



Mayor and Council
The Town of Millsboro

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

Mayor John Thoroughgood, District 2

Vice Mayor Michelle Truitt, District 3
Pro Tem Tim Hodges, District 1
Secretary James Kells, District 3
Treasurer Bradley Cordrey, District 1
Councilperson Ron O'Neal, District 2
Councilperson Larry Gum, At Large

Sheldon P. Hudson, Town Manager

**TOWN COUNCIL
REGULAR MEETING
November 6, 2017**

MINUTES

Meeting was called to order at 7:04 p.m.—with Mayor John Thoroughgood presiding. Also present were Vice Mayor Michelle Truitt, Pro Tem Tim Hodges, Secretary James Kells, Treasurer Bradley Cordrey, Councilperson Ron O'Neal, Councilperson Larry Gum, Town Manager Sheldon P. Hudson, Town Clerk Joanne Dorey and Town Solicitor Mary Schrider-Fox. No one was absent.

Pledge of allegiance: Mayor Thoroughgood led the pledge.

Public comment: Numerous comments from Plantation Lakes residents concerning “RPC4” and/or the clubhouse.

Public hearings:

A REQUEST FROM LENNAR FOR APPROVAL OF PROPOSED REVISED RESIDENTIAL PLANNED COMMUNITY (RPC) PLANS FOR THE PLANTATION LAKES SUBDIVISION—TOGETHER WITH A REQUEST TO AMEND A PORTION OF CHAPTER 210 (“ZONING”), SECTION 20 (“RPC DISTRICT”), SUBSECTION J (“MINIMUM LOT AREA AND WIDTH”) OF THE TOWN CODE

David Hutt of Morris James Wilson Halbrook & Bayard spoke on behalf of Lennar. Mr. Hutt introduced the Plantation Lakes team - Cindy McAuliffe, Joe Fortino and Matthew Destino of Lennar and Ken Usab of Morris & Ritchie Associates. Mr. Hutt stated since the October 17 meeting there had been several developments such as community input meetings; revision to section L land plan to remove condominiums; asking Council to consider only the location of clubhouse and the clubhouse campus and the developer response to the text amendment concerns. Ms. McAuliffe discussed community meetings and petitions with Council. Ms. McAuliffe stated Lennar would work with the community concerning the clubhouse design. Mr. Destino addressed Council concerning Section L layout. Mr. Destino stated the proposed changes to the residential planned community plan were Sheep Pen Road access remains; the Clubhouse area (2 buildings to 1 building); changing the Jefferson from 28 feet to 30 feet in width and the land plan revision to section L. Mr. Hutt stated that “RPC1” reflected 2,817 combined total units. The proposed “RPC4” would reflect 2,497 combined total units. Kells inquired about width of existing bridge; Mr. Fortino stated the bridge was being evaluated. Hodges verified that Duffield Associates reviewed changes to section L. Mr. Usab confirmed that Duffield Associates reviewed changes. Hudson asked during public comment if all petition

signers were residents of Plantation Lakes. Ms. McAuliffe stated all signers were residents of Plantation Lakes.

Cordrey made motion to close the public hearing. Gum seconded. Approved unanimously.

A RESOLUTION ESTABLISHING THAT A PUBLIC HEARING BE HELD CONCERNING THE RECOMMENDATION FROM THE ZONING COMMITTEE THAT ARTICLE II (“DEFINITIONS”), SECTION 7 (“TERMS DEFINED”), SUBSECTION B; ARTICLE IV (“DISTRICT REGULATIONS”), SECTION 18 (“HIGHWAY COMMERCIAL (HC) DISTRICT”), SUBSECTIONS B, C(1)(A), D, E(2), AND F(2); AND ARTICLE V (“GENERAL PROVISIONS”), SECTION 40 (“OFF-STREET PARKING AND LOADING; DRIVEWAYS”), SUBSECTION C(1) OF CHAPTER 210 (“ZONING”) OF THE TOWN CODE BE AMENDED

Kyle Gulbranson of AECOM addressed Council concerning changes to the zoning code for the Highway Commercial (HC) district. Mr. Gulbranson stated “brewpubs” had been removed from the draft. Another item that Mr. Gulbranson noted was lot coverage percentage for parking lots and driveways increased to 50 percent. Schrider-Fox asked if Council wanted to consider adding car wash as an accessory use in the Highway Commercial district. Hudson stated the public hearing was advertised in the October 20 edition of the *Coastal Point*.

O’Neal made motion to close public hearing. Cordrey seconded. Approved unanimously.

Request for approval of proposed amended final site plan for Royal Farms—property with a Sussex County tax map and parcel number of 233-5.00-115.15: Mike Riemann, PE from Becker Morgan Group requested a car wash be added to back of property. This building is a new prototype carwash; this is not the plexi-glass style carwash. Schrider-Fox verified that the carwash is a separate building because, as the current code is written, a carwash is not a permitted accessory use. Hudson asked Gulbranson if architectural requirements could be added in code. Gulbranson stated that it could be part of the code. Mayor Thoroughgood requested carwash be tabled until carwash plans were finalized.

