

**MINUTES OF THE MILLVILLE
TOWN COUNCIL MEETING
January 13, 2015 @ 7:00PM**

In attendance were Mayor Gerry Hocker, Deputy Mayor Bob Gordon, Council Members Harry Kent, Susan Brewer and Steve Maneri; Town Solicitor Seth Thompson; and Town Manager Debbie Botchie and Financial Administrator Lisa Wynn. Executive Assistant Matt Amerling was absent.

1. CALL TO ORDER:

Mayor Gerry Hocker called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ADOPTION OF TOWN COUNCIL MINUTES

A. Adoption of Town Council Minutes – December 9, 2014

Deputy Mayor Bob Gordon motioned to approve the Council minutes for December 9, 2014. Council Member Susan Brewer seconded the motion. Motion carried 5-0.

4. FINANCIAL REPORT – Treasurer

A. December 2014

Treasurer Harry Kent read the Financial Report for the month ending 12/31/14.

December 31, 2014:

General Revenue: \$ 108,800. General Expenses: \$ 55,266.
Restricted Revenue: 63,869. Restricted Expenses: 1,596.

Council Member Steve Maneri motioned to approve the Treasurer's Report for the month ending December 31, 2014. Mr. Gordon seconded the motion. Motion carried 5-0.

5. ADMINISTRATIVE MATTERS

A. Administrative Report for December 2014 – Town Manager

There were no comments.

6. NEW BUSINESS

A. Appointment of Planning & Zoning (P&Z) Commission Member Charles Laskowski – Town Council

Mayor Hocker motioned to appoint Mr. Charles Laskowski to the P&Z Commission. Mr. Gordon seconded the motion. Motion carried 5-0.

B. Swearing-in of new P&Z Commission Member Charles Laskowski – Town Solicitor

C. Discuss and possible vote on a request from Dove Barrington Development LLC, developer of Bishops Landing, to release bond K08926487. Synopsis: The bond was for the Phase 3 stormwater facility in Bishops Landing, and all required stormwater facilities have been installed, inspected and approved by the Sussex Conservation District. As required by the agreement, Bishops Landing Homeowners Association (HOA) has entered into contract with Envirotech Inc. to maintain and monitor all Phase 3 stormwater facilities.

Mr. Kyle Gulbranson, of URS Corporation, stated everything is in order, the stormwater infrastructure has been completed, inspected and approved by the Sussex Conservation District. Mr. Maneri motioned to release bond K08926487. Council Member Harry Kent seconded the motion. Motion carried 5-0.

D. Discuss and possible vote on a request from Dove Barrington Development LLC, developer of Bishops Landing, to reduce bond K08926566. Synopsis: Dove Barrington Development LLC is requesting the Town reduce the phase 3 right-of-way bond amount to \$102,262.00. This amount represents 125% of total cost to complete (\$81,810.00) all required work within the right-of-way as specified on plans previously approved by the Town.

Mr. Gulbranson stated this bond was for street construction in phase 3 of Bishops Landing, the preliminary street construction has been completed – with the exception of the final top coat – and URS reviewed the cost estimates from Bunting & Murray for completion of the streets and concurred that prices are reasonable and appropriate. Mr. Gulbranson stated he approves of the bond being reduced. Council Member Kent asked if Town Code & Building Administrator Eric Evans has reviewed the structure as well. Mr. Gulbranson stated Mr. Evans has inspected the structure and Mr. Evans also approves. Mr. Gordon motioned to reduce bond K08926566 to the amount to \$102,262.00. Mr. Kent seconded the motion. Motion carried 5-0.

