



Town Council
Town of Millsboro
322 Wilson Highway
Millsboro, Delaware 19966
(302) 934-8171
(302) 934-7682 (Fax)

town@millsboro.org

Mayor Kimberley Kaan
Vice Mayor John Thoroughgood
President Pro Tem Ron O'Neal
Treasurer Robert McKee
Secretary Mary D'Silva
Councilman Matthew Davis
Councilman Marty Presley

Jamie Burk, Town Manager

Posted on January 27, 2025 at 12:18p.m.

A G E N D A

Public Hearing, Town Council Meeting and Executive Session
Monday, February 3, 2025
7:00P.M.
Millsboro Town Center
322 Wilson Highway

NOTE: Unless otherwise indicated, there may be a vote and Council action taken on each and every agenda item set forth herein.

Call to Order Town Council Meeting at 7:00p.m.

Pledge of Allegiance/Council Roll Call

Adoption of the Agenda

Public Comment (3-minute limit)* - No action

Marvelous Millsboro Minute

Secretary's Report

- January 8, 2025 Town Council Meeting Minutes

Treasurer's Report

Bank balances
Invoices

Millsboro Fire Company Update- No action

Greater Millsboro Chamber of Commerce Update

Police Department's Report

Committee Reports

- Asset Management and Finance Committee
- Beebe Medical Center Project Committee

Committee Reports continued:

- Charter and Code Review Committee (*update is within the Mayor's Report of this agenda, and will be discussed at that time*)
- Downtown Millsboro Committee (*no update*)
- Personnel Committee (*no update*)
- Tidal Health Committee

Water and Sewer

Open Public Hearing

A Public Hearing for Towne Lakes, identified as Sussex County tax map and parcel number 233-5.00-122.00, containing 131.23 acres, more or less, Millsboro Towne Center. LLC having made an application at the Town of Millsboro for a major subdivision in a medium density residential (MR) district with an overlay of the residential planned community (RPC) district to consist of 450 mixed residential units.

Close Public Hearing

Mayor's Report

Towne Lakes, identified as Sussex County tax map and parcel number 233-5.00-122.00, containing 131.23 acres, more or less, Millsboro Towne Center. LLC having made an application at the Town of Millsboro for a major subdivision in a medium density residential (MR) district with an overlay of the residential planned community (RPC) district to consist of 450 mixed residential units.

PKS & Company, P.A. 3-year Contract Renewal for Auditing Services

Intervet Annexation Committee Recommendation for the application from Intervet, Inc to request to annex the property located at 26445 E State Street, Millsboro. Formally known as tax map and parcel number 133-17.00-6.00

Conditional Use Renewal: Application submitted by J & Y Parker Family L.P. for the property located at 332 Main Street Millsboro, formally known as tax map parcel number 133-17.09-29.00 (Burk)

Charter and Code Review Committee Recommendations:

Discuss possibly amending Chapter 16, Code of Ethics, of the Town Code

Resolution to amend the Charter of the Town of Millsboro, Chapter 457, Volume 60, Laws of Delaware, as amended, entitled "an act to reincorporate the Town of Millsboro", Section 16, duties of the Mayor and President of Council, by amending subparagraphs (A) and (D) thereof so that both the Mayor and Town Council shall be responsible for appointing Committees and to strike the complaint and nuisance and violation of law receipt and reporting requirements.

Resolution to amend the Charter of the Town of Millsboro, Chapter 457, Volume 60, Laws of Delaware, as amended, entitled "An act to reincorporate the Town of Millsboro", Section 3, Annexation of Territory, by amending subsection 3.1 thereof so that both the Mayor and Town Council shall be responsible for appointing a Committee to investigate the possibility of

MILLSBORO TOWN COUNCIL AGENDA
FEBRUARY 3, 2025
PAGE 3 OF 4

annexation upon receipt of a petition signed by all owners of the territory proposed for annexation and to clarify to whom a petition is initially submitted for review prior to presentation to the Town Council

Ordinance to amend Chapter 161, Sewers, of the Town Charter of the Town of Millsboro by deleting therefrom Article X, Appeal Procedures, Section 161-55, Duties of the Mayor and Council, and 161-56, Appeals to the Mayor and Council

Discuss possibly amending Section 10 of the Town Code related to moving the date of Town Council Meetings

Discuss possibly amending Town Code related to Residential Planned Community (RPC) Districts for future submitted applications

Update on the realtor review of 111 W. Railroad Avenue, formally known as Sussex County tax map and parcel number 133-17.13-32.01 (Burk)

Millsboro Chamber of Commerce Annual Stars and Stripes Event (Burk)

Millsboro Chamber of Commerce Annual Fireworks for the Stars and Stripes Event (Burk)

Discuss possibly amending Chapter 200-37 Schedule XIII: Snow Emergency Routes of the Town Code to add more streets to the list in an effort to expand the snow emergency routes (Burk)

Adjustments related to consumer price index (Hall)

Recess

Executive Session—

Pursuant to 29 Del. C. §10004(4), strategy session with respect to collective bargaining regarding General Teamsters Local No. Union 326, affiliated with The International Brotherhood of Teamsters, AFL-CIO.

Pursuant to 29 Del. C §10004 (b) (2) The Town Commissioner's will be meeting in executive session to have preliminary discussions on site acquisitions for any publicly funded capital improvement or sales/leases of real property.

Call to order

Business Conducted in Executive Session

Adjournment

**30-minute time limit. Time limit is 3 minutes per speaker, not to exceed a total of 30 minutes. Time may not be ceded to another member of the public. Each person making Public Comment shall identify themselves by name and place of residence for the record and shall address all remarks to the Town Council a body and not to any member thereof. Individuals may submit their comment to Town Council members in writing up to 24 hours in advance of the Town Council Meeting to town@millsboro.org or delivering it to 322 Wilson Avenue, Millsboro, De. No one other than a member of the Town Council or Town Staff is permitted to enter discussions without approval of the Mayor. No members of the public are permitted to ask questions of any speaker while they are addressing the Town Council, without permission from the Mayor. All persons at the Town Council meeting should conduct themselves in an orderly fashion. All shall follow the direction of the Mayor, no disruptive behavior is permitted, and electronic*

MILLSBORO TOWN COUNCIL AGENDA
FEBRUARY 3, 2025
PAGE 4 OF 4

devices shall be silent. Please be courteous to those who are speaking during public comment by refraining from commenting from the audience while others are speaking. NOTE: (1) This agenda is subject to change. Such changes may include the addition of items that arise at the time of the meeting and/or the deletion of items. In the case of additions related to items that arise prior to the meeting, the change will be posted with as much notice as practicable under the circumstances—but in no case will the notification be provided less than 6 hours prior to the meeting start time—and the associated item will be (a) of an emergency nature and/or (b) unable to reasonably be deferred for handling at a future meeting. (2) One or more of the items listed may not be considered in sequence.



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Treasurer Robert McKee
Secretary Mary D'Silva
Councilman Matthew Davis
Councilman Marty Presley

Jamie Burk, Town Manager

Posted on January 15, 2025 at 3:05p.m.

NOTICE

Public Hearing
Monday, February 3, 2025
7:00P.M.
Millsboro Town Center
322 Wilson Highway

A Public Hearing for Towne Lakes, identified as Sussex County tax map and parcel number 233-5.00-122.00, containing 131.23 acres, more or less, Millsboro Towne Center. LLC having made an application at the Town of Millsboro for a major subdivision in a medium density residential (MR) district with an overlay of the residential planned community (RPC) district to consist of 450 mixed residential units.

Millsboro Police Department Monthly Report



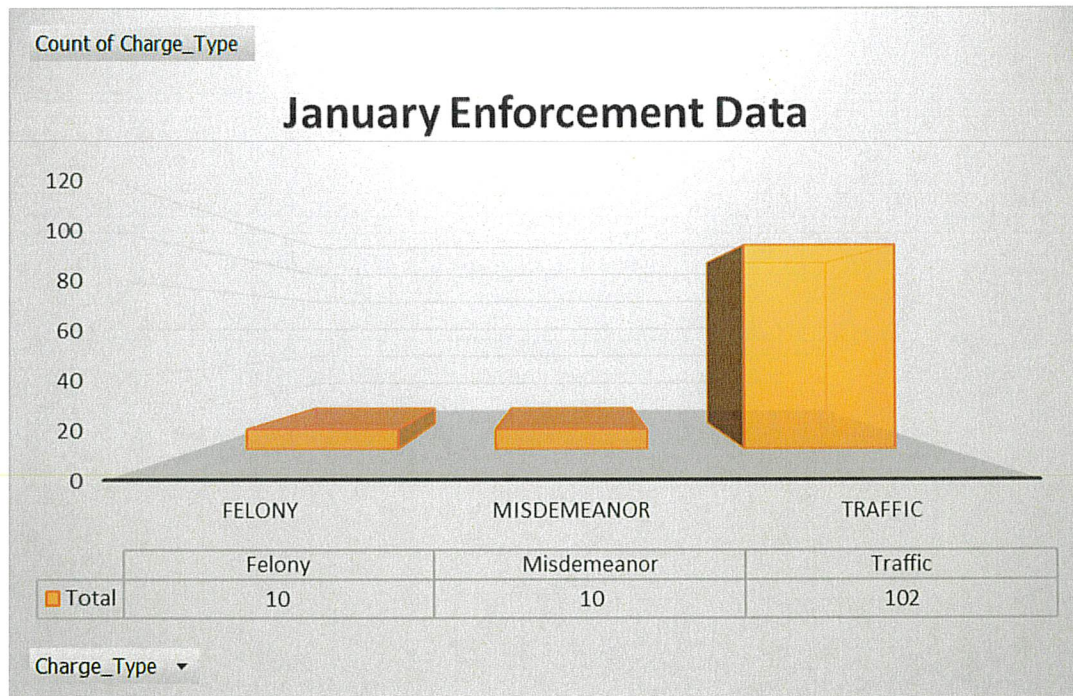
Town of Millsboro Council Report
January 2025
(December 23, 2024 – January 21, 2025)

MILLSBORO POLICE DEPARTMENT MONTHLY REPORT

Millsboro Police Enforcement Data

Millsboro PD Reported Incidents	January	December	November
Complaints / Incident Reports	137	200	165
Crime Reports	23	42	33
Domestic Incident Reports	11	24	17
Assist other Agency Reports	8	15	9
Field Service Reports	87	94	78
Overdose / Narcan Admin	0	8	3
Overdose Fatal	0	0	0
Traffic Stops	116	224	189
Traffic Citations	54	116	104
DUI	3	3	3

January Enforcement Data



MILLSBORO POLICE DEPARTMENT MONTHLY REPORT

January 2025 YTD Crime Statistics

PART I OFFENSES

Offense_Order	Crime_Categ	2024	2023
A03	Kidnap	0	0
A04	Rape	0	0
A06	Robbery	0	0
A07	Assault/Aggravated	0	0
A08	Burglary	3	3
A09	Theft	4	13
A10	Theft/Auto	0	2
A12	All Other	0	1
PART I OFFENSES		7	19

PART II OFFENSES

Offense_Order	Crime_Categ	2024	2023
A13	Other Assaults	8	10
A15	Criminal Mischief	2	2
A16	Weapons	0	0
A17	Other Sex Offenses	0	0
A18	Alcohol	0	0
A19	Drugs	0	2
A20	Noise/Disorderly Premise	2	7
A21	Trespass	1	3
A22	Disorderly Conduct	4	4
A23	Other	42	49
PART II OFFENSES		59	77

PART III OFFENSES

Offense_Order	Crime_Categ	2024	2023
A24	Alarm	16	19
A25	Animal Control	1	1
A26	Recovered Property	1	3
A27	Service	44	55
A28	Suspicious Per/Veh	13	18
PART III OFFENSES		75	96
Summary		141	192

MILLSBORO POLICE DEPARTMENT MONTHLY REPORT

January 2025
Quality of Life Calls

Centerview Shopping Center	Count of CRIME DESC.
ASSIST OTHER POLICE AGENCY	1
BURGLAR/ROBBERY ALARMS	3
BURGLARY/NO FORCED ENTRY/FREE TEXT	1
CHECK ON WELL BEING	1
DISORDERLY CONDUCT/UNRELATED TO LIQUOR	2
LARCENY/FROM VEHICLE/NOT ATTACHED	1
LOST OR MISPLACED PROPERTY/OTHER PROPERTY RECOVERS/OPR/INCLUDES DRUGS	1
PUBLIC ASSISTANCE	2
SUSPICIOUS PERSON	1
Grand Total	13
Food Lion Shopping Center	Count of CRIME DESC.
911 DISCONNECT	1
CPC - HIGH RISK OFFENDER (HRO)	1
DAMAGE/PRIVATE PROPERTY	1
LARCENY/FROM VEHICLE/NOT ATTACHED	1
Grand Total	4
Wawa	Count of CRIME DESC.
DISORDERLY CONDUCT/LIQUOR INVOLVEMENT	1
DRIVING UNDER THE INFLUENCE/LIQUOR	1
PUBLIC ASSISTANCE	1
RESISTING ARREST	1
SUSPICIOUS VEHICLE	1
Grand Total	5
Plantation Lakes	Count of CRIME DESC.
BURGLAR/ROBBERY ALARMS	1
CHECK ON WELL BEING	3
CURFEW VIOLATION/WARNING	1
DISORDERLY CONDUCT/UNRELATED TO LIQUOR	2
DOMESTIC SITUATION/NON CRIMINAL/CUSTODY DISPUTE	1
HARASSING COMMUNICATION/PHONE/WIRE/MAIL ONLY	2
NOISE COMPLAINT (LOUD PARTY/RADIO, PERSON SCREAMING, ETC.)	1
OFFENSIVE TOUCHING/OTHER ASSAULTS/NON-AGGRAVATED	1
OTHER ANIMAL COMPLAINT	1
PARKED VEHICLE	1
SIMPLE ASSAULT/NON-FAMILY/OTHER ASSAULTS/NON-AGGRAVATED	1
SUSPICIOUS PERSON	3
SUSPICIOUS VEHICLE	1
TRAFFIC VIOLATIONS	2
VIOLATION OF PROTECTION FROM ABUSE ORDER (PFA)	1
Grand Total	22

