

**MINUTES OF THE MILLVILLE  
TOWN COUNCIL MEETING  
July 9, 2019 @ 7:00 PM**

In attendance were Mayor Bob Gordon, Deputy Mayor Steve Maneri, Treasurer Peter Michel, Secretary Ronald Belinko, Council Member Sharon Brienza, Town Solicitor Seth Thompson, and Town Manager Debbie Botchie. Town Clerk Matt Amerling was absent.

**1. CALL MEETING TO ORDER**

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

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

**3. ROLL CALL**

Mayor Bob Gordon stated everyone was present.

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

**A.** Adoption of Town Council Minutes – June 11, 2019

**B.** Adoption of Town Council Workshop Minutes – June 25, 2019

Secretary Ronald Belinko motioned to adopt the June 11, 2019, Town Council minutes, and the June 25, 2019. Council Member Sharon Brienza seconded the motion. Motion carried 5-0.

**5. FINANCIAL REPORT – Treasurer Peter Michel**

**A.** June 2019

Treasurer Peter Michel read the Financial Report for the month ending 6/30/19.

**June 30, 2019:**

General Revenue: \$ 240,408. Restricted Revenue: \$ 90,601.

General Expenses: 83,685. Restricted Expenses: 17,292.

**6. ADMINISTRATIVE MATTERS**

**A.** Administrative Report for June 2019

There were no comments.

**7. PRESENTATIONS**

**A.** Presentation from Millville Volunteer Fire Company (MVFC) EMT Chief John Watson on how funds have been utilized from the Ambulance Subscription Service Fee.

Mr. John Watson, of the MVFC, stated there have been a lot of changes in the firehouse since the last time Mr. Watson was before Council. Mr. Watson stated, so far this year, the MVFC has had one-thousand-four-hundred-five (1,405) EMS (emergency medical

services) responses, which is up one-hundred-sixty-eight (168) calls from this time last year. Mr. Watson stated with the new South Coastal emergency facility coming, the MVFC is not sure how it will affect the EMS. Mr. Watson stated the MVFC has had several meetings with Beebe to try and “get a feel” with what will happen because they expect about twenty-thousand (20,000) people will go through the facility in a year. Mr. Watson stated there are no particular days which stand out in terms of heavy business, but what does stand out is they are extremely busy from 1 p.m. until 9 p.m. Mr. Watson stated back when they started this ambulance subscription service, the MVFC thought they’d “get away with” having two (2) ambulances working around the clock, but they realized, coming into this season, the two (2) ambulances weren’t going to work. Mr. Watson stated ambulances from Bethany Beach, Frankford, Roxana, and Dagsboro came to Millville about three-hundred (300) times, and the MVFC doesn’t feel that is acceptable; so the MVFC has three (3) homeowners associations (HOAs) who have signed three (3)-year contracts and Mr. Watson is looking at several other HOAs to sign up. Mr. Watson stated the MVFC took some of the funds to staff a third ambulance during the day from 7 a.m. to 7 p.m. Mr. Watson stated having the three (3) ambulances is working out. Mr. Watson stated the MVFC EMS budget this year is just four-thousand dollars (\$4,000.00) shy of one-point-three million dollars (\$1,300,000.00). Mr. Watson stated, to date, the MVFC EMS has collected about fifty-one percent (51%) of what they expect to collect for the year, and the money collected for the ambulance service gets used up pretty fast. Mr. Watson stated they have collected about forty percent (40%) of what they’re expecting to collect overall through the fund drive. Council Member Sharon Brienza stated she would pay more for the ambulance subscription than thirty-five dollars (\$35.00) compared to the one-hundred dollars (\$100.00) she was paying back in New Jersey. Mr. Watson stated the thirty-five dollars (\$35.00) was the deal the MVFC made with the Town but anyone can donate a little extra via the MVFC website. Secretary Ronald Belinko stated several Bishop’s Landing residents have used the ambulance service and thank goodness we have the Town involved with the \$35 fee because it’s a bargain. Mr. Watson stated in 2018, the MVFC EMS took five-hundred-eighty-one (581) EMS calls in the incorporated Town of Millville, and, so far this year, they’re just a little bit shy of four-hundred (400). Mayor Bob Gordon asked what the average cost of an ambulance is now. Mr. Watson stated around three-hundred-thousand dollars (\$300,000.00).

### **MOTION TO ENTER PUBLIC HEARINGS**

Ms. Brienza motioned to enter the public hearings at 7:13 p.m. Mr. Michel seconded the motion. Motion carried 5-0.

### **8. NEW BUSINESS**

**A.** Public Hearing Notice – Secretary

**B.** Written Comments – Town Manager

There were no comments.

**C.** Discuss a Final Site Plan submitted by The Kercher Group on behalf of Bay to Beach Builders, Inc., for a new office, sales center and model home located on Tax Map

Parcel 134-12.00-280.00. *Synopsis:* At its June 25, 2018, meeting, the Town Planning & Zoning (P&Z) Committee voted 3-0 to recommend final site plan approval to Council.

Mr. Andrew Lyons Jr., of GMB, stated all comments have been addressed on this site plan, and the applicant has all of their applicable permits required for the plan. Mr. John Murray, of The Kercher Group, stated he is here tonight for the Bay to Beach Builders office, sales center and model home for final approval so the applicant, Mr. Deric Parker, can move forward with this project.

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

There were no comments.

**E. Discuss a Conditional Use Application submitted by LandTech LLC on behalf of JIIS Management LLC, for the Beaches Car Wash. The proposed business is located on Tax Map Parcel #134-12.00-343.00, 35162 Atlantic Avenue, Millville, DE 19967, and zoned C1 - Commercial. *Synopsis:* The applicant is requesting a conditional use for an automated express car wash, and the existing lot is 1.17 acres. At its June 13, 2019, meeting, the Town P&Z Commission voted 5-0 to recommend conditional use approval to Council with the proposed conditions as presented by the applicant as well as timers being placed on the security lights, to include energy-efficient lighting, and to present the Soil Conservation District report on the stormwater management.**

Mr. Andrew Lyons Jr., of GMB, stated he does have a letter dated June 6, 2019, which was for the P&Z Commission for its June 13 meeting. Mr. Lyons stated the applicant has answered most of the questions in said letter either at the P&Z meeting or on the plans presented to Council tonight. Mr. Lyons stated none of the comments were particularly big at this time, and even if this conditional use is approved, the applicant will still have to go through the entire site plan approval process with the Town's P&Z and Council.

