

**MINUTES OF THE MILLVILLE  
TOWN COUNCIL MEETING  
January 9, 2018 @ 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., 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 – December 12, 2017**

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

**5. FINANCIAL REPORT – Treasurer**

**A. December 2017**

Treasurer Susan Brewer read the Financial Report for the month ending 12/31/17.

**December 31, 2017:**

General Revenue:	\$ 105,744.	Restricted Revenue:	\$ 59,772.
General Expenses:	54,995.	Restricted Expenses:	28,282.

**6. ADMINISTRATIVE MATTERS**

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

There were no comments.

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

Deputy Mayor Steve Maneri stated his thanks to the Millville Volunteer Fire Company (MVFC), especially those who manned the MVFC building, on a twenty-four (24)-hour basis during the recent snowstorm. Mr. Maneri stated the MVFC had a complete compliment of manpower from Wednesday, January 3, to Sunday, January 7. Mr. Maneri

stated he understands it was necessary for the ambulance to be accompanied by the four (4)-wheel drive Brush Unit on each call due the side roads not being plowed, and during this period, the ambulance and fire apparatus responded to more than 60 calls. Mr. Maneri also stated his thanks for the donation of the Automatic External Defibrillator (AED), which will be placed at the new Town of Millville Park on Dukes Drive.

## **8. OLD BUSINESS**

- A.** 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.  
*Synopsis:* At the December 12, 2017, Town Council public hearing meeting, Council voted 5-0 to table Ordinance 18-04 until the Town could get some input from residents and review the Ordinance for possible changes.

Town Manager Debbie Botchie stated the Town didn't receive any suggestions from the residents, but the day after the December 12 meeting, a lot of residents came into Town Hall to get clarity on the intent of the amendment to the Ordinance. Ms. Botchie stated the Town Code & Building Official Eric Evans had discussions with the Town engineer, Mr. Andrew Lyons, of GMB, and they put together some ideas which are before Council tonight. Ms. Botchie stated Mr. Lyons did more research today on the zoning district so she will let him tell Council what he found. Mr. Andrew Lyons, of GMB, stated both the master planned community (MPC) and residential planned community (RPC) have setback requirements set during the planning phase and are not in the actual Code. Mr. Lyons stated, in the Code for the Residential district, there is a minimum of a hundred (100)-foot depth, a seventy-five-hundred (7500)-square foot lot, the setbacks on the sides are seven (7) feet, in the front the setback is twenty-five (25) feet, and in the rear the setback is ten (10) feet; and the maximum lot coverage is forty-five percent (45%). Mr. Lyons stated he looked at the MPC and in Millville by the Sea (MBTS), there is a ten (10)-foot setback, a seven (7)-foot side setback, twenty (20)-foot setbacks for lots that are back-to-back. Mr. Lyons stated for residential single-family and for the duplexes, the townhouses rear setback changes to ten (10) feet. Mr. Lyons stated in some RPC there are both twenty (20)-foot front and rear setbacks. Ms. Botchie asked about Bishop's Landing. Mr. Lyons stated Bishop's Landing as well as Dove Landing are both twenty (20) feet. Mr. Lyons stated one of the items for review was rather than have five (5) feet from the rear yard setback line, the Town changed the paver patio to encroach no more than half the distance from the rear yard setback to the property line.

Town Solicitor Seth Thompson stated, from a legal standpoint, the Town is also drawing a distinction between concrete patios versus paver patios. Mr. Thompson stated concrete patios that are attached to the building still projected at going no more than five (5) feet, but paver patios can encroach no more than half the distance. Code & Building Official Eric Evans stated yes, concrete patios can only go five (5) feet past the building restriction line (setback line), but paver patios can go half the distance between the building restriction line (setback line) and the property line. Mr. Evans stated the Soil Conservation District (SCD) classifies pavers in the same aspect as they do clamshells or gravel, so they give paver patios a classification of ninety-eight percent (98%)

impervious. Mr. Evans stated he knows there are pervious pavers out there on the market which are more expensive but SCD still classifies most pavers as a 98% impervious material. Mr. Evans stated the whole purpose of this is to allow for rain water to run off an impervious surface and not flood the neighbors' yard. Mr. Thompson stated to avoid someone trying to label a sidewalk or patio as a sidewalk as a pathway, in the definition of structure, the sidewalks and pathways should both be identified as front yard sidewalks and front yard pathways.

Mayor Bob Gordon motioned to approve Ordinance 18-04 as amended by the redline changes and adding "front yard" in front of the words "sidewalks" and "pathways" in the definition of "structure." Council Member Peter Michel seconded the motion. Motion carried 5-0.

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

Mr. Maneri stated the Town is currently awaiting the signed grant agreement from the Delaware Department of Natural Resources and Environmental Control (DNREC) so the Town may begin purchasing equipment for the park's challenge course. Council Member Valerie Faden asked how many days SCD has to hold a submittal. Ms. Botchie stated thirty (30) days. Ms. Faden asked who is overlooking the due date and holding SCD's "feet to the fire." Ms. Botchie stated the first submission went in to SCD in September 2017, and AECOM got the comments back – and AECOM doesn't have a due date – so when AECOM addressed all of SCD's comments and resubmitted, the clock started over for SCD at 30 days again.

#### **MOTION TO GO INTO EXECUTIVE SESSION**

Council Member Susan Brewer motioned to go into the executive session at 7:24 p.m. Mr. Michel seconded the motion. Motion carried 5-0.

10. **EXECUTIVE SESSION** – Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation, but only when an open meeting would have an adverse effect on the bargaining or litigation position of the public body.

#### **MOTION TO COME OUT OF EXECUTIVE SESSION AND RECONVENE OPEN MEETING**

Deputy Mayor Maneri motioned to come out of executive session at 8:10 p.m. Ms. Brewer seconded the motion. Motion carried 5-0.

#### **11. DISCUSSION AND POSSIBLE VOTE ON ITEMS DISCUSSED IN EXECUTIVE SESSION**

There was no vote.

**12. CITIZENS' PRIVILEGE**

There were no comments.

**13. ANNOUNCEMENT OF NEXT MEETING – TOWN COUNCIL WORKSHOP  
MTG., JANUARY 23, 2018**

**14. ADJOURNMENT**

Ms. Brewer motioned to adjourn at 8:11 p.m. Mr. Maneri seconded the motion. Motion carried 5-0.

Respectfully submitted,  
Matt Amerling, Town Clerk