

**MINUTES OF THE MILLVILLE
TOWN COUNCIL MEETING
April 12, 2016 @ 7:00 p.m.**

In attendance were Mayor Bob Gordon, Deputy Mayor Steve Maneri; Secretary Valerie Faden; Council Member Steve Small; Town Manager Debbie Botchie, Town Solicitor Seth Thompson, Town Executive Assistant Matt Amerling, and Town Code & Building Administrator Eric Evans. Council Member Susan Brewer was absent.

1. CALL MEETING TO ORDER

Mayor Bob Gordon called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ADOPTION OF TOWN COUNCIL MINUTES AND NOTES

- A. Adoption of Town Council Minutes – March 9, 2016
- B. Adoption of Town Council Workshop Minutes – March 22, 2016
- C. Adoption of Town Council Executive Session Minutes – March 22, 2016

Council Member Steve Small motioned to approve the minutes from the March 9, 2016, Town Council meeting; the March 22, 2016, Town Council Workshop meeting; and the March 22, 2016, Town Council Executive Session meeting. Council Member Valerie Faden seconded the motion. Motion carried 4-0.

4. FINANCIAL REPORT – Town Manager Debbie Botchie

A. March 2016

Town Manager Debbie Botchie read the Financial Report for the month ending 3/31/16.

March 31, 2016:

General Revenue: \$ 64,625. Restricted Revenue: \$ 101,867.
General Expenses: 41,753. Restricted Expenses: 5,206.

Ms. Faden motioned to approve the Treasurer's Report for the month ending March 31, 2016. Deputy Mayor Steve Maneri seconded the motion. Motion carried 4-0.

5. ADMINISTRATIVE MATTERS

A. Administrative Report for March 2016 – Town Manager

Ms. Botchie stated Millville has exceeded the cash assets mark of \$8 million, of which Ms. Botchie is proud. Ms. Botchie stated her introduction of Ms. Pat Moulder as the new Volunteer Chairperson, and Ms. Moulder has been working very diligently in setting up the new logistics of the volunteers for the Town.

6. NEW BUSINESS

- A. Presentation of Parks and Recreation Grant check from DNREC to the Town – DNREC Grants Coordinator Bob Ehemann

Mr. Bob Ehemann, of DNREC, stated his appreciation to the staff of the Town who he has worked with, particularly Town Executive Assistant Matt Amerling for his thorough work on the grant submission and his responsiveness to any and all follow-up questions Mr. Ehemann had; as well as Town Manager Debbie Botchie for her energy and enthusiasm for improving the Town, and who is a strong advocate for parks. Mr. Ehemann stated it is his honor to partner with Millville on this memorable occasion and an honor to present to the Town on behalf of the Outdoor Recreation Parks & Trail (ORPT) program a check for the first Town park in the amount of \$200,000.00. Former Mayor Gerry Hocker Jr. accepted the check for the Town.

MOTION TO ENTER PUBLIC HEARING

Ms. Faden motioned to enter public hearing at 7:12 p.m. Mr. Maneri seconded the motion. Motion carried 4-0.

7. OLD BUSINESS

- (1) Discuss Ordinance 16-06 – Town Solicitor Seth Thompson *Synopsis:* Ordinance 16-06 amends Town of Millville Code at Chapter 155, Article IX “Sign Regulations.” The Town Council previously discussed the sign ordinance draft at the March 22, 2016, Workshop meeting.

Ms. Faden read the public hearing notice. Town Solicitor Seth Thompson stated, for the benefit for the public who were not at the March 22, 2016, Town Council Workshop meeting, this ordinance is being proposed to make some changes to the Town’s sign regulations. Mr. Thompson stated there is some clean-up language in terms of what a bulletin board is, as well as further describing what entails as a changeable sign, which will be defined as “a detached sign that is designed so that the characters and letters can be changed or rearranged manually, but not electronically, without altering the face of the surface of the sign, and which may be affixed to another permitted sign to appear as one (1) sign.” Mr. Thompson stated the ordinance also cleans up the language of an electronic variable message board, making the definition more detailed. Mr. Thompson further stated these electronic message boards are still only permitted for use by the municipal, fire, or ambulance buildings. Mr. Thompson stated the definition of political signs was changed to comply with the 2015 U.S. Supreme Court case as discussed during the March 22, 2016, Workshop meeting. Mr. Thompson stated flashing signs are prohibited, with the added language “except those with the limited capacity of showing time and temperature indicators.” Mr. Thompson stated there was language added so when a store puts up a daily or weekly special for sale items on their sign, they do not need to come in and get a sign permit every time. Mr. Thompson stated there was also a change for the total sign area for a changeable sign being reduced from forty-eight (48) to thirty-two (32) square feet. Mr. Thompson further stated one more change was adding that businesses in the C1 and C2 districts would be allowed a changeable sign, although not electronic.

