

**MINUTES OF THE MILLVILLE
TOWN COUNCIL MEETING
January 12, 2016 @ 7:00 PM**

In attendance were Mayor Gerry Hocker, Deputy Mayor Bob Gordon, Council Member Susan Brewer; Town Manager Debbie Botchie, Town Solicitor Seth Thompson, AECOM Representative Kyle Gulbranson, and Town Executive Assistant Matt Amerling. Council Member Steve Maneri 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. ROLL CALL

4. ADOPTION OF TOWN COUNCIL MINUTES

A. Adoption of Town Council Minutes – December 8, 2015

B. Adoption of Town Council Workshop Minutes – December 22, 2015

Council Member Susan Brewer motioned to approve the Council minutes for December 8, 2015, and the Council workshop minutes for December 22, 2015. Deputy Mayor Bob Gordon seconded the motion. Motion carried 3-0.

5. FINANCIAL REPORT – Council Member Susan Brewer

A. December 2015

Council Member Susan Brewer read the Financial Report for the month ending 12/31/15.

December 31, 2015:

General Revenue: \$ 93,377. General Expenses: \$ 48,763.

Restricted Revenue: 142,533. Restricted Expenses: 38,107.

Deputy Mayor Bob Gordon motioned to approve the Treasurer's Report for the month ending December 31, 2015. Mayor Hocker seconded the motion. Motion carried 3-0.

6. ADMINISTRATIVE MATTERS

A. Administrative Report for December 2015 – Town Manager

There were no comments.

7. NEW BUSINESS

A. Mr. Richard Bloch – Dicken's Parlour Theatre Synopsis: Mr. Bloch wishes to address the Town Council regarding the Town's Sign Ordinance.

Mr. Richard Bloch, of Dicken's Parlour Theatre, stated he is requesting the Council to take action to provide for the ability of a theatre in Millville to advertise what it is playing. Mr. Bloch stated the current sign ordinance – as interpreted by Millville – permits Dicken's to advertise to the public their business name, but the Town prohibits the theatre from advising anyone as to what is playing. Mr. Bloch stated the approval of Dicken's electronic sign was rejected by the Board of Adjustment on January 11, 2016, on the basis of businesses in the Town are not permitted to use changeable signs. Mr. Bloch further stated there are signs similar to changeable signs which are up in the Town, but those were grandfathered in. Mr. Bloch stated because the Theatre's shows change every one (1) to two (2) weeks, he would need to change the sign on this weekly basis, but he cannot due to the current sign ordinance. Mr. Bloch stated he is requesting action by this Council to allow a theatre to advise the public as to what is playing inside. Mr. Bloch stated advertising what is playing inside is important because the theatre is unique among all of the other businesses in Town in that they are the one enterprise which sells one product only, and that product changes on a weekly basis, and people need to know what they are seeing before they buy the tickets. Mr. Bloch stated he is not saying such a sign should be outside of the rules of the sign ordinance because it would have to apply to size limitations, as well as the requirements of not flashing, oscillating, or animated. Mr. Bloch stated he is just asking for a sign to display what show is playing and when, and a means of changing that sign.

Town Solicitor Seth Thompson stated the Code does only allow changeable signs for municipal uses, as well as fire, police, or ambulance services. Mr. Thompson stated Mr. Bloch's electronic sign is a changeable sign but there are a few avenues Council can take on this issue. Mr. Thompson stated he would recommend some frequency of change for theatres – whether electronically or the “old-fashioned” marquee with moveable letters and numbers – because he is sure Mr. Bloch does not want to come in every week when the show changes and request a sign permit. Mr. Thompson stated if Council wants to go down the path of amending the sign ordinance to allow for theatres, Mr. Thompson thinks it needs to be added to the list of changes which would not require a sign permit. Mr. Thompson further stated the other question is with which district(s) Council think it would be appropriate. Mayor Hocker stated his proposal this issue be addressed at a Town Workshop meeting if Council wishes to pursue it. Mr. Thompson stated he is happy to draft a version where Council can pick one of a few ways to go on this. Mr. Bloch stated he is not requesting permission to do anything different than he's always done or what was done at the time he received his conditional use approval, but rather just post what the theatre is showing. Town Manager Debbie Botchie asked if Mr. Bloch currently has a sign board up on his building to advertise shows. Mr. Bloch stated yes, but the wall sign is inadequate because people traveling on Route 26 are not able to see it from the road as they are driving by. Mr. Bloch stated he would be happy to take the wall sign down because it looks terrible and is simply not effective. Ms. Botchie stated the Town has several businesses which would want to have a sign like an electronic changeable sign, and, although Mr. Bloch states he will only change the sign once a week, there will be many other businesses who will come in to the Town and say they will only advertise once a week as well, so that is where the problem lies. Mr. Bloch states he understands the problem which is why he is suggesting the Code be modified to authorize a theatre, which is manifestly different from any other