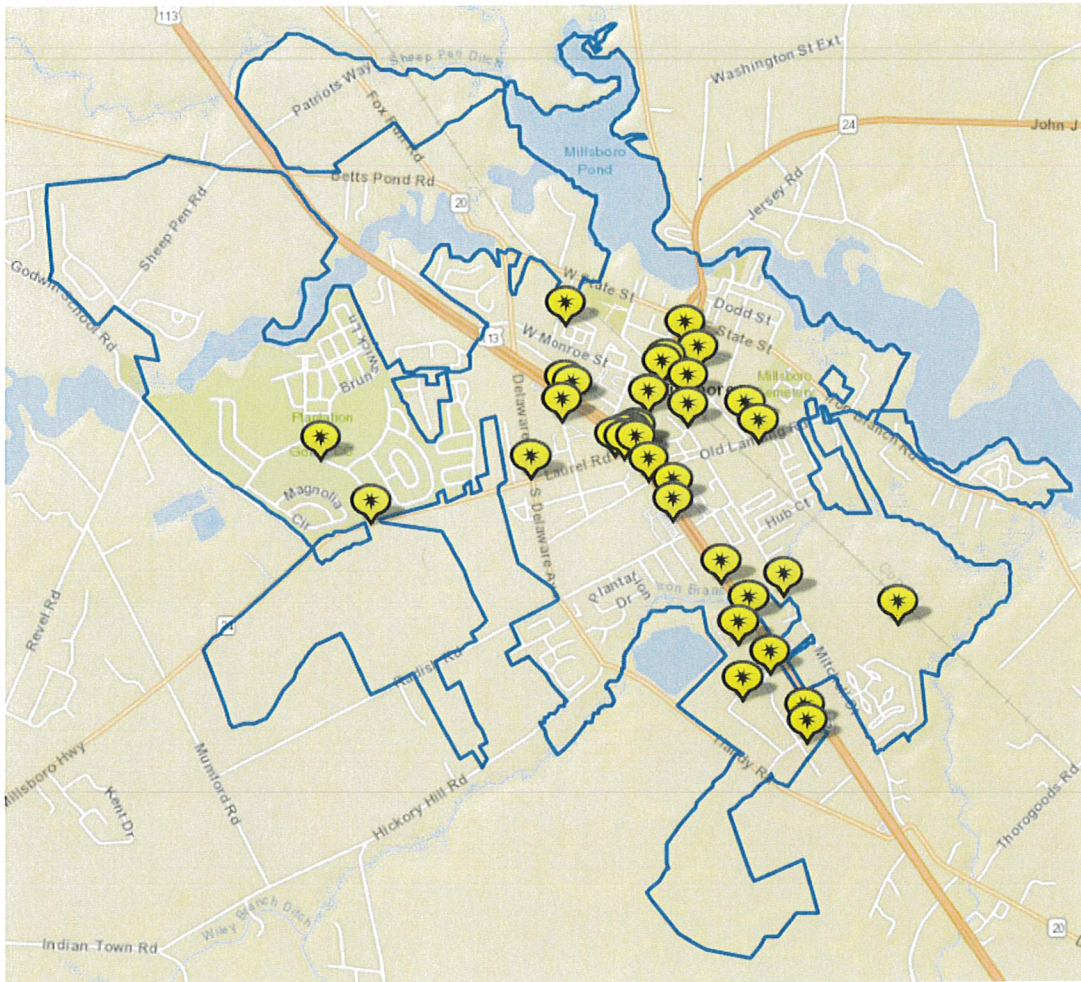
MILLSBORO POLICE DEPARTMENT MONTHLY REPORT

January 2024
Quality of Life Calls

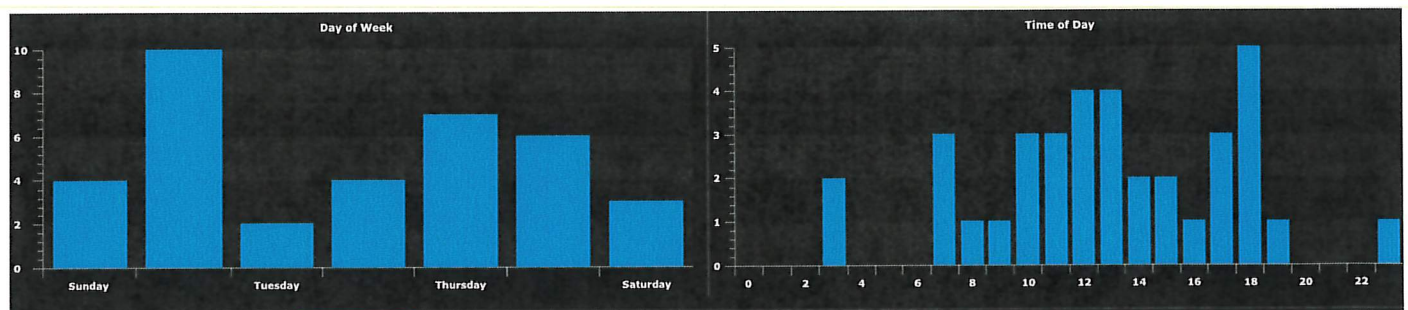
Mill Chase Apts	Count of CRIME DESC.
ASSIST OTHER POLICE AGENCY	1
BURGLARY/FORCED ENTRY/RESIDENCE	2
COCAINE/POSSESSION	1
CONDITIONAL RELEASE VIOLATION	2
CONTRIBUTING TO THE DELINQUENCY OF A MINOR/ENDANGERING THE WELFARE OF A CHILD	5
HEROIN/POSSESSION	1
MAINTAINING A DWELLING/VEHICLE FOR DRUG DISTRIBUTION	1
NOISE COMPLAINT (LOUD PARTY/RADIO, PERSON SCREAMING, ETC.)	2
OFFENSIVE TOUCHING/OTHER ASSAULTS/NON-AGGRAVATED	1
POSSESSION OF DRUG PARAPHERNALIA	1
PUBLIC ASSISTANCE	1
SIMPLE ASSAULT/NON-FAMILY/OTHER ASSAULTS/NON-AGGRAVATED	1
Grand Total	19

MILLSBORO POLICE DEPARTMENT MONTHLY REPORT

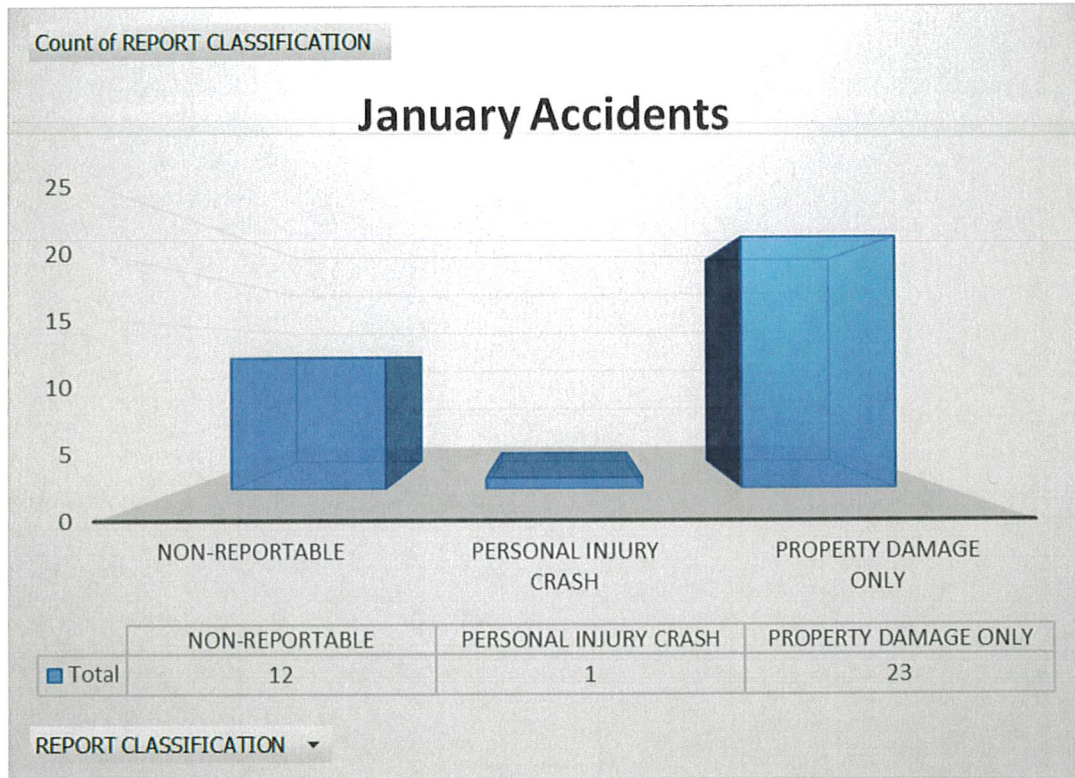
January Crash Data



January Crash Data

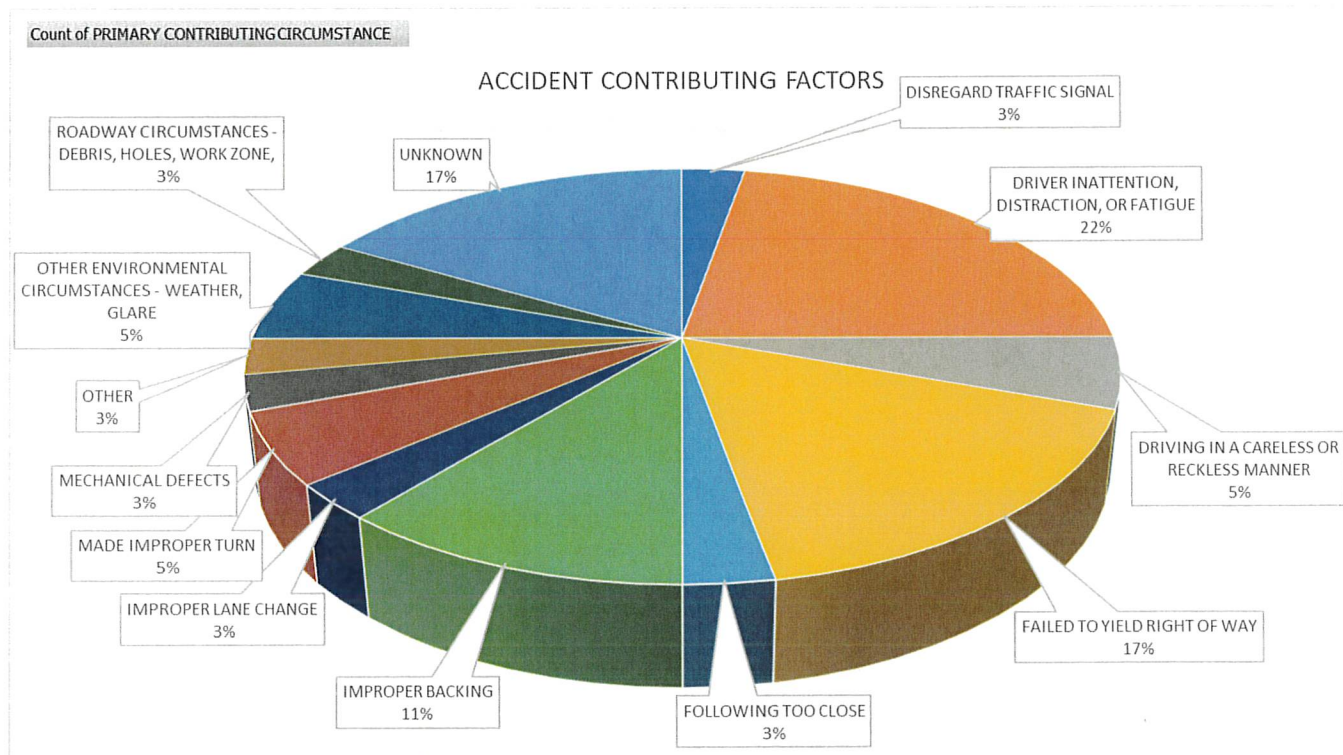


MILLSBORO POLICE DEPARTMENT MONTHLY REPORT



MILLSBORO POLICE DEPARTMENT MONTHLY REPORT

JANUARY TRAFFIC ACCIDENT CONTRIBUTING FACTORS



MILLSBORO POLICE DEPARTMENT MONTHLY REPORT

JANUARY 2025 SIGNIFICANT EVENTS

January 2025 Significant Complaints

This does not include each and every complaint during the selected month. This simply includes a brief synopsis of significant events that occurred in Town limits.

Date	COMP #	Crime	Recap	Results
4-Jan	37	Felony DUI	Officers were dispatched to check the welfare of a subject that was behind the wheel of a vehicle and possibly intoxicated. Upon officers arrival they conducted a DUI investigation after it was determined the subject had actual physical control of the vehicle. The subject was arrested and it was discovered this was his 3 rd DUI arrest.	Adult Arrest
15-Jan	128	Assault	An ongoing neighbor dispute In Mill Chase Apartments resulted in a fight between multiple subjects. During the fight, the victim was violently assaulted and sustained non-serious injuries. Multiple people were arrested for Burglary 1 st degree. Assault 3 rd , Offensive Touching and Conspiracy.	Adult Arrest

MILLSBORO POLICE DEPARTMENT MONTHLY COUNCIL REPORT February 2025

TRAINING

1. On January 21st & 22nd, all Millsboro Officers attended Officer Wellness & Resiliency Training at the Millsboro Police Department, provided by the Delaware State Police.
2. On January 14th, Lt. Moyer attended Collaborative Approaches to Stalking: A Case Study and Panel Discussion at Kent County Superior Court.

CALEA UPDATE

1. We are in the process of migrating to the new Power DMS platform. This new program will allow us to start completing many of our paper forms/reports on a digital platform.
2. Review of the Millsboro Police Department's monthly enforcement data report.

Personnel Update

1. Bryan Jones was recognized and awarded the A Shift Performance Commendation.

Community Events

There were no events for the month of January.

Future Community Events

1. We will have a Coffee with a Cop at Starbucks on February 5th from 10 am to 11:30 AM.
2. We will be hosting a spring basketball tournament on May 17th, and May 24th is scheduled as the rain date.

**MILLSBORO POLICE DEPARTMENT
MONTHLY COUNCIL REPORT
February 2025**

3. We will be hosting our 5th Annual Youth Police Academy in the summer, a date to be determined.

Grants

There are no grants that will be presented during this meeting.

January 16th, 2025

Via Electronic Mail

Mr. Jamie Burk
Town of Millsboro
322 Wilson Highway
Millsboro, DE 19966

**RE: Towne Lakes
Amended Preliminary Subdivision Plan
Project No. CB0201524 - Phase 74
Tax Map No's.: 233-5.00-122.00**

Dear Mr. Burk:

Verdantas LLC (Verdantas) has reviewed the second submission of the Amended Preliminary Subdivision Plan for the Towne Lakes Residential Planned Community prepared by Pennoni Associates Inc., for the above referenced project:

<u>Sheet Number</u>	<u>Sheet Name</u>
PP0001	Amended Preliminary Cover Sheet
PP0002	Amended Boundary Adjustment Plan
PP0003	Amended Preliminary Subdivision Plan Notes and Details
PP1000	Amended Preliminary Subdivision Key Sheet
PP1001	Amended Preliminary Subdivision Plan
PP1002	Amended Preliminary Subdivision Plan
PP1003	Amended Preliminary Subdivision Plan
PP1004	Amended Preliminary Subdivision Plan
PP1005	Amended Preliminary Subdivision Plan
PP1006	Amended Preliminary Subdivision Plan
PP1007	Amended Preliminary Subdivision Plan
PP1008	Amended Preliminary Subdivision Plan
PP1100	Amended Phasing Plan

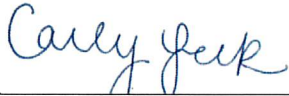
The plans were issued on November 25th, 2024, and received by Verdantas on January 15th, 2025. Please be advised that Verdantas did not review the plans for compliance with the zoning requirements of the Code of The Town of Millsboro, including parking spaces and landscaping, as the Town relies on AECOM for these services. Additionally, the Town relies on the Sussex Conservation District (SCD) for approval of the sediment control, drainage design and details; therefore, we did not review the associated plan sheets.



