

**MINUTES OF THE MILLVILLE  
TOWN COUNCIL MEETING  
October 10, 2017 @ 7:00 PM**

In attendance were Mayor Bob Gordon, Deputy Mayor Steve Maneri, Treasurer Susan Brewer, Secretary Valerie Faden, Council Member Peter Michel, Town Manager Debbie Botchie, Town Solicitor Seth Thompson, GMB Representative Andrew Lyons Jr., and Town Clerk Matt Amerling.

**1. CALL MEETING TO ORDER**

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

**2. ROLL CALL**

Mayor Gordon stated everyone was present.

**3. PLEDGE OF ALLEGIANCE TO THE FLAG**

**4. ADOPTION OF TOWN COUNCIL MINUTES AND NOTES**

A. Adoption of Town Council Minutes – September 12, 2017

B. Adoption of Town Council Workshop Minutes – September 26, 2017

Council Member Valerie Faden motioned to adopt the September 12, 2017, Town Council meeting minutes, and the September 26, 2017, Workshop meeting minutes. Deputy Mayor Steve Maneri seconded the motion. Motion carried 5-0.

**5. FINANCIAL REPORT – Treasurer**

A. September 2017

Treasurer Susan Brewer read the Financial Report for the month ending 9/30/17.

**September 30, 2017:**

General Revenue:     \$ 45,286.   Restricted Revenue:     \$ 66,636.

General Expenses:     47,874.   Restricted Expenses:     79,237.

**6. ADMINISTRATIVE MATTERS**

A. Administrative Report for September 2017 – Town Manager

There were no comments.

**7. CITIZENS' PRIVILEGE, VISITORS, PRESENTATIONS & APPOINTMENTS**

There were no comments.

## **8. OLD BUSINESS**

- A. Discuss and possible vote on the Millville by the Sea (MBTS) traffic calming plan for Sand Dollar Village. *Synopsis:* At its March 9, 2016, Town Council meeting, Council voted 3-0 (with 2 abstentions) to approve the preliminary site plan for Sea Star Village. At its November 8, 2016, Town Council meeting, Council voted 3-0-1 recusal to approve Section 1 of Sea Star Village, with a condition the Town and the applicant agree upon a traffic calming plan for Sand Dollar Village. At its August 22, 2017, Town Council Workshop meeting, Council voted 3-1-1 recusal to table the item until the developer and master HOA could meet and come up with a better compromise regarding a traffic calming device to install. At its September 12, 2017, Town Council meeting, Council voted 3-0-1 recusal to grant an extension to MBTS until October 10<sup>th</sup> so MBTS may survey its residents to see which traffic calming device residents preferred.

Deputy Mayor Steve Maneri and Council Member Susan Brewer recused themselves from the dais. Ms. Frawn Morgan, of LDC Advisers, the development manager of MBTS, stated she has no new information and thinks Council has the traffic calming device plan, which includes several speed humps as well as some stop signs, and MBTS is prepared to move forward with installation of the plan in the next few weeks. Town Solicitor Seth Thompson asked Mr. Andrew Lyons, of GMB, if he had a chance to review the traffic calming plan. GMB representative Andrew Lyons stated yes, he did have a chance to review it and it is a traffic calming plan for the requested area.

Council Member Valerie Faden asked Mr. Lyons if there are additional items added since the last meeting. Mr. Lyons stated yes. Ms. Faden stated she was asking what exactly was added since the original proposal. Town Manager Debbie Botchie stated MBTS added four (4) additional speed humps, as well as four (4) additional stop signs and a few speed limit signs. Mr. Michel asked if the speed humps will have an identifying sign on each side of them. Mr. Al Ruble, of MBTS, stated yes, there will be signs as well as arrows painted on each hump, as those are required under the Manual on Uniform Traffic Control Devices (MUTCD). Mr. Thompson asked if there had been any additional conversations with residents regarding this plan or if MBTS just received the survey. Ms. Morgan stated it was just the survey, and a majority of respondents stated they did not want speed humps; however, she recognizes residents on those affected streets do want speed humps, so MBTS refers to Council on this matter.

Mr. Dwight Yeager, of Tudor Place, asked if the stop signs proposed on tonight's plan are in conflict with MUTCD requirements on intersection control. Mr. Lyons stated the signs are not in conflict as they are not a standalone device. Mr. Yeager stated he has a twelve (12)-hour intersection analysis, specifically of Huntington Street and Tudor Place, and it drastically fails the requirements of the MUTCD for a multi-way stop. Mr. Yeager stated ninety-two percent (92%) of the traffic travels on Huntington and ninety-

