

**MINUTES OF THE MILLVILLE TOWN COUNCIL MEETING**  
**May 8, 2012 @ 7:00PM**

**1. CALL TO ORDER:**

Mayor Hocker asked for a moment of silence for Council Member Thomas and then called the meeting to order with the Pledge of Allegiance at 7:00pm.

**2. ATTENDANCE:**

Mayor Hocker, Deputy Mayor Subity, Council Members' Robert Gordon, and Joan Bennett, Town Solicitor Seth Thomas, and Town Manager Debbie Botchie were also present.

**3. ANNOUNCEMENTS:**

Mayor Hocker made the following announcements:

- A. The Business Persons Breakfast will be held on May 10, 2012 @ 8:00am;
- B. "Safety in the Home" presentation will be held May 16, 2012 @ 10:00am;
- C. Ocean View Homecoming is May 12, 2012 10:00am to 4:00pm in John West Park.

**4. ADOPTION OF MINUTES:**

Council Member Bennett motioned to accept the Council minutes of April 10, 2012 and March 27, 2012, and the executive minutes from April 10, 2012. Deputy Mayor Subity seconded her motion. All present voted in favor. Motion carried unanimously 4/0.

**5. TREASURER'S REPORT:**

Council Member Gordon presented the Financial Report for Council Member Thomas for month ending 3/31/11.

**February:**

General Revenue: \$10,409	General Expenses: \$38,190.
Restricted Revenue: 43,240.	Restricted Expenses: 1,518.

Council Member Bennett motioned to accept the Treasurers Report.  
Council Member Subity seconded his motion.  
All present voted in favor.  
Motion carried unanimously 4/0.

**6. ADMINISTRATIVE REPORT:**

Town Manager Debbie Botchie reported final revenue figures for FY12 were 154.06% over budget

**7. PUBLIC HEARING:**

**A. Review and consider for approval draft Ordinance 13-01.**

*Synopsis: Ordinance 13-01 will amend the Town's Zoning Ordinance; Article X "Conditional Uses", to allow for Temporary Residential Real Estate Sales Centers, and Article XIV "Terminology", to add Temporary Residential Real Estate Sales Center.*

Council Member Gordon read the synopsis. Town Manager Debbie Botchie stated there were no written comments received at Town Hall. Seth Thompson, Legal Counsel, explained to

the Council that the amendment would allow a sales center as a conditional use to which the Council can attach conditions to limit time, ownership, removal and more. The change would also add a definition of a sales center to the code which is for the purpose of selling and marketing real estate. Council Member Subity said he would like to see the words adjacent and or contiguous added to the conditions and suggested a two year minimum. Mayor Hocker said he was thinking the conditional use should be one year like all the other conditional uses issued. Mr. Thompson said the language was up to a year renewable thereafter. Council Member Bennett stated she was opposed to the ordinance and not in favor of changing the zoning code. She said she considered it too precedence setting and "fraught with peril". Mrs. Bennett said she was concerned there was no mention of clean-up and remediation of the site.

In Public Comment, resident Harry Kent of Coventry, suggested a bond type plan would cover the cost of removal and clean-up. Steve Maneri, of Millville by the Sea, said he favored a time limit. Richard Shoobridge said he felt Council was opening the flood gates.

Council Member Subity reminded everyone the same thing could happen with a model home, and a trailer is easier to remove. Mayor Hocker agreed and stated with a conditional use the Council has say over what is done.

Council Member Gordon motioned to amend the ordinance as "a temporary residential sales center may be located off premises as long as it is on property owned by the developer and the property being marketed." No second.

Mayor Hocker motioned to allow with the addition of "and is contiguous". No second.

Deputy Mayor Subity motioned to table the item until Council's next meeting. Council Member Bennett motioned 13-01 not be approved as presented. Council Member Gordon seconded. Vote: Bennett- yes, Subity- no, Gordon-yes, Hocker-no. Motion does not carry.

Council Member Hocker motioned to table and discuss at upcoming workshop. Deputy Mayor Subity seconded. Vote: all voted in favor. Motion carried 5 / 0.

## **8. NEW BUSINESS:**

### **A. Discussion & possible vote to appoint a Council Member to fill the vacancy and serve the remainder of Mr. Thomas's term.**

Mayor Hocker made a motion to appoint Harry Kent as a Council Member. Council Member Gordon seconded. All present voted in favor. Motion carried unanimously 4/0.

### **B. Swearing-in of new Council Member.**

Legal Counsel Seth Thompson swore-in newly nominated Council Member Harry Kent.

### **C. Review and consider for approval an application from Millville Town Center, LLC; Millville by the Sea development to revise sections of the previously approved Schematic Master Plan.**

*Synopsis: March 14, 2006, Town Council approved a Schematic Master Plan for the Millville by the Sea development. The applicant has decided to make revisions to sections of Phase II. Since the plans were approved in 2006, a 20.1 acre parcel was sold to Beebe Medical Center which is to be located in Phase 2C, which has altered the design of the phase.*

Mr. Chuck Ellison, of Miller & Smith, was on hand to present Council with their newly worked revisions and plans for Millville by the Sea Phase II. This phase will include a Lifestyle Center, Huntington Road extension, and Stream Valley park. The developer will add an access road for construction traffic which will avoid existing home sites. The Lifestyle Center will consist of several buildings: a community center, a wellness center, pool house, and pavilion area. The Huntington Road extension will introduce their new cottage model of homes and Stream Valley Park which will have a natural environment.

Mayor Hocker said that the Planning and Zoning Commission, and also Kyle Gulbranson recommended Council approve the plans for Phase II of Millville by the Sea. Council Member Bennett motioned to approve the plans presented by Miller and Smith, Developers at Millville by the Sea, as presented. Council Member Gordon seconded her motion. All present voted in favor. Motion carried unanimously 4/0, with one abstention.

**D. Review and consider for approval draft Resolution 13-01.**

*Synopsis: Resolution 13-01 will set compensation for the Town Council.*

The wording was not clear in the existing resolution and could be interpreted incorrectly. Mr. Thompson suggested clarifying the language in the Resolution for interpretation as "\$50 a month regardless of number of meetings or attendance." Council Member Subity motioned to accept Resolution 13-01. Council Member Gordon seconded his motion. All present voted in favor. Motion carried unanimously 5/0.

**9. OLD BUSINESS:**

None

**10. COMMITTEE REPORTS:**

- A. **Millville Volunteer Group - Council Member Gordon** reported to the Council the minutes of the meeting of the Millville Volunteers were included in their meeting packet and he thanked the Council Members for the appreciation dinner which was enjoyed by everyone.
- B. **Farmer's Market update - Council Member Bennett** reported they currently have 11 vendors signed up for the market.

**11. PROPERTY OWNERS/AUDIENCE COMMENTS:**

Linda Kent, of Coventry, offered an update on the Farmer's Market. Mrs. Kent said DNREC will come as a guest vendor on July 12<sup>th</sup>.

**12. ADJOURNMENT:**

Council Member Bennett motioned to adjourn the meeting at 8:37pm. Council Member Subity seconded her motion. All present voted in favor.

Motion carried unanimously 5/0.

Respectfully submitted,  
Donna M. Schwartz, Town Clerk