business. Ms. Botchie stated the Town does not allow theatres in the C-1 district, and the signage for C-2 districts have a different ordinance for signs, but none of them are electronic. Mr. Thompson stated Council should decide whether they want to make an amendment and whether the signage could be electronic or not. Ms. Botchie stated she thinks the first step is to review some revisions with the Code and bring this issue to the ordinance committee before Mr. Thompson starts drafting. Council agreed.

B. Discuss and possible vote on Resolution 16-03 which will ratify and amend the Personnel Policy of the Town of Millville with amendments to 6-1 Disciplinary Action.

Mr. Thompson stated this is really a clean-up issue, clarifying some language, specifically with 6-1 Disciplinary Action portion of the Town's personnel policy. Mr. Thompson stated, with 6-1(A), he straightened up the forms of discipline in order from least severe to most; with 6-1(B), he added there could be more than one personnel meeting and the written reprimand can be done along with some other form of disciplinary action. Mr. Thompson stated the biggest change is the addition of "suspension with pay," which most people may not like, but the Town has to balance the employees' rights with the employer's rights, and it is only in place in the event there is a problem which requires the Town Manager to immediately remove somebody from the workplace without having given that person a lot of time to respond. Mr. Thompson stated the loss of increment addition deals with at the conclusion of the year, a loss of increment can occur if an employee gets two written reprimands during the past year. Mr. Thompson further stated the Town Manager would be the one to handle a demotion, and, in the dismissal portion, Mr. Thompson added the language "unauthorized use of the Town's telephones, computers, copiers, or other Town property."

Mr. Gordon motioned to adopt Resolution 16-03. Ms. Brewer seconded the motion. Motion carried 3-0.

C. Discuss and possible vote on a site plan application submitted by Dove Barrington, LLC. The request is for lot line revisions on lots 215-219 within Phase 2A at Bishop's Landing. The lot line revision is requested so the buildings in the townhome alignment can be "staggered" to make sure the roof peaks align based on the selected options of the end units.

Mr. Steve Marsh, of George, Miles and Buhr (GMB) LLC, stated he is representing Bishop's Landing and tonight the lots in review are lots 215 to 219. Mr. Marsh stated he is asking for a three (3) foot lot line adjustment because when GMB's architects developed the strip drawing for the townhouse plan, the goal is to align the ridges in the roofline so the roofs line up and there are no crickets, which are where the roof gets a little skewed and leads to potential for leaks. Mr. Marsh stated this three-foot lot line adjustment would allow GMB to stagger the building to line up the ridgelines on the roof. AECOM Representative Kyle Gulbranson stated this is a very minor revision and all of the lots still meet requirements, and Mr. Gulbranson commends GMB for eliminating potential homeowner problems in the future.

Mr. Gordon motioned to approve the site plan application submitted by Dove Barrington, LLC, for lot line revisions on lots 215 to 219 within Phase 2A at Bishop's Landing. Ms. Brewer seconded the motion. Motion carried 3-0.

8. NEW BUSINESS

MOTION TO ENTER PUBLIC HEARING

Mr. Gordon motioned to enter into public hearing at 7:30 p.m. Mayor Hocker seconded the motion. Motion carried 3-0.

