

**MINUTES OF THE MILLVILLE
TOWN COUNCIL MEETING
July 14, 2015 @ 7:00 PM**

In attendance were Mayor Gerry Hocker, Deputy Mayor Bob Gordon, Council Members Harry Kent, Steve Maneri, and Susan Brewer; Town Solicitor Seth Thompson, AECOM representative Kyle Gulbranson, Town Manager Debbie Botchie, Town Code & Building Administrator Eric Evans, and Town Executive Assistant Matt Amerling.

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 – June 9, 2015

B. Adoption of Town Council Workshop Minutes – June 23, 2015

Council Member Harry Kent motioned to approve the Council minutes for June 9, 2015, and the Workshop Minutes for June 23, 2015. Council Member Susan Brewer seconded the motion. Motion carried 5-0.

4. FINANCIAL REPORT – Treasurer

A. June 2015

Treasurer Harry Kent read the Financial Report for the month ending 6/30/15.

June 30, 2015:

General Revenue: \$ 113,744. General Expenses: \$ 32,149.

Restricted Revenue: 99,063. Restricted Expenses: 37,054.

Deputy Mayor Robert Gordon motioned to approve the Treasurer's Report for the month ending June 30, 2015. Council Member Steve Maneri seconded the motion. Motion carried 5-0.

5. ADMINISTRATIVE MATTERS

A. Administrative Report for June 2015 – Town Manager

There were no comments.

6. NEW BUSINESS

A. Appointment of Board of Adjustment (BOA) Commission Member Valerie Faden – Town Council

Mayor Hocker motioned to appoint Valerie Faden to the Town of Millville Board of Adjustment Commission. Mr. Gordon seconded the motion. Motion carried 5-0.

- B. Swearing-in of new BOA Commission Member Valerie Faden – Executive Assistant
- C. Discuss and possible vote on a proposal for a new server with in-house MS Exchange – Town Manager & Treasurer

Town Manager Debbie Botchie stated when the Town decided to contract with Hilyard's to manage the Town administration's full-time IT management, the Town asked Hilyard's to give the Town some suggestions on its current electronic equipment. Ms. Botchie stated she spoke with Mr. Michael Macri regarding the Town's server, which is from 2008, and with the server, the Town cannot connect to its current software such as Microsoft. Ms. Botchie further stated there were two options Hilyard's presented to the Town: option A is to purchase a new server, configure and update the system, configure the domain controller, configure the exchange server and import files, as well as configure email on phone and tablet devices so the staff could retrieve documents and check email; and option B is to purchase the Microsoft 365 email and cloud, however, most likely in two years, this server is going to have to be replaced. Ms. Botchie stated she is suggesting Council go with option A, which the price includes Hilyard's time and work on installation, and also due to the fact that if the Town went with option B and kept its current server, there is no guarantee that the server could break within the next month or year due to its age.

Mr. Kent agreed with the age of the current server in that it also does not have the functionality with which is necessary for the running of current software the Town utilizes. Mr. Kent stated he spoke with a Hilyard's representative and the way the Town is set up today with the PCs to the server to Hilyard's backup, the Town has pretty good control of where the data is being stored and maintained, but the Town would have none of that control if it went with option B. Mr. Kent further stated there is no guarantee that Microsoft's 365 may change its prices in the future. Mr. Kent stated, in the long run, he believes it is simply better if the Town go with Hilyard's option A, especially since they will install and maintain the service and it will provide greater availability of utilizing other electronic devices to help with getting more work done. Mr. Maneri asked how long the server will last before having to go over this again. Mr. Kent stated the Town's current server is eight (8) years old but technology could change in a heartbeat and something new could come out tomorrow.

Council Member Susan Brewer motioned to accept the Hilyard's proposal for option A to purchase a new server for the Town's in-house MS Exchange. Mr. Gordon seconded the motion. Motion carried 5-0.

- D. Review and discuss Ordinance 16-01. *Synopsis:* Ordinance 16-01 amends the Town of Millville Code at Chapter 155 relating to Zoning at: Article V Application of District Regulations, § 155-8. Applicability of Zoning Regulations; Article VI District Regulations, § 155-9. AR-Agriculture Residential District, § 155-10. R-Residential District, § 155-13. C1-Route 26 Corridor/Town Center Commercial District, § 155-14. C2-Town Commercial District; Article VII Supplementary District Regulations § 155-28. Off-Street Parking by adding C. Design standards for parking areas; Article X Conditional Uses, § 155-49. Conditional uses enumerated; and Article XIV. Terminology.