Council Member Steve Small asked if the Town is banning itself from having decorative fixtures placed on utility poles going throughout the Town, specifically down Route 26. Mr. Thompson stated the Town has an exemption from its zoning code, so if the banner or sign being put up is a municipal sign, then the Code does not apply to it. Ms. Botchie stated, at this time, Delmarva Power & Light says there is a regulation in place so the Town is not allowed to attach anything to the utility poles along Route 26, but the Town’s own code does not apply to whether the Town can put up anything because it is exempt and would be allowed to add the banners or decorations once the Town hears from Delmarva Power & Light. Mr. Small stated, as far as he knows, the Town is

still allowing signs to reach as high as twenty (20) feet and asked if that is correct. Mr. Thompson stated yes, and this ordinance proposed tonight does not deal with the sign height restrictions. Mr. Small stated he would like to discuss the C2 district height restriction of twenty (20) feet. Mr. Thompson stated it is probably best to discuss it after closing the public hearing. Mr. Small asked if he could change the motion to include amending the language so the height restriction for the C2 district would change from twenty (20) feet to sixteen (16) feet. Mr. Thompson stated he thinks Council needs to “work the math on that” because Mr. Thompson wants it to be consistent so, if the 16 feet change is made, then the change to the eight (8) feet might change as well and the Town needs to make sure it would be the right fit. Mr. Small stated what he is trying to do is shrink the sign heights of Millville. Mr. Thompson stated it may be better to have a separate ordinance for the height amendment so people would know exactly the language they were voting on. Ms. Botchie stated, in the absence of the Town’s planner, who helped write this ordinance, Ms. Botchie thinks the height amendment should be taken back to the ordinance committee. Mr. Small stated he does not wish to do that, and he does not think the Town needs signs as high as envisioned in the Code.

(2) Residents / Property Owners Comments and Questions

There were no public comments.

MOTION TO CLOSE PUBLIC HEARING

Ms. Faden motioned to close the public hearing at 7:28 p.m. Mr. Maneri seconded the motion. Motion carried 4-0.

(3) Discuss and possible vote on Ordinance 16-06. Mayor Gordon requests individual vote.

Mr. Small motioned to amend the proposed ordinance at section C(3a), pertaining to height limit, by deleting the term “twenty feet” and substituting “sixteen feet,” as well as have all conforming adjustments be made, and that a general statement in the Code of a height limitation on any sign anywhere within the Town limits of sixteen feet be added at the appropriate point. Ms. Faden seconded the motion to further discuss the matter.

Mr. Small stated what he thinks is at stake is to limit the explosion in height, unlimited signs in modernity, as the Town moves down in the midst of tremendous growth, which the Town is currently experiencing. Mr. Small stated he is thankful for Town Code & Building Administrator Eric Evans for lending him the book (*Better Models for Development in Delaware*), which focuses solely on this state, and shows the efforts in streetscapes that can retain – despite the growth – some of the “bygone character,” which is a part of the heritage of the state, the county and the town. Mr. Small stated after looking through this book, he believes it is possible to carry out what he has proposed tonight and Mr. Small thinks beginning with a limitation on the signage is an excellent start. Mr. Maneri asked if the reduction of 20 feet to 16 feet was just in the C2 district. Mr. Evans stated Mr. Small wants the reduction for signs in all districts. Mr. Thompson stated logistically he would place such an amendment in the “signs prohibited in all districts” section. Mr. Maneri asked if some of the signs in the other smaller size areas might look too bunched and too wide since the signs are shortened in height. Mr. Maneri stated Council has to think of how these things will look. Mr. Small stated Mr.

Maneri is correct, and Mr. Small thought that was what he was exceeding to when he said that conforming the adjustments be made; so if before a twenty-foot meant twenty by fifteen, then maybe sixteen-foot would now mean sixteen by eight. Town Code & Building Administrator Eric Evans stated if a business is entitled two-hundred square feet of signage and their sign is ten by twenty, and they would come down to sixteen feet, then instead of the sign being about ten feet wide, it would be fifteen or twenty feet wide. Mr. Small stated the conforming would reduce the size of the sign too. Mr. Evans stated the Town would have to go back and redo the entire calculation of what size sign is permitted for a business. Mr. Small stated yes, and Mr. Small's amendment may go down, and the proposed ordinance may go forward, but not without Mr. Small laying the groundwork for some future work.