seven percent (97%) travels on Tudor, and for a multi-way stop under MUTCD, you must have equal opposing traffic, and MBTS is not even close. Mr. Yeager further stated the first four (4) requirements, MBTS doesn't meet; and he thinks MBTS and the Town need to reconsider the stop sign placements. Mr. Yeager stated under Title 21, Chapter 5, Section 502, the stop signs will need approval by DelDOT and they won't get an engineer to sign off on the signs. Mr. Thompson asked if the net effect is DelDOT would not approve the signs anyway. Mr. Yeager stated he hasn't seen the plan and he's sure there's an engineer who has signed off on it, but he doesn't understand why said engineer would put his license on the line for something that doesn't meet the criteria, because it's not warranted, the signs are unenforceable, and it would be aloof. Mr. Yeager stated he doesn't have any problem with the speed humps going in, but, as a concerned citizen, he's asking Council to seriously consider this because Council's purpose is to minimize litigation and he doesn't want to make something more liable for the community.

Mr. Lyons stated he did review part of this on the MUTCD and Mr. Yeager is correct in some respect that there should be equal areas, but there doesn't need to be equal traffic. Mr. Thompson stated he's looking at Delaware Code Title 21, Section 502, which states, "The Department of Transportation may erect and maintain all appropriate signals, lights, or any other type of sign on private property over which the Department of Safety & Homeland Security has assumed jurisdiction. Nothing in this section should be construed to prohibit the erection and maintenance of signs and signals by the private owners of the real property, so long as such signs and signals are for the safety and convenience of the public and are approved by the Department of Transportation." Mr. Thompson asked Mr. Lyons if, in his experience, DelDOT approves each sign or the type of signs. Mr. Lyons stated he has never seen in either municipal or private, DelDOT actually approve a sign. Mayor Bob Gordon stated because DelDOT doesn't own the roads in MBTS, the issue would be between the developer and the homeowners' association (HOA). Mayor Gordon stated he's looking at the November 8, 2016, Town Council meeting minutes and the official motion with the condition was for the Town and applicant "agree upon a traffic calming plan." Mayor Gordon stated, to him, this is a traffic calming plan, but to argue about where the stop signs go is not in Council's purview. Mr. Thompson stated Council can approve the plan as submitted and asked if the issue is with the stop signs. Ms. Morgan stated MBTS can take one (1) or both stop signs out if that's what Council wants.

Mr. Michel motioned to approve the MBTS traffic calming plan as submitted tonight. Ms. Faden seconded the motion. Motion carried 3-0-2 recusals. Mr. Maneri and Ms. Brewer rejoined the dais.

- B.** Discuss and possible vote on Ordinance 18-02. *Synopsis:* If approved, Ordinance 18-02 will create a new Article IV in Chapter 132, "Taxation," of the Town Code. Article IV, entitled "Abatement of Real Estate Taxes," will give a one-year tax break for any parcel of property annexing into Town. At its September 26, 2017, Town Council Workshop

meeting, Council discussed language of a start date of commencing the abatement of real estate taxes for property annexing into Town.

Mr. Thompson stated this ordinance was discussed at the September 26, 2017, Council workshop meeting, and it states that any property annexed into Town as of January 2017 and thereafter will be given a one-year tax break, and if Council is wanting to entice people to annex into Town, this is certainly one way to do it.

Council Member Susan Brewer motioned to approve Ordinance 18-02. Mr. Michel seconded the motion. Motion carried 5-0.

**C.** Discuss and possible vote on Ordinance 18-03. *Synopsis:* If approved, Ordinance 18-03 will amend the Town of Millville Code at Chapter 132 Taxation, Article II, “Realty Transfer Tax” relating to an Abatement of Transfer Tax for Annexed Property. At its September 26, 2017, Town Council Workshop meeting, Council discussed having the Town Solicitor Seth Thompson include an end date in place for the abatement of realty transfer tax.

Town Solicitor Seth Thompson stated the way the real estate transfer taxes currently work is the State increased its rate as of August 1, 2017, so now it is two-and-a-half (2 ½) to the State and one-and-a-half (1 ½) to the Town, and this ordinance is set up so if there is any property annexed into the Town between January 1, 2017, to January 1, 2019, the annexed property owner is eligible for this transfer tax reduction, but they have to use the reduction by January 1, 2019. Mr. Thompson stated he looked at the State Code numbers and this won’t be as much of a savings as thought. Mr. Thompson further stated if a Town doesn’t charge a full one-and-a-half percent (1 ½%), it drops down to one percent (1%), so the owner will save a quarter of a percent (.25%) rather than three-quarters of a percent (.75%), and there’s nothing the Town can do about that because it’s in the State Code, but a little bit of money will be saved.

Ms. Brewer motioned to approve Ordinance 18-03 for Town Code at Chapter 132 Taxation, Article II, “Realty Transfer Tax” relating to an Abatement of Transfer Tax for Annexed Property in Millville within specified time period and the abatement reduces the transfer tax rate charge by the Town from one-point-five percent (1.5%) to zero-point-seventy-five percent (0.75%). Ms. Faden seconded the motion. Motion carried 5-0.

