

**MINUTES OF THE MILLVILLE  
TOWN COUNCIL MEETING  
December 12, 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, Code & Building Official Eric Evans, 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 – November 14, 2017**

Council Member Peter Michel motioned to adopt the November 14, 2017, Town Council meeting minutes. Council Member Valerie Faden seconded the motion. Motion carried 5-0.

**5. FINANCIAL REPORT – Treasurer**

**A. November 2017**

Treasurer Susan Brewer read the Financial Report for the month ending 11/30/17.

**November 30, 2017:**

General Revenue:	\$ 148,857.	Restricted Revenue:	\$ 86,258.
General Expenses:	41,789.	Restricted Expenses:	16,334.

**6. ADMINISTRATIVE MATTERS**

**A. Administrative Report for November 2017 – Town Manager**

There were no comments.

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

There were no comments.

**MOTION TO ENTER PUBLIC HEARINGS**

Council Member Valerie Faden motioned to enter public hearing at 7:07 p.m. Mayor Bob Gordon seconded the motion. Motion carried 5-0.

## **8. NEW BUSINESS**

### **A. Public Hearing Notice – Secretary**

### **B. Written Comments – Town Manager**

There were no written comments.

- C.** Discuss a final subdivision and site plan submitted by George, Miles and Buhr, LLC on behalf of Beazer Homes, for the Dove Landing development, located on tax map parcels 134-12.00-372.00, 373.00, 373.02, & 373.03. *Synopsis:* The applicant is submitting a development plan which proposes 171 single family units and 145 town home units. The preliminary site plan was reviewed by the Millville Planning & Zoning Committee on June 12, 2017, and was approved 4-0 as well as recommending Beazer to move forward with the final site plan for Council's review.

Mr. Steve Marsh, of George, Miles and Buhr LLC (GMB), stated the Dove Landing project dates back to 2004, which is when GMB got involved. Mr. Marsh stated the goal tonight is to receive a favorable vote from Council to move forward with construction. Mr. Marsh stated the final plan was originally approved on December 11, 2007, and the original plan called for four-hundred-two (402) units, which consisted of a mix of one-hundred-forty (140) single family homes, one-hundred-forty-two (142) town homes, and one-hundred-twenty (120) condos. Mr. Marsh further stated two (2) extensions were granted by Council on February 2011 and January 14, 2014. Mr. Marsh stated in October 2016, GMB submitted a revised plan to the Town, which is consistent with the plan Council has tonight, and this plan calls for a reduction in units from 402 to three-hundred-sixteen (316) units, which is about a twenty-five percent (25%) reduction in density. Mr. Marsh stated the primary difference is the condominium units were removed and the bulk of the road layout is consistent with the as-originally-approved plan, except for the area where the condo units were located and that area was re-planned; and the product mix was changed. Mr. Marsh stated the proposed mix is one-hundred-seventy-one (171) single family homes and one-hundred-forty-five (145) town homes. Mr. Marsh stated the Town Planning & Zoning Committee (P&Z) unanimously voted to recommend the preliminary plan on November 22, 2016, and Council first saw this plan on December 13, 2016, when Beazer requested an extension but was denied. Mr. Marsh further stated Council suggested Beazer and GMB move forward with a fresh submittal and work through the process as a new plan, so they did so, working with the Town, and the preliminary plan was unanimously approved by the Town P&Z on June 12, 2017. Mr. Marsh stated since that time, they have been through engineering and planning submittals, reviews and approvals, of all review agencies,

including with the Town. Mr. Marsh stated Beazer Homes endeavors to construct this development in phases, which is shown tonight, and they understand there is a public works agreement, so Beazer and GMB will work with the Town in the agreement to break out the phases.