Town Manager Debbie Botchie stated the Council has currently gone through the Agricultural (AR), Residential (R), and most of Commercial (C1) districts, but Council is currently near the end of the C1 section, on page eleven (11). AECOM representative Kyle Gulbranson stated gas and service stations will go from being a prohibited use to a conditional use. Ms. Botchie stated yes, and that way, the Planning & Zoning (P&Z) Commission and Town Council can place certain conditions on these uses each time they have to come before the respective council. Mr. Gordon asked if the gas and service stations have a minimum acreage. Ms. Botchie stated no, when the business comes in, they will either go on land zoned as C1 or C2, and that zoned land has already been designated in terms of building size. Mr. Gulbranson stated whatever is allowed in C1 is allowed in C2, so if a gas station business came in and got its conditional use from P&Z and Council, it would be allowed on either zoned type of land.

Mr. Gulbranson stated, on page twelve (12), concerning size requirements of the C1, AECOM looked at the lot area requirement of 14,000 square feet and wondered what it did to the existing lots in the C1 district, so AECOM went through and did an analysis of all the lots within the C1 district to find out what was the smallest lot, largest lot, average lot. Mr. Gulbranson further stated what they found was the lots were a lot larger in that district; however, there were some which were relatively small, so there were about twenty-five (25) lots which were made non-conforming by the 14,000 square foot lot area. Mr. Gulbranson stated AECOM looked at what other neighboring area communities had as a minimum lot size for their commercial district(s), and AECOM came up with 8,000 square feet being a more appropriate average lot area size requirement. Mr. Gulbranson stated the front-yard setback was established as thirty (30) feet in the old Code, but here it has been changed to twenty (20) feet because when 30 feet was originally implemented, it was when DeIDOT was acquiring frontage for road work so the 30 feet was given as extra with that in mind; however, now, there is no more DeIDOT acquiring land so the setback was reduced to twenty (20). Mr. Gulbranson stated the rear yard setback was reduced from 30 feet to 20 feet because the Town noticed there was a problem with people trying to develop the more narrow lots along Route 26, so the setback was reduced so there will be more developmental area in the C1 district. Mr. Gulbranson stated, under number 5-A, "if a C-1 parcel abuts a residentially zoned parcel or residential use, the rear building setback along the common property line shall be expanded to a minimum of 30 feet," this rule was added so that if the back of the property is abutting anything other than commercial, the Town thought it was appropriate to reduce it to 20 feet. Mr. Gulbranson stated sub-item B states a buffer planting strip not less than 10 feet wide shall be provided along all side lot lines which form a common lot line with any residential district. Town Solicitor Seth Thompson stated he believes residential use should be tacked on at the end also. Council agreed, so the end would state, "...form a common lot line with any residential district or use."

Mr. Gulbranson stated, on page 13, number 3, the committee looked at what other communities in the area had in terms of their coverage requirements and Millville's were very conservative, but the committee were looking for a lot of green space, a lot of landscaping, and on some of the small lots the Town has, it would be very difficult to develop a small lot in the C2 district and still meet the requirements for stormwater, buffers, setbacks, and meet the coverage requirement. Mr. Gulbranson stated the Town compared some of its regulations with some other districts, and bumped up the maximum coverage from thirty-five (35) percent to a maximum of sixty (60) percent, and Mr. Gulbranson thinks it is appropriate in the C1 district, which is a town center,

more urban district, and that is a coverage for everything which is an impervious surface. Town Code & Building Administrator Eric Evans stated the wording "... the principal building and all accessory buildings ..." makes it sound like it is limiting the rule to just one main building. Mr. Gulbranson stated the wording should be changed to, "the maximum coverage of the lot, including all buildings, parking areas, and impervious-surfaced area shall not ..." Council agreed.