E. Discuss and possible vote on the FY14 Town Financial Audit – Herb Geary, of TGM Group.

Mr. Herb Geary, of TGM Group, stated the Town had a great year – fiscally and operationally – and he would like to thank Town Manager Debbie Botchie and the Town's staff for their assistance. Mr. Geary stated on page four (4), TGM gave the Town the highest level of assurance which the TGM Group can give local governments. Mr. Geary further stated the Town has \$2.1 million in the general fund balance, which is pretty amazing, and the annual budget is somewhere around \$450,000, so the Town has a ratio of almost 400% of its unassigned fund balance to expenditures. Mr. Geary stated the goal of most local governments is about 15% to 20%, and the Town of Millville's is at 400%, so the Town is in good fiscal shape. Mr. Geary stated, for the Town's general funds, the total revenues were over budget by almost \$500,000 for FY14 – mostly because of building permits and utility permit reviews. Mr. Geary further stated there are no new accounting pronouncements or audit or financial standards which TGM need to worry about for FY15, the Town has no debt, plenty of cash in the bank, and offered his congratulations to the Town for another great year.

Mr. Gordon motioned to accept the FY14 Town Financial Audit. Mr. Kent seconded the motion. Motion carried 5-0.

- F. Discuss and possible vote on Agreement of Purchase and Sale on a 2-acre parcel located in the Millville by the Sea (MBTS) development – Seth Thompson. *Synopsis:* In August 2014, the Town published a notice seeking landowners that may be interested in donating two or more acres of property to the Town. On September 23, 2014, the Town Manager received a letter from Charles D. Ellison Jr., vice president of Miller & Smith, representing the landowners of MBTS, stating they wish to donate two (2) acres of land to the Town.

Town Solicitor Seth Thompson stated as the synopsis indicated, the Town did receive a donation and the Town is working out some of the logistics in terms of signing an agreement. Mr. Thompson stated hopefully the agreement will be with the Council's agenda packet for the January 27, 2015, Town Council Workshop meeting. Mayor Hocker stated this item is shelved due to insufficient information, and will be postponed until the January 27, 2015, Town Council Workshop meeting.

MOTION TO ENTER PUBLIC HEARING

Mr. Kent motioned to enter the public hearing at 7:19 p.m. Mr. Gordon seconded the motion. Motion carried 5-0.

1. PUBLIC HEARING

- A. Public Hearing Notice – Secretary Steve Maneri
- B. Written Comments – Town Manager

There were no written comments.

- C. To consider a revision to the approved Schematic Master Plan and the accompanying Development Performance Standards (DPS) for the Millville by the Sea (MBTS) development, submitted by Millville Town Center, LLC. *Synopsis:* The original Schematic Master Plan for the MBTS development was approved in February of 2006. Since that time, the Town has seen many modifications, including but not limited to, change in developers, revisions to phases, adjustments to economic changes and trends in housing products. Mayor Hocker formed a committee earlier this year which consisted of the following persons: Mayor Hocker, Councilmember Kent, Town Manager Debbie Botchie, Code & Building Administrator Eric Evans, Town Planner Kyle Gulbranson, URS Corp., P&Z Chairman Bob Linett, Chuck Ellison of Miller Smith and several members of his team. The committee worked very diligently this past year reviewing and discussing the revised plan and the DPS. We feel the DPS will provide regulatory control and protections the Town will need while allowing the developer to adjust to economic changes. The Town P&Z Commission, at its regular meeting on December 8, 2014, recommended to Town Council to accept the revision to the Schematic Master Plan and the accompanying DPS with the following modification to the Schematic Master Plan:

- 1. Page MP-08 of the Schematic Master Plan to show the existing bicycle and pedestrian pathways.

And the following modifications to the DPS:

1. All red font in the DPS document is accepted, except for the rear-loaded garage comments on pages 8 (Section A, #3-D) and 10 (Section B, #3-D); and
2. Any changes accepted by the applicant, Millville Town Center LLC, in its provided attachment, in the middle column named "Applicant Action/Request," be accepted, unless in said attachment, in the final column labeled "Comments/Notes," there is additional modification(s) made by the Town's P&Z Commission.