Mr. Marsh stated there were three (3) items discussed in length during the planning process, and the first was the street width. Mr. Marsh stated the first submittal had a twenty (20)-foot width, and the Town requested to widen the streets to twenty-four (24) feet wide, which is the new code, and GMB has widened the streets to 24 feet. Mr. Marsh stated the second discussion was regarding parking and GMB has provided ninety-six (96) extra on-street, head-in parking spaces, interspaced throughout the community; and thirty-six (36) of those are clustered around the proposed amenity site, and sixty (60) additional spaces are interspersed throughout the community in convenient locations close to pocket parks. Mr. Marsh stated it all works out to about 2.3 spaces per unit, and the original residential planned community (RPC) documents had 2.25 spaces per unit, following those documents and Town Code. Mr. Marsh stated the third thing discussed was the amenity site itself, because when GMB first made its submittal in 2016, that plan had a clubhouse of about six-hundred (600) square feet, the pool was about twenty-two-hundred-fifty (2250) square feet, and the pool deck around it was about sixty-two-hundred (6200) square feet, but after the first submittal, GMB expanded those sizes, making the first submittal have a building size of sixteen-hundred (1600) square feet, a pool size of thirty-nine hundred (3900) square feet and a pool deck of ten-thousand (10,000) square feet. Mr. Marsh stated there was discussion with the Town and the Town was concerned with the sizes of the amenities as presented since they would have to support the community, so the new sizes for tonight's submittal are a clubhouse size of thirty-nine-hundred (3900) square feet, a pool size of about thirty-nine hundred (3900) square feet, and a pool deck of fourteen-thousand (14,000) square feet. Mr. Marsh stated the overall goal is have the amenity open for May 2019, and there is no exact floor plan yet for the clubhouse but there should be a gym, a bonus room, bathrooms and changing rooms. Mr. Marsh further stated there are pocket park space throughout the community and GMB will plan those accordingly as they did with Bishop's Landing, and they anticipate some form of bocce ball, lawn games, as well as a dog park, located near the propane facility. Mr. Marsh stated there will be entrance monumentation but they don't know exactly what it will look, only it will be consistent with what's across the street at Bishop's. Mr. Marsh stated there will be a separate mail kiosk but GMB and Beazer are still debating where the kiosk will be located.

Town Manager Debbie Botchie stated there will be connectivity in case of any future development coming in to the north. Mr. Marsh stated yes, GMB will dedicate a right-of-way to the north so when and if whatever development comes in, that developer can build the entrance. Town Code & Building Official Eric Evans stated he just wanted to mention the entrance off Route 17 may have to be modified

at a later date and Beazer may be coming back to Council if the property to the south of Dove is not developed as a commercial entity. Mr. Marsh stated yes, there was a cost sharing and that entrance was supposed to be for Home Depot, and Beazer will construct that entrance during the last phase (phase three) and be redesigned if there are no plans for the property to the south. Mr. Evans asked if when GMB and Beazer return with changes to making the dog park smaller and putting in a mail kiosk, instead of going through the full-blown site plan process, going through Council, for one-hundred-twenty (120) square feet, can the Town Manager sign off on it as long as the engineer signs off on it? Town Solicitor Seth Thompson stated, referencing 155-66A, items requiring site plan approval are general business, professional office or industrial buildings, dwellings containing two or more dwelling units, churches, temples, synagogues, schools, public buildings, docks, piers and a subdivision combining land into two or more parcels, lots, units or sites; so, based on that, GMB wouldn't need to go through the full site plan process, but GMB would need to come to Town, administratively, to get approval. Deputy Mayor Steve Maneri asked if there will be model homes and where they will be located. Mr. Marsh pointed out a cluster in the southeast portion of the site plan.

#### **D. Residents/Property Owner Comments & Questions**

Mr. Craig Kissel, of Fort Dupont Drive, asked what will necessitate the road to the north to be developed. Mr. Evans stated if the property to the north of Dove is developed, the Town can go to that developer and require them to put in a road and right-of-way. Mr. Kissel asked if the two accesses are the only ones besides Route 17 and Burbage Road to become thoroughfare. Ms. Botchie stated those are the only ones.

Mr. Carl Long, of Ridgeshore Lane, stated there is an open space between his community and Dove Landing, and Mr. Long's concern is whether there will be a barrier between his community and Dove so as to have privacy and cut down on headlights shining into houses. Mr. Marsh stated GMB can stop that road shorter and landscape buffer the end of the road so there won't be any lights shining in.