Mr. David Hutt, of Morris James, stated he is representing the applicant, JIIS Management LLC, of which two principles of the organization, Mr. and Mrs. Matthews, are here tonight. Mr. Hutt stated the introduction of Mr. Jeff Clark, of Land Tech LLC, and Mr. Steve Fortunato, of the Becker Morgan Group. Mr. Hutt stated tonight's application is for a conditional use for the Beaches Community Car Wash with the property being located along Atlantic Avenue and is at an intersection with Warren Road, which is immediately adjacent to the Dollar General store. Mr. Hutt stated this application is not to change the zoning of the property; it is currently zoned commercial C-1. Mr. Hutt stated the land use process in the Town has several tools available to property owners and people who would like to develop or re-develop a property. Mr. Hutt stated in the commercial district there are essentially two (2) tools: one being permitted uses – referred to as “by right” uses – which means as long as you comply with the regulatory requirements such as setbacks, heights of buildings, parking requirements; and the second tool being conditional uses, which is what there is tonight. Mr. Hutt stated the Town Code states in Chapter 155, subsection forty-nine

(49) regarding conditional uses, “buildings, structures, and uses may be approved by the Town Council ... provided that the location is appropriate and not in conflict with the comprehensive plan, that the public health, safety, morals, and general welfare will not be adversely affected, that adequate off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values, and further provided that the additional standards of this article are complied with.” Mr. Hutt further stated it further states if the use is granted, the applicant still has to adhere to the same height limits, yard spaces, lot area, and sign requirements as for other uses in the district in which the conditional use is located. Mr. Hutt stated this proposed conditional use is not in conflict with the Town’s current comprehensive plan, but does fall under the three (3) goals of community character and design: (1) to create attractive building and site designs; (2) to improve the business district located along Atlantic Avenue; and (3) to develop a vibrant and unique setting by encouraging the creative development and re-development of Atlantic Avenue. Mr. Hutt stated the current draft of the comprehensive plan states “the Town needs to continue to grow and develop Millville’s business base to provide jobs, commercial and service outlets for Town residents because it is critical to long-term economic vitality and sustainability.” Mr. Hutt stated the applicants believe this conditional use falls within the Town’s goals and its comprehensive plan.

Mr. Jeff Clark, of Land Tech, stated not only is the car wash application in conformance with the Town comprehensive plan, it is also in conformance with the Town conditional use section of the Town Code; the Millville zoning ordinance; the approved Dollar General store site plan; the Millville supplementary district regulations (which require landscaping, parking, performance standards, signs and appropriate stormwater management); the Millville commercial building design standards and guidelines and checklists; DelDOT standards, regulations and guidelines, and it will have less of a traffic impact than businesses permitted under Town Code, and service a large line of queued vehicles compared to other car wash businesses; the State Fire Marshal regulations; the Sussex Conservation District (SCD) guidelines; the Delaware Department of Natural Resources and Environmental Controls (DNREC) guidelines and is designed to manage stormwater in an environmentally responsible manner using current technologies and best management practices; will not produce any sound effects to the immediate community which exceed the existing sounds from Atlantic Avenue traffic; will not introduce any lighting to the immediate community which is aimed or directed from the car wash site onto the neighboring properties or Atlantic Avenue; and will provide a much needed business to the residents of Millville as well as provide employment opportunities for individuals in the community who have disabilities preventing them from participating in the local workforce. Mr. Clark stated the applicant has met with representatives of the Denton Mills homeowners association (HOA) prior to tonight’s meeting and listened to their concerns, and have added some suggested conditions which address those concerns.

Mr. Clark stated they had to establish the best location for site access, for entry and exit. Mr. Clark stated in the case of this application, the entrance and exit was

predetermined by Millville and DelDOT back in 2012 when they went through the final site plan process for the now-existing Dollar General store which is immediately to the site's east. Mr. Clark stated the area he has rendered in yellow is an easement on their property, it's also intended to serve the property, so the applicant is following the condition of that approval as well as the wishes to DelDOT. Mr. Clark stated because the Whites Neck Road and Atlantic Avenue intersection is planned for a "future signalized intersection," this allows for the absolute safest control of commercial traffic entering and exiting both the Dollar General and the future car wash. Mr. Clark stated this site access also removes the entrances as far away as possible from Warren Road, which is the Denton Mills community entrance street. Mr. Clark stated the automatic car wash building on this plan is rendered in tan and is oriented to the southern point of the site with cars coming in the north end and passing by a credit card reader with car wash instructions before they enter the car wash tunnel, and after exiting the tunnel, customers can either proceed back to Atlantic Avenue and leave the site, or proceed to self-serve vacuums or parking and letting it dry. Mr. Clark stated vehicles can stack up or queue on the site in a double row to wait for their turn for a wash, and the building, parking and landscaping buffers are all designed to meet or exceed the Town Code setbacks, building height, landscape buffers, and open space requirements for a C-1 land use in the town center commercial zoning district. Mr. Clark stated the site plan has respect there exists a natural wooded buffer approximately forty (40) feet wide, separating the Millville commercial district from the residences in Denton Mills. Mr. Clark stated the plan shows not only preserving the existing woodline but also putting in some additional plantings between the tax ditch and the rear of the car wash building. Mr. Clark stated this plan shows there is more than adequate drive aisle width and turning radius for vehicles entering and exiting the car wash.

Council Member Sharon Brienza asked when the cars come through the wash and they want to go to the vacuum space, do the cars have to go back around again to get to said space? Mr. Clark stated no, there is a two (2)-way traffic there, in front of the parking and through the car wash. Town Solicitor Seth Thompson asked if employees would drive the vehicles through or would owners get out closer to the car wash building? Mr. Clark stated the owners would get out closer. Mr. Clark stated it is planned with this project the building be done in one (1) phase, the property is currently served – and will be continued to be served – water from Tidewater Utilities, there will be central sanitary sewer by Sussex County, the stormwater concept for design will be explained by Mr. Steve Fortunato, the site plan has been reviewed by Mr. Lyons and each of the issues he has raised will be addressed in the next submission which will show site topography, grading and all done in greater detail for the site plan. Mr. Clark stated the dumpster pad on site will also include a complete screen enclosure for the trash containers, which is as required in the letter from Mr. Lyons. Mr. Clark further stated all site lighting will be on the building and on poles for the parking lot, and all of those fixtures will project downward and away from Atlantic Avenue, away from Dollar General, away from Denton Mills, and away from Warren Road; so the lighting will be oriented in and down. Mr. Clark further stated there will be signs posted on the site to ask customers when they arrive to turn off their radios and any broadcast music at the time they enter the site, and there will be

no amplified music played into the parking lot or for the customers, and no loud speakers are used outside as part of the business operation.

Mr. Clark stated he asked the architect for this project to go out and take photos of some of the typical car washes seen throughout the area and county. Mr. Clark showed the photos of the other car washes, followed by a concept drawing of the proposed Beaches Car Wash. Mr. Clark stated the Beaches Community Car Wash will be an automatic vehicle washing business, and everything is conducted inside of a fully enclosed tunnel within a one (1)-story building, and the building does use siding, roofing and window materials which are residential in character; and the landscape plantings in this illustration presented on the slides are in keeping with the landscape design as presented as part of a conditional use site plan. Mr. Clark stated the Town has a well-developed and very detailed document called the Development and Design Standards and Guidelines – and this document was used by the architect when he was preparing the elevations shown here. Secretary Ronald Belinko stated with regards to a busy day at the car wash and Dollar General, the Dollar General has a difficulty handling lots of traffic in the parking lot. Mr. Clark stated with Mr. Fortunato's presentation, you will see this project – by DelDOT requirements – will have to supply an additional turn lane into the Dollar General site. Deputy Mayor Steve Maneri stated he was at Dollar General today and the delivery truck (18-wheeler) took up the whole side closest to the applicant's property, so how does the applicant expect traffic from the car wash to get in and/or out of the site if the truck is blocking the way? Mr. Clark stated it's a common occurrence at gas stations and other businesses to be blocked from time to time because of this issue. Mr. Maneri stated yes, but what will happen is there will be traffic lining up on Route 26. Mr. Clark stated he's not familiar with how often that exactly happens.