Project No. CB0201524 - Phase 74
Towne Lakes
Amended Preliminary Subdivision Plan
January 16th, 2025

Verdantas has no further comments on the Towne Lakes – Amended Preliminary Subdivision Plans and as such, Verdantas has no objection to Town Council's approval of Towne Lakes - Amended Preliminary Subdivision Plans. Please feel free to reach out with any questions or concerns.

Sincerely,
VERDANTAS LLC



Carly A. Peck
Staff Engineer



Gregory A. Freimuth
Project Manager





AECOM
28485 Dupont Boulevard
Millsboro, DE 19966
www.aecom.com

302 933 0200 tel
302 933 0320 fax

January 20, 2025

Mr. Jamie Burk
Town Manager
Town of Millsboro
322 Wilson Highway
Millsboro, DE 19966

**RE: Towne Lakes Residential Planned Community Site Plan
Amended Preliminary Subdivision Plan
Tax Parcel Numbers: 233-5.00-122.00**

Dear Mr. Burk:

AECOM has reviewed the Towne Lakes Residential Planned Community Amended Preliminary Subdivision Plan dated April 20, 2023, revised to November 25, 2024, and received by our office on January 15, 2025. The site is located off Handy Road, and access to the property is to match Towne Centre Boulevard. The applicant is seeking to develop 450 dwelling units with the breakdown for each housing type as follows: 330 single-family detached dwellings and 120 garden apartment units. It is our understanding, the applicant has received Town approval to rezone the property from MR to MR-RPC, as well as a series of annexations and additions relating to lots 233-5.00-122.00 & 123.00. Preliminary site plan approval was granted by Millsboro Town Council at their meeting of November 6, 2023. The purpose of this review is to examine the proposed amended preliminary subdivision plan and ensure compliance with the Town of Millsboro's Code with respect to the Subdivision of Land and Zoning. After our review we offer the following comments:

Procedural/Administrative

1. § 178-7 of the Subdivision Code provide the regulations governing Major Subdivisions in the Town of Millsboro.
2. § 178-15 of the Subdivision Code provide the regulations governing modifications and exceptions for subdivision requirements.
3. § 210-13 of the Zoning Code provide the regulations governing the Medium-Density (MR) District.
4. § 210-20 of the Zoning Code provides the regulations governing the Residential Planned Community (RPC) district.
5. § 210-32 of the Zoning Code provides the regulations governing the development of garden apartments in the Town of Millsboro.
6. § 210-66C of the Zoning Code provides the requirements and procedures for final site plan review.
7. Prior to approval of the Final Plan, the Town should assure that the following approvals have been granted by the following agencies:
 - Sediment and Erosion Control Plans - Sussex County Conservation District
 - Stormwater Management Plans - Sussex County Conservation District

- | | | |
|-----------------------------------|---|--------------------|
| • Fire Marshal Site Plan Approval | - | State Fire Marshal |
| • Water | - | Town of Millsboro |
| • Sewer | - | Town of Millsboro |
| • Grading Plan | - | Town Engineer |
| • Entrance Permit | - | DelDOT |
| • HOA Documents | - | Town Attorney |

General Comments

1. Sheets PP1001-1005 note under areas identified as being open space that a recreation program is TBD. It is unclear from the proposed plans what activities may comprise the recreation program in addition to a timeframe not being provided for the establishment of the program. Prior to the approval of the final plan the appropriate information should be submitted to the Town regarding the recreation program with specifics on those open space areas where a recreational component will be established, whether any areas will remain passive, and a timeline for completion.

Comment: The engineer has stated that during the planning and design phases of the project the open space that has been identified will be dedicated as green open space. Amenities including walking trails, community gathering spots, and conserved natural areas will be utilized to enhance the quality of life for residents and to promote the interconnectivity of open spaces and movement throughout the development.

Planning/Technical Issues

1. The applicant is seeking a waiver from §178-14B.(13) of the Millsboro subdivision regulations for providing adequate turnarounds for the following four streets; Goosander Way, Red Fox Run, Iron Wood Lane, and Eiders Run. Waivers from the strict compliance of the subdivision regulations can be granted via §178-15B by Town Council so long as the objectives of the code are fulfilled. Additional conditions can be placed on the project to secure the objectives of the waived requirements. It is also important to note that any granted waiver does not exempt the project from the requirements of other public agencies.

An additional note should be included on the plan clarifying whether a barrier of some kind will be provided at the terminus of each of the four dead-end streets. The applicant has included a note stating that the dead-end streets will provide a future connection to the adjacent properties.

Comment: The applicant has stated that a physical barrier will be placed at the end of the dead-end roadways to indicate the road is impassible and will be identified on the final plans. The current plans do not show a physical barrier being present or any signage installed.

2. The pool and respective area are required to meet the provisions for swimming pools enumerated in §210-46B of the zoning code. Detail sheets and plans for the construction of the pool and amenity area should be provided for review and approval of Town Council.

Comment: The applicant has stated that the design details for the proposed community amenities will be provided to town council prior to final site plan and subdivision approval.



3. Prior to final plan approval a landscaping plan per §210-41A.(3d) shall be provided that fully meets the requirements set forth in §210-41A.(3e).
4. All provided lighting shall meet the requirements provided in §210-37 of the zoning code with a lighting plan included in the final plan set.

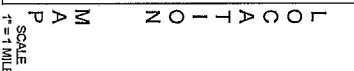
After reviewing the amended Preliminary Subdivision Plan for Towne Lakes, AECOM considers these revisions to be appropriate and in conformity with the Town of Millsboro subdivision code and recommends preliminary subdivision plan approval for which a public hearing will need to be held.

If you have any questions or need additional information, please do not hesitate to call.

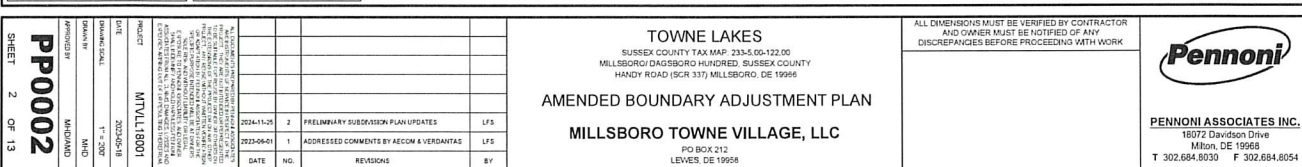
Sincerely,
AECOM

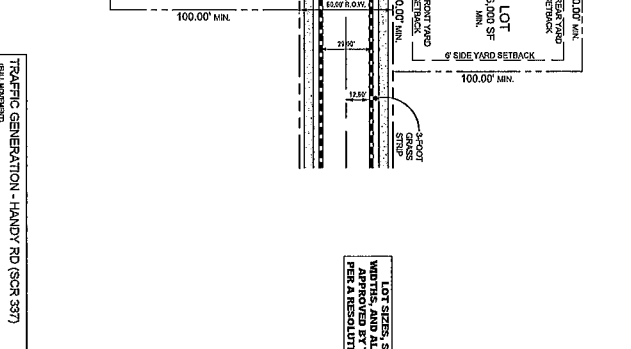
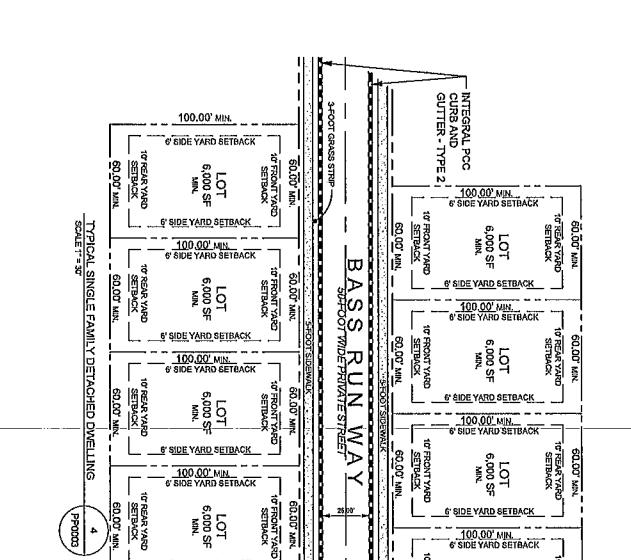
A handwritten signature in blue ink, reading "Kyle Gulbranson".

Kyle F. Gulbranson, AICP
Project Manager

TOWN OF MILLSBORO

[illegible][illegible]



[illegible]

	#	TOWNE LAKES	ALL DIMENSIONS MUST BE AND OWNER MUST DISCREPANCIES BEFORE
	#	SUSSEX COUNTY TAX MAP: 213-5-00-122-00	
	#	MILLSBORO DADSBORO HUNKRED, SUSSEX COUNTY	
	#	HANDY ROAD (SCR 337) MILLSBORO, DE 19669	
	#	AMENDED PRELIMINARY SUBDIVISION PLAN	
	#	NOTES AND DETAILS	
	#	MILLSBORO TOWNE VILLAGE, LLC	
BY PLANS UPDATES	LFB	PO BOX 212	
BY AECOM & VERIDANT	LFB	LEVER, DE 19058	
ISS	SYB		

TOWNE LAKES
SUSSEX COUNTY TAX MAP: 233-500-122.00
MILLSBORO/ DADOSBORO HUNDRED, SUSSEX COUNTY
HANDY ROAD (SCR 337) MILLSBORO, DE 19966
AMENDED PRELIMINARY SUBDIVISION PLAN
NOTES AND DETAILS
MILLSBORO TOWNE VILLAGE, LLC
PO BOX 212
LEWES, DE 19958

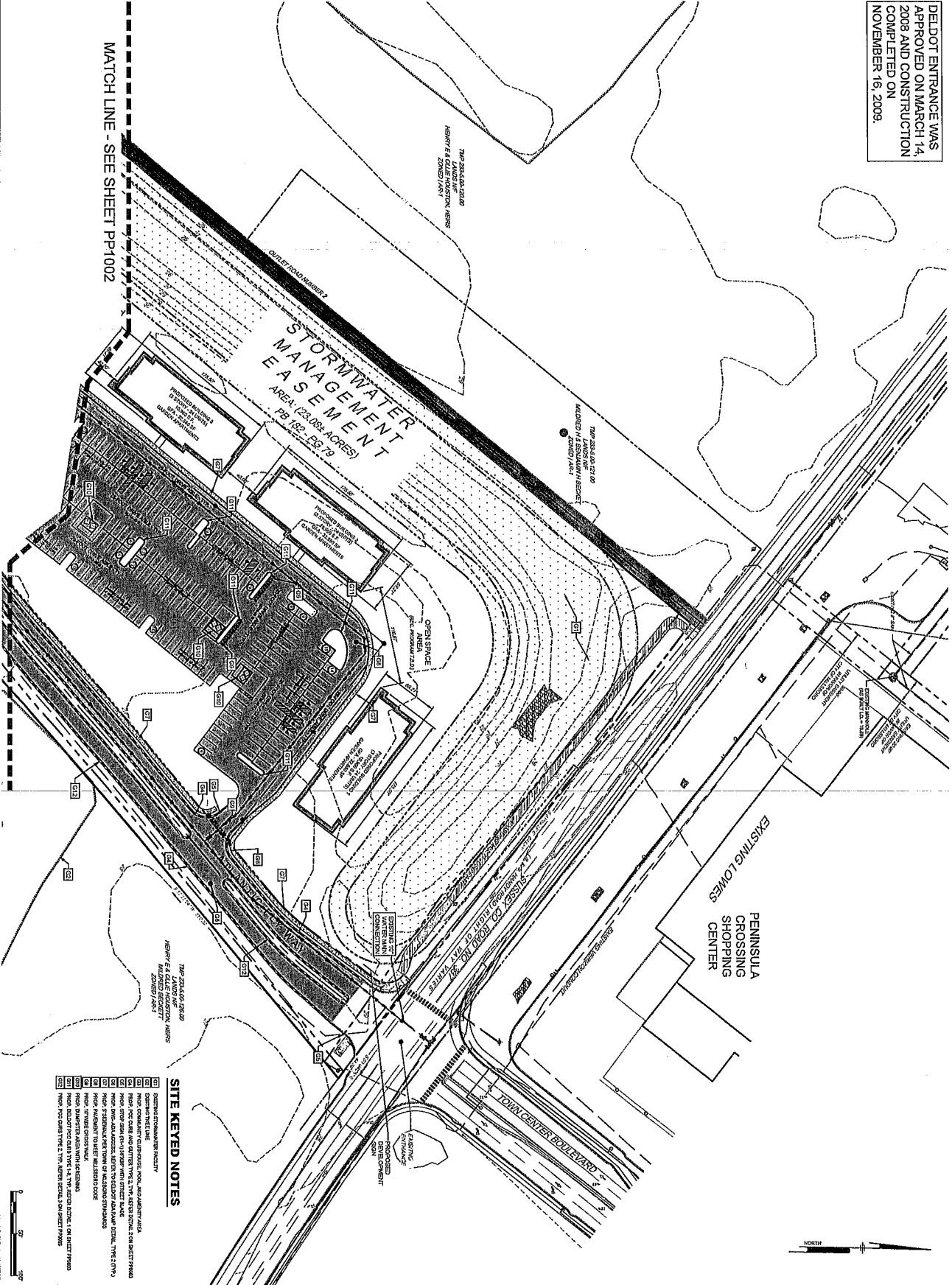
ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK



PENNONI ASSOCIATES INC
18072 Davidson Drive
Millon, DE 19968
T 302.684.8030 F 302.684.6054



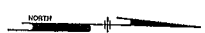
DELDOT ENTRANCE WAS
APPROVED ON MARCH 14,
2008 AND CONSTRUCTION
COMPLETED ON
NOVEMBER 16, 2009.