Mr. Peter Moore, of Ridgeshore Lane, asked if Beazer is filling in the ditch behind their houses. Mr. Marsh stated none of the ditches are getting filled in, but as per the tax ditch agreement, Beazer has to clear them per the Delaware Department of Natural Resources and Environmental Control (DNREC).

#### **E. Public Hearing Notice – Secretary**

#### **F. Written Comments – Town Manager**

There were no written comments.

**G.** Discuss Ordinance 18-04, which amends the Town of Millville Code at Chapter 155 Zoning, Sections §155-17 and §155-79 relating to zoning setbacks and structures.

Town Solicitor Seth Thompson stated the idea for this ordinance was to clear up issues related to pavers, as well as clearing up language and include structures maybe not permanently affixed to the ground to the aforementioned sections of the Code. Mr. Thompson stated the language he's attempted to use largely tracks with what the County uses in terms of the use requiring more or less permanent location on the ground. Mr. Thompson stated the changes to the definition of structure takes out the language of "mobile homes" because the Town doesn't allow mobile homes, as well as "billboard" and "poster panels," which are also not allowed in Town. Mr. Thompson stated with just relation to front and rear yard setbacks, patios and decks were added to not project more than five (5) feet into the rear or front yard setback. Mr. Thompson stated, on the next page, language was added making it "at least" five feet from the lot line. Mr. Thompson stated, for item number 6, patios that are not part of a building may extend not more than five (5) feet into the front and rear yard setback area.

Council Member Valerie Faden asked if it is typical for driveways to be five (5) feet or less. Mr. Thompson stated that only applies to pathways and not driveways, which is mentioned in the proposed update to the definition of structure.

**H.** Residents/Property Owner Comments & Questions

Mr. Carlos Melendez, of Bellevue Court, asked if there are any plans for infrastructure to meet the growing in the community. Mr. Thompson stated there is a comprehensive plan which is for view by the public on the Town web site, and every ten (10) years, the Town has to revise the plan. Ms. Faden stated Sussex County is in the process of revising their comprehensive plan and it's going before County Council, so Mr. Melendez may want to attend that meeting as well to provide whatever input he may like.

Mr. Dave Guetler, of Fort Dupont Drive, asked for an illustration of what the ordinance will entail. Mr. Evans drew the house on a lot and showed a setback line represented by a dotted line. Mr. Evans stated past the dotted line – the setback or building restriction line – a resident can only build a patio, deck, or porch five (5) feet past that dotted line in the front and rear yards.

Ms. Maureen McCollum, of Longs Chapel Lane, asked if the property survey is incorrect, has there ever been any discrepancy, or could there be a discrepancy of where the building is placed versus where the survey says it should be placed? Mr. Thompson stated the survey shows where something was built, not where it should be built, and the survey is done after the building is built.

Mr. Marshall Gevinson, of Seashore Park Drive, asked if property owners who have

already built their porches, decks or patios be grandfathered. Mr. Thompson stated, if enacted, yes. Mr. Guetler asked what the purpose of this ordinance is. Mr. Thompson stated if a property owner decided to put pavers throughout most of their backyard, then there will be water runoff going everywhere and into others' yards. Mr. Guetler stated he is displeased with this ordinance because his neighbors have patios that are twelve (12) feet wide and Mr. Guetler can only have a five (5)-foot.

Mr. Walt Kohl, of Lone Cedar Landing, asked if there is a ten (10)-foot rear setback. Mr. Thompson stated it depends on what district you're in. Mr. Evans stated those in Bishop's are in the same district, but, based on what kind of home they're in, there could be a different setback – either ten (10) or twenty (20) feet.

Mr. Bob Kleebauer, of Old Canal Lane, asked if the Town is trying to shrink the amount of distance that a person can go beyond the setback. Mr. Thompson stated it's not so much shrinking as it is clarifying what can be built where into the setback. Mr. Thompson stated the way the Code reads now, the question is whether the structure is on a fixed location and it doesn't expressly include pavers, so the Town wants to avoid someone putting pavers across their entire property but then floods their neighbor.