Mr. Gulbranson and Mr. Thompson agreed to omit the new number five on page fourteen (14). Ms. Botchie stated that was the end of the C1 section and asked Council if they had any questions so far regarding what was just covered. Council stated they had no questions or comments. Ms. Botchie stated the C2 district basically mirrors the C1 district in terms of the thought process. Mr. Gulbranson stated to keep in mind that all permitted uses in C1 are also permitted in C2, and the language is basically the same when dealing with restaurants. Ms. Botchie stated, under number five of the current Code, "professional and business offices," the item is being stricken because it is redundant due to it already being listed in the C1 section. Mr. Kent asked about the wholesale warehouse operations and would a B.J.'s store be under that definition. Mr. Gulbranson stated a B.J.'s would be considered a wholesale store. Mr. Kent stated he agreed but a B.J.'s has big trailer trucks coming in with big freight and the word "operations" makes it seem as if the store may fall into that category. Mr. Gulbranson stated he thinks stores like B.J.'s do have large trucks bringing massive quantities coming in, however, the establishment is a retail store and said items are being bought and consistently taken out of the establishment; whereas a warehouse or storage "operation" would be more like an establishment which has more long-term storage. Mr. Kent asked about something like an Amazon.com distribution warehouse. Mr. Gulbranson stated he believed that would be categorized as a warehouse facility. Mr. Kent asked if the Amazon distribution warehouse would be prohibited. Mr. Gulbranson stated yes, he believed so.

Mr. Thompson suggested back on the top of page nine (9), changing sub-item "k" from "gym/fitness center" to "health & exercise facility." Council agreed. Ms. Botchie asked if Council was satisfied with leaving the "conference center" section on page sixteen (16). Council stated there were satisfied. Mr. Gulbranson stated, on page seventeen (17), under item "G," the only change was the minimum lot frontage being reduced from 400 to 200 square feet. Ms. Botchie asked, on page eighteen (18), what should be done about the inclusion of impervious coverage in C2. Mr. Thompson stated the Town may want to consider providing a definition for impervious coverage, such as what it includes (i.e., buildings, sidewalk, parking lot, etc.), and the maximum impervious coverage is seventy (70) percent. Ms. Botchie agreed and stated she would do add Mr. Thompson's suggestion. Ms. Botchie asked if there were any questions or comments regarding the C2 district. Council stated they were agreed.

Mr. Gulbranson stated the major change in the supplemental district regulations was the Town wanted to update and modernize the Town's parking requirements. Mr. Gulbranson stated it is sort of a trend around the country to rather than increase the amount of parking, take the numbers down; this helps with stormwater, and dramatically brings down the cost of development if there are fewer parking spaces. Mr. Gulbranson stated the end result was the commission reviewed the parking regulations and reduced the amount of required parking spaces in every category. Mr. Thompson stated, on page twenty-one (21), under item number fourteen (14), the term "shade tree" may need to have examples as to what constitutes such a term. Mr. Gulbranson stated most "shade trees" are an industry standard and developers/engineers know what type of tree that term

entails.

Mr. Thompson stated, under number fifteen (15), sub-item A, the “several distinct principal uses” is a bit vague and asked whether there was a particular number in mind in reference to the word “several.” Mr. Gulbranson stated he did not think that was discussed. Mr. Evans asked if the word “multiple” could replace “several distinct.” Council and Mr. Thompson agreed the word “multiple” sounded better.

Ms. Botchie stated, under Conditional Uses, all the committee did was add the word “as appropriate” so whenever a business came in, the owner would have to run the use by P&Z and Council review. Mr. Thompson stated he would come up with some language for pages eleven (11) and sixteen (16) regarding the conditional use sections. Ms. Botchie stated, regarding the next section, “Terminology,” the Town is still working on “distillery, winery and brewery” due to fitting Title 4 of the Delaware Code. Mr. Thompson stated he would like to suggest changing the language, on page seven (7), regarding “Brew Pubs, Wineries or Distilleries in conjunction with restaurant” to “Brew Pubs, Wineries or Distilleries as an accessory use to a restaurant.” Council agreed. Mr. Thompson stated, on page twenty-eight (28), he would like to suggest placing the word “or” between item one (1) and item two (2) under the term “Historic Structure,” so the public knows it only has to be one of them and not both in order to qualify as said term. Council agreed. Mayor Hocker and Council agreed to present the ordinance at a public hearing at the August 11, 2015, Town Council meeting.

7. PROPERTY OWNERS/AUDIENCE COMMENTS AND QUESTIONS

There were no comments or questions.

8. ANNOUNCEMENT OF NEXT MEETING

Mayor Hocker announced the next meeting would be the Town Council Workshop meeting on Tuesday, July 28, 2015.

9. ADJOURNMENT

Mr. Kent motioned to adjourn the meeting at 8:38 p.m. Mr. Gordon seconded the motion. Motion carried 5-0.

Respectfully submitted,
Matt Amerling, Executive Assistant