MATCH LINE - SEE SHEET PP1002

SITE KEYED NOTES

- 1. EXISTING LOT LINES
- 2. EXISTING LOT DIMENSIONS
- 3. EXISTING LOT AREAS
- 4. EXISTING LOT PERIMETERS
- 5. EXISTING LOT CORNERS
- 6. EXISTING LOT ADJACENTS
- 7. EXISTING LOT ADJACENTS
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NO.	DATE	BY	REVISION
1	02/14/07	PP	PRELIMINARY SUBDIVISION PLAN UPDATES
2	02/14/07	PP	ADDRESSING COMMENTS BY ASCM & VANDANAS

TOWNE LAKES
SUSSEX COUNTY TAX MAP: 235-6-00-122.00
MILLSBORO CROSSING SHOPPING CENTER, SUSSEX COUNTY
HARDY ROAD (SCR 337) MILLSBORO, DE 19966

AMENDED PRELIMINARY SUBDIVISION PLAN

MILLSBORO TOWNE VILLAGE, LLC

PO BOX 212
LEWES, DE 19956

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK

Pennoni

PENNONI ASSOCIATES INC.
16072 Davidson Drive
Millsboro, DE 19966
T 302.684.8030 F 302.684.8054

PP1001
SHEET 5 OF 13

MATCH LINE - SEE SHEET PP1005 MATCH LINE - SEE SHEET PP1003

MATCH LINE - SEE SHEET PP1005

MATCH LINE - SEE SHEET PP1006

STORMWATER
MANAGEMENT
EASEMENT

WOODS MATCH LINE - SEE SHEET PP1002

- SITE KEYED NOTES**
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DEPOTES STORMWATER EASEMENT - 174'



TOWNE LAKES
BUSECK COUNTY TAX MAP: 203-5-00-122-00
MILLSBORO OVERSEER HILL, BUSECK COUNTY
HANDY ROAD (6CR 337) MILLSBORO, DE 19968

AMENDED PRELIMINARY SUBDIVISION PLAN

MILLSBORO TOWNE VILLAGE, LLC
PO BOX 212
LEWES, DE 19958

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK

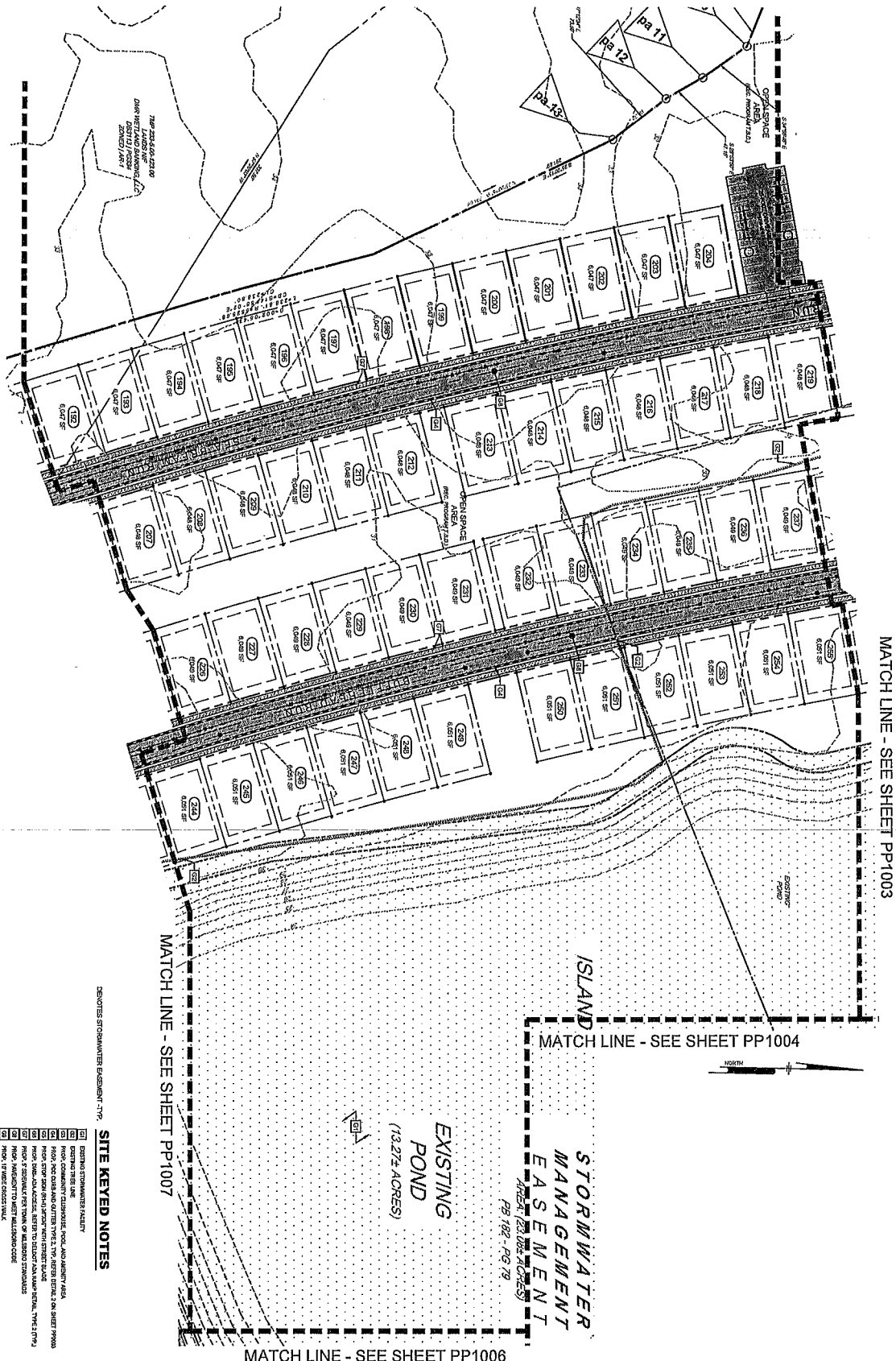


PENNONI ASSOCIATES INC.
18072 Davidson Drive
Milton, DE 19968
T 302.684.8030 F 302.684.8054

PP1004
SHEET 8 OF 13

NO.	DATE	REVISIONS	BY
1	2024-11-15	PRELIMINARY SUBDIVISION PLAN UPDATES	LF8
2	2025-05-01	ADDRESS COMMENTS BY ARCON & VERDANT	LF8

PROJECT: JPL11.18001
DATE: 2024-11-15
DRAWN BY: T-527
CHECKED BY: RWS
APPROVED BY: AND



DENOTES STORMWATER BASINMENT TYPE

SITE KEYED NOTES

- 1. EXISTING STORMWATER FACILITY
- 2. EXISTING POND
- 3. PROPOSED STORMWATER BASINMENT TYPE
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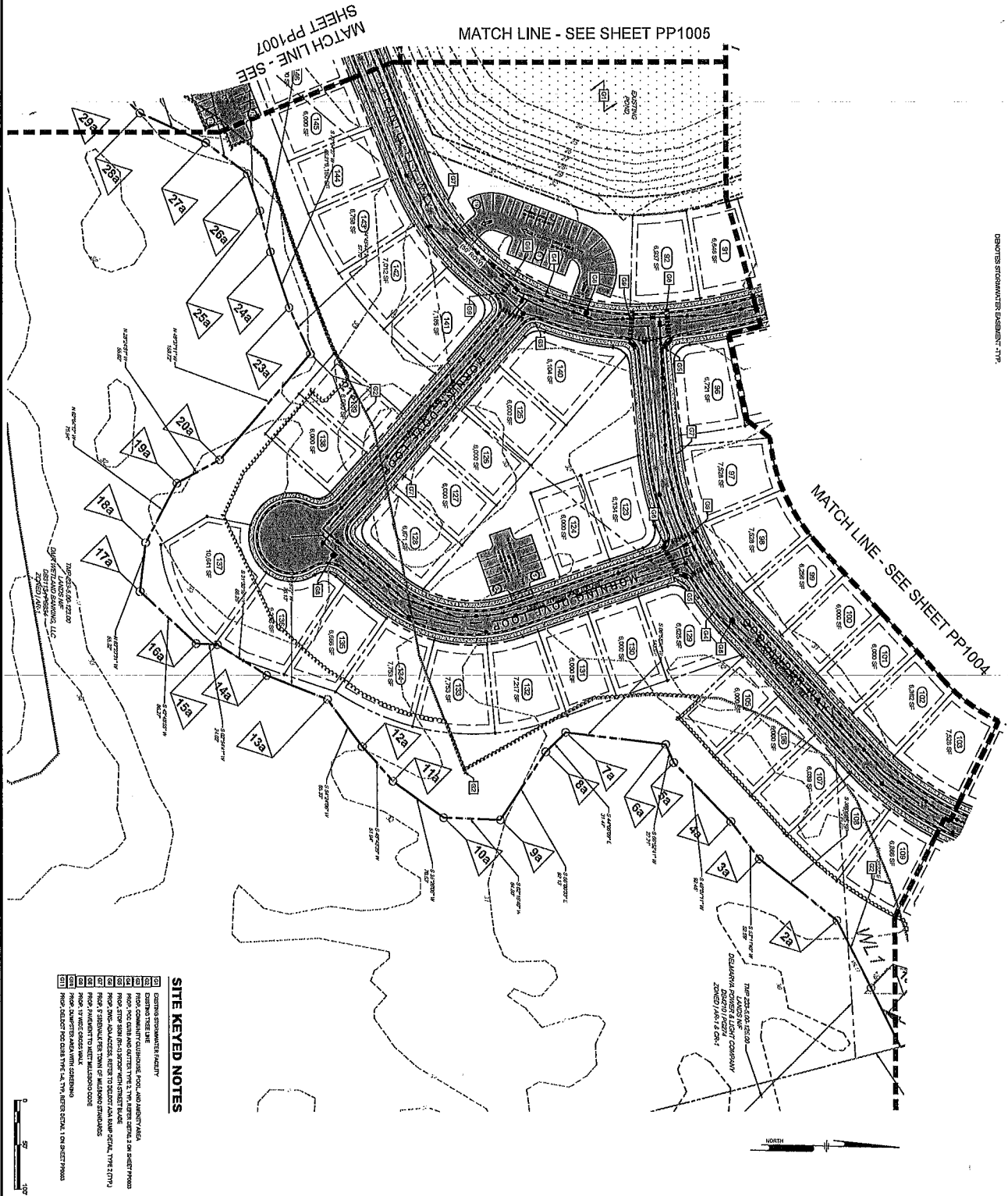
DATE	NO.	REVISIONS	BY
2024-11-25	1	PRELIMINARY SUBDIVISION PLAN UPDATES	LFB
2023-06-01	2	ADDRESSED COMMENTS BY AECOM & VERDANT	LFB

TOWNE LAKES
 SUSSEX COUNTY TAX MAP: 235-5-09-122-00
 MILLSBORO DAVISBORO HUNDRED, SUSSEX COUNTY
 HANTRY ROAD (SCR 337) MILLSBORO, DE 19966
AMENDED PRELIMINARY SUBDIVISION PLAN
MILLSBORO TOWNE VILLAGE, LLC
 PO BOX 212
 LEWES, DE 19958

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
 AND OWNER MUST BE NOTIFIED OF ANY
 DISCREPANCIES BEFORE PROCEEDING WITH WORK


PENNONI ASSOCIATES INC.
 16072 Davidson Drive
 Milton, DE 19968
 T 302.684.8030 F 302.684.8054

DENOTES STORMWATER BASIN - 1175



SITE KEYED NOTES

- 1. EXISTING STORMWATER BASIN
- 2. EXISTING TOWNSHIP LINE
- 3. PROPOSED TOWNSHIP LINE
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TOWNE LAKES SUSSEX COUNTY TAX MAP: 233-500-122-00 MILLSBORO (400-8000) HUNTER, SUSSEX COUNTY HUNTER ROAD (R2C 337) MILLSBORO, DE 19966		ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK Pennoni PENNONI ASSOCIATES INC. 16072 Davidson Drive Milton, DE 19966 T 302.684.8030 F 302.684.8054
AMENDED PRELIMINARY SUBDIVISION PLAN MILLSBORO TOWNE VILLAGE, LLC PO BOX 212 LEWES, DE 19968		

NO.	DATE	REVISION
1	2024-11-01	PRELIMINARY SUBDIVISION PLAN UPDATES
2	2024-09-01	ADDRESS COMMENTS BY ACCOM & VERDANTAS

PROJECT	MILLSBORO
DATE	2024-11-01
DRAWN BY	T-1027
CHECKED BY	AMC

PP1006

SHEET 10 OF 13

[illegible]

MATCH LINE - SEE SHEET PP1005

[illegible]

TOWNE LAKES
SUSSEX COUNTY TAX MAP: 233-5-09-122.00
MILLSBORO/ DADSBO RO HUNDRED, SUSSEX COUNTY
HANDY ROAD (SCR 337) MILLSBORO, DE 19950

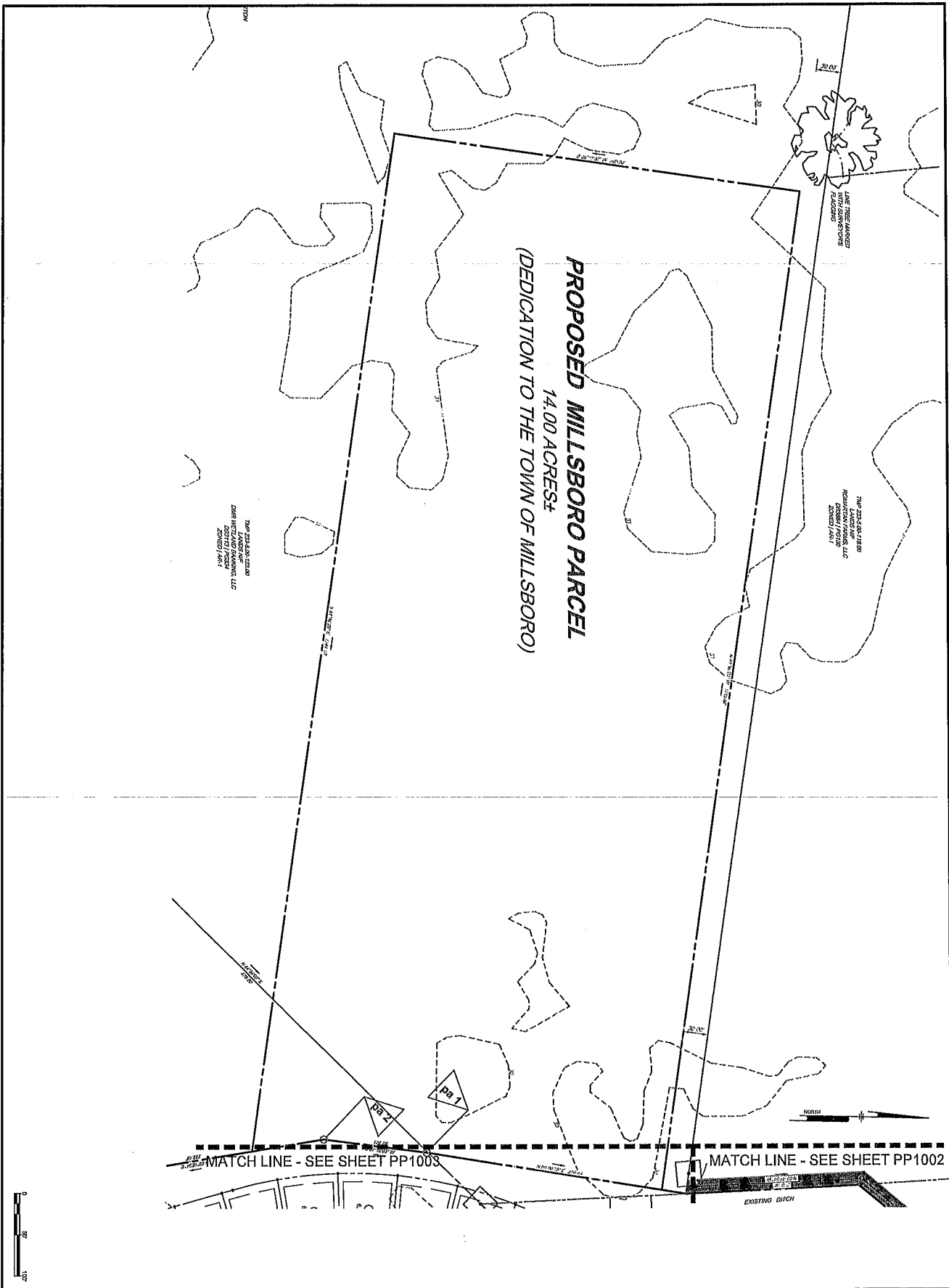
AMENDED PRELIMINARY SUBDIVISION PLAN

MILLSBORO TOWNE VILLAGE, LLC
PO BOX 212

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK



PENNONI ASSOCIATES INC.
18072 Davidson Drive
Milton, DE 19968
T 302 684 8030 E 302 684 8054