Mr. Kohl asked if the Town could instead put in a certain percentage amount of yard. Mr. Evans stated the Town could put in a percentage; however, with a percentage, the property owner would have to do – and pay for – a new survey of their property to show the new paver patio going on the land and how much percentage you're actually increasing the impervious material by. Mr. Evans stated a new survey costs about three-hundred-fifty dollars (\$350), and that's before paying for a building permit.

Ms. Sue Kohl, of Lone Cedar Landing, asked Council if they would want to grill on a five foot walkway behind their house. Mr. Thompson stated this ordinance doesn't affect where you can put your portable grill.

Mr. Kissel stated the issue is there are people who've already put up huge patios or decks and they will be grandfathered in but the Town is penalizing those who haven't put in a patio yet and those people can only put up a five (5)-foot patio. Mr. Kissel stated his suggestion that Council table this ordinance and review it more thoroughly because there are people with townhomes and villas who will have a problem with this. Mr. Kleebauer agreed. Ms. Botchie asked the audience if there was anyone present tonight who resided in Millville by the Sea (MBTS), Coventry, Windhurst Manor, Villas at Cedar Cove, or Creekside who has the issue presented tonight. There was no one present from said developments. Ms. Botchie stated it looks like the issue is only in Bishop's.

Ms. Mary Thomas, of Old Canal Lane, stated she hasn't built yet on her property but wanted to know if she applies for a building permit, how long is said permit valid. Mr. Evans stated one (1) year.

Mr. Evans stated if there is a wall along your paver patio and that wall is set in concrete or epoxy, that wall is a permanent structure and is not allowed. Ms. Botchie stated residents are not telling the Town of these permanent structures, whether they be a sitting wall or pavers cemented down, and also not even obtaining building permits. Mr. Evans stated by enacting this ordinance, restricting the encroachment into the setback, water can percolate into the grass without flooding out your neighbor. Ms. Botchie stated the main reason for this ordinance is because there have been so many issues in MBTS, Bishop's Landing, and Coventry – and, with Coventry specifically, there has been a huge issue with drainage and the residents want to blame on the developers, but it's not the developers' fault, it's their neighbor's fault for laying down impervious material so close to the property line. Mr. Evans stated this ordinance is not just for Bishop's Landing, it's also for the next three-thousand (3000) homes the Town is trying to prevent flooding on in the inevitable future. Ms. Botchie stated this is very flat land here and the flooding is a really bad situation with each rainfall.

### **MOTION TO CLOSE PUBLIC HEARINGS**

Mayor Gordon motioned to close the public hearing at 8:17 p.m. and go into short recess. Mr. Maneri seconded the motion. Motion carried 5-0. The meeting resumed at 8:25 p.m.

### **9. NEW BUSINESS**

**A.** Discuss and possible vote on a final subdivision and site plan submitted by George, Miles and Buhr, LLC on behalf of Beazer Homes, for the Dove Landing development, located in tax map parcels 134-12.00-372.00, 373.00, 373.02, & 373.03.

Mayor Gordon requests individual vote.

Ms. Faden motioned to approve the final subdivision and site plan for the Dove Landing development, located in tax map parcels 134-12.00-372.00, 373.00, 373.02, & 373.03. Mr. Maneri seconded the motion. Ms. Faden voted yes. Mr. Maneri voted yes. Mayor Gordon voted yes. Ms. Brewer voted yes. Mr. Michel voted yes. Motion carried 5-0.

**B.** Discuss and possible vote on Ordinance 18-04.

Mayor Gordon requests individual vote.

Mayor Gordon stated he thinks it's best if Council table this item for a later date so the Town can get some input from residents and review the ordinance for possible changes. Mr. Maneri motioned to table Ordinance 18-04. Mr. Michel seconded the motion. Ms. Faden voted yes. Mr. Maneri voted yes. Mayor Gordon voted yes. Ms. Brewer voted yes. Mr. Michel voted yes. Motion carried 5-0.