Ms. Botchie asked Mr. Thompson, at this point, because the public hearing notice for tonight was not about sign height, is it fair to the Town's businesspeople that such a thing be amended tonight, without any discussion at a workshop? Mr. Thompson stated, in terms of the notice, he thinks the notice is fine, but there is the issue of if a business owner came into Town Hall, saw the notice without mention of the sign height and had a gripe about it being passed without their notification. Mr. Thompson stated you don't want the public to feel like there was a "bait-and-switch" in that they were thinking one thing would be the item discussed, but there was something else not mentioned in the public notice. Mayor Bob Gordon asked if the Town would need to issue another public hearing notice. Mr. Thompson stated that would be his preference. Mr. Small stated all he thinks that needs to be done is to have Council vote down his amendment, then Council will be able to proceed. Mr. Small further stated he is puzzled because if the scope of notice means that, for the Council as well as the public in discussion at the hearing, that no amendment to the proposal can occur without further delaying things at least another month or longer, then Mr. Small thinks Council has hamstrung itself. Mr. Thompson stated he thinks the notice is broad enough to encompass the amendment, and Mr. Thompson does believe the exact ordinance brought before Council does not need to be the one that is passed because corrections can be made after the public hearing; but it is more of an issue of fairness. Ms. Botchie stated the issue of fairness is also where she is coming from in respect to the business owners who may have come in here to read the ordinance or came to the March 22, 2016, workshop, and did not see or hear mention of the sign height at either one. Ms. Botchie stated she thinks it would be more fair for business owners if this discussion were put into another Workshop meeting. Mr. Thompson stated, because the way the Town's ordinance is set up, where the Town has a minimum height and the Town would be establishing a lower maximum height, and that does not say anything about the width, then Mr. Evans is correct in that the effect – unless other language is changed – would have people making wider signs. Mr. Small stated he regrets that he thinks Council will have to go further than this and he doesn't wish to delay the start, so he withdraws his motion.

Mr. Maneri motioned to approve Ordinance 16-06 as written. Ms. Faden seconded the motion. Mr. Small stated he wanted very much to support this ordinance and it's very hard to do the thing Mr. Small thinks this Council and its predecessors have been moving toward. Mr. Small stated the identity of this Town for most of its residents and visitors is characterized by its main thoroughfare, which – as the Town Manager correctly notes – even where it is currently used as housing, is all zoned commercial. Mr. Small further stated there are things which make the ideal impossible – money among them – and had we the money, we'd have the opportunity to have the utility poles taken down and the lines buried. Mr. Small stated he would defy anybody to very seriously defend the notion that the poles are beautiful or an enhancement to what the Town wants to have as its streetscape. Mr. Small stated with that same feeling, signage becomes the next item in that it can

obliterate an effort to try to have a quaint business thoroughfare even as the Town expands, and Mr. Small applauds the effort that has gone into it; however, Mr. Small sees it as another missed opportunity. Mr. Small stated he will vote against this ordinance not because he opposes its thrust, he is in support of what the ordinance does change, but because he does not think its scope goes far enough. Mr. Small stated he does not think the Town needs a twenty-foot sign and he thinks the Council is missing an opportunity to go forward, as well as Mr. Small thinks the Town will see too little progress too slowly, and, at the same time, the financial burden of this is spread unevenly because, as Mr. Small alluded to, he will bring up this issue again for further work. Mr. Small further stated the grandfathering of some of the existing signs without limitation basically takes most of the large businesses out of an economic impact in this transition. Mr. Small stated he does not believe that was necessary and he believes the large business' cooperation could have been obtained and Mr. Small thinks signage of the current size is not necessary for them to do business. Mr. Small stated he will be with Council in spirit with this particular ordinance, but he will vote no because he thinks the ordinance should have gone much further.

Mr. Maneri voted yes. Ms. Faden voted yes. Mr. Small voted no. Mayor Gordon voted yes. Motion carried 3-1. Ms. Brewer was absent.