Mr. Steve Fortunato, of the Becker Morgan Group, stated for the entrance into Dollar General, there currently is no auxiliary lane so there is just a travel lane (of Route 26) headed into Bethany Beach, and a traveler would make right turn into the Dollar General; but what this project triggers is the addition of a dedicated right-turn-lane which the applicant would construct and is per DelDOT requirements to allow cars to pull off of Route 26 to slow down before travelers enter the Dollar General or car wash site. Mr. Fortunato stated as part of the pedestrian improvements which are required, there is an eleven (11)-foot-wide shared use pathway, which is paved and with curb ramps on either side – typically required on any road frontage for any development plan – and the plan shown complies. Mr. Fortunato stated DelDOT has looked into whether to install a traffic light at the intersection in front of Dollar General; it's "on DelDOT's radar" and, as the applicant has gathered, DelDOT has not perceived this application as a traffic or safety concern. Mr. Fortunato stated the traffic light is not something this project or applicant alone can install, and it's not up to the applicant but completely up to DelDOT. Mayor Bob Gordon asked if DelDOT has not given the applicant approval for a traffic light. Mr. Fortunato stated yes. Mayor Gordon asked if this venture will be "putting money up" for a traffic light. Mr. Fortunato stated they will be required like everyone other project in the vicinity of this proposed light, and based off the traffic they generate they will have to contribute to a fund which go into a light being installed at some point; however, the applicant cannot

guarantee when that time would be as it's DeIDOT's call.

Mr. Fortunato stated as part of the Dollar General, DeIDOT realized this parcel would eventually be developed and – in an effort to limit the amount of access locations to a major highway like Route 26 – DeIDOT required the displayed cross access easement which would provide access for this parcel, and the applicant is still required to adhere to DeIDOT's standard, which is why this plan is set up the way it is and why the entrance is located where it is. Mr. Fortunato stated when there is a shared entrance with more than one (1) business it's not customary for one (1) business to block the entrance for the other business and it's something the applicant will have to discuss with the owner of the existing property (Dollar General) so maybe a different delivery time could be established. Mr. Fortunato stated there will be access to the car wash through the Dollar General parcel, where customers will enter through the right-hand (western) side of Dollar General's parking lot and into the car wash site. Mr. Maneri asked with regard to the shoulder being put in, if there will be any bike path around there. Mr. Fortunato stated yes, currently there is a five (5)-foot shoulder and bike path, which exists all down Route 26, but what the applicant will be installing is a ten (10)-foot-wide DeIDOT-required shared use path (shown in gray), for pedestrians and bikes, and we will install a handicapped ramp on either side of the property, connecting this entrance to Warren Road. Mr. Maneri stated what about the cars utilizing the turn lane who want to just go to Dollar General but there is a line reaching out of the car wash property, those people wanting to go to Dollar General are caught in the line for the car wash. Mr. Fortunato stated he will point out in an upcoming slide how the applicant's site compares to others and deals with this issue. Mayor Gordon asked if a left turn lane will be provided on the drive path. Mr. Fortunato stated it will remain the width and style it is. Treasurer Peter Michel asked what the time length is for a car to go through the wash. Mr. Clark stated three (3) minutes. Mr. Michel stated there seems to be not enough room for cars coming out of the wash and using the drying spaces as well as the vacuum spaces, so will there be someone to put a halt on cars going into the wash when those spaces are full? Mr. Fortunato stated the presentation will address this soon.

Mr. Fortunato stated he has shown in this presentation slide what the use will be for permitted use projects as opposed to the applicant's project presented tonight. Mr. Fortunato showed a slide of permitted use applications in the Town Code such as restaurants, retail stores, etc., and what those businesses would generate in vehicular customer traffic per national traffic standards, and compared it to the same use of standards measuring traffic and use for the applicant's conditional use of a car wash. Mr. Fortunato stated the car wash would generate about five-hundred-twelve (512) trips per day with sixty (60) trips during the peak morning hour between seven (7) a.m. and eight (8) a.m., and sixty (60) trips during the peak afternoon hour between five (5) p.m. and six (6) p.m. Mr. Fortunato stated he looked at what permitted use businesses could be put on the site of its size – such as a convenience market, a fast food restaurant with drive-thru window, a nursery, etc. – and, without going through the conditional use process, those businesses would generate about four (4) times more traffic in and out of the site. Mr. Fortunato stated while the car wash will add traffic, the applicant is again making entrance improvements which are currently not

there, pedestrian improvements which are currently not there, and the applicant is not adding the respective amount of traffic which could be added to this intersection and entrance should a permitted use business such as the ones shown come onto that site. Mr. Fortunato stated customers will enter the one-way entrance and enter the queue lanes provided which the applicant has estimated – per the model of a big SUV-type truck – the queue can hold up to twenty-six (26) vehicles, with an additional three (3) vehicles within the car wash building itself. Mr. Fortunato showed examples of other car washes in places such as Long Neck, Lewes, and Ocean City (MD), showing how little of a queue lane they all have compared to the applicant's queue lanes. Mr. Fortunato stated the photo of the Long Neck car wash was taken on a Friday afternoon before a recent holiday weekend, the car wash there has queue lanes which accommodate twenty (20) vehicles and there are no long lines. Mr. Fortunato stated the Waves Car Wash in Lewes is similar to this applicant's car wash and they've got three (3) lanes; however, they can only queue thirteen (13) vehicles before they start interrupting access and traffic. Mr. Fortunato stated the Rehoboth Beach car wash has three (3) lanes; however, they can only queue sixteen (16) cars before they impact the area around them. Mr. Fortunato stated the applicant is providing more than the average for this type of project. Ms. Brienza stated she sees two (2) lanes merging into one (1) and will there be someone there to manage the merging because she sees problems arising. Mr. Fortunato stated yes, there will be someone there directing so as to not have any problems arise. Mr. Belinko stated there is no car wash shown in these examples which are exactly like the one proposed tonight because those car washes are either set back off a road or have another type of entrance; but none of them come directly off a main road. Mr. Fortunato stated that type of issue would occur with any type of business along Route 26, and it would not be economically feasible to have a car wash set back so far off, but the applicant does provide more on-site queuing than any other local car wash.

Mr. Fortunato stated, regarding stormwater management, the applicant will submit to the Sussex Soil Conservation District (SCD) to have them review and approve the stormwater management; however, the applicant's plan is to install a pervious pavement system in most of the parking lot because it allows the rainwater to flow through the pavement into a stone storage area where it is either held for a required amount of time to receive quality management, or infiltrated into the ground. Mr. Fortunato further stated the system would have a series of underdrains which would provide storage and a stone layer typically eighteen (18) to twenty-four (24) inches, and that water would discharge to the existing tax ditch which runs behind the property and the applicant would be required to not have an adverse impact to the surrounding area per the current State regulations. Mr. Maneri asked if after years of use, the dirt won't interrupt the flow of the water through the pervious pavement. Mr. Fortunato stated as part of the stormwater management plan, the applicant is required to put together a maintenance program and it has to be sustained under law, and SCD is responsible for enforcing those maintenance procedures and verifying the owner is complying with said procedures and laws. Mr. Fortunato stated a vacuum truck will come in to clean about two (2) to three (3) times per year, and the trucks are becoming more common.

