

**MINUTES OF THE MILLVILLE
TOWN COUNCIL WORKSHOP
April 26, 2016 @ 7:00 PM**

In attendance were Mayor Bob Gordon, Deputy Mayor Steve Maneri, Treasurer Susan Brewer, Secretary Valerie Faden, Council Member Steve Small, Town Solicitor Seth Thompson, Town Manager Debbie Botchie, and Town Executive Assistant Matt Amerling.

1. CALL TO ORDER:

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Deputy Mayor Gordon led the pledge of allegiance.

3. NEW BUSINESS

A. Discuss and possible vote on Resolution 16-06 *Synopsis:* If approved, Resolution 16-06 will allow the Town Manager to hire the qualified individual that applied for the Code & Building Assistant position.

Town Manager Debbie Botchie stated the Town received sixteen (16) applications for this position, and after Town Code & Building Administrator Eric Evans and Ms. Botchie screened through the applications for the most qualified individuals, they narrowed down the number of possible candidates down to three (3) individuals, which they interviewed. Ms. Botchie stated all three (3) applicants did very well, but this candidate they chose particularly stood out as this individual has more background in permitting and administration. Ms. Botchie stated she is asking Council to approve Resolution 16-06 in order to hire this individual.

Council Member Valerie Faden motioned to approve Resolution 16-06. Mayor Bob Gordon seconded the motion. Motion carried 5-0.

B. Review and discuss draft Ordinance 16-05 – Town Solicitor *Synopsis:* Draft Ordinance 16-05 amends the Millville Town Code at Chapter 155, Article VII, § 155-16, to add regulations regarding Wireless Communications Facilities and Amateur Radio Antennas.

Town Solicitor Seth Thompson stated this draft ordinance will be renumbered as Ordinance 17-02 due to its approval falling within the new fiscal year. Mr. Thompson stated the FCC says one cannot ban wireless communications facilities within your town, but you can regulate them and have reasonable regulations. Mr. Thompson stated, currently, there really isn't much on the books in terms of wireless communications facilities, so this will lay out a more specific framework. Mr. Thompson further stated these facilities are not a permitted use, so they will come under a conditional use – even under the Town's current rubric – but this adds more to it, such as how an application would be processed, etc. Mr. Thompson stated subsection B in § 155-16 sets up the legislative purpose. Mr. Thompson stated subsection C lays out the definitions, subsection B lays out the use regulations, subsection E

lays out what needs to be in the application, subsection F lays out the standards by which the application is going to be judged, subsection G lays out the process for reviewing applications, and subsection H is the final criteria for approval of the conditional uses. Town Manager Debbie Botchie stated this is modeled after what the Towns of Ocean View and Bethany Beach have in their respective Codes, and she spoke with both code enforcement officers from both Towns, and she incorporated what she felt worked best for the Town. Council Member Steve Small stated he would like to ask the public if they think they or their neighbors may be affected by any of this ordinance, then Mr. Small encourages them to come to Town Hall and review the ordinance. Mr. Small asked Town Executive Assistant Matt Amerling if copies would be available to read at Town Hall. Mr. Amerling stated yes, if someone were to come into Town Hall and ask to see the ordinance, they could be provided with a copy to review.

Council Member Susan Brewer asked, regarding number 13-B, why the radiation tests are only required annually for just five (5) years. Mr. Thompson stated he was not sure as that seems like a technical issue question and may be a better question for Town Planner Kyle Gulbranson. Council Member Valerie Faden stated she has issue with number 13-C and the seventy-five percent (75%) or properties within a five (5)-mile radius. Ms. Faden stated the 75% seems like a bit much for her and she would like to see that percentage reduced, because if she were a resident and the tower was in her backyard and it was interfering with her ability to use the television or its reception, she would be pretty upset. Mr. Thompson stated he changed the language to say properties instead of residents/homeowners because he thought even commercial properties should be included. Mr. Thompson stated he will check the FCC regulations to see if that percentage was coming from the FCC or not. Ms. Botchie asked if the fall radius was included in here or if it just mentioned the setbacks. Mr. Thompson stated the FCC uses the height of the antenna as a calculation, in subsection 3-A, as relating to the setbacks.