**C.** Discuss and possible vote on Resolution 18-05. *Synopsis:* If approved, Resolution

18-05 will amend Resolution 17-09, a fee schedule for Fiscal Year 2018, as amended, regarding building permit fees.

Mr. Thompson stated this resolution just amends the Town's fee schedule to indicate fees for a building permit will be doubled if a permit is not obtained before construction on said project. Mr. Evans stated there have been fences, paver patios, sheds, permanent patios installed without permits being pulled, so, in order to curb that, the Town is proposing this language from Council's ordinance to double the fee. Mayor Gordon asked if rather than double the cost of the permit, the Town could double or triple the penalties for not having a permit. Ms. Botchie stated the Town would have to go to court for the judge to maybe rule on the offender to pay \$1000 per day, but the Town would have to spend a lot more money just to go that route. Ms. Botchie stated she looked at Ocean View's ordinance and this is similar to what they have. Mayor Gordon stated he thinks the amount has to be substantial in order to reduce these issues. Ms. Botchie stated she agrees, however, the Town would have to justify the fees because if there is a \$30 paver patio and the Town charges \$500 for a fee, or there is a \$30,000 patio and the Town charges a \$500 fee, that will have to be explained to the public, and the "punishment has to fit the crime." Ms. Faden stated the fee could be a percentage so the penalty fee is still based on how much is being spent on each permit. Mr. Thompson stated the Town does need to distinguish between a fee versus a penalty because a penalty is punitive in nature and a fee is supposed to cover the cost of the municipality dealing with that program in general. Mr. Thompson stated when someone comes in after the fact, it can take more Town resources, which means the fee should be higher.

Mr. Maneri asked Ms. Botchie how she did talking with the different homeowners' associations (HOA). Ms. Botchie stated she talked with all of the HOAs except Bishop's Landing because she talked to Council Member Michel who was going to talk with Mr. Kissel. Ms. Botchie stated she spoke with the others and they're all on board, but the Town is requesting more information from the HOAs, such as their approval letters, and when a resident submits to the community, they submit to their architectural review board, the architectural board does its own inspection, and then it comes to the Town. Ms. Botchie stated there have been several cases where residents have not obtained a Town building permit before building and then the onus turns onto the Town staff to figure out what to do and how to do it, which ultimately costs taxpayers' money.

Mr. Maneri motioned to table Resolution 18-05 until Council can get to know what all the fees are and review this closer until the January 23, 2018, workshop meeting. Council Member Susan Brewer seconded the motion. Motion carried 5-0.

- D.** Discuss and possible vote on Millville Volunteer Fire Company (MVFC) request for grant funds based on the amount the Town has collected during this period. *Synopsis:* On June 9, 2015, Town Council approved Resolution 16-01, which added an impact



fee of \$500 per any new commercial and residential construction within the Town. These monies are put into a grant for the MVFC's fire/ambulance services. The funds are to only be used for outdated capital items used in the MVFC's daily operations or to purchase capital items which enhance operations. The funds shall not be used for salary expenses, including budgeted base salaries, overtime and bonuses.

Mr. Maneri recused himself from the dais. Mr. Clarke Droney, president of the MVFC, thanked the Town for their support over the past years, and, at this time, the MVFC is requesting seventy-six-thousand-nine-hundred-twenty-eight dollars and fifty-six cents (\$76,928.56) based on the amount given to them by the Town, and the money this year will be used for capital improvements on the MVFC building. Mr. Droney stated this is a thirty-four (34)-year-old building so, as shown in the handouts to the Town, Council can see where the money is going with respect to each repair, so fifty-five-thousand dollars (\$55,000.00) is going toward the roof, which currently leaks; new exterior doors cost almost twenty-four-hundred dollars (\$2400.00); and changing the lighting system inside the fire house to LED lights is ninety-seven-thousand-twenty-seven dollars and thirty cents (\$9727.30). Ms. Botchie stated the Town did receive the MVFC audit and Town Financial Director Lisa Wynn has reviewed the audit, of which everything is in order.