(1) Public hearing regarding Resolution 16-02, a resolution to request an amendment of the Charter of the Town of Millville. *Synopsis:* The amendment to the Town Charter will consist of:

- 1) Replacing the metes and bounds description of the Town boundaries with the recorded maps and plots of the Town, to avoid the need to amend the Charter to include the metes and bounds of any annexed territory;
- 2) Allowing 1 of the 5 Council members to be non-resident freeholders within the Town;
- 3) Establishing the timing of the transition to the Council's new composition;
- 4) Updating the Charter's provisions on holding municipal elections, including allowing freeholders to vote, in addition to residents;
- 5) Updating the Charter to remove a provision that may be inconsistent with the Delaware Constitution's provision on oaths;
- 6) Updating and elaborating on the Council's meeting process;
- 7) Updating and elaborating on the Council's process for passing certain acts;
- 8) Adding a process for determining forfeiture of office; and
- 9) Providing the Town Council the flexibility to allocate up to 6% annually of its real property taxes between fire departments, ambulance services, and emergency treatment services, since the current Charter's language divides that same 6% total between the fire companies at 3% and the ambulance or emergency treatment services at 3%.

Mayor Hocker motioned to eliminate items numbered two (2) and four (4) regarding freeholders from Resolution 16-02 due to those items being binding to a future Council and ultimately to the Town. Mr. Gordon seconded the motion. Ms. Brewer voted yes. Mr. Gordon voted yes. Mayor Hocker voted yes. Motion carried 3-0.

Mr. Thompson stated per the discussed items which were reviewed at the public Town Council Workshop meeting on December 22, 2015, the only changed items would be taking out item number two (2), regarding one (1) freeholder to be allowed to serve on Council, and item number four (4), regarding freeholders being allowed to vote in a Town election. Mr. Thompson stated the election time would change from 11 a.m. to 3 p.m. to 11 a.m. to 4:30 p.m., and the age of eligibility to be a Council member will change from eighteen (18) years old to twenty-one (21) years old, per the State's Code. Mr. Thompson stated the other change would be in order for ordinances to pass, a majority of the elected Council's members (i.e. three of the five) must approve in order for the ordinance to pass. Mr. Thompson further stated the inclusion of

forfeiture of Council be due to “moral turpitude” be stricken, although felonies shall remain. Mr. Thompson stated the other change was a Council members could forfeit their position if they missed three (3) unexcused Council meetings as opposed to three consecutive Council meetings. Mr. Thompson stated he will update section eleven (11) of the bill, which is the effective date, and it can take effect upon its enactment.

(2) Residents / Property Owners Comments and Questions

There were no comments.

MOTION TO CLOSE PUBLIC HEARING

Mr. Gordon motioned to close the public hearing at 7:42 p.m. Ms. Brewer seconded the motion. Motion carried 3-0.

(3) Discuss and possible vote on Resolution 16-02. Mayor Hocker request individual vote.

Mr. Gordon motioned to adopt Resolution 16-02. Mayor Hocker seconded the motion. Mr. Gordon voted yes. Ms. Brewer voted yes. Mayor Hocker voted yes. Motion carried 3-0.

9. PROPERTY OWNERS/AUDIENCE COMMENTS AND QUESTIONS

Ms. Margaret King, of Cedar Drive, stated she loves living in the Town of Millville.

Ms. Robin McClane, of Surfsong Landing, referring to Mr. Bloch’s earlier presentation when he said other businesses signs were grandfathered in, asked what did that mean. Mr. Thompson stated the term “grandfathering” really refers to what is in the Code as pre-existing non-conforming uses, so whenever the Code changes, based on the notion of vested rights, the existing use or existing structure is allowed to maintain that use and/or structure as it was built. Mr. Thompson stated one can lose that pre-existing non-conforming status if the use stops for a year and a day, and one must look at what current ordinance is in effect when a new structure or sign goes up.

Mayor Hocker stated he has a letter to read at this time. Mayor Hocker read the letter, stating there are times throughout one’s life when decisions must be made. Mayor Hocker stated he is writing this letter with a heavy heart as he is forced to discontinue a passion that he has truly enjoyed, especially since it has been a major part of his life. Mayor Hocker stated almost fourteen (14) years ago, in March 2002, he became a Council member for the Town, having no political experience, Mayor Hocker began to learn and appreciate all of the aspects of the job he was elected to do. Mayor Hocker stated he had no idea of the amount of satisfaction and pride that such a job would bestow onto him, and from the day he was sworn in, he has always kept Millville in his heart and strived to do the best job and make the best decisions for this Town. Mayor Hocker stated words cannot express the amount of gratitude he has toward such an opportunity in serving the Town Council. Mayor Hocker stated at this time, he must make a decision for his family and retire his service from the Town of Millville, effective today, January