Mr. Clark stated the applicants – Mr. and Mrs. Matthews – have done extensive research into the car wash service business over the past several years, and Mr. Clark believes there is a need for a high-quality automatic car wash business in this immediate area. Mr. Clark stated the nearest automatic car wash businesses are in Lewes, Rehoboth, Berlin (MD), Cambridge (MD), and Dover. Mr. Clark stated the applicants have also devoted a fair amount of time to researching the alternative car wash vendors and the equipment used, and they've chosen a vendor called Clean Edge, whose equipment is state-of-the-art and all of their soaps, detergents, etc., are "green technology," so only about ten percent (10%) of the water is discharged back to the wastewater system. Mr. Clark stated the vacuum systems today are central vac systems in that they work on variable frequency drives (VFDs), so they're very quiet and the closest home to this site is about one-hundred-twenty (120) feet, and when they're not being used, they go to a very low RPM and, depending on how many people are using the RPMs, the suction will come up. Mr. Clark stated the air dryer is about twenty-five (25) feet within the exit of the drive-through bay, so the sound has the same effect as a shower or dishwasher.

Mr. Clark stated the business plan for this establishment will have hours of operation being from seven (7) a.m. until seven-thirty (7:30) p.m. – meaning they wouldn't always be open that long but would not exceed those hours – Monday through Saturday, and the business will be closed on Sundays. Mr. Clark stated the employment will consist of a total number of fourteen (14) employees, and, of those 14, three (3) to four (4) of them will be full-time, eight (8) hours per day staff. Mr. Clark stated there will be two (2) shifts with two (2) management staff on-site at all times. Mr. Clark stated the remainder of the employees are a "full-time part-time" so they are less than eight (8) hours per day; and with the management, there is a manager, assistant manager and supervisor, the last two of which will have someone who is qualified and experienced to work with disabled staff because the remainder of staff will be comprised of persons with disabilities.

Mr. Martin Lampner, of Chimes International, stated people with disabilities are not exceptional, they are us, they're amongst us; people wear glasses, hearing aids, etc., have a disability. Mr. Lampner stated what is being discussed here tonight is people with more severe disabilities – people who are often not seen as potential employees., and there are a variety of people who fit that niche, such as people with developmental disabilities, and disabled military veterans. Mr. Lampner stated services for people with disabilities are not required, so when someone moves to an area, they're an older sixty (60)-year-old or seventy (70)-year-old parent, and they have a thirty (30)-year-old or forty (40)-year-old child who has worked every day through a program such as Chimes but they don't automatically get that service when they move here. Mr. Lampner stated in many cases these parents have a child who worked every day but is now sitting at home, wondering when they'll resume their job. Mr. Lampner stated another group the applicant hopes to employ is military veterans, giving them a role in management for those who've had some difficulty transitioning back into civilian life. Mr. Lampner stated more than seventy percent (70%) of people with disabilities are unemployed and it doesn't mean they don't want to work but they want to work and can't find a job. Mr. Lampner stated there are

seventy-five (75) people with disabilities who clean Dover Air Force Base. Mr. Lampner stated another thing to consider is when these people don't work, we all pay for the supports they need; but when they do work, instead of being tax users, they're taxpayers like the rest of us, and they support their own needs, but also gain a better sense of being a part of the community.

Mr. David Singer, of Clean Edge, stated with car washes such as the Kenton Car Wash in White Marsh near Baltimore, MD, they do about one-hundred-sixty (160) to one-hundred-seventy (170) cars per hour on a busy day, and they have the ability for their employees to vacuum at twenty (20) stations, and even on the busiest days, those stations are not filled. Mr. Singer stated some people will want to dry their cars and/or vacuum them, but most will end up leaving after the wash is done. Mr. Singer stated at twenty-six (26) cars, you'd be hard-pressed to back those cars up into the street, and an average day will be about thirty (30) cars an hour on a busy day; and there will probably be three (3) to four (4) very busy days per year and that's when there's salt on the road. Mr. Singer stated with the two (2) lanes going into one (1), the entry system is gated; so when you pull up in the two (2) lanes, the gate will hold you until whichever pay station takes the money and processes the wash first, so there won't be a person overlooking the process. Mr. Singer stated he thinks there's about eight (8) to twelve (12) parking spots for vacuuming so, on the busiest days, you may have a few people waiting, but there's going to be an area to wait and they're not going to be backing up on Route 26. Mr. Maneri stated the plan shows the vacuum spots are only five (5). Mr. Singer stated that is just a rendering and they're planning on having eight (8) to twelve (12), depending on how many can fit. Mr. Maneri asked if there will be employees outside drying. Mr. Singer stated there will be automatic dryers in the buildings but there are these new technology drying cloths which will be offered; but we're hoping the hand drying will be very minimal due to the automatic dryers. Mr. Maneri asked if it will be brushless. Mr. Singer stated it will be a soft foam material.

Mr. Thompson stated, regarding the averages, based on the trips and hours, will it be about thirty (30) vehicles per hour? Mr. Singer stated on the busiest day, this car wash could do four-hundred (400) cars on a Saturday; but typically, you're looking at one-hundred-fifty (150) to two-hundred (200) cars per day. Mr. Singer stated yes, you're probably looking at about thirty (30) cars per hour and if the applicant is processing the car in three (3) minutes and there's no "bottlenecking" at the beginning and the end, it will go smoothly. Mr. Thompson asked, based on the peak trips in the morning and afternoon, it doesn't look like there really would be a peak time compared to a fast food restaurant. Mr. Singer stated yes, and the last thing he would want is a fast food restaurant or a place like Pizza Hut, but that's where you'll get loitering and kids hanging out, the place will be open until about midnight (12 a.m.), the dumpster with the rats, the lights, the noise, and it's just not a good fit. Mr. Singer stated another concern would be crime and typically if you were to see any crime it would be with your self-serves because that's the type of place people go and hang out, play the radio, and have fist fights. Mr. Singer stated with a high-end car wash, it's not happening; and even Mr. David Banks, who has self-serves, has only had one (1) incident about four (4) years ago when they broke into his cash machines, but he doesn't have any other problems because this is a different kind of neighborhood. Mr.

Singer stated a full serve like this will be different because they close at dark, there's no money to take because it goes in the machines, the vacuum hoses are put in, and people won't be running vacuums all night because the hoses will be put up.