PP1008 SHEET 12 OF 13		TOWNE LAKES SUSSEX COUNTY TAX MAP: 233-5-00-122.00 MILLSBORO/DANESBORO UNINCORPORATED, SUSSEX COUNTY HANDED ROAD (BOR 337) MILLSBORO, DE 19968 AMENDED PRELIMINARY SUBDIVISION PLAN MILLSBORO TOWNE VILLAGE, LLC PO BOX 212 LEWES, DE 19958	ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK Pennoni PENNONI ASSOCIATES INC. 18072 Davidson Drive Milton, DE 19968 T 302.684.8000 F 302.684.8054
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PKS & Company, P.A.

**Certified Public Accountants
& Advisors to Business**

ANDREW M. HAYNIE, CPA

SUSAN P. KEEN, CPA

MICHAEL C. KLEGER, CPA

JAMES D. MAYBURY, CPA

E. LEE MCCABE, CPA

JEFFREY A. MICHALIK, CPA

ROBERT L. MOORE, CPA

DANIEL M. O'CONNELL II, CPA

ASHLEY M. STERN, CPA

JOHN M. STERN, JR., CPA

PKScpa.com

Salisbury

1801 SWEETBAY DRIVE

P.O. BOX 72

SALISBURY, MD 21803

TEL: 410.546.5600

FAX: 410.548.9576

Ocean City

12216 OCEAN GATEWAY

SUITE 800

OCEAN CITY, MD 21842

TEL: 410.213.7185

FAX: 410.213.7638

Lewes

1143 SAVANNAH ROAD

SUITE 1

P.O. BOX 192

LEWES, DE 19958

TEL: 302.645.5757

FAX: 302.645.1757

MEMBERS OF:

AMERICAN INSTITUTE OF
CERTIFIED PUBLIC ACCOUNTANTS

MARYLAND ASSOCIATION OF
CERTIFIED PUBLIC ACCOUNTANTS

DELAWARE SOCIETY OF
CERTIFIED PUBLIC ACCOUNTANTS

ALLINIAL GLOBAL

January 13, 2025

Town of Millsboro, Delaware
322 Wilson Highway
Millsboro, DE 19966

Our contract as external auditors for the Town of Millsboro, Delaware (the Town) has ended with the completion of the June 30, 2024 audit. Our firm is interested in extending our engagement to provide auditing services to the Town for the three-year period ending June 30, 2025, 2026 and 2027.

We hope this proposal demonstrates a sincere interest in and, more importantly, our capability to continue to serve the Town of Millsboro, Delaware as your independent auditors. We believe an extension of the audit contract would be beneficial to the Town of Millsboro, Delaware for the following reasons:

- PKS has and will continue to provide consistent senior personnel from year to year. Because of our audit team experience, it will not be necessary to train our people on your time.
- Continuity of staff is a key to a quality audit and is one of the items you should look at in incumbent auditors.
- Changes in auditors require significant additional time by Town personnel in completing the audit.
- Partner and manager involvement in the audit has remained both extensive and consistent.
- PKS has continually met all audit and reporting deadlines and requests.
- Over the years, PKS has been highly responsive to the Town's requests for additional services, special projects, and assistance with questions from the Town personnel.
- We understand the Town's complex financial systems, operations, policies and procedures, which allows us to perform the audit efficiently.
- Our highly skilled engagement team members are here to help—and we are confident that our expertise will continue to benefit the Town.

We have professionally and diligently serviced the needs of the Town for the past three years. As a local firm, we have been able to service the Town's needs in a timely and efficient manner. In addition, our firm's location and size allows for our ability to fulfill the Town's requirements.

We value the Town of Millsboro, Delaware as a prestigious client and assure you that the work entrusted to us will continue to receive the highest degree of attention and personal service.

Our proposal of fees for the financial statement audit for the Town of Millsboro, Delaware for the fiscal years ending June 30 2025, 2026, and 2027 are \$32,500, \$34,250, and \$36,000, respectively.

In arriving at the above price we took into consideration the current Consumer Price Index inflation rates as well as prior experience with costs and time associated with servicing the Town. This does not include assistance in implementation of required Governmental Accounting Standards applicable to a given fiscal year as required. If a single audit under the Uniform Guidance continues to be required, our fee will range from \$6,000 – \$8,000 per major federal program required to be tested.

Our proposed fees do not include any additional requested services such as reconciliation assistance, consulting, or other non-attest services not within the scope of our audit.

The documentation of the audit scope procedures would continue as outlined in our previous engagement letter dated June 10, 2024. Our proposed fees above include all out-of-pocket expenses. After you have reviewed this letter and the information contained herein, if this letter correctly sets forth the understanding of the Town for our firm to continue to provide audit services for the three-year period as noted, please sign and return one copy of the letter for our files. At that time, we will prepare an engagement letter outlining the above for the Town. Should you have any questions feel free to contact us at 410-546-5600. We would be happy to meet with you to discuss our proposal further. We look forward to continuing our mutually rewarding and continuing relationship with Town of Millsboro, Delaware.

PKS & Company, P.A.

CERTIFIED PUBLIC ACCOUNTANTS

RESPONSE:

This letter correctly sets forth the understanding of the Town of Millsboro, Delaware.

Town Manager signature: _____

Title: _____

Council signature: _____

Title: _____



Town Council
Town of Millsboro
322 Wilson Highway
Millsboro, Delaware 19966
(302) 934-8171
(302) 934-7682 (Fax)

town@millsboro.org

Mayor Kimberley Kaan
Vice Mayor John Thoroughgood
President Pro Tem Ron O'Neal
Treasurer Robert McKee
Secretary Mary D'Silva
Councilman Matthew Davis
Councilman Marty Presley

Jamie Burk, Town Manager

MINUTES

Intervet, Inc. Annexation Committee

Tuesday, January 21, 2025

8:30a.m.

Millsboro Town Hall

322 Wilson Highway

Millsboro, Delaware, 19966

NOTE: Unless otherwise indicated, there may be a vote taken on each and every agenda item set forth herein.

Convene Intervet, Inc. Annexation Committee Meeting

Pledge of Allegiance/Roll Call Present: John Thoroughgood (Chair), Bob McKee, Mary D'Silva, Nelson Bunting of Intervet, Inc., Andy Kalligonis, Town Manager Jamie Burk, Assistant Town Manager Ashleigh Sander

Adoption of the Agenda Motion by Bob McKee to adopt the agenda. Seconded by Mary D'Silva. The vote carried unanimously.

Public Comments* No Public Comments

Preliminary discussion of potential annexation into the Town of certain territory, contiguous to the present limits of the Town of Millsboro, one parcel thereof owned by Intervet, Inc. identified as Sussex County Tax Map and Parcel No. 133-17.00-6.00 (26445 E State Street, Millsboro, De. 19966), with a zoning request of Light Industrial. Discussion among Committee Members, Town Staff, and Intervet representatives took place.

Recommendation to Town Council for the potential annexation Motion by Bob McKee to recommend to Town Council to approve the annexation application thereof owned by Intervet, Inc. identified as Sussex County Tax Map and Parcel No. 133-17.00-6.00 (26445 E State Street, Millsboro, De. 19966), with a zoning request of Light Industrial. Seconded by Mary D'Silva. The vote carried unanimously.

Adjournment Motion by Mary D'Silva to adjourn the Intervet, Inc. Annexation Committee Meeting. Seconded by Bob McKee. The vote carried unanimously.

RECEIVED

DEC 09 2024

MILLSBORO TOWN HALL

1.

Name of applicant: Intervet Inc.

Mailing Address: 29160 Intervet Ln, Millsboro, DE 19966

Delivery Address: Same as mailing

Email address: nelson.bunting@merck.com

Phone Number: 302-934-4488

Name of contact person: Nelson Bunting/Associate Director Engineering

2. Willie G. Thomas, 31 Goldenrod Cir, Milford, DE 19963

3. See attached – Copy of Deed

4. See attached – Consent of Owner

5. 133-17.00-6.00 – 26445 E State St, Millsboro, DE 19966

6. See attached – Legal Description

7. See attached - 5 physical copies of land survey attached to application

8. Annexation is required to change zoning designation as property will be used by Merck Animal Health in connection with the activities on an adjacent parcel of land known as Sussex County Tax Parcel Number 133-17.00-9.00 (the "Main Campus") which is owned by the applicant and is currently zoned by the Town of Millsboro as "Light Industrial". Furthermore, Sussex County Tax Parcel Numbers 133-17.00-7.00 and - 8.00 (collectively, the "Adjacent Parcels"), which are adjacent to the subject property, were recently annexed into the Town of Millsboro, zoned as "Light Industrial" and are also owned by the applicant.

9. Zoning requested to be Light Industrial.

10. Intervet Inc. owns the surrounding parcels of: (i) the Main Campus, and (ii) the Adjacent Parcels. Intervet Inc. intends to utilize the subject property as (i) an employee parking lot to service the buildings on the Main Campus and (ii) a material storage area, which may be covered, uncovered or both, for materials used in connection with the Main Campus (collectively, the "Intended Uses"). If any of the Intended Uses will require a variance, conditional use approval, or other relief from applicable law of the Town of Millsboro, Intervet Inc. would like to pursue such approvals during the annexation process. The project can be called "Merck Animal Health Property Lease."

11. \$1000 payable by check

12. Intervet Inc. is a corporation. However, the information requested is unavailable and cannot be provided. Town of Millsboro agreed this section can be left blank.

LEGAL DESCRIPTION

ALL THAT CERTAIN PIECE, PARCEL, AND TRACT OF LAND, SITUATE IN DAGSBORO HUNDRED, SUSSEX COUNTY, DELAWARE AND BEING RECENTLY DESCRIBED IN ACCORDANCE WITH A RECENT ALTA/NSPS LAND TITLE SURVEY PREPARED BY STEVEN M. ADKINS, P.L.S. ON BEHALF OF AMERICAN NATIONAL DATED MAY 16, 2023, AS FOLLOWS, TO WIT:

BEGINNING AT A FOUND IRON PIPE LOCATED ON THE NORTHERN RIGHT OF WAY LINE ASSOCIATED WITH IRON BRANCH ROAD, AKA STATE STREET (SCR 331), SAID POINT BEING A COMMON BOUNDARY POINT BETWEEN THESE LANDS AND THE LANDS OF DORIS E. HALL (C/O SHIRLEY SAMPLE), SAID POINT IS FURTHER LOCATED AS 282' IN A NORTHWESTERN DIRECTION FROM OLD LANDING ROAD (EXTENDED); THENCE LEAVING SAID POINT OF BEGINNING AND RUNNING ALONG THE AFOREMENTIONED NORTHERN RIGHT OF WAY LINE ALONG THE FOLLOWING (2) COURSES AND DISTANCES AND BY AND WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 2298.73', AN ARC DISTANCE OF 203.44', THE CHORD OF WHICH BEARS 1) N 51° 51' 55" W, AND A CHORD DISTANCE OF 203.44' TO A CAPPED IRON ROD AND POINT OF TANGENCY; THENCE, 2) N 48° 38' 37" W, A DISTANCE OF 131.35' TO AN IRON PIPE ON THE NORTHERN RIGHT OF WAY LINE, BEING A COMMON BOUNDARY CORNER BETWEEN THESE LANDS AND THE LANDS OF THE COMMISSIONERS OF MILLSBORO; THENCE TURNING AND RUNNING WITH THE COMMISSIONERS OF MILLSBORO LANDS, 3) N 36° 07' 35" E, A DISTANCE OF 352.10' TO A FENCE POST ON THE EASTERN BOUNDARY LINE ASSOCIATED WITH THE COMMISSIONERS OF MILLSBORO LANDS, BEING A COMMON BOUNDARY CORNER BETWEEN THESE LANDS AND THE LANDS OF INTERVET, INC; THENCE TURNING AND RUNNING WITH THE INTERVET LANDS ALONG THE FOLLOWING (2) COURSES AND DISTANCES, 4) S 44° 48' 04" E, A DISTANCE OF 241.19' TO A FENCE POST; THENCE, 5) S 08° 42' 45" W, A DISTANCE OF 76.39' TO A DISTURBED IRON PIPE, BEING A COMMON BOUNDARY CORNER BETWEEN THESE LANDS, THE INTERVET LANDS, AND THE OTHER LANDS OF WILLIE G. THOMAS; THENCE TURNING AND RUNNING WITH THE OTHER THOMAS LANDS, 6) S 23° 14' 24" W, A DISTANCE OF 272.21' TO THE POINT AND PLACE OF BEGINNING, SAID TO CONTAIN 2.303 ACRES OF LAND, MORE OR LESS.

TOWN OF MILLSBORO

APPLICATION FOR CONDITIONAL USE

Fee: \$ 300.00 First Application : \$ 200.00 Renewal (for two years) Feb. 2025 - 2027

Date of application: 12-5-2024

Location of Property: 332 Main Street - Apartment #1 & #2

Tax Map #: 1-33-17.09-029.00

Name of Applicant: J & Y Parker Family L.P.

