

**MINUTES OF THE MILLVILLE  
TOWN COUNCIL MEETING  
August 14, 2012 @ 7:00PM**

**1. CALL TO ORDER:**

Mayor Hocker called the meeting to order with the Pledge of Allegiance at 7:00pm.

**2. ATTENDANCE:**

Mayor Gerry Hocker, Deputy Mayor Jon Subity, Council Members' Robert Gordon, Joan Bennett and Harry Kent. Town Solicitor Seth Thompson. Town Manager Debbie Botchie, Code and Building Administrator Eric Evans and Town Clerk Donna Schwartz were also present.

**3. ANNOUNCEMENTS:**

No announcements

**4. ADOPTION OF MINUTES:**

Deputy Mayor Subity motioned to accept the Council minutes of July 10, 2012 & July 28, 2012. Council Member Bennett seconded his motion.

All present voted in favor.

Motion carried unanimously 5-0.

**5. TREASURER'S REPORT:**

Council Member Joan Bennett presented the Financial Report for month ending 7/31/12.

**July 30, 2012:**

General Revenue: \$174,146. General Expenses: \$27,505.

Restricted Revenue: 31,939. Restricted Expenses: 1,570.

Council Member Gordon motioned to accept the Treasurers Report.

Council Member Bennett seconded his motion.

All present voted in favor.

Motion carried unanimously 5-0.

**6. ADMINISTRATIVE REPORT:**

Ms. Botchie noted the Town is doing very well, and she reminded the Council the income of \$174,000 in revenue collected in the first portion of the fiscal year is frontloaded due to tax revenue and business licenses.

Council Member Bennett motioned to open the public hearing portion of the meeting.

Council Member Gordon seconded her motion.

All present voted in favor.

Motion carried unanimously 5-0.

**7. PUBLIC HEARING:**

A. Ordinance 13-02 will amend the Town Code and Zoning Ordinance at Chapter 155, Article IX, entitled "Sign Regulations" and relating to signs.

Synopsis

Town Council directed the Town Manager and Code & Building Administrator to work in conjunction with the Planning & Zoning Commission to review the sign regulations for possible amendments. Town Council has discussed the Ordinance in previous meetings.

Mayor Hocker read the synopsis.

Council Member Gordon read the public notice.

Ms. Botchie stated no written comments were received.

In discussion, Council Member Bennett, referring to 155-44C, stated she was unsure if the section sufficiently prescribed how the space is to be used. She also asked if a time limit should be added.

Mayor Hocker observed the larger the project the larger the sign. He stated the word “engaged” was okay with him.

Mr. Thompson said the timing language used is “engaged,” meaning while the contractor is actively working on the site. He also noted anyone wishing their sign to stay longer than the usual 2 - 3 years would need to contact the Building & Code Administrator and show good cause for an extended permit. The size of the signs allowed would be no more than 64sqft and all signs must be kept within 24 linear feet of each other.

Council Member Subity said he did not feel the word “engaged” was necessary. Council Member Kent stated he would like to see a consistent sign arrangement with some degree of control. Council Member Gordon said he would like to have the conditions for temporary and development signs spelled-out in the code.

Ms. Botchie noted the Town currently does not have a problem with construction signs, however, the development signs were an issue.

Public Comment: None

Council Member Bennett motioned to return to Regular Session. Council Member Subity seconded her motion.

All present voted in favor.

Motion carried unanimously 5 / 0.

**8. NEW BUSINESS:**

- A. To consider for approval Ordinance 13-02 to amend Chapter 155, Article IX Sign Regulations.

Mayor Hocker motioned to approve Ordinance 13-02, Chapter 155 Signs. Council Member Subity seconded his motion.

Vote: Bennett- yes, Subity - yes, Kent- yes, Gordon- yes, and Hocker- yes.

All present voted in favor.

Motion carried unanimously 5 / 0.

- B. To consider for approval the final site plan application submitted by Zaremba Program Development on behalf of Dollar General. The applicant is proposing to

construct a 9,224 sq. ft. retail store on Atlantic Avenue; tax map parcel numbers 134-12.00-344 & 345.