Mr. Hutt stated with regard to the "by-right" uses, there are some concerns with what could go on the property, but the ideal about this use with this location is – based on the Town's goals in its comprehensive plan – the conditional use tool used here rather than the "by-right" use. Mr. Hutt stated the applicant did meet here about a week ago with some representatives of the Denton Mills HOA, and one of the common themes with the discussion was dissatisfaction with certain components of the Dollar General store and its operations, and that is a "by-right" permitted use; and, as was pointed out, once the applicant or property owner in that circumstance meets the code requirements, they can operate there and there's no public hearing like this and there's no real opportunity to help manage how that site is used. Mr. Hutt stated when this application was considered by the Town's P&Z, the applicant proposed fifteen (15) conditions which include things such as no outside sound equipment used for announcements, music or the like on the car wash site; and signage will be erected near the site entrance directing car wash patrons to turn off radios. Mr. Hutt further stated there will be the hours of operation being 7:00 a.m. to 7:30 p.m., Monday to Saturday, and closed on Sunday. Mr. Hutt stated the architecture will match the residential style architecture everyone saw in the renderings. Mr. Hutt stated this use generates much less traffic than a permitted use business. Mr. Hutt stated one of the conditions suggested by one of the Denton Mills HOA representatives was when individuals are entering and exiting Denton Mills on Warren Road, they would be looking down the proposed shoot of the car wash itself, and it was asked if a fence could be added and if the fence could be on the inside of the landscaping which would be added on the site plan. Mr. Hutt stated if you go back and look, you'll see the applicant has added a sixteenth proposed condition to the applicant's pre-existing conditions to do just that: install a fence along the interior of the landscaping buffer between this property and Warren Road, to block the view of being able to look onto the property or see inside the car wash; and the fencing would be on the other side of the landscaping so someone driving along Warren Road won't just see bare fencing. Mr. Hutt stated this plan is consistent with the comprehensive plan and a typical business location – as referenced in the Town's comprehensive plan – talks about addressing the issue of location, the facilities, the business costs, the finance, workforce, business knowledge, resources, and the quality of life; and can provide employment opportunities for those veterans and disabled persons.

Council called a five (5)-minute recess at 8:29 p.m. and reconvened at 8:34 p.m.

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

Mr. Willey Coffey, of 39313 Natures Way, Bethany Beach, stated he doesn't live in Denton Mills but he does own multiple properties in the community, and was once the president of the Denton Mills HOA for ten (10) years, so he knows the community and its people. Mr. Coffey stated he can solidly say the residents are against this car wash and the residents don't feel the car wash is right for this community. Mr. Coffey

stated there are two (2) car washes within a half (1/2) a mile of this proposed car wash, and when the blowers from Mr. Hocker's car wash goes on, you can hear it in our community; so you can just imagine what will happen right here. Mr. Coffey stated when you think of the type of business a car wash is and the types of employees they hire, there are a lot of issues which Mr. Coffey will address soon. Mr. Coffey stated the residents are concerned about safely exiting and entering their community; Route 26 can be busy and dangerous coming and going into the area. Mr. Coffey further stated when you add a layer of extra traffic like the applicant is recommending, the reality is it will be a nightmare, making it even worse to get in and out of the community (Denton Mills). Mr. Coffey stated he thinks it will possibly increase more accidents than what the Town has right now. Mr. Coffey stated another thing is the property values, and the Council represents the residents and Council has to be concerned about what effect this will have on the property values of Denton Mills. Mr. Coffey stated if, for instance, he puts his property on sale, and someone driving in sees this car wash, it will hurt us (the residents), just like Dollar General does with its unsightly trash and the shopping carts outside. Mr. Coffey stated when you look at the area and the depressed price values for properties in Denton Mills, their community hasn't responded as well as some of the other beach communities, and they're still selling at the prices they sold at twelve (12) years ago; and this (car wash) will depress them even more. Mr. Coffey stated the applicant will operate the car wash twelve-and-a-half (12 ½) hours per day, from 7 a.m. to 7:30 p.m. Mr. Coffey stated another thing the residents are concerned about was the mentioning about disability, and the applicant also runs homes for the disabled; and where are these disabled employees coming from? Mr. Coffey stated the disabled people are not going to be local, and Mr. Coffey doubts very seriously there will be disabled veterans working at the car wash. Mr. Coffey stated his concern as a property owner is "what kind of people are you bringing in here?" Mr. Coffey stated the applicant will bus them in, they have mental disabilities, are they sex offenders? Mayor Gordon stated Mr. Coffey's allotted speaking time was over and to please sit down.

Ms. Nancy Genet, of 31865 Sawmill Road, stated she is a resident of Denton Mills and she agrees with everything Mr. Coffey stated. Ms. Genet stated she came here with the idea the noise, crime and traffic would be her main concern, and, at this point, her main concern is the environment. Ms. Genet asked if the applicant could tell her if they have an oil-water separator for the car wash, and how many gallons of water will be put in the ditch every day? Ms. Genet asked if this use will be in compliance with the federal Clean Water Act? Ms. Genet stated her concern is for the tax ditch which is for the water to run off into when it rains heavily, and Denton Mills has been flooded when there is a downpour of four (4) inches per hour, and the water has no place to go. Ms. Genet stated she would like to know how many gallons of water this car wash will be putting in the ditch every day, because if it rains heavily, the community will get flooded.

Ms. Christina Weaver, of 31738 Lakeview Drive, Selbyville, stated she doesn't live in Millville but she spends a lot of money in Millville and comes here a lot. Ms. Weaver stated the three (3) reasons she's in favor of the car wash are (1) she's one of those people who does actually drive to Berlin, MD, to get her car washed. Ms. Weaver

stated her husband used to wash her car but he passed away and she's not able to work the self-service car washes in place and she likes the idea of not having to go all the way to Berlin for a decent car wash. Ms. Weaver stated secondly, she met the applicant, Mr. Matthews, one (1) year ago at a picnic, and he described to her his plans for the car wash and the fact it would be staffing disabled people and veterans; and Ms. Weaver has done volunteer work with disabled people and she knows there is a need in this area for local disabled people as well as veterans to have jobs. Ms. Weaver stated, lastly, she's been impressed with Mr. Matthews plan as well as the kind people he's brought on to assist him in this venture, to come up with a plan; and it's a lot better to have an attractive building which people can use rather than some of the alternatives.

Ms. Jacqueline Reed, of 32139 Warren Road, stated her concern is with the traffic and there are people who use the center turn lane of Route 26 a long time before their turn comes up. Ms. Reed stated when she is approaching her community from the west to make her left turn into Warren Road, Ms. Reed cannot tell you how many times she has almost gotten into a head-on collision. Ms. Reed stated she's very concerned that once the Town has another turning lane with all of the items Council brought up, as well as bicycle safety. Ms. Reed stated she lives in the cul-de-sac which backs up to the new community, Bishop's Landing, and she has not been able to open her window since August 2018 because there is a lot of noise associated with the Bishop's Landing construction. Ms. Reed stated because of this, she is very concerned about the vacuums. Ms. Reed stated she sees the decibel levels were given tonight for one (1) vacuum, but what about the decibel level for eight (8) to twelve (12) vacuums? Ms. Reed stated this is on a different issue than tonight's but she did have her lawyer address an issue such as this, stating there is a regulation and it limits ambient noise of the receiving site, which would have been Ms. Reed's property. Ms. Reed stated lots one (1) and two (2) on this site are supposed to receive sixty-five (65) decibels between 7 a.m. and 10 p.m., or fifty-five (55) decibels between 10 p.m. and 7 a.m. Ms. Reed stated she knows where her home is situated, the amount of construction, the generators which have been going twenty-four (24) hours, seven (7) days a week. Ms. Reed stated there was a day she was sick and couldn't go to work, and she had to put in earplugs just so she could rest, and she couldn't enjoy her own home in peace.

