of way purchase agreement and temporary easement agreement – Millsboro Bypass project: Burk stated the easement agreement has been reviewed by administration and legal. Kells made a motion to approve the easement agreement. O'Neal seconded. The motion was carried unanimously.

Introduction – authorization to approve grants \$5,000 and under: Burk stated that occasionally there are opportunities for small grants and is requesting the authorization to approve grants administratively. Kells made a motion to authorize the Town Manager to approve non-matching grants up to \$10,000. Gum seconded. The motion was carried unanimously.

Mayor's report (cont.):

Construction inspector proposal — Millsboro Police Station project: Kruger presented the proposal from Davis Bowen & Friedel, Inc. requesting an onsite inspector for the Millsboro Police Station project. This request is a USDA requirement and will be reevaluated at a later date. Gum made a motion to approve the proposal as presented in the packet. Cordrey seconded. The motion was carried unanimously.

Verdantas Master services agreement: Kruger presented the Master Services agreement. This agreement replaces the existing Master Services Agreement the Town has with Duffield. Kaan made a motion to accept the Verdantas Master Services agreement as presented in the packet. Kells seconded. The motion was carried unanimously.

Annexation request – Millsboro Town Center LLC and DMR Wetlands Banking LLC (233-5.00-122.00 & 233-5.00-123.00) Handy Road west of Peninsula Crossing: Lingo appointed an annexation committee and asked Thoroughgood, Cordrey, and Kells to serve thereon—designating Thoroughgood as chair.

Preliminary site plan — Somerton Chase (Radish Road (SCR 338)): Ring Lardner, PE of Davis, Bowen & Friedel, Inc. presented the preliminary site plan for Somerton Chase which would consist of 214 single-family homes. Gum made a motion to approve the preliminary site plan as presented. Cordrey seconded. Gum, Cordrey, Kells and Lingo voted yes. Kaan was a no vote because she could not see it, O'Neal was a no vote because he too thought the drawing was too small and the small lot sizes, Thoroughgood was a no vote as well. In summary there were 4 yes votes and 3 no votes, motion passed.

Posting of properties subject to public hearings— suggested changes to the *Code of the Town of Millsboro*:

Amend Chapter 56-2 Annexation of Land by adding a new § 56-2. Property posted with notice.,

Amend § 178-7 Major subdivision, subsection B. Preliminary approval, subparagraph (8),

Amend § 178-7. Major subdivision, subsection C. Procedures for final approval of major subdivision, subparagraph (5),

Amend § 210-51. Conditional Uses, by adding a new subsection F. Property posted with notice,

Amend § 210-58. Meetings; rules and regulations, by adding a new subsection F. Property posted with notice.

Amend § 210-70. Amendments, by adding a new subsection I. Property posted with notice.

Schrider-Fox and Burk mentioned the proposed changes were presented last month for Council review. Thoroughgood made a motion to schedule a public hearing for November 7 regarding the posting of properties in the above-mentioned sections. O'Neal seconded. The motion was carried unanimously.

Revision to proposed change – §210-40 of the *Code of the Town of Millsboro* Overflow Parking Required:

Niblett and Schrider-Fox stated the proposed language was presented last month for Council review.

Thoroughgood made a motion to schedule a public hearing for November 7 regarding changes to §210-40 of the *Code of the Town of Millsboro*. Cordrey seconded. The motion was carried unanimously.

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

Mayor's report (cont.):

Millsboro Town Charter/Town Code review and update of election provisions: There were discussions regarding the Millsboro town election processes. Thoroughgood made a motion to authorize an ordinance be drafted to allow absentee voting following the Delaware code. Kells seconded. The motion was carried unanimously.

Greater Millsboro Chamber of Commerce October mixer: Burk stated the Greater Millsboro Chamber has partnered with Fulton Bank; a business mixer is scheduled for October 20 from 5:00 pm – 7:00 pm at the Millsboro Fire Hall.

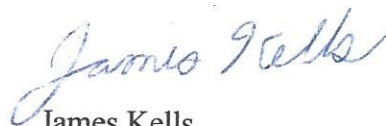
Update of potential change – § 210-13 Medium Density (MR) of the Code of the Town of Millsboro - minimum lot size requirements: Burk presented data from other municipalities regarding minimum lot size requirements. Thoroughgood proposed a lot size within the medium density (MR) district be 110ft frontage by 130ft depth. Thoroughgood made a motion to schedule a public hearing during the November Council meeting. O'Neal seconded. The motion was carried unanimously.

Conditional use request – Alderleaf Meadows: More information regarding the size of the proposed signage is still needed from the applicant. Thoroughgood made a motion to table this item until the size of the signage is provided. Cordrey seconded. 6 voted yes to table this item, and 1 voted no. Motion passed.

Merry Millsboro Holiday Market event at Town Hall – fee for tables and/or chairs: Burk reminded Council the Christmas market will be held on November 19 & 20 from 9:00 am-2:00 pm at the Town Hall. Staff recommends \$10.00 to rent a table and \$10.00 to rent chairs. Cordrey made a motion to approve the rental cost proposed. O'Neal seconded. The motion was carried unanimously.

Adjournment: With no further business, Thoroughgood made a motion to adjourn. Kells seconded. The motion was carried unanimously.

Respectfully submitted,



James Kells
Secretary