Council Member Steve Maneri recused himself from the meeting. Chuck Ellison, of Miller & Smith, stated Miller & Smith were very pleased to work with the Town's committee regarding the Schematic Master Plan and the DPS, and that the P&Z Commission saw fit to unanimously recommend to Council to vote for approving said documents. Mr. Ellison stated the introduction of Billy Scott, of Scott & Schuman, and Nate Scott, of Miller & Smith. Mr. Ellison stated the revised Schematic Master Plan is an eight-sheet set with which some sheets show the original approved master plan from 2006, and where Miller & Smith and the Town are today. Mr. Ellison further stated on page one (1) – MP-01 – there is a chart which provides a comparison between the 2006 schematic and today's schematic; and one of the noticeable changes is the overall site acreage has dropped about 50 to 55 acres, the projected number of residential units has decreased (because of the drop in acreage), but the residential density remains the same at 4.2 units per acre because that was specified in the ordinance. Mr. Ellison stated the open space slightly drops primarily because the area of the property is dropping so there is not as much for open space. Mr. Ellison stated the number of DeIDOT entrances will decrease by six (6), and Miller & Smith did change the location of the lifestyle center to where it is located today, but there is still commercial uses as well as others – and room for the Beebe medical center – available. Mr. Ellison stated the second sheet – MP-02 – is a representation of the various properties Miller & Smith owns and Mr. Ellison pointed out the location of the lifestyle center as well as Summerwind Village and Lakeside Village. Mr. Ellison stated all of the green on the map is the remaining land Miller & Smith owns. Mr. Ellison further stated Miller & Smith has 387 lots approved today, but Miller & Smith still have a long way to go [in terms of development]. Mr. Ellison stated the third sheet – MP-03 – is a technical sheet which is a requirement of the Town's zoning ordinance, showing items such as tax ditches, wetlands, waters of the United States, the existing development bodies as well as the original parcels which were required to form MBTS. Mr. Ellison further stated the fourth sheet – MP-04 – is a rendering of the MBTS lifestyle center. Mr. Ellison further stated, as with any new facility, Miller & Smith will be making some tweaks and adjustments, but, by-and-large, it's worked out very well. Mr. Ellison stated page five – MP-05 – shows the second major amenity near Sand Dollar Lake, located adjacent to Sand Dollar Village, and that is Huntington Park, which lies between Phase I and Phase II of Sand Dollar Village. Mr. Ellison stated the lake does have a walking trail around the lake.

Mr. Ellison stated the sixth sheet – MP-06 – is the presentation of what of Miller & Smith's lead development pods are available. Mr. Ellison stated the tan-colored areas are areas of MBTS which have ground water and the soils characteristic to support the type of residential

development and commercial development Miller & Smith and the Town are talking about. Mr. Ellison further stated the last discussion he had with Beebe about nine (9) months ago, Beebe told him their plans had been “pushed back way out into the future” and Mr. Ellison does not think the Town is on Beebe’s “radar screen right now.” Mr. Ellison stated the 20 acres is still there and is still zoned as a master planned community (MPC), and its ultimate use does have a rollover, a factor which needs to be considered as Miller & Smith and the Town move forward with MBTS. Mr. Ellison stated those areas which cannot support development – such as tax ditches and/or buffers – are shown in one shade of green. Mr. Ellison also pointed out the Delmarva Power Utility Easement and wetlands. Mr. Ellison further stated the major change to the plan are the identification of the “borrow pits” (three bodies of water) located in the southern area, which do not meet the current standard for lakes or ponds, and was to be developed for residential purposes under the approved plan but that would have taken having to fill in these bodies. Mr. Ellison stated such tasks have made the “borrow pits” undevelopable pods due to having to fill in the lakes, which is both very difficult and very expensive. Mr. Ellison stated Miller & Smith will repurpose these “borrow pits” and find some alternative uses for them, which Miller & Smith will present shortly.