Mr. Mark Wright, of 32022 Warren Road, stated he is the current president of the Denton Mills HOA, and he can say no one in their community wants this car wash. Mr. Wright stated he's in agreement with Mr. Coffey's mention of property values, plus the "eye sore." Mr. Wright stated he can't see this business making any money considering there are already two (2) car washes down the street which are never busy. Mr. Wright stated what could happen after this business fails is beyond Mr. Wright. Mr. Wright further stated his other concern is there was earlier mention of the fence, and when the Dollar General was put in, Mr. Coffey got "screwed." Mr. Wright stated if this thing goes through, going down Warren Road, their entrance should have an eight (8)-foot privacy fence the way it was laid out, with the trees so it blocks some of the noise, although Mr. Wright is not sure those trees are the right height. Mr. Wright stated you guys are going to do what you want to do, whether the residents want it or not. Mr. Wright stated the other thing which concerns him is the article

which went out in the *Coastal Point* (newspaper). Mr. Wright stated no one from Denton Mills was invited to that P&Z meeting and no one from Denton Mills stood up and applauded for it; and it “really sucks” that this application was put out there and none of the Denton Mills residents were there. Mr. Wright stated he didn’t get notified until two (2) to three (3) weeks ago, and Mr. Wright is sure some people want this car wash but no one in Denton Mills wants it.

Ms. Valerie Faden, of 24 Beach Plum Drive, stated she is the president for the Villas at Cedar Cove HOA, and she is in support of the Beaches Community Car Wash. Ms. Faden stated as a full-time resident of the Town, she believes there is a need for the car wash service because she’s utilized the existing smaller facilities and have been disappointed on many occasions when those facilities are not operational; there are times they’re not always working. Ms. Faden stated this project conforms to the Town’s comprehensive plan and the proposed, revised comprehensive plan, and for public policy considerations, by enhancing the Town’s economic diversity through a minority- and veteran-owned business as well as hiring disabled and veteran employees. Ms. Faden stated for the early decades of her life, she was a social worker and she worked with an organization which employed developmentally disabled individuals, so Ms. Faden is very familiar with that community of folks, and employment and training of people with disabilities. Ms. Faden stated this project would also provide training and employment opportunities for people with disabilities and veterans, and utilizing this workforce is a “win-win” for the employees as well as the community. Ms. Faden stated, by comparison, the Town recently approved the development of a retail business cluster on Route 26 for much less thought data traffic analysis and far fewer design considerations were employed to address traffic concerns generated by that retail entity, which is likely to generate a whole lot more traffic than Beaches Car Wash. Ms. Faden stated she fully supports the approval of Beaches Car Wash by the Town.

Mr. Andrew Olajos, of 32109 Warren Road, stated we’ve heard a lot of information from the experts tonight but we haven’t heard anything really concrete. Mr. Olajos stated there is one (1) drawing which might change, there’s a lot of stuff we think may happen, but there’s no concrete evidence or numbers to show us that “yes, this is going to work.” Mr. Olajos stated he is not the biggest fan of this application but he realizes it’s not his decision. Mr. Olajos stated before the Town goes and puts anything like this in, we can talk about what we know is going to happen with Dollar General – such as how many cars are going to come in, what is traffic going to be like. Mr. Olajos stated more data gathering should be done before a decision is made.

Mr. Tom Lepak, of 36813 West Pebble Beach Drive, stated he has been to both car washes and has come home completely disappointed because they don’t work. He drives home after the wash, dries the car and there’s still dirt where it should be clean; there needs to be new technology brought to the area. Mr. Lepak stated to say the existing vacuum is loud, how old is that technology compared to new technology which is twenty-five (25) feet inside the building; it’s called progress. Mr. Lepak stated this is a great commercial venture for the Town – it’s good-looking, it’s modern, and it should be more effective compared to other car washes Mr. Lepak has visited.

Mr. Lepak stated we can't stop progress just because we have old car washes everyone thinks are great. Mr. Lepak stated if there is talk of having thirty (30) cars every one (1) hour, it's about one (1) car every two (2) minutes and that's not a big deal. Mr. Lepak stated if the high peak is when we get a lot of ice and snow, it's in the off season and there's not as much traffic (as the summer). Mr. Lepak stated he and his wife support this car wash and thinks it's a good venture for the community.

Ms. Sharon Marsella, of 36853 West Pebble Beach Drive, stated she understands the residents of Denton Mills and nobody wants something they think will be invasive to their community; however, we have to come to terms that Route 26 east- and westbound is all commercial property and it's prime property. Ms. Marsella stated something will come into that property and it will either be another Wawa, or another Taco Bell, or another fast food restaurant, and the residents needs to choose what they really think is best for their community; but something is definitely going to come in there. Ms. Marsella stated if you want something that's open seven (7) days a week, twenty-four (24) hours a day with dirty dumpsters, lots of noise, and places where kids can hang out; or do you want something there that's open six (6) days a week, closed by 7:30 p.m., is a little more secure and have people who are willing to work with you for what you need for your community to make it better for your environment? Ms. Marsella stated Route 26 will be commercial from one end of Ocean View all the way up. Ms. Marsella stated none of us want anything in our communities but it's going to happen because we chose to live in a Town that is exploding with growth. Ms. Marsella stated we need to decide what you really want there because businesses can come in there which you have no control over, such as a fast food restaurant and the applicant can just put it in there with no say or conditions by the residents. Ms. Marsella stated at least with this application, you have a say with what you want to make your living environment more comfortable.

Mr. Wright asked if this application goes through, is there something in writing the community can get stating there will be a fence or barrier for Denton Mills? Mr. Wright stated he doesn't want a fast food restaurant either but he wants to see this process be made and the condition to be met. Mr. Thompson stated the process here tonight is the conditional use, so tonight's application is only whether to approve this specific use with conditions Council may attach to it. Mr. Thompson stated if the conditional use tonight is approved, the applicant still has to go through the site plan process which "adds meat on the bones" regarding the details and approvals; and the site plan process involves a public hearing as well. Mr. Thompson stated he heard mention of the Town's P&Z meeting and the Town Code doesn't require said meeting to be a public hearing meeting, but it does have to be an open meeting under the Freedom of Information Act (FOIA); however, the public notice for any conditional uses only happens at this level – the Council level – of the process. Mr. Wright asked about the reference to the article in the *Coastal Point* newspaper. Mr. Thompson stated what he explained is the general process for the Town.

Mr. Hutt stated, with regard to the question about the water coming from the car wash, the water from the car wash doesn't go into the tax ditch, which is for stormwater management drainage, but rather goes back into the sanitary sewer system. Mr. Hutt