Cordrey made motion to table request until rendering could be presented. Kells seconded. Approved unanimously.

Executive session: Truitt made a motion to go into executive session at 8:55 p.m. Cordrey seconded. Approved unanimously.

Call to order: Hodges made a motion to go back into regular session at 9:15 p.m. Truitt seconded. Approved unanimously.

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

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

Request for Town to change its policy relative to the allowance of “food trucks”: Two residents from Plantation Lakes requested permission to have food trucks at specific events. Mr. Gulbranson from AECOM mentioned possibly a modest license fee and possibly requiring vendors to carry liability insurance. The Town may want to require a special event permit. Hudson recommended the Town require State Division of Public Health approval.

Hodges made motion to have Schrider-Fox and AECOM pull information together to establish a process for these types of events. Gum seconded. Approved unanimously.

Millsboro Fire Company: John Hall presented the monthly report. There were 235 runs in October. There were 34 fire calls. Mr. Hall expressed gratitude to the Fire Police for their assistance. There was live burn training in Georgetown. Next year's Road Rally will be October 19, 20 and 21, 2018. The Ladies Auxiliary is hosting a Fall Festival. The Fire Police will be assisting with Christmas parades this year.

Greater Millsboro Chamber of Commerce: Hudson stated the Millsboro Christmas Parade would be taking place on Saturday, December 2, 2017, starting at 5:00 p.m. There will be a tree lighting, caroling, hot chocolate and Mr. & Mrs. Claus following the parade.

Police Department's report:

Chief Brian Calloway stated all officers had received ALERT (active shooter) training. The "Family Night Out" event was very well attended with approximately 360 people in attendance. Patrolwoman Dodson attended event at Giggiebugs and the Division of Motor Vehicles Trunk or Treat. Mayor Thoroughgood congratulated Chief Calloway on the Mountaire award. The nomination for this community service award is from WMDT channel 47.

Chief Calloway stated the program "Whiskers for Wishes" had raised \$1,000.00. The no shave event had raised \$500.00.

With regard to Office of Highway Safety initiatives, in the month of September, officers issued 109 tickets over a period of 42 hours worked.

The road work on State Street and Main Street was still causing some minor delays, but these roadways are open. Hudson stated that the Delaware Department of Transportation had indicated that the paving part of the project would spill over into spring.

Chief Calloway requested a reallocation of the FY2018 Sussex County Block Grant. The original grant allocated \$500.00 for administrative assistant clothing and \$500.00 for community supplies. The reallocation of this grant would now be \$374.85 for winter uniform tactical beanies, \$239.94 for six pairs of binoculars and \$314.85 for Mapul patrol rifle magazine couplers.

Truitt made motion for this reallocation. Cordrey seconded. Approved unanimously.

The Police Department was allocated \$4,881.30 from the FY-2018 State Aid to Local Law Enforcement (SALLE) Grant. Chief Calloway has requested these funds be allocated toward the following items: Motorola radio and accessories, Taser, and two EO Tech rifle sites.

Hodges made the motion to approve this grant allocation. Truitt seconded. Approved unanimously.

The Department was also allocated \$3,810.97 from the FY2018 Emergency Illegal Drug Enforcement (EIDE) Grant. Chief Calloway requested to allocate these funds toward drug and bike patrol overtime.

Truitt made the motion to approve this grant allocation. O'Neal seconded. Approved unanimously.

Chief Calloway advised Council that Patrolman Ebke had been deployed to Puerto Rico on October 24. Hudson inquired about status of the Violence against Women Act grant. Chief Calloway stated he had submitted the proposal and was advised that he probably would not hear anything until November 30.

Hudson said he would submit a letter in support of the grant, which would largely support funding of a new detective.

Hodges made the motion for Hudson to submit this approval letter. O'Neal seconded. Approved unanimously.

Streets:

Request from Town resident for Town to restrict the use of State Street by heavy trucks: Hudson stated the Town had received an open letter requesting heavy trucks be restricted on State Street. Schrider-Fox checked Delaware code and any restrictions would need to go through the State. No Council action.

Request to install stop signs at the intersection of Central Alley and Magee Alley and/or Central Alley and Burton Alley and/or to close one or more of the aforementioned alleys: Mayor Thoroughgood mentioned excessive speed down this alley by motorists seeking to avoid traffic on Main Street. Gum suggested possibly changing direction to one way. Mayor Thoroughgood said he would talk with business owners along this alley to see how reversing the traffic direction would impact them before bringing it back to Council for a vote.

Parks and Recreation:

Warren's Mill update:

Richard Beringer, PE of Duffield Associates presented the third phase of the Warren's Mill restoration project. The estimated project cost range goes from approximately \$321,000 to approximately \$366,000 with a payback period of 60-70 years based on the value of electricity. Hodges inquired about the possibility of getting grants; Mr. Beringer stated that would be the next step if the Town decided to proceed with project. Mr. Beringer also mentioned that a structural assessment should be taken and that some action would need to be done to keep the mill up.