Mailing Address: P.O. Box 1582, Millsboro DE 19966

Email address: jy.parker.family@gmail.com

Work Phone: 302.732.1222 Cell Phone: _____

Title (or interest) in land and buildings ☒ Owner () Lessee () Agent
() Purchaser subject to approval

Current zoning classification of property: Urban Business

Use being requested as conditional use (be specific): Single Family Dwelling / Apt

Current/former use of property: Same

Attached are the required documents for review:

Signature of Owner: David H. Parker / [Signature]

Print name: _____

Address: P.O. Box 1582, Millsboro DE 19966

Phone: 302.732.1222

Signature of Applicant (if not Owner): David H. Parker / [Signature]

Print name: _____

IF THIS APPLICATION IS APPROVED, I AM AWARE THAT I MUST APPLY FOR AND OBTAIN THE APPROPRIATE BUILDING AND/OR LICENSING PERMITS. I CERTIFY THAT I HAVE READ AND UNDERSTAND THE INFORMATION CONTAINED IN THIS APPLICATION.

IF YOU ARE NOT THE RECORD OWNER OF THE PROPERTY, THIS APPLICATION MUST BE ACCOMPANIED BY A LETTER OF AUTHORIZATION BY THE OWNER.

FOR TOWN USE:

() Approved with conditions (see attached)

() Disapproved

Date of disposition: _____

J&Y Parker Family L.P.

Phone 302-732-1222

Email: jyparkerfamily@gmail.com

P.O. BOX 1582

Millsboro, DE 19966

December 1, 2024

RECEIVED

DEC 01 2024

MILLSBORO TOWN HALL

Mayor & Council
Town Of Millsboro
322 Wilson Hwy
Millsboro, DE 19966

CK#
425

Dear Mayor & Council

We are asking for a continued conditional use allowance for the Apartment #1, and Apartment #2, located over the warehouse located at 332 Main Street, Millsboro, Tax Map #21-187, 1-33-17.09-029.00.

We feel the units for security and maintenance of our properties there and across the street.

Thank you in advance for your consideration.

Sincerely,

J&Y Parker Family, L.P.

David K. Parker

RESOLUTION TO EXTEND THE CONDITIONAL USE OF J & Y PARKER FAMILY LIMITED PARTNERSHIP, FOR TWO SINGLE FAMILY DWELLINGS/APARTMENTS OVER AN EXISTING GARAGE AT 332 MAIN STREET, TOWN OF MILLSBORO, SUSSEX COUNTY TAX MAP AND PARCEL NUMBER 133-17.09-29.00.

WHEREAS, J & Y Parker Family Limited Partnership, owner of the property located at 332 Main Street, Millsboro, Sussex County Tax Map and Parcel No. 133-17.09-29.00, has requested an extension of its conditional use for said property, the primary use of which is commercial, allowing for two (2) single family dwellings as accessory uses, specifically, two (2) apartments over an existing garage; and

WHEREAS, a conditional use for the above-described use of the property was previously granted by the Town Council and periodically extended until the conditional use expired on or about December 4, 2021; and

WHEREAS, because the conditional use expired, in early 2022 Applicant requested that the conditional use be approved again as a new application and said application was approved by the Town Council on February 7, 2022; and

WHEREAS, the premises are located in the Urban Business (UB) District; and

WHEREAS, a single family dwelling as an accessory use is a permitted conditional use in said district if it is approved by the Town Council (See §210-16.I.(1) and §210-51.B.(4) of the Town Code); and

WHEREAS, the Town Council has heard no objections or complaints about the conditional use; and

WHEREAS, the use has continued without objection or complaint and the Town Council deems it in the best interest of the community to grant an extension of the conditional use approval previously granted for the two (2) apartments over an existing garage structure.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Millsboro to grant the request of J & Y Parker Family Limited Partnership, for a two (2) year extension of the conditional use for property located at 332 Main Street, Millsboro, Sussex County Tax Map and Parcel No. 133-17.09-29.00, the primary use of which is commercial, allowing for two (2) single family dwellings as accessory uses, specifically, two (2) apartments over an existing garage; and

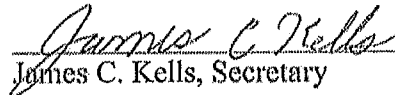
BE IT FURTHER RESOLVED that, in accordance with §210-51.D., of the Code of the Town of Millsboro, this conditional use is hereby extended by specific action of the Town Council of the Town of Millsboro and shall be in effect for a period of two (2) years commencing on the 7th day of February, 2023, and terminating on the 6th day of February,

2025, at which time the conditional use shall cease and come to an end without further action by the Town unless an application is made to the Town Council by J & Y Parker Family Limited Partnership for an extension of this conditional use; and

BE IT FURTHER RESOLVED that the conditional use granted by this Resolution may be revoked by the Town Manager for failure to comply with the conditions set forth in this Resolution or the failure to comply with any statute, ordinance, rule, or regulation issued by any governmental authority which affects the premises for which this conditional use is granted; and

BE IT FURTHER RESOLVED that the Town Manager is hereby authorized and directed to cause a copy of this Resolution to be sent to J & Y Parker Family Limited Partnership at the earliest possible opportunity.

I, James C. Kells, Secretary of the Town Council of the Town of Millsboro, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the Town Council at its Regular Meeting held on December 5, 2022, at which a quorum was present and voting throughout and that the same is still in full force and effect.


James C. Kells, Secretary

Chapter 16. Ethics, Code of

[HISTORY: Adopted by the Town Council of the Town of Millsboro 1-4-1993 by Ord. No. LXI.
Amendments noted where applicable.]

§ 16-1. Code of Conduct adopted.

There is hereby adopted a Code of Conduct applicable to elected and appointed officials and employees of the Town of Millsboro to read as follows.

§ 16-2. Short title; applicability; purpose.

- A. This chapter shall be known as the "Town of Millsboro Code of Conduct."
- B. This chapter shall be applicable to all elected and appointed officials and to all employees of the Town of Millsboro.
- C. It is the purpose of this chapter to ensure the propriety and the preservation of public confidence in the officials and employees of the Town of Millsboro and to establish ethical standards for those officials and employees which will protect the integrity of the government of the Town of Millsboro.

§ 16-3. Definitions.

~~For the purposes of this chapter, the following definitions shall be applicable unless the context clearly indicates to the contrary:~~

CLOSE RELATIVE

A person's parents, spouse, children (natural or adopted) and siblings of the whole and half-blood.

COMPENSATION

Any money, thing of value or any other economic benefit of any kind or nature whatsoever conferred on or received by any official or employee of the town in return for any service rendered or to be rendered by the official or employee or by another.

EMPLOYEE

All employees of the Town of Millsboro.

FINANCIAL INTEREST

An interest in a private enterprise which a person has if:

- A. He has a legal or equitable ownership interest in the enterprise of at least 1% or more in the case of a corporation whose stock is regularly traded on an established securities market, or he has a legal or equitable ownership interest in an enterprise other than that of a corporation whose stock is not regularly traded on an established securities market of at least 10%;
- B. He is an employee, officer, partner, director, manager or trustee of an enterprise and receives from that enterprise during the immediate preceding calendar year or might reasonably expect

to receive from the enterprise during the current or next calendar year income in excess of \$5,000 for services as a manager, employee, agent, partner, member, director or officer of such private enterprise; or

- C. He is a creditor of a private enterprise in an amount equal to at least 1% of the total debt in the case of a corporation whose securities are regularly traded on an established securities market or of at least 10% of the total debt of an enterprise whose securities are not regularly traded on an established securities market.

KICKBACK

Any payment, gratuity or benefit paid or to be made on behalf of any bidder, contractor, prospective contractor, subcontractor, prospective subcontractor or any person associated with any of them to any official or employee as an inducement or reward for the employment of a contract, subcontract, order or favor.

MATTER

Any application, petition, request, business dealing, contract, subcontract or any other transaction of any sort with the Town of Millsboro.

OFFICIAL

Any elected or appointed official of the Town of Millsboro and all members of any committee or commission appointed by the Mayor of the Town of Millsboro or appointed by the Town Council.

OFFICIAL RESPONSIBILITY

Any direct administrative or operating authority at any level, either exercisable alone or with others, either personally or through subordinates to approve, disapprove, recommend or otherwise direct action on behalf of the Town of Millsboro.

PERSON

Any individual, natural person, joint-stock company, partnership, voluntary association, society, club, firm, company, corporation, business trust, organization or any other group acting as a unit, or the manager, lessee, agent, servant, partner, member, director, officer or employee of any of them.

PERSONAL OR PRIVATE INTEREST

An interest in a matter which intends to impair the independent judgment of an official or employee in the performance of his duties with respect to that matter.

PRIVATE ENTERPRISE

Any activity conducted by any person, whether conducted for profit or not for profit, and includes the ownership of real and personal property. Private enterprise may include the activities of the state or any other political subdivision of the state or any agency, authority or instrumentality thereof.

TOWN

The Town of Millsboro.

§ 16-4. Standards of conduct.

The following standards of conduct shall be applicable to all officials, whether elected or appointed, and all employees of the town:

- A. No official or employee shall participate on behalf of the town in the review or disposition of any matter pending before the town or before a committee or commission thereof in which he has a personal or private interest; provided, however, that the prohibition set forth herein shall not apply if the person who has official responsibility with respect to the matter requests any person who has a personal or private interest to respond to questions concerning any such matter.

- B. No official or employee shall use his position to secure special privileges or exemptions for himself or others, whether for compensation, gratuity or without any compensation or gratuity.
- C. No official or employee shall solicit, demand, accept or agree to accept from another person anything of a pecuniary value for or because of any official action taken or to be taken or which could be taken or any legal duty to be performed or which could be performed by such official or employee.
- D. No officer or employee, in the course of his public responsibilities shall use the granting of sexual favors as a condition, either explicit or implicit, for an individual's favorable treatment by the town.
[Added 5-3-1999]
- E. No employee or official may represent or otherwise assist any private enterprise with respect to any matter before the town with which the employee or official is associated by employment or appointment. This subsection shall not preclude any employee or official from appearing before the town or otherwise assisting any private enterprise with respect to any matter in the exercise of such person's official duties.
[Added 11-1-1999]
- F. No person who has served as an employee or official of the town shall represent or otherwise assist any private enterprise on any matter involving the town for a period of two years after termination of employment or official status with the town, if the person gave an opinion, conducted an investigation or otherwise was directly and materially responsible for such matter in the course of official duties as an employee or official. Nor shall any former employee or official disclose confidential information gained by reason of public position; nor shall the person otherwise use such information for personal gain or benefit.
[Added 11-1-1999]
- G. Each employee or official shall endeavor to pursue a course of conduct which will not raise suspicion among the public that such employee or official is engaging in acts which are in violation of the public trust and which will not reflect unfavorably upon the town and its government.
[Added 11-1-1999]
- H. No employee or official shall engage in any activity beyond the scope of such public position which might reasonably be expected to require or induce such employee or official to disclose confidential information acquired by such employee or official by reason of such public position.
[Added 11-1-1999]
- I. No employee or official shall acquire a financial interest in any private enterprise which such official has reason to believe may be directly involved in decisions to be made by such official in an official capacity on behalf of the town.
[Added 11-1-1999]
- J. Any employee or official who has a financial interest in any private enterprise which is subject to the regulatory jurisdiction of, or does business with, the town shall file with the town a written statement fully disclosing the same. Such disclosure shall be confidential and the town shall not release such disclosed information, except as may be necessary for the enforcement of this chapter. The filing of such disclosure statement shall be a condition of commencing and continuing employment or official status with the town.
[Added 11-1-1999]

§ 16-5. Exceptions.

In any case where a person has a statutory responsibility with respect to action or nonaction on any matter in which he may have a personal or private interest and there is no provision for the delegation of such responsibility to another person nor is there any provision for the designation of another person to take action or to refrain from taking action, the person may exercise responsibility with respect to such matter, provided that he promptly, after becoming aware of such personal or private interest, files a

written statement with the Town Council fully disclosing the personal or private interest and explaining why it is not possible to delegate responsibility for the matter to another person.

§ 16-6. Contracting with town.

- A. The town shall not make or enter into any contract in excess of \$500 for materials, supplies, work or labor for the benefit and use of the town with any official or employee of the town or with any partnership in which any official or employee is a general partner or in any corporation in which any official or employee is a director or controlling stockholder or with any firm or company in which any official or employee is pecuniarily interested unless all the elected members of the Town Council, other than the interested official or employee, vote to execute such contract. Any such contract executed without such unanimous vote and consent shall be absolutely null and void.
- B. Any person being awarded a contract with the town in excess of \$5,000 shall execute such documents as may be required by the town and shall represent that no person has been retained to solicit or secure the contract with the town upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, excepting for bona fide employees, bona fide established, commercial agencies maintained by the person representing the contracting party for the purpose of securing business.
- C. No employee or official and no private enterprise in which an employee or official has a legal or equitable ownership of more than 10% (more than 1% in the case of a corporation whose stock is regularly traded on an established securities market) shall enter into any contracts with the town (other than an employment contract) unless such contract was made or let after public notice and competitive bidding. Such notice and bidding requirements shall not apply to contracts not involving more than \$2,000 per year if the terms of such contract reflect arm's length negotiations.
[Added 11-1-1999]

§ 16-7. Board of Ethics.

[Added 5-3-1999^[1]]

- A. There is hereby established a Board of Ethics for the Town of Millsboro consisting of five members, residents of the town, appointed by the Mayor and confirmed by a majority vote of all the members of the Town Council. Neither the Mayor nor any member of the Town Council nor any employee of the town shall be a member of the Board of Ethics.
- B. Each member of the Board of Ethics shall be appointed for a term of three years; provided, however, that upon the original appointments, one member shall be appointed for terms of one year; two members for a term of two years; two members for terms of three years. Each member shall be eligible for reappointment and may be removed from office during the term thereof for neglect of duty, gross misconduct in office or for a violation of this chapter.
- C. The Board shall elect from among its own number a Chairman and a Secretary, each of whom shall serve for a period of one year or until their respective successors have been duly appointed and qualified. Any vacancy among the members of the Board shall be filled in the same manner as the original appointment and shall be for the remainder of the unexpired term.
- D. The Board shall meet upon the call of its Chairman or upon a written request by a majority of the members of the Board. The Board shall adopt rules for the conduct of its meetings and for the holding of hearings. A majority of the Board shall constitute a quorum for the transaction of any business; provided, however, that the affirmative vote of three members is required for the conduct of any disciplinary hearing or for the imposing of any sanctions.
- E. The Chairman shall preside at all meetings. The Secretary shall maintain the books and records of the Board and shall keep and maintain a complete set of minutes of all meetings and hearings conducted by the Board.