stated the car wash won't be contributing to a flooding condition; the car washes are weather-dependent, so there will be days when it's raining and no one's at a car wash, most of them are closed. Mr. Singer stated with respect to the vacuum system and the noise, the one here is at sixty (60) decibels, it's a central vacuum system which just feeds suction to different hoses. Mr. Singer stated the sixty (60) decibel when you're standing next to it, it won't get any louder because it is central vac. Mr. Singer stated if you stand thirty (30) feet away, it's forty (40) decibels, so these systems are very quiet today and aren't like the individual vacuums you find at places like Royal Farms. Mr. Singer stated in terms of the water, there are very tight guidelines today on new car washes and the applicant will have a reclaim system in, which recirculates and reuses the water, so there will be very little water sent to the sewage system. Mr. Singer stated regarding the oil-water separator, the applicant will have three (3) tanks underground, so there will be a conveyer pit where the water goes and sits, and what will happen is the dirt settles out. Mr. Singer stated the water will then go to three (3) different pits outside, will flow over the top, and by the third pit, they're pulling it back in to use it for the wash. Mr. Singer stated those pits are pumped out three (3) to four (4) times per year, depending on how busy the wash is. Mr. Singer stated you have to have below a certain solid level, and companies can pump it out. Mr. Singer stated if you wait too long, what happens is it will have to be put in hermetically-sealed containers and taken up to Pennsylvania. Mr. Singer stated there is no water running off into the sewer, ditch or bay, and it's monitored pretty closely by the SCD. Mr. Singer stated with regards to other car washes in the area, this business is different in that this has a conveyer belt tunnel. Mr. Singer stated the company who provided the wash for Hocker's went out of business ten (10) years ago, it's a touchless wash so it uses chemicals and high pressure water; and they're maintenance washes – they won't clean a dirty car, even though surface dirt will wash off, but if you rub your finger along your car when it's done, there will be dirt there. Mr. Singer stated as for the other car wash, Dave Banks' place, it's got self serves and an old roll-over technology, which is slow, outdated, and the company who provided the parts went out of business twelve (12) to thirteen (13) years ago, so the owner has to patch it up because he can't get parts for it. Mr. Singer stated this business is a "whole different ballgame" and is more like the car washes in Waves Car Wash or the one in Rehoboth. Mr. Singer stated you can't get away with putting bad water out nowadays and can go to jail over it, so they're very careful about the water. Mr. Singer stated with regards to the traffic, you have to remember car washes are not usually long-distance destinations; you don't drive thirty (30) miles or more to get a car wash. Mr. Singer further stated most customers of a car wash on Route 26 are those people who are here in the area already for the beach or their residences.

Mr. Fortunato stated, with regards to the stormwater management, the water used in the car wash will not be discharged from the site and it will be handled in a regulatory manner. Mr. Fortunato stated what he deals with is the rain run-off and when you pave and piece of land with grass, you increase the amount of water which will run off when it rains. Mr. Fortunato stated what the pervious pavement being installed here does is to control what happens to the additional run-off. Mr. Fortunato stated instead of allowing the run-off to simply hit the pavement and discharge faster at a higher rate, the pervious pavement contains and detains the water, and discharges the water at

a controlled rate, and this design will be reviewed by many various agencies prior to its installation. Mr. Fortunato stated the SCD will review the detailed drawings for regulatory compliance and make sure we will not have a negative adverse impact to that tax ditch. Mr. Fortunato stated the applicant will do that by providing storage in a stone area below the pavement to discharge the run-off in a controlled way. Mr. Fortunato stated with regards to traffic and this business causing back-up on Route 26, the proposed application tonight will help to alleviate some of the back-up because there will be turn lane installed so rather than cars slowing down and/or stopping to turn into the Dollar General, with the applicant's turn lane, anyone turning into the Dollar General and/or the car wash will have a place to pull off to the side to turn into those establishments, and will help to alleviate some of the back-up on Route 26. Mr. Fortunato stated as far as left turns, anyone using a shared use you either need to know how to use it properly or not know how to use it, but whether this project happens or not will not dictate or control how people use that lane. Mr. Thompson asked if Title Twenty-One (21) of State Code dictates how long someone can stay in one of the shared use lanes and is it something already regulated? Mr. Fortunato stated yes, it's usually only when marked, so if you drive in the center lane for a while, you may see a policeman pulling you over. Mr. Thompson asked about the bike lanes staying in place and being safe. Mr. Fortunato stated yes, it's required by DelDOT to have a bike lane and there is one adjacent to here, which will remain in place. Mr. Fortunato stated the bikes will be able to continue along the same path whether this project happens or not; and we're just pulling pedestrians off the road, giving them a place to walk and making ramps compliant to the Americans with Disabilities Act (ADA).

Mr. Thompson asked, even though Council cannot control this aspect, does Mr. Fortunato know what the current threshold is for DelDOT to put in a traffic light at the intersection. Mr. Fortunato stated there are certain traffic reports which are federally published and, if the intersection doesn't meet the need, there is no light. Mr. Fortunato stated it doesn't matter what anyone says or anyone wants. Mr. Fortunato stated he contacted DelDOT about this intersection and DelDOT has done studies on this intersection, and it went high up the ranks of DelDOT but they don't consider this a candidate for something which would warrant a traffic light. Mr. Fortunato stated he knows there are people who would disagree; however, there are specific calculations which go into it. Mr. Fortunato stated with this project, all they can do is notify DelDOT as to how much traffic they're generating – which is low compared to what can go there – and do counts on what traffic is currently on Route 26 and some of the other developments which have already happened in the area and contribute traffic here; but we can't go on its own to install a traffic light. Mr. Fortunato stated an example is when he was doing a job for a new Bayhealth Hospital in Milford, and they couldn't convince DelDOT to let them get a light. Mr. Fortunato stated that building was a six (6)-story, seven-hundred (700)-bed hospital and, at the main entrance, even though it was needed, they weren't allowed to just put a light there, and they had to go through the process with DelDOT.

Mr. Belinko stated at the P&Z meeting there were only about three (3) actual residents of Millville in attendance and tonight, he sees a lot more. Mr. Belinko stated he is here

as a representative of all of the residents of Millville. Mr. Coffey stated residents get robo-calls from the Town for the farmer's market or for the pumpkin festival, but when it comes to important subjects like the meetings, there are no calls. Mr. Coffey stated Town Manager Debbie Botchie's response is the Town doesn't have to do robo-calls. Ms. Botchie stated she didn't say that, she said the Town does what is required by law. Mr. Coffey stated the residents do want to be involved but we have to be notified. Mr. Thompson stated if Council wants to consider changing its notice processes, it would be done via an ordinance to be adopted into Town Code. Mr. Thompson stated the Town can go above and beyond what is required, but Mr. Thompson can understand the Town wanting to be consistent when it comes to the application of the Town Code.

Ms. Maggie King, of 32712 Cedar Drive, stated with regards to Mr. Coffey's remarks, Ms. King has two (2) nephews who have disabilities and they're wonderful – they're not serial killers, they're not rapists, and they're not pedophiles. Ms. King stated her nephews would do anything to get a job, including cleaning your toilet, so Ms. King is in support of bringing jobs here for those with disabilities.

Mr. Glen Bonderenko, of 19161 Flagstone Lane, stated if this passes, the property should be well-maintained because, over time, businesses – especially car washes – start to deteriorate and owners don't necessarily take care of it, and we don't want an eyesore. Mr. Thompson stated the Town does have a property maintenance ordinance under Chapter 111, which oversees such issues.

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

Ms. Brienza motioned to close the public hearings at 9:23 p.m. Mr. Maneri seconded the motion. Motion carried 5-0.

### **9. NEW BUSINESS**

- A.** Review and possible vote on a Final Site Plan submitted by The Kercher Group on behalf of Bay to Beach Builders, Inc., for a new office, sales center and model home located on Tax Map Parcel 134-12.00-280.00.
- Mayor Gordon requests individual vote

Ms. Brienza motioned to approve the Final Site Plan submitted by The Kercher Group on behalf of Bay to Beach Builders, Inc., for a new office, sales center and model home located on Tax Map Parcel 134-12.00-280.00. Mr. Michel seconded the motion. Mr. Michel voted yes. Ms. Brienza voted yes. Mr. Maneri voted yes. Mr. Belinko voted yes. Mayor Gordon voted yes. Motion carried 5-0.