Ms. Faden asked if there are other grants the MVFC could pursue. MVFC financial administrator Velicia Melson stated not that the MVFC is aware of. Ms. Faden asked if the MVFC would consider pursuing other grants. Ms. Melson stated that is something the MVFC is looking into, but for these particular projects, the MVFC has not found any accommodating grants at this time.

Mr. Michel asked when the MVFC gets a proposal, does the MVFC usually get three (3) different bids. Mr. Droney stated yes, and they chose the most appropriate bid, which is what is presented to Council tonight. Ms. Brewer asked if switching to the LED lights are just for energy purposes. Mr. Droney stated yes, but also the LED lights are more efficient and last longer.

Mr. Michel motioned to accept the MVFC request for grant funds. Mayor Gordon seconded the motion. Motion carried 4-0-1 recusal. Mr. Maneri rejoined the dais.

**E. Review, discuss and possible vote on several mural options for new municipal building – Artist John Donato**

Ms. Botchie exited the meeting. Mr. John Donato stated the proposed mural tonight is for the wall going along the wall and steps in the foyer of the new building. Mr. Donato stated what he does is a collaborative mural, and that means getting involved with the community and focusing on the mural having a long life span and instilling the Town's history, celebrating the Town, its people and even working with children at the local school to get their input and creativity. Mr. Donato stated his first mural

can instill more realistic looking items and making the space look like you're in a mill. Mr. Donato items like the schooner and fish have faux plaques under them to describe why these items are there, telling the history. Mr. Donato stated he's happy to have Lord Baltimore Elementary School, who is willing for Mr. Donato to come in and educate the kids on this kind of history, have them color in some of the items, and that draws the kids and their families into coming see the finished product.

Mayor Gordon asked Mr. Maneri and Ms. Faden since they are on the Park Committee, if there is a wall in the park building so children from the school can take part in painting there. Mayor Gordon stated he would like for the children to come to this park and be a part of this mural, but he's also still interested in the mural for the new foyer wall. Mr. Donato stated there are panels the kids can do offsite and be brought in to put in different places. Ms. Faden asked if the price is based on the level of detail or the level of time. Mr. Donato stated the price is based on both. Mr. Maneri asked what kind of protection could be used for the paint so it's not coming off. Mr. Donato stated there are options such as adding something sculpted to look like it fits into the wall, but it's a tough PVC to take bumps and scrapes. Mr. Donato stated he does a lot of heavy priming and uses exterior grade acrylic, which is what is used inside school walls, as well as a sealant of tough urethane over the paint so it's used to taking multiple scrapes, bumps, rubbings.

Mr. Maneri asked Mr. Donato how long it would take him to do the job. Mr. Donato stated two (2) to three (3) weeks. Town Clerk Matt Amerling stated he really likes the mock-up presented by Mr. Donato in relation to the level of detail and what he likes most is because of its scale and involvement of different elements, there will always be something new for even the most frequent visitor to discover each time they see the mural, as well as having options to add more items in future. Ms. Faden stated she would like the opportunity to see some of Mr. Donato's other works before making a decision. Mayor Gordon asked how available he is. Mr. Donato stated he's pretty flexible in the first quarter of the new year, especially February, but the second quarter gets a little tough. Mr. Donato left a location list of his works for Council if they wished to see some of his work in person. Mayor Gordon stated Council will revisit this either at the January Council meeting on January 9, or the workshop meeting on January 23.

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

Mr. Maneri stated the trees along the north side of the park were removed November 27-29, 2017, with a total of forty (40) to forty-two (42) trees being removed, and there is one (1) piece of fencing down but the Town can take care of it. Mr. Maneri stated the next Park meeting will be held on Thursday, December 14, 2017, at 12 noon.

#### **11. CITIZENS' PRIVILEGE**

There were no comments.

**12. ANNOUNCEMENT OF NEXT MEETING – TOWN COUNCIL MTG., JANUARY 9, 2018**

**13. ADJOURNMENT**

Ms. Faden motioned to adjourn at 9:12 p.m. Mr. Michel seconded the motion. Motion carried 5-0.

Respectfully submitted,  
Matt Amerling, Town Clerk