- F. All complaints received by the Board concerning an alleged violation of this chapter and all proceedings before the Board concerning such allegations shall be confidential, and confidentiality of all such complaints and proceedings, including the disposition thereof, shall be maintained unless public disclosure is requested, in writing, by the official or employee whose conduct is the subject of the complaint or hearing or the Board determines, after a hearing, that a violation has occurred.
- G. It shall be the duty and responsibility of the Board of Ethics to administer and implement the provisions of this chapter. To that extent, the Board of Ethics may:
- (1) Recommend to the Town Council from time to time such rules of conduct for officials and employees of the town as it shall deem appropriate, including provisions and amendments to this chapter.
 - (2) Hear and investigate complaints and transmit findings to the Town Council or the Town Manager.
 - (3) Issue written advisory opinions upon the request of any town official or employee concerning the applicability of this chapter to any particular factual situation.
 - (4) Refer to the Town Solicitor for investigation any alleged violation of this chapter and, after notice and hearing, recommend by resolution such disciplinary action as it may deem appropriate to the Town Council. The Board of Ethics may also dismiss, without reference to the Town Solicitor, any complaint which the Board of Ethics determines is frivolous or fails to state a violation.
 - (5) Maintain a file of its proceedings, waiver decisions and advisory opinions with a view toward achieving consistency of opinions and recommendations subject to the confidentiality requirements of this chapter.
- H. Any person who, while a member of the Board of Ethics, becomes a candidate for the office of Town Councilperson shall be disqualified from sitting on any complaint received by the Board of Ethics while such person is a candidate.
- [1] *Editor's Note: This ordinance also provided for the renumbering of former § 16-7, Violations and penalties, as § 16-9.*

§ 16-8. Complaints; hearing; dispositions.

[Added 5-3-1999]

- A. Upon the sworn complaint of any person or on its own initiative, the Board of Ethics may refer to the Town Solicitor for investigation any alleged violation of this chapter. The Town Solicitor shall be the prosecuting attorney in all disciplinary proceedings before the Board. In any such investigation or proceeding, the defendant shall be given an opportunity to be heard after notice, to be advised and assisted by legal counsel, to procure witnesses and offer evidence and to cross-examine witnesses. A transcript of any such proceeding shall be made and retained, subject to the confidentiality requirements of this chapter.
- B. A member of the Board of Ethics shall not participate as a member of the Board in any proceeding relating to his or her conduct. A member of the Board who has been found by the Board to have violated this chapter shall be ineligible to serve again as a member of the Board.
- C. A member of the Board of Ethics may disqualify himself or herself from participating in any investigation of the conduct of any person upon submission, in writing and under oath, of an affidavit of disqualification stating that he cannot render an impartial and unbiased decision in a case in which he seeks to disqualify himself.
- D. With respect to any violation with which a person has been charged and which the Board of Ethics has determined is proved, the Board of Ethics may take any one or more of the following actions:

- (1) Issue a written reprimand or censure of that person's conduct.
 - (2) With respect to any municipal employee or municipal officer, other than an elected official, remove, suspend, demote or take other appropriate disciplinary action with respect to that person within the limits of the Constitution and the other laws of this state.
- E. In any proceeding before the Board of Ethics, upon the request of any person charged with the violation of this chapter, such person shall be permitted to inspect, copy or photograph books, papers, documents, photographs or other tangible evidence which may be used as evidence against that person in a disciplinary hearing which are material to the preparation of his defense.
- F. In any proceeding before the Board of Ethics, if the Town Solicitor or the Board at any time receives any exculpatory information respecting an alleged violation against any person, it shall forthwith make such information available to such person.
- G. Any person charged with a violation of this chapter may apply to the Board for the issuance of subpoenas for the appearance of witnesses and for the production of documents on his behalf. The application shall be granted upon a concise showing by such person that the proposed testimony or evidence is relevant or is reasonably calculated to lead to the discovery of relevant evidence and is not otherwise available. The application shall be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

§ 16-9. Violations and penalties.

- A. In addition to any other penalty set forth herein, any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof in a court of competent jurisdiction, shall be fined not less than \$50 nor more than \$200 or be imprisoned for a term of not more than 20 days, or both, and shall pay the costs of prosecution.
- B. No person shall disclose any information required to be maintained confidential pursuant to this chapter. Any person who knowingly or willfully violates any provision of this chapter shall be guilty of a misdemeanor, punishable for each such violation by imprisonment of not more than one year and a fine not to exceed \$1,000.
- [Added 11-1-1999]

RESOLUTION TO AMEND THE CHARTER OF THE TOWN OF MILLSBORO, CHAPTER 457, VOLUME 60, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO", SECTION 16, DUTIES OF THE MAYOR AND PRESIDENT OF COUNCIL, BY AMENDING SUBPARAGRAPHS (A) AND (D) THEREOF SO THAT BOTH THE MAYOR AND TOWN COUNCIL SHALL BE RESPONSIBLE FOR APPOINTING COMMITTEES AND TO STRIKE THE COMPLAINT AND NUISANCE AND VIOLATION OF LAW RECEIPT AND REPORTING REQUIREMENTS.

WHEREAS, Section 16 of the Charter of the Town of Millsboro ("Charter") describes the duties of the Mayor and President of Council; and

WHEREAS, the Charter and Code Review Committee has reviewed the duties contained in Section 16 of the Charter and is recommending that subparagraph (a) of Section 16 be amended by striking the second and third sentences thereof to remove from the duties of the Mayor and President of Council the unilateral ability to appoint committees and to receive and report back to the Town Council about complaints and nuisances and violations of law; and

WHEREAS, the Charter and Code Review Committee is also recommending that subparagraph (d) of Section 16 be amended to require that the Mayor and President of Council receive the advice and consent of the Town Council when creating new committees, appointing committee members, and appointing committee chairmen; and

WHEREAS, the Town Council accepts the recommendations of the Charter and Code Review Committee and finds that it is in the best interest of the Town to seek an amendment to the duties of the Mayor and President of Council contained in Section 16 of the Charter.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Millsboro, in session met, a quorum pertaining at all times thereto, that the following proposed amendments to the Charter of the Town of Millsboro, Chapter 457, Volume 60, Laws of Delaware, as previously amended, be and hereby are adopted:

(1) Amend and revise Section 16. Duties of Mayor and President of Council., subparagraph (a), as follows (removed language is stricken through; new language is underlined):

- (a) The President of the Town Council shall preside at all meetings thereat and shall vote on all matters brought before the Town Council for a vote. ~~He shall appoint all committees, receive complaints of nuisances and other~~

~~complaints of citizens concerning violations of law and ordinances. He shall present a report of complaints and nuisances and violations of law and ordinances to the Town Council at the first regular meeting after receiving such complaints. He~~ The President of the Town Council may require the Alderman or the Assistant Alderman, as hereinafter provided for in this Act, to proceed upon such infractions or violations of law and ordinances immediately in the event that he deems such action to be required. The President of the Town Council shall perform such other duties and have such other powers as the Town Council shall determine not in conflict with the provisions of this Charter. The Mayor shall be empowered to act on behalf of the Town, without prior Town Council approval, in the event of a sudden emergency requiring prompt action, in order to protect the public health, safety and welfare of the Town, its inhabitants and property owners. A "sudden emergency," for purposes of this section, shall include, by way of example and not limitation, a major fire or conflagration, significant flooding or serious storm threatening significant damage, a civic disturbance or a toxic spill. A sudden emergency shall also include any emergency situation as declared by any county, state or federal agency having jurisdiction over the Town where the scope of the emergency so declared includes the Town.

(2) Amend and revise Section 16. Duties of Mayor and President of Council., subparagraph (d), as follows (removed language is stricken through; new language is underlined):

- (b) ~~The President of the Town Council may appoint, by and with the advice and consent of a majority of the members of the Town Council, such other committees as he deems~~ The President of the Town Council and a majority of the members of the Town Council deem necessary for the proper administration of the Town of Millsboro ~~or the Council may, by resolution, authorize the President of the Town Council to appoint certain committees which are deemed necessary to carry out the provisions of this Act. In their role of giving advice and consent, all members of the Town Council have the right and authority to recommend the creation of a new committee, recommend the appointment of members to existing or new committees, and to recommend the appointment of a chairman for an existing or new committee. Any such recommendations made by a Town Council member shall be reasonably considered by the President of the Town Council and other Town Council members.~~

BE IT FURTHER RESOLVED, that the Town Manager is authorized to forward this Resolution and whatever documentation that may be required to the Town's

State Senator and/or State Representative so that the same may be introduced to the General Assembly.

I, Mary J. D'Silva, Secretary of the Town Council of the Town of Millsboro, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the Town Council at its Regular Meeting held on February 3, 2025, at which a quorum was present and voting throughout and that the same is still in full force and effect.

Mary J. D'Silva, Secretary

RESOLUTION TO AMEND THE CHARTER OF THE TOWN OF MILLSBORO, CHAPTER 457, VOLUME 60, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO", SECTION 3, ANNEXATION OF TERRITORY, BY AMENDING SUBSECTION 3.1 THEREOF SO THAT BOTH THE MAYOR AND TOWN COUNCIL SHALL BE RESPONSIBLE FOR APPOINTING A COMMITTEE TO INVESTIGATE THE POSSIBILITY OF ANNEXATION UPON RECEIPT OF A PETITION SIGNED BY ALL OWNERS OF THE TERRITORY PROPOSED FOR ANNEXATION AND TO CLARIFY TO WHOM A PETITION IS INITIALLY SUBMITTED FOR REVIEW PRIOR TO PRESENTATION TO THE TOWN COUNCIL.

WHEREAS, Section 3 of the Charter of the Town of Millsboro ("Charter") describes the procedures that must be followed for the annexation of territory into the Town; and

WHEREAS, the Charter and Code Review Committee has reviewed the procedures contained in Section 3 of the Charter and is recommending that Section 3.1 be amended so that, following the Town's receipt of a petition for annexation signed by all owners of the territory proposed for annexation, both the Mayor and the Town Council be responsible for appointing a Committee to investigate the possibility of annexation and the appropriateness of the zoning designation requested; and

WHEREAS, the Charter and Code Review Committee is also recommending that Section 3 be amended to clarify that a petition for annexation must be submitted to Town Hall and, following a determination by Town staff that the petition is complete and contains all information required by the Charter, the petition shall then be presented to the Town Council; and

WHEREAS, the Town Council accepts the recommendation of the Charter and Code Review Committee and finds that it is in the best interest of the Town to seek an amendment to the annexation procedures contained in Section 3.1 of the Charter.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Millsboro, in session met, a quorum pertaining at all times thereto, that the following proposed amendments to the Charter of the Town of Millsboro, Chapter 457, Volume 60, Laws of Delaware, as previously amended, be and hereby are adopted:

- (1) Amend and revise Section 3. Annexation of territory., Subsection 3.1.1, as follows (removed language is stricken through; new language is underlined):

3.1.1. ~~The A~~ written Petition, signed by all of the property owners of a territory contiguous to the then existing corporate limits and territory of the Town, ~~with the signature of each such Petitioner duly acknowledged,~~ presented to the Council shall be submitted to Town Hall. The written Petition shall include a description of the territory requested to be annexed, the reasons for the requested annexation, and the zoning designation to be applied. Following a determination by Town staff that the Petition is complete and contains all information hereby required, the Petition shall then be presented to the Town Council.

(2) Amend and revise Section 3. Annexation of territory., Subsection 3.1.2, as follows (removed language is stricken through; new language is underlined):

3.1.2. The Mayor and Town Council shall, by Resolution, appoint a Committee composed of not less than three of the members of the Town Council to investigate the possibility of annexation and the appropriateness of the zoning designation.

(3) Amend and revise Section 3. Annexation of territory., Subsection 3.1.3, as follows (removed language is stricken through; new language is underlined):

3.1.3. Not later than 90 days following its appointment by the Mayor and Town Council, as aforesaid, the Committee ~~shall~~ shall submit a written report containing its findings and conclusions to the Town Council. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to the Town and to the territory proposed to be annexed, shall contain the recommendation of the Committee whether or not to proceed with the proposed annexation, and the reasons therefor, as well as its recommendation for zoning.

(4) Amend and revise Section 3. Annexation of territory., Subsection 3.1.4, as follows (removed language is stricken through; new language is underlined):

3.1.4. In the event that the Committee appointed by the Mayor and Town Council concludes that the proposed annexation is advantageous both to the Town and to the territory proposed to be annexed, the Town Council may then pass a second Resolution fixing a time and place for a public hearing on the subject of the proposed zoning to be applied to the property proposed for annexation.

(5) Amend and revise Section 3. Annexation of territory., Subsection 3.1.6, as follows (removed language is stricken through; new language is underlined):

- 3.1.6. In the event that the Committee appointed by the Mayor and Town Council concludes that the proposed annexation is disadvantageous either to the Town or to the territory proposed to be annexed, the procedure to be followed shall be the same as hereinafter provided as if the annexation were proposed by five or more property owners but less than all the property owners of a territory contiguous to the then limits and territory of the Town.

BE IT FURTHER RESOLVED, that the Town Manager is authorized to forward this Resolution and whatever documentation that may be required to the Town's State Senator and/or State Representative so that the same may be introduced to the General Assembly.

I, Mary J. D'Silva, Secretary of the Town Council of the Town of Millsboro, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the Town Council at its Regular Meeting held on February 3, 2025, at which a quorum was present and voting throughout and that the same is still in full force and effect.

Mary J. D'Silva, Secretary

ORDINANCE TO AMEND CHAPTER 161, SEWERS, OF THE TOWN CODE OF THE TOWN OF MILLSBORO BY DELETING THEREFROM ARTICLE X, APPEAL PROCEDURES, SECTION 161-55. DUTIES OF THE MAYOR AND COUNCIL, AND 161-56. APPEALS TO THE MAYOR AND COUNCIL.

WHEREAS, the Charter and Code Review Committee ("Committee") has been reviewing and studying the Town Code of the Town of Millsboro ("Town Code") to determine where and how the Town Code may be amended to remove outdated provisions that are not being enforced, provide clarification where necessary, more accurately reflect the practices and processes of the Town, or otherwise improve the Town Code; and

WHEREAS, the Committee has determined that Article X, Appeal Procedures, Section 161-55. Duties of the Mayor and Council, and Section 161-56. Appeals to the Mayor and Council, in Chapter 161, Sewers, of the Town Code, is not necessary because the administrative process currently used to review sewer bill complaints is sufficient; and

WHEREAS, accordingly, the Committee recommends that Article X, Appeal Procedures, Section 161-55. Duties of the Mayor and Council, and Section 161-56. Appeals to the Mayor and Council, in Chapter 161, Sewers, of the Town Code, be stricken and deleted in their entirety; and

WHEREAS, the Town Council finds that the Committee's recommendation is reasonable and the Town Council agrees with the Committee's opinion that the administrative process currently used to review sewer bill complaints is sufficient, making Article X, Appeal Procedures, Section 161-55. Duties of the Mayor and Council, and Section 161-56. Appeals to the Mayor and Council, in Chapter 161, Sewers, of the Town Code, unnecessary.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Town of Millsboro, in session met, a quorum pertaining thereto at all times, that the Town Code of the Town of Millsboro be and is hereby amended as follows:

(1) Chapter 161. Sewers, is hereby amended by striking and deleting therefrom, in their entirety, Article X, Appeal Procedures, Section 161-55. Duties of the Mayor and Council, and Section 161-56. Appeals to the Mayor and Council.