- B.** Review and possible vote on a Conditional Use Application submitted by LandTech LLC on behalf of JIIS Management LLC, for the Beaches Car Wash. The proposed business is located on Tax Map Parcel #134-12.00-343.00, 35162 Atlantic Avenue, Millville, DE 19967, and zoned C1 - Commercial.
- Mayor Gordon requests individual vote

Mr. Michel stated he attended the P&Z meeting and the P&Z Commission did a wonderful job. Mr. Michel motioned to approve the conditional use with the eighteen (18) conditions presented. Ms. Brienza seconded the motion. Mr. Michel voted yes due to the presentation, the P&Z's recommendation, and Mr. Michel believes it would be good for the Town. Ms. Brienza voted yes and she understands everything the residents have said; however her biggest concern is permitted uses of a convenience market, a fast food restaurant or a coffee and donut shop on that location, and if an applicant came with that type of business, it's automatically permitted and they wouldn't need as much of a review for approval. Mr. Belinko stated he has mixed feelings on this application and tonight there has been mention of the Town's comprehensive plan and he heard residents talking about preserving the unique small-town atmosphere and maintaining the pathway to the ocean in a positive way. Mr. Belinko stated, at the same time, the presentation was fantastic and working with people with disabilities is near and dear to his heart as he did in his previous career as an athletics director. Mr. Belinko stated he agrees with Ms. Brienza's concerns of another business and this is the "lesser of two evils," so he votes yes. Mr. Maneri voted yes, with all the conditions, especially the fence, and thinks the building looks beautiful, and to make sure the pervious pavement is cleaned properly and in a timely manner. Mr. Maneri stated he hopes and would like to see the applicant hire those with disabilities and veterans from the Millville/Ocean View area. Mayor Gordon stated he had mixed emotions because he thinks the applicant did an excellent job with the presentation and Mayor Gordon has been fighting with the Dollar General when it went in – especially due to traffic – but what the applicant has done with the pull-off lane, is very good, and this business is good for the site. Mayor Gordon voted yes. Motion carried 5-0.

- C. Discuss and possible vote to amend the Town Code at 155-13, the C-1 Town Center Commercial District, to add a "Performing Arts Theater" as a Permitted Use. *Synopsis:* At the June 11, 2019, Town Council meeting, Mr. Richard Bloch addressed the Council and requested the Council to consider amending the current zoning code at Chapter 155-13, C1 Town Center Commercial District, to add a Performing Arts Theater as a permitted use. Mr. Bloch currently has a Performing Arts Theater which is not a permitted use but a conditional use on his Dickens Parlour Theatre located at 35715 Atlantic Avenue in Millville.

Mr. Thompson stated this was discussed at the last meeting, Mr. Bloch spoke to Council, and there was a letter from Mr. Witsil received by Council. Mr. Thompson stated the question is whether Council would like to move forward with an ordinance to make a performing arts theater a permitted use in the C-1 Commercial district; and, if that is the case, whether Council would like to either schedule a public hearing for its next meeting or ask P&Z to make an advisory report on the issue. Mr. Thompson stated Council doesn't have to assign this to P&Z but it is permitted to do so. Mayor Gordon stated when Mr. Thompson discussed this at the last meeting, he was discussing something about the definition for a performing arts theater. Mr. Thompson stated yes, currently the Town's performing arts theater definition is simply a "building or part of a building devoted to showing dramatic, educational, musical, or other live stage performances and which provides seating for each patron. Performing arts include but

are not limited to dance; music; opera; drama; and magic.” Mr. Thompson stated the Town does have certain permitted uses which don’t have any additional requirements to them; however, you then have a number of permitted uses which carry with them requirements, whether it’s in the definition or whether it’s in the supplementary regulations, so, for instance, shopping malls have to be a certain size.

Ms. Brienza stated she’s not sure what Council has done in the past, but would it be a normal thing to go to P&Z? Mr. Thompson stated, for a long time, the Town didn’t have a functioning P&Z Commission, so Council would go and schedule their public hearings. Ms. Botchie stated she would most likely do the ordinance amendment herself, it will go to Mr. Thompson for his review and approval, and then goes before Council for its review and possible vote for approval. Mr. Belinko stated if Dickens already has a conditional use approval, and they’re not going to lose it, why is there any review needed to make a performing arts theater a permitted use as it wouldn’t affect Dickens? Mr. Thompson stated it would not affect Dickens but would be for any additional theater on another parcel wanting to come into Town. Mr. Thompson stated as long as Mr. Bloch complies with his conditions (with the conditional use), he can continue to be able to use Dickens Parlour Theatre. Mr. Belinko stated he always has a problem with giving up the option of conditional use so Council can examine each request to make sure it fits into the community. Mr. Michel stated he agrees. Mr. Belinko stated he thinks it would be very foolish for Council to give up conditional use to make a permanent ordinance for Dickens when it already has approval through conditional use. Mr. Thompson stated yes, a good way to think about it is whether a performing arts theater is something the Town doesn’t feel needs to go through the conditional use process and be “by-right” or whether it fits within the purposes of conditional uses, which is the particular use of a performing arts theater cannot be well-adjusted to the environment, in particular “locations with full protection offered to surrounding properties by rigid application of the district regulations.” Mr. Thompson stated Council has to make a legislative decision as to whether a performing arts theater is something Council thinks the Town can have with basic requirements and not needing to consider adding conditions to it.

Mr. Belinko motioned to keep performing arts theaters as a conditional use. Mr. Maneri seconded the motion. Motion carried 5-0.

- D.** Discuss and possible vote to continue contracting the services of Seth Thompson, Esquire, and the firm of Parkowski, Guerke & Swayze, P.A.

Ms. Brienza motioned to continue contracting the services of Seth Thompson, Esquire, and the firm of Parkowski, Guerke & Swayze, P.A. Mayor Gordon seconded the motion. Motion carried 5-0.

## **10. CITIZENS’ PRIVILEGE**

Mayor Gordon stated tonight will be his last meeting as acting mayor of Millville, and, as of mid-August, Mayor Gordon will no longer be a resident of Town, and he believes every member of Council must have vested interest in the Town as a whole. Mayor Gordon

stated he and his wife have called Millville home for the last twenty (20) years and have enjoyed the small-town feel and peacefulness of community close to many attractions. Mayor Gordon stated his hope is, as he resigns this position, the Town continues to work together to build a strong community, a community comprised of people from different developments, homes and businesses, a Town that works together for the greater good and not just the benefit of any one group. Mayor Gordon stated he believes Millville can continue to grow and prosper in the interest of all, and he encourages all residents to work together to stay true to the heritage of our Town, and to continue to make Millville a beautiful way of life. Mayor Gordon stated his thanks for the help and support over the years, he has valued his time, and he wishes the people of Millville continued success and happiness.

The Town Council and staff presented Mayor Gordon with a gift and stated their thanks.

**11. ANNOUNCEMENT OF NEXT MEETING - Town Council Workshop Mtg., July 23, 2019.**

**12. ADJOURNMENT**

Mayor Gordon motioned to adjourn at 10:05 p.m. Ms. Brienza seconded the motion.  
Motion carried 5-0.

Respectfully submitted,  
Matt Amerling, Town Clerk