**D.** Discuss and possible vote on the purchase of a new sign for the Town Hall municipal building. *Synopsis:* At its August 8, 2017, Town Council meeting, Council agreed to receive more options on signage for the Town Hall. At the September 12, 2017, Town Council meeting, Council agreed to give a two-week extension due to sign companies not responding to Town inquiries. At the September 26, 2017, Town Council Workshop meeting, Council voted on the overall design of a sign and to return with further details at the next meeting.

Ms. Faden stated she presented the redesigned style of Mr. Maneri's design presented at the last meeting, and have worked with the sign designer, thus showing the two (2) options presented tonight. Ms. Faden stated she did some research on the digital komacels and it's not recommended to have that on a dark background. Ms. Faden stated this vendor does a full digital komacel with a lamination process, which adds a little life to the sign. Ms. Faden stated the sign presented by Mr. Maneri had wooden posts and this vendor is saying they had a little difficulty in locating those and doing the pricing, but the vendor would have it in a week's time if the Town wishes to proceed with it. Ms. Faden stated what is listed is only the pricing for the white PVC posts which are covering for some pressure-treated wooden posts. Ms. Faden stated the nautical themed embellishments from Mr. Maneri's design have been put to white background so as to be more noticeable and the coloring of the letters as well as the embellishments can be changed as Council goes through the process. Ms. Botchie stated yes, the nautical rope should be brown, and the anchor should be grey.

Mayor Gordon asked Ms. Faden what kind of timeframe does she think the vendor will take to have this sign done. Ms. Faden stated she didn't ask the sign company about the timeframe but she can, and the vendor is located in Georgetown. Mr. Thompson stated it's interesting how the vendor expressed the warranty as seven (7) to ten (10) years. Ms. Faden stated with the digital print, you get a range of years warranty, and with the laminate, that adds a few more years to the digital komacel piece; the more expensive, which is to get the acrylic letters, has a lifetime warranty; and she forgets what the particular warranty is for signs with carved lettering. Mayor Gordon asked if this vendor will allow the Town to change the posts if the Town wants the pier-looking pylon posts rather than the 4x4 posts. Ms. Faden stated yes, but the vendor simply wasn't able to locate those pylon-type posts and price them within the week since the last meeting. Mr. Maneri asked what the height is from the ground to the bottom of the sign. Ms. Faden stated it may be one-and-a-half (1 ½) feet and there was discussion about raising the height, but Mayor Gordon had concern about raising it too much and it getting blown over during strong winds; but it is flexible. Mr. Maneri stated he thinks the Town may need to raise it close to three (3) feet because the location of where the sign will be placed is "in a hole" and people will not be able to see the sign if they're coming west on Route 26, so that needs to be figured out.

Mr. Michel and Ms. Brewer stated they like option five (5) on Ms. Faden's presentation. Mr. Maneri asked how long the Town has to wait for the vendor to price the posts. Ms. Faden stated about a week. Mayor Gordon stated he also likes option 5 and likes the vendor is local and the cost is significantly less. Mr. Maneri stated he also likes option 5 and being able to hire locally. Mr. Maneri stated with the Annapolis vendor, the whole price came out to \$3078.00, so if we're going to go with Ms. Faden's vendor, we have to get that price soon. Ms. Botchie stated maybe by the next meeting the vendor will have the posts located, the sign updated and priced. Ms. Faden stated she will ask the vendor about how many colors the Town can go with on the

sign. Mayor Gordon stated by the next meeting, Council should have a copy of the design, the colors in place, and how high the sign will go off the ground.

**9. PARK AND RECREATION COMMITTEE REPORT – Deputy Mayor Steve Maneri**

Mr. Maneri stated the Town is still waiting on Sussex Conservation District (SCD) approval, as well as needing cut sheets and utility plans, then the Town may be able start up the bid packet. Mr. Maneri stated the two (2) buildings are done but just have to go on paper so Council can review them. Mr. Maneri stated Laura Yowell, of the Delaware Forest Service, came down to the park this past week to check on the trees along the property line and she said they have some really bad disease (Seiridium Canker) so the Town may have to remove some of them. Mr. Maneri stated the Committee is researching avenues to take on this and the Town may be able to save money by having some volunteers come and cut them down. Mayor Gordon stated to continue researching companies to cut the trees down and then the Town can go from there.

**10. CITIZENS' PRIVILEGE**

There were no comments.

**11. ANNOUNCEMENT OF NEXT MEETING – TOWN COUNCIL WORKSHOP MTG.,  
OCTOBER 24, 2017**

**12. ADJOURNMENT**

Ms. Brewer motioned to adjourn at 7:45 p.m. Mr. Michel seconded the motion. Motion carried 5-0.

Respectfully submitted,  
Matt Amerling, Town Clerk