Hodges made motion for Duffield Associates to proceed with structural engineering and to look into funding options. Truitt seconded. Approved unanimously.

Water and sewer:

Application for grant to replace "M&T pump station": Hudson and George "Kenny" Niblett, director of public works, met with Delaware Emergency Management Agency (DEMA) and learned that the Town is not eligible for the grant because Federal Emergency Management Agency (FEMA) will only fund rehabilitating a pump station not a new pump station.

Fees related to reading of water meters: Hudson stated he had received a request to possibly assess a fee due to water meters not being accessible. The second request Hudson relayed was one involving the Town charging a fee for having to do multiple rereads. Schrider-Fox stated both requests would require code changes. There was discussion as to whether this could be accomplished by adding items to the Town fee schedule. Hodges recommended remote access be available. Gum supported this recommendation of remote reads. Schrider-Fox recommended updating section 206-15 of the code, "reading meters." Hudson and Schrider-Fox will work together to determine how to proceed.

Mayor's report:

Application for annexation—property with a Sussex County tax map and parcel number of 133-16.00-121.00:

Hudson stated the Town had received a letter from Office of State Planning Coordination that stated the plan of services had been completed for the property.

Truitt made motion to approve annexation. Cordrey seconded. Approved unanimously. Hudson mentioned that, per Town Code, once services had been made available, residents would have 30 days to connect.

Possible amending of zoning code in cases of the highway commercial (HC) and/or urban business (UB) zoning districts: Gum made motion to approve the zoning changes that were presented earlier in meeting. Cordrey seconded. Approved unanimously.

Off-site sale of food items by nonprofits:

Hudson mentioned nonprofits setting up and having bar-be-que's and selling food on the weekend downtown. Schrider-Fox mentioned that, at the very least, these groups should have a business license. It was suggested that maybe this type of event be covered under a special event permit.

Hodges made motion that this type of event be addressed under the special event permit umbrella. Gum seconded. Approved unanimously.

Application to combine parcels—properties with Sussex County tax map and parcel numbers of 133-17.13-59.00, -59.01, and -57.00: Schrider-Fox reviewed the request to combine lots from Grace United Methodist Church. It was recommended that the church withdraw its request for lot combination because there can only be one principal use on a parcel. No Council action was taken.

Request from Messrs. Harold Dukes Jr. and Clint Bunting to extend the final site plan approval for Monroe Square:

Clint Bunting, on behalf of Tunnell & Raysor, P.A. and via Hudson, requested an extension of the final site plan approval. It was stated that one of the previous owners passed away and that another had filed for bankruptcy.

Hodges made motion to approve extension. Gum seconded. Approved unanimously.

Request for approval of proposed final site plan for "Mid-Atlantic Animal Hospital"—property with a Sussex County tax map and parcel number of 133-16.16-23.00:

Julian A. Pellegrini, E.I. of the PELSA Company presented the request for final site plan approval for Mid-Atlantic Animal Hospital. Sidewalks would be along the front of Dupont Highway only.

Gum made motion to approve the request pending approval of the landscape plan and receipt of the letter of no objection from the State Department of Transportation. Truitt seconded. Approved unanimously.

Request from Lennar for approval of proposed revised residential planned community (RPC) plans for the Plantation Lakes subdivision—~~together with a request to amend a portion of Chapter 210 (“Zoning”), Section 20 (“RPC District”), Subsection J (“minimum lot area and width”) of the Town Code:~~

Schrider-Fox stated there should be two separate votes. First, the Text Amendment which means smaller lot sizes in a subdivision of 100 acres or more. Hodges mentioned the space between buildings and setbacks would not be changing.

Hodges made motion to approve the text amendment. Kells seconded. Approved unanimously.

Truitt made motion to accept the RPC4 proposal as presented earlier in the evening. Hodges seconded. Approved unanimously.

Gum mentioned the Clubhouse design was between Lennar and the HOA. Hodges also mentioned his appreciation for Lennar working with homeowners.

Request from Lennar to further reduce the bond amounts associated with Plantation Lakes Sub-phase 2.2:

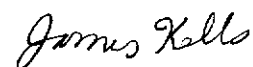
Hudson presented the request from Lennar to further reduce the bond amount from \$579,125.05 to \$464,966.25.

Gum made motion to reduce bond. Cordrey seconded. Approved unanimously.

Business conducted in executive session: Hodges made motion to approve the agreement as discussed in executive session. Gum seconded. Approved unanimously.

Adjournment: With no further business, Mayor Thoroughgood asked for a motion to adjourn. Truitt made such a motion. Hodges seconded. Approved unanimously at 10.45 p.m.

Respectfully submitted,



James Kells
Secretary

JK:sh:jd