Ms. Botchie stated this ordinance will still be a draft until June as the Town needs to advertise for a public hearing in order to approve it at a Town meeting.

- C. Review and discuss draft Ordinance 16-07 – Town Manager *Synopsis*:** Draft Ordinance 16-07 amends the Town of Millville Code at Chapter 90 entitled “Licenses”, § 90-11 License fees and taxes, and § 90-12 Conditions attached to license; revocation of breach of condition; notice and hearing, which will allow the Town to provide businesses and organizations an event license for a fee.

Ms. Botchie stated the reason the Town is bringing this to Council because food vendor trucks are an up-and-coming business and the Town has had to deal with quite a few of them in town limits. Ms. Botchie stated this amendment to the Town’s license ordinance will allow the Town’s businesses or organizations, non-profit, to hold an event, and should they want a food vendor truck or any kind of vendors or crafters, these vendors would have to come into the Town and purchase an event license. Ms. Botchie stated the Town finds it very unfair that food trucks can come into a municipality and park somewhere like the Giant Food parking lot and sell their wares without purchasing a business license or paying property taxes. Ms. Botchie further stated she thinks this ordinance is one way for the Town to accommodate the businesses and organizations. Ms. Botchie stated the event does have to be permitted in order to receive a license to sell wares at said event. Mr. Thompson stated

the Town may want to consider excluding events such as a yard sale because such an event is not considered a “money-making enterprise” and it would be a bit harsh to charge twenty-five dollars (\$25) for someone just making a few bucks for a day. Ms. Brewer asked about the girls selling Girl Scout cookies outside of the Giant Food store. Mr. Thompson stated the girls may have to get a license because that form of sales falls under the purview of the ordinance. Ms. Faden asked if the vendors at the Farmers Market would be charged under this ordinance. Ms. Botchie stated the Town already charges the vendors a weekly fee in order to participate, and the Market is different as it is a Town-sponsored event, making it exempt from this ordinance. Mr. Thompson stated the Town could set up some language to address the vendors at Town-sponsored events would be exempt from this ordinance, as well as some language to exempt 501C organizations. Ms. Botchie stated this ordinance focuses on events, so Girl Scouts selling cookies outside of the Giant Food store is not considered an event. Mayor Bob Gordon stated that kind of reasoning is a slippery slope when it comes to what is considered an event, because either way, they are selling something at a particular time and day(s). Mr. Thompson stated this ordinance is aimed more at “the fair” and established businesses both within and outside of Town, and it’s not aimed at 501C-type organizations.

Mr. Thompson stated if this ordinance does pass, a fee will have to be established. Ms. Botchie stated if this ordinance is passed, she has already added an event license fee of \$25 to the fee schedule, which will be amended, and reviewed by Council at the following meeting. Ms. Botchie further stated she would like to see this ordinance go for vote at the May 10, 2016, Council meeting. Deputy Mayor Steve Maneri asked if language should be added to this ordinance so as to mention things like yard sales being excluded. Mr. Thompson stated yes, he will add the language to the ordinance.

4. PROPERTY OWNERS/AUDIENCE COMMENTS AND QUESTIONS

There were no comments.

MOTION TO GO INTO EXECUTIVE SESSION

Mr. Maneri motioned to go into executive session at 7:33 p.m. Ms. Faden seconded the motion. Motion carried 5-0.

- 5. 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. Brewer motioned to come out of executive session and reconvene the open meeting at 8:19 p.m. Ms. Faden seconded the motion. Motion carried 5-0.

6. NEW BUSINESS

- A.** Discussion and possible vote on Executive Session matters.

Ms. Brewer motioned to approve the Executive Session matters. Mr. Small seconded the motion. Motion carried 5-0.

7. ANNOUNCEMENT OF NEXT MEETING – TOWN COUNCIL MTG., MAY 10, 2016

8. ADJOURNMENT

Ms. Faden motioned to adjourn at 8:21 p.m. Mr. Small seconded the motion. Motion carried 5-0.

Respectfully submitted,
Matt Amerling, Town Executive Assistant