Synopsis

Applicant met with the Planning & Zoning Commission (P&Z) to review their site plan application for the Dollar General Store on June 9, 2012. The P&Z gave preliminary approval to the site plan with conditions and asked the Zaremba Group to come back to the P&Z to see a list of the specific materials from the Town's Design Standards they were using. P&Z met again on July 9, 2012 to review the architectural drawings and approved same.

Mr. Bob Booth of Zaremba and Mr. Bob Strodsky of Landmark Engineering were in attendance to present the Dollar General plans to Council. Mr. Booth stated they have all of the necessary approvals, including DelDOT's final approval for the entrance and are ready to proceed. Council Member Gordon inquired about increased traffic on Route 26 which he said has too many accidents on it already. Mr. Booth said he felt the store would not generate any additional traffic but rather utilize the current traffic on the road. Mr. Strodsky explained the reason for the three lane entrance/exit was to aid the delivery truck which needs additional turning space. Mr. Gordon asked how many delivery trucks would be coming weekly. Mr. Booth replied, only one weekly. Mr. Strodsky also mentioned the entrance was flipped by DelDOT in anticipation of someday having a traffic light at the entrance across from White's Neck Road. Mr. Thompson reminded Council the building is their concern and that it meets Town code, they do not have say over the entrance. Council Member Bennett, although also concerned like Mr. Gordon about traffic and accidents, stated DelDOT has issued an entrance permit and they are the authority on traffic.

Council Member Subity motioned to approve the above application of Dollar General. Council Member Kent seconded his motion. All present voted and the motion carried 4 / 1 with Council Member Gordon voting against approval.

- C. To consider for approval Ordinance 13-03 to amend the Town Code to add Chapter 7, "Authority to sign contracts, conveyances, and other instruments.

Synopsis

This Ordinance creates a new Chapter 7 in the Town Code to address signatory authority. The source of the approval authority must be noted or attached to the contract, conveyance or other document.

Mr. Thompson explained the new ordinance to Council. Council Member Bennett asked that the words "conveyances & other instruments" be deleted and motioned to approve Ordinance 13-03 as "Authority to sign contracts." Council Member Gordon seconded her motion. All present voted in favor. Motion carried unanimously 5 / 0.

- D. Review and consider for approval an agreement between the State of Delaware, Department of Transportation and the Town of Millville; SR 26 Atlantic Avenue from Clarksville to Assawoman Canal, Contract Number 24-112-10.

Synopsis

This agreement governs the DelDOT taking of the right of way necessary to construct improvements to SR 26, Atlantic Avenue, from Clarksville to Assawoman Canal.

The Council Members' reaction to the document was generally not favorable and no one wanted the Mayor to sign the document until several sections of the documents were stricken or modified. Council Member Bennett stated she would like to see a prescribed appraisal process on a separate document. Council Member Kent said he was very uncomfortable with the clause of about the maintenance/ownership of traffic signals. Mr. Thompson said he would contact DelDOT and try and get a resolution to these issues. The topic will be added to the next workshop if necessary.

Council Member Bennett motioned to table this action. Council Member Gordon seconded her motion.

All present voted in favor.

Motion carried unanimously 5 / 0.

**9. COMMITTEE REPORTS: None**

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

Mr. Ron Watts, Cedar Drive, asked Council to see what they could do about the speeding traffic on Cedar Drive, saying many young children walk to school along the road and he afraid one of them will get hurt. Mayor Hocker promised the Town would contact the necessary department to have speed limit signs posted along Cedar Drive.

**11. ADJOURNMENT:**

Mayor Hocker announced next meeting of the Council would be a workshop August 28, 2012.

Council Member Subity motioned to adjourn the meeting at 8:20pm. Council Member Bennett seconded his motion.

All present voted in favor.

Motion carried unanimously 5/0.

Respectfully submitted,  
Donna M. Schwartz, Town Clerk