Mr. Ellison stated the seventh sheet – MP-07 – is a very important sheet (as well as the eighth sheet) in that it exhibits the vehicular circulation patterns which Miller & Smith are anticipating. Mr. Ellison stated on the west side of Summerwind Village, there is Summerwind Drive, which is a denied-access – or no-access – “spine road,” a major road which will connect into the interior to up by the back corner of the Beebe Medical Center parcel. Mr. Ellison stated also shown is the large road coming in off Roxana Road and this will be a no-access road in terms of garages and things of that type. Mr. Ellison stated there will also be a connection somewhere in the middle of the site with a major road going out to Substation Road. Mr. Ellison stated the last sheet – MP-08 – takes the vehicular access (still shown in purple) and overlays it in red with a short batch of the “major elements of the pedestrian network,” showing not just the planned networks, but also the current existing networks. Mr. Ellison stated he wanted to emphasize every subdivision street in MBTS has either a sidewalk or trail on both sides. Mr. Ellison further stated Miller & Smith did not try to show every subdivision street but rather tried to “get the flavor” of where the major pedestrian network will go, and all of the major streets will have sidewalks. Mr. Ellison stated Miller & Smith also planned to utilize a lot of the tax ditches in the area – such as the Beaver Dam tax ditch – to provide a pedestrian network. Mr. Ellison stated this is designed to provide a variety of experiences, some of which are walking along major roads, a walk through a neighborhood or village, or a nature trail walk. Mr. Ellison stated the “borrow pit” shows a trail system which will come through it and into MBTS proper – allowing Miller & Smith to make access of it – and some of the trail system throughout there will have to be a boardwalk-type trail system because it will go through wetlands.

Mr. Ellison stated the other key element of the revised master plan is the written Development Performance Standards (DPS), of which the goal is to develop a set of standards which guide the development of MBTS, as well as provide flexibility in adjusting to the times, because Miller & Smith plan to be developing for another 20 to 25 years. Mr. Ellison further stated he believes what the committee created in the DPS will provide “adequate control but also a reasonable degree of flexibility.” Mr. Ellison stated he wanted to include that table one (1) is an ongoing chart which will be submitted every time Miller & Smith make a submission to the

Town, which provides the Town with documentation of where Miller & Smith are in the process, and how Miller & Smith are complying with some of the major standards.

Mr. Gulbranson stated the committee and Town staff have been working with Miller & Smith over these changes for over a year, and Mr. Gulbranson thinks the revised master plan does a good job at creating a vision for the overall community. Mr. Gulbranson stated, regarding the DPS, the master plan allows the Town to create standards for these types of projects – which has been done as the committee went through this reviewing process – and this new document gives standards and minimal recommendations for all development for the duration of the project. Mr. Gulbranson further stated one of the major changes is increasing the side yard setback from five (5) feet to seven (7) feet, so the Town can eliminate some of the past problems with space. Mr. Gulbranson stated he thinks the overall document is very well done and is a great document when it comes to moving forward. Town Solicitor Seth Thompson stated what the master plan does is the 30,000-foot level in figuring out how this multi-use area is going to be built but also the design standards take the place of what a zoning ordinance might do for some other classification, and this is what the Council would look to at the next subdivision application to make sure the requirements are being met.

Mr. Gordon stated he personally believes this is something which is overdue and Mr. Gordon applauds the people who spent all this time to go through all of this because it is all well-done. Mr. Kent asked about a modification made by P&Z regarding the setback of garages. Mr. Gulbranson stated in the original draft the Town committee received, the developer was asking a question and it dealt with the setback from the street to the attached garage. Mr. Thompson stated the committee and Miller & Smith had to make the setback either five (5) feet or twenty (20) feet, and putting it in-between does not necessarily work because someone parks a car and it ends up overlapping a sidewalk. Mr. Kent stated he looked at the drawing and asked about whether the garage would be a side-load or a rear-load. Mr. Ellison stated the drawing was a house which fronts on the street with a side-load garage. Mr. Kent asked if he has a side-load garage, would that be where the setback would be shorter footage? Mr. Ellison stated no, it is two different situations, and, in the provided drawing, the front door of the house is fronting on a public street and the garage is on the side of the house. Mr. Ellison stated when there is an alleyway between the house and a rear-load garage, there needs to be a distance between the edge of paving to be either around 5 feet or 20 feet, because if there is something in-between, people will start parking in that space. Mr. Ellison stated if there is an alleyway, there should be a shorter footage so people cannot squeeze their vehicle in to park in the space between. Mayor Hocker thanked Mr. Ellison and his team, as well as the committee and Town representatives who worked on this plan and DPS, stating everything looked great.