12, 2016. Mayor Hocker further stated as he closes this chapter in his life, he will be opening another chapter. Mayor Hocker stated to continue to have the honor of a seat on the Millville Town Council requires the individual to be a resident and in the near future, he will be declaring his permanent residence to be outside of the Town he loves. Mayor Hocker stated having strong roots in this Town and community, he must say that this decision is extremely difficult and he considers it a blessing to have been able to live and serve in the Town of Millville. Mayor Hocker stated, to the residents who voted for him in 2002, his extreme thanks for giving him an incredible opportunity to serve everyone, and he is truly honored they believed in him and trusted he could do a great job. Mayor Hocker stated, to the past Council persons, he expressed his thanks for working with him and teaching him, with the past fourteen (14) years having a great opportunity to work with so many great people. Mayor Hocker stated never once was there a personal agenda from anyone and that has been remarkable. Mayor Hocker further stated together they grew this Town with the same goals and it his hope that that tradition will continue for the Town. Mayor Hocker stated, for the current Council, his extreme thanks for making every meeting such a blessing, and together they have accomplished so much and have so much for which to be thankful. Mayor Hocker stated we all have the same goals and strive each day to make Millville a wonderful town, reaching achievements which have made the Town a wonderful place for residents to live. Mayor Hocker stated his thanks for the faith and trust they bestowed to him in appointing him Mayor. Mayor Hocker stated to Mr. Gordon his thanks for being an incredible neighbor. Mayor Hocker stated, to the residents, his thanks for the opportunity to serve them and is truly honored to have had this wonderful opportunity to proudly serve Millville. Mayor Hocker stated he hopes he has done his part to make Millville a wonderful place to live for the rest of the residents' lives. Mayor Hocker stated, to the individuals who ask annually "what do I get for my tax dollars?", those people get a staff who loves working for them and a Council that strives every day to make Millville the best place to live, and together, the staff and Council keeps your taxes as low as possible compared to other towns while maintaining Millville's high standards. Mayor Hocker stated, to the staff, they are all remarkable, and, from the bottom of his heart, he sincerely thanks everyone for all they've done for him. Mayor Hocker stated it has been said that an individual is only as good as the individuals he or she surrounds himself with, and each of the staff does a fantastic job, and they are all a true asset to the Town. Mayor Hocker stated he is thankful he had a voice in hiring Town Manager Debbie Botchie because she has been remarkable and the Town is blessed to have her as town manager. Mayor Hocker stated Ms. Botchie never ceases to amaze him with the brilliant ideas she brings to this Town; and her talents and enthusiasm for this Town far exceed any expectations of a town manager. Mayor Hocker stated Ms. Botchie made his job easy and he sincerely appreciates all she has done for him. Mayor Hocker stated, to Town Solicitor Seth Thompson, his thanks for all of Mr. Thompson's legal advice, and Mr. Thompson has been a blessing to this Town, and Mayor Hocker hopes Mr. Thompson's dedication to the Town will continue for many years to come. Mayor Hocker stated, to his family, he expresses his thanks for the confidence and encouragement, particularly his parents for the confidence he received when he first ran for a seat on the Council; his wife, Carey, for always supporting him, giving him the words of encouragement when they were newly married and he decided to run for Town Council, and no matter what meeting or function he's had to attend, his family has always been supportive of him; and a special thanks to his children Marin and Mitchell for understanding when he was not home due to having to attend the many Town meetings. Mayor Hocker stated, most importantly, he thanks God for leading his life down

this remarkable path of serving this Town. Mayor Hocker stated it is never easy to leave something when you truly love what you do. Mayor Hocker is proud of the most recent projects for the Town, like purchasing land for a park, and finishing the design and contract-awarding for the Troop 4A for the Delaware State Police (DSP) – both of which were long-term accomplishments for this Town and it was a privilege to have had a voice in each of those accomplishments. Mayor Hocker stated the Town of Millville is incredible – for the staff and Council currently running this Town, there is so much to look forward to. Mayor Hocker expressed his thanks again for the opportunity of a lifetime, he will never forget about the opportunity the Town gave him, and may God bless everyone and the Town of Millville.

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

11. ADJOURNMENT

Ms. Brewer motioned to adjourn the meeting at 7:56 p.m. Mr. Gordon seconded the motion. Motion carried 3-0.

Respectfully submitted,
Matt Amerling, Executive Assistant