8. NEW BUSINESS

- A. Discuss and possible vote on a preliminary site plan submitted by A Shade Above, Tax Map Parcel #134-12.00-414.02, 35722 Atlantic Avenue, Millville, DE 19967, to tear down the vacant residential unit on the site to build a new building for a new retail establishment, located on Route 26 between Artisan Bank and First Shore Federal Bank. *Synopsis:* The Town Board of Adjustment (BOA) held a hearing on January 11, 2016, to consider A Shade Above's request for a variance of Town Code 155-29B(2), to reduce the buffer to twenty-four (24) feet; Town Code 155-28C(13), for parking encroachment of front yard by two-and-a-half (2 ½) feet, as well as encroachment into the side yard by eleven (11) feet. The BOA voted 3-0 to grant the variance to A Shade Above.

Mr. Tom Ford, of Land Design, stated he is representing Keith Kalmbach, who is the property owner and applicant, and this is merely for site plan approval. Mr. Ford stated the current site has a residential home on it which is uninhabitable, so there is a plan to build a new structure for the business. Mr. Ford stated they have recently surveyed the property, they have trees going on it, as well as contours and setbacks. Mr. Ford stated the buffer for the wetlands are on the plan, and DelDOT has established the entranceway with the sidewalk.

Mr. Thompson asked if the parking was done so there were one parking space for every 300 square feet, as well as one space for every employee. Mr. Ford stated he first had one parking space per every 250 square feet, but they have since changed it to the three-hundred. Mr. Thompson stated to make sure Mr. Ford provide a landscaping and lighting plan when the final site plan is provided, with the proper approvals, to Council.

Mr. Small motioned to approve the preliminary site plan submitted by A Shade Above, Tax Map Parcel #134-12.00-414.02, 35722 Atlantic Avenue, Millville, DE 19967, to tear down the vacant residential unit on the site to build a new building for a new retail establishment. Ms. Faden seconded the motion. Motion carried 4-0.

- B.** Resolution 16-05 - Discuss and possible vote on Resolution 16-05. Synopsis: If approved, Resolution 16-05 establishes the fee schedule for FY17.

Town Manager Debbie Botchie stated this resolution is merely for the establishment of the new fiscal year fee schedule for the Town, and, thankfully, no taxes or fees have to be increased for the FY17 budget.

Ms. Faden motioned to approve Resolution 16-05. Mr. Maneri seconded the motion. Motion carried 4-0.

- C.** Discuss and possible vote on the FY17 Budget. Synopsis: The Town Council discussed and reviewed the FY17 budget at its March 22, 2016, Town Council Workshop meeting with the Town Manager and the Town Financial Administrator.

Ms. Botchie stated all that changed since the March 22, 2016, workshop were a few adjustments as far as general and administration expenses, based on the approval that Council made out of executive session as far as the employees. Ms. Botchie stated the administrative expenses increased 13.17% from last year, and that is including a new employee, so she thinks the Town has done very well with that. Ms. Botchie stated since the Town is adding a new employee to the Town staff, she has increased the capital furniture budget for things such as furniture, telephone and computer installation, etc., and that is all that was adjusted.

Ms. Faden motioned to approve the FY17 Budget as proposed. Mayor Gordon seconded the motion. Motion carried 4-0.

9. PROPERTY OWNERS/AUDIENCE COMMENTS AND QUESTIONS

There were no comments.

MOTION TO GO INTO EXECUTIVE SESSION

Ms. Faden motioned to go into executive session at 8:01 p.m. Mr. Maneri seconded the motion. Motion carried 4-0.

- 10. EXECUTIVE SESSION** – Discussion of strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining, when an open meeting would have an adverse effect on the bargaining or litigation position of the public body; and personnel matters in which the names, competency and abilities of individual employees are discussed, unless the employee requests that such a meeting be open.

MOTION TO COME OUT OF EXECUTIVE SESSION AND RECONVENE OPEN MEETING.

Ms. Faden motioned to come out of executive session and reconvene open meeting at 9:42 p.m. Mr. Small seconded the motion. Motion carried 4-0.

11. NEW BUSINESS

- A.** Discussion and possible vote on Executive Session matters.
Mayor Gordon requests individual vote.

Council decided not to vote on Executive Session matters.

12. ANNOUNCEMENT OF NEXT MEETING – The next meeting will be the Town’s workshop on April 26, 2016.

13. ADJOURNMENT

Mayor Gordon motioned to adjourn the meeting at 9:44 p.m. Mr. Maneri seconded the motion. Motion carried 4-0.

Respectfully submitted,
Matt Amerling, Executive Assistant