D. Property Owner Comments & Questions

Mr. Richard Shoobridge, of Tybee Street, stated, first, it would have been nice if the property owners in MBTS were apprised of these changes in the community; and, second, there is no way for residents of Sand Dollar Village on Tybee Street to get to the new community center because the road which was supposed to have been put in to get a certificate of occupancy (c.o.) is not there and cars go 55 miles per hour (mph) and faster along Substation Road, so Mr. Shoobridge is not going to ride his bicycle up to the path on the other side of Substation Road.

Mr. Shoobridge further stated he thinks this needs to be further looked at for safety reasons. Ms. Botchie asked Mr. Shoobridge if he had any questions or comments pertaining to the application. Mr. Shoobridge stated it is in the application that residents be able to ride their bike(s) up Substation Road and to the community center. Mr. Thompson stated if everyone looks at page MP-08 on the schematic master plan, the proposal is there is going to be a bike and pedestrian path along the “thicker artery” and Mr. Thompson recognizes that path is not there yet. Mr. Shoobridge stated the path was supposed to be there and Mr. Kent asked for the path back when the plans for Summerwind Village (were reviewed by Council) so the residents would have a way to get to the community center from Sand Dollar Village without going on Substation Road because vehicles travel too fast on that road. Mr. Kent stated the original request on his part was for a public safety issue relative to fire service and, at the time, the comment was made there would be a roadway put in, which Mr. Kent agreed with, and subsequently, Miller & Smith found an alternative way of putting in the emergency service access in and not go down the route Mr. Kent suggested. Mr. Kent stated the access of emergency service vehicles was his primary interest and the fact it would have been able to provide an avenue would have been fine, but it was not Mr. Kent’s primary interest. Mayor Hocker stated he sees a potential pedestrian bicycle network from the circle, up Substation Road, to that connecting road. Mr. Ellison stated Substation Road, at that point, will be upgraded, which is a DelDOT requirement, and, right now, Miller & Smith do have an interim bike/walking path which goes from Sand Dollar Village all the way down to the lifestyle center.

MOTION TO EXIT PUBLIC HEARING

Mr. Gordon motioned to exit the public hearing at 7:58 p.m. Mr. Kent seconded the motion. Motion carried 4-0.

8. NEW BUSINESS

To consider for possible vote on a revision to the approved Schematic Master Plan and the accompanying Development Performance Standards (DPS) for the MBTS development, submitted by Millville Town Center, LLC.

1.) Mayor Hocker request individual vote.

Mayor Hocker motioned to approve the revision to the Schematic Master Plan and the accompanying Development Performance Standards (DPS) for the MBTS development. Ms. Council Member Susan Brewer seconded the motion. Mr. Gordon voted yes. Mr. Kent voted yes. Ms. Brewer voted yes. Mayor Hocker voted yes. Motion carried 4-0. Mr. Maneri rejoined the dais.

9. PROPERTY OWNERS/AUDIENCE COMMENTS AND QUESTIONS

Sally Griffin, of Huntington Street, asked if there is any timeline for some of the development projects in MBTS. Mayor Hocker stated the Town certainly has no say in that; however, Mayor Hocker thinks supply-and-demand would play a major role in such decisions. Mr. Ellison stated Miller & Smith have two (2) sections of villages under development today – one of which is Summerwind Village, which is 84 lots total and it is probably two-and-a-half to three years per veloce; and the other being Lakeside Village, which is 45 lots and that is probably the end of the year 2016, depending on supply-and-

demand. Mr. Ellison further stated Miller & Smith have not made a determination of where the next areas will be specifically, and were waiting for the results of this hearing so Miller & Smith can now sit down over the next sixty (60) days and review which the next area might be. Mr. Ellison stated he thinks maybe in the early summer, Miller & Smith will be making its next submissions to the Town.

10. ANNOUNCEMENT OF NEXT MEETING – The next meeting will be the Town Council Workshop meeting on January 27, 2015.

11. ADJOURNMENT

Mr. Kent motioned to adjourn the meeting at 8:02 p.m. Mr. Gordon seconded the motion. Motion carried 5-0.

Respectfully submitted,
Matt Amerling, Executive Assistant