I, Mary J. D'Silva, Secretary of the Town Council of the Town of Millsboro, do hereby certify that the foregoing is a true and correct copy of an Ordinance passed by the Town Council at its Regular Meeting held on February 3, 2025, at which a quorum was present and voting throughout and that the same is still in full force and effect.

Mary J. D'Silva, Secretary

Chapter C. Charter

§ 10. Regular and special meetings.

The Town Council of the Town of Millsboro shall hold one meeting in each month on the first Monday of the month. If the first Monday of the month shall be a legal holiday, the monthly meeting of the Town Council of the Town of Millsboro shall be held on the next succeeding regular business day.

(71 Del. Laws, c. 41, § 2)

Chapter 210. Zoning

Article IV. District Regulations

§ 210-20. Residential Planned Community (RPC) District.

[Added 6-3-2002^[1]]

- A. Purpose. In order to encourage large-scale developments as a means of creating a superior living environment through unified developments, and to provide for the application of design ingenuity while protecting existing and future developments and achieving the goals of the Comprehensive Plan, the RPC District is hereby established.
- B. Permitted uses. Uses permitted in an RPC District under this section shall be as follows:
 - (1) Uses, accessory uses and signs permitted in any residential district in accord with the additional requirements and specific provisions of this section.
 - (2) Commercial uses of convenience and necessity to the development as a whole, such uses and accessory off-street parking and loading spaces incident to such commercial uses not to exceed one acre for each 100 dwelling units in the planned development.
 - (3) Conditional uses in accordance with the procedures, standards and specifications of site plan review and the additional requirements of this section.
- C. Superimposed district; effect on other provisions.
 - (1) To enable the district to operate in harmony with the plan for land use and population density embodied in these regulations, the RPC District is created as a special district to be superimposed on other districts contained in these regulations and is to be so designated by a special symbol for its boundaries on the Zoning District Map.
 - (2) The housing types, minimum lot requirements, maximum height, minimum yard requirements and accessory uses and accessory signs shall be determined by the requirements and procedure set forth in this section, which shall prevail over conflicting requirements of these regulations or ordinances governing the subdivision of land.
 - (3) This district shall only be used for mixed uses.
[Added 7-6-2004]
- D. Minimum district area.
 - (1) The minimum area for an RPC District under this section shall be as follows;
 - (a) In the MR District: 40 acres.
 - (b) In the HR District: 10 acres.
 - (c) In any residential district if the only development proposed is single-family detached dwellings: 10 acres.

(2) In calculating the minimum area for an RPC District, the measurement shall not include the area of any dedicated streets or alleys.

E. Ownership. The land in an RPC District need not be under single ownership, provided that proper assurances are given, through the procedures contained in this section or elsewhere in these regulations, that the project can be successfully completed. The developer or owner of the proposed development shall provide a property owners' association, which shall be responsible for maintenance, repair, replacement and operation of all community property that is not dedicated and conveyed to the Town.

[Amended 7-6-2004]

F. Required procedures. The procedures for establishment of an RPC District and approval and amendment of the site plans are contained in § 210-66. The proposed development shall follow all applicable procedures, standards and requirements of the ordinance or ordinances and regulations governing the subdivision of land.^[2] No building permit shall be issued until a final plot of the proposed development or part thereof is approved, filed and recorded.

[2] *Editor's Note: See Ch. 178, Subdivision of Land.*

G. Concurrent establishment with other districts. An application for approval of an RPC District may show and be possessed concurrently with separate applications for establishment of a residential district in accord with regulations applicable to those districts. Establishment of the district boundaries shall be in accord with the procedures for changes and amendments contained in § 210-70.

H. Review standards; conditions.

(1) The Planning Commission and Town Council shall review the conformity of the proposed development with the standards of the Comprehensive Plan and recognized principles of civic design, land use planning and landscape architecture. The minimum lot and yard requirement and maximum height requirements of the zoning district in which the development is located need not apply, except that the Planning Commission may recommend and Town Council shall ensure an appropriate relationship between uses of high intensity or height within the RPC District and uses of low intensity or height, existing or future, outside the proposed RPC District and to this end may require that the regulations for minimum lots and yards and maximum height shall be complied with inside of and near the boundaries of the RPC District.

(2) The Planning Commission may recommend and Town Council may impose conditions regarding the layout and design of the proposed development and, where applicable, shall require the appropriate deed restrictions be filed to assure compliance with the development plan.

(3) The Planning Commission shall review the location of proposed townhouses, multiple-family dwellings or commercial uses, where allowed, and shall recommend to Town Council the appropriate character of such uses.

(4) In addition to the other provisions contained within this section, the approval of a Residential Planned Community shall include consideration of the following:

[Added 12-1-2003]

(a) Integration of the proposed subdivision into existing terrain and surrounding landscape.

(b) Minimal use of wetlands and floodplains.

(c) Preservation of natural and historical features.

(d) Preservation of open space and scenic views.

(e) Minimization of tree, vegetation and soil removal and grade changes.

(f) Screening of objectionable features from neighboring properties and roadways.

- (g) Provision for water supply.
- (h) Provision for sewage disposal.
- (i) Prevention of pollution of surface and ground water.
- (j) Minimization of erosion and sedimentation, minimization of changes in groundwater levels, minimization of increased rates of runoff, minimization of potential for flooding and design of drainage so that groundwater recharge is maximized.
- (k) Provision for safe vehicular and pedestrian movement within the site and to adjacent ways.
- (l) Effect on area property values.
- (m) Preservation and conservation of farmland.
- (n) Effect on schools, public buildings and community facilities.
- (o) Effect on area roadways and public transportation.
- (p) Compatibility with other area land uses.
- (q) Effect on area waterways.
- (r) Whether, in the judgment of the Town Council, estimated costs to be borne by the Town cannot be met from available Town funds which reasonably may be anticipated to become available to the Town and applicable to subdivision purposes.
- (s) Whether, in the opinion of the Town Council, the estimated expense to the Town cannot be justified on the basis of estimated tax returns which would accrue to the Town within a reasonable period of time.

I. Number of dwelling units permitted. The number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per family or dwelling unit required by the district or districts in which the area is located. Net development area shall be determined by subtracting the area set aside for churches, schools, state wetlands or commercial use from the gross development area and deducting 25% of the remainder for streets or the actual area of proposed streets, whichever is less. The area of land set aside for common open space or recreational use shall be included in determining the number of dwelling units permitted. Maximum density shall not exceed 10 living units for each net development acre.

J. Minimum lot area and width. The minimum lot area and minimum lot width of detached single-family dwelling lots established within the development shall not be less than 2/3 of the normal minimum lot area and minimum lot width required for detached single-family dwellings in the district in which the lot is located. In no case shall a detached single-family lot be created with an area of less than 6,000 square feet or a lot width of less than 60 feet.

K. Requirements regarding parking, streets, and driveway. Off-street parking shall be provided meeting the minimum requirements of these regulations or at least two per unit, excluding garages. Design and improvements of parking lots and garages shall also conform to these regulations and other applicable regulations or ordinances. Design, arrangement, and improvement of streets and driveways shall conform to ordinance or ordinances and regulations governing the subdivision of land;^[3] provided, however, that streets in such district shall be considered, at the minimum, minor streets requiring a fifty-foot right-of-way with 30 feet of paving, curb to curb. Sidewalks may be required. See also the additional parking requirements in § 210-40, Off-street parking and loading; driveways.

[Amended 12-1-2003; 11-7-2022]

[3] *Editor's Note: See Ch. 178, Subdivision of Land.*

L. Guaranty of completion. Before approval of a development plan, the Planning Commission may recommend and the Town Council may require a contract with safeguards approved by the Town

Attorney guaranteeing completion of the development plan in a period to be specified by the Commission in approving the site plan.

- M. Schedule of construction. In approving an RPC District, the Planning Commission may recommend and the Town Council may adopt a schedule of construction. If such a schedule is adopted, no permits for construction shall be issued except in accordance with the adopted schedule. Where both single-family and multifamily dwelling types are part of the development or where nonresidential uses are part of the development, the schedule of construction may require concurrent construction of a given type, number or use in that proportion recommended by the Commission and/or approved by the Council.
 - N. Incorporation of additional land area. If, after approval and recording of the final site plan, the permit holder desires to incorporate additional or after-acquired adjacent land area into the development plan, an informal conference with the Planning Commission shall be requested pursuant to Subsection **F** of this section for the purpose of outlining the scope of the application. If an application is filed for inclusion approval, the general procedural requirements of this section shall apply, with the application being deemed an application to extend or amend an existing RPC. Any application for an extension or an amendment of an RPC District to incorporate additional land area into a previously approved plan shall be considered within the parameter of the establishment of a new and separate RPC District.
 - O. Signs.
[Added 4-4-2011]
 - (1) Signs permitted in all districts.
 - (2) All signs as permitted in the High-Density Residential (HR) District.
- [1] *Editor's Note: This ordinance also provided that §§ 210-21 through 210-30 be reserved and that former §§ 210-20 through 210-59 be renumbered consecutively as §§ 210-31 through 210-70.*

Chapter 105. Firearms

§ 105-1. Discharge prohibited; exceptions.

[Amended 4-2-2018]

It shall be unlawful for any person to discharge firearms, fireworks, air guns, slingshots, bows and/or crossbows within the corporate limits of the Town of Millsboro; provided, however, that the provisions of this chapter shall not prohibit the use of firearms by any person in the lawful defense of his personal property, nor a police officer in the discharge of his duties. The provisions of this chapter shall also not prohibit any person or organization from receiving permission from the Chief of Police of the Town of Millsboro to conduct archery activities at an archery range approved by the Chief of Police. The archery activity and the archery range must be approved by the Chief in writing, in advance of the activity or event in question. The provisions of this chapter shall also not prohibit any person or organization from receiving permission from the Town Council of the Town of Millsboro to conduct a public fireworks display. The public fireworks display must be approved by the Town Council at least 45 days in advance of the date scheduled for the public fireworks display. The application process for a public fireworks display, as well as the rules and regulations applicable thereto, shall be as established by the Town Council, in its sole discretion, from time to time.

§ 105-2. Violations and penalties.

Any person violating any of the provisions of § 105-1 hereof shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$250, or imprisoned for a term not more than 30 days, or both, and shall pay the costs of prosecution, including, but not limited to, reasonable attorneys' fees. In the event of repeat offenses, the presiding judge shall have the discretion to impose a fine greater than \$250 as the judge deems necessary and appropriate under the circumstances.

Chapter 200. Vehicles and Traffic

Article V. Schedules

§ 200-37. Schedule XIII: Snow Emergency Routes.

In accordance with the provisions of § 200-21, the following described streets are hereby designated as snow emergency routes:

Name of Street	Direction of Travel	Location
Main Street	Northbound	From Route 113 to Route 24 bridge, both sides
Washington Street	Southbound	From Route 24 bridge to Route 113, both sides

US BUREAU OF LABOR STATISTICS

	FY21 Budget	Dec. 2020	FY22 Budget	Dec. 2021	FY23 Budget	Dec. 2022	FY24 Budget	Dec. 2023	FY25 Budget	Dec. 2024
CPI-U - Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD-Index		259.991		277.163		294.883		306.386		316.543
Change from Prior Year		0.78%		6.60%		6.39%		3.90%		7.35%

YEAR	7/1/2020	2021	7/1/2021	2022	7/1/2022	2023	7/1/2023	2023	2023	2024	Change
Town Adjustment from Previous Year		0.78%		6.60%		No change	6.39%	3.90%	3.90%	7.35%	
Building Permit Fee per EDU - TOTAL	\$ 7,012.00	\$ 7,267.00	\$ 8,267.00	\$ 8,812.00	\$ 9,752.00	\$10,373.00	\$10,279.00	\$10,678.00	\$13,500.00	\$13,953.00	\$ 453.00
Building Fund	\$ 522.00	\$ 526.00	\$ 526.00	\$ 560.00	\$ 1,000.00	\$ 1,063.00	\$ 1,000.00	\$ 1,039.00	\$ 1,500.00	\$ 1,610.00	\$ 110.00
Sewer Impact	\$ 5,578.00	\$ 5,621.00	\$ 5,621.00	\$ 5,992.00	\$ 5,992.00	\$ 6,375.00	\$ 6,375.00	\$ 6,623.00	\$ 7,500.00	\$ 8,050.00	\$ 550.00
Water Impact	\$ 1,112.00	\$ 1,120.00	\$ 2,120.00	\$ 2,260.00	\$ 2,260.00	\$ 2,404.00	\$ 2,404.00	\$ 2,497.00	\$ 3,000.00	\$ 3,220.00	\$ 220.00
Transportation / Stormwater Impact											
Park/Recreation Impact					\$ 500.00	\$ 531.00	\$ 500.00	\$ 519.00	\$ 1,000.00	\$ 1,073.00	\$ 73.00
									\$ 500.00	\$ 536.00	\$ 36.00
Land Annexation Fee per Acre - TOTAL	\$12,439.00	\$12,535.00	\$12,985.00	\$13,840.00	\$13,840.00	\$14,724.00	\$14,724.00	\$15,297.00	\$15,297.00	\$16,419.00	\$ 1,122.00
Building Fund	\$ 3,310.00	\$ 3,335.00	\$ 3,335.00	\$ 3,553.00	\$ 3,553.00	\$ 3,780.00	\$ 3,780.00	\$ 3,927.00	\$ 3,927.00	\$ 4,215.00	\$ 288.00
Sewer Impact	\$ 7,306.60	\$ 7,363.60	\$ 7,813.60	\$ 8,329.60	\$ 8,329.60	\$ 8,861.60	\$ 8,861.60	\$ 9,206.60	\$ 9,206.60	\$ 9,882.60	\$ 676.00
Water Impact	\$ 1,822.40	\$ 1,836.40	\$ 1,836.40	\$ 1,957.40	\$ 1,957.40	\$ 2,082.40	\$ 2,082.40	\$ 2,163.40	\$ 2,163.40	\$ 2,321.40	\$ 158.00

Note: cells shaded in bright yellow show the proposed rate change and new impact fees for CY 2025 as well as the resulting amount change