

**MINUTES OF THE MILLVILLE
TOWN COUNCIL MEETING
December 10, 2019 @ 7:00 PM**

In attendance were Mayor Steve Maneri, Secretary Ronald Belinko, Treasurer Peter Michel, Council Member Sharon Brienza, Council Member Barbara Ryer, Town Solicitor Seth Thompson, Town Manager Debbie Botchie, GMB Representative Andrew Lyons Jr., and Town Clerk Matt Amerling.

1. CALL MEETING TO ORDER

Mayor Steve Maneri called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ROLL CALL

Mayor Steve Maneri stated everyone was present.

4. ADOPTION OF TOWN COUNCIL MINUTES AND NOTES

A. Adoption of Town Council Minutes – November 12, 2019

Council Member Sharon Brienza motioned to adopt the November 12, 2019, Town Council minutes. Treasurer Peter Michel seconded the motion. Motion carried 5-0.

5. FINANCIAL REPORT – Treasurer Peter Michel

A. November 2019

Treasurer Peter Michel read the Financial Report for the month ending 11/30/19.

November 30, 2019:

General Revenue:	\$ 176,541.	Restricted Revenue:	\$ 74,864.
General Expenses:	72,637.	Restricted Expenses:	232,926.

6. ADMINISTRATIVE MATTERS

A. Administrative Report for November 2019

Town Manager Debbie Botchie stated she is proud to announce to Town Secretary Ronald Belinko for being nominated and voted in position to be the first vice president of the Sussex County Association of Towns (SCAT).

MOTION TO ENTER PUBLIC HEARINGS

Mr. Michel motioned to enter the public hearings at 7:03 p.m. Ms. Brienza seconded the motion. Motion carried 5-0.

Town Solicitor Seth Thompson stated the following: “This is the time for the scheduled public hearings before the Town Council of Millville as shown on tonight’s agenda. All

Council matters are discussed and voted on publicly in open meetings. Everyone present is invited to stay after the public hearing portion and throughout the Council's meeting to view the Council's deliberations and votes on the pending applications. Please note that the Council may elect to have its discussion and oral vote formalized into a written decision, in which case the discussion and oral vote shall be considered preliminary.

Please be aware that unless the public hearing record has been left open for a particular purpose and a comment is within that purpose, or the Mayor or the Council votes to reopen the public hearing, comments received after the public hearing are not considered in the Council's decision-making.

Everyone in attendance should conduct themselves in an orderly fashion. No applause or other disruptive behavior is permitted. Please do not do anything that distracts from these proceedings. Please follow the directions of the Mayor, who may announce "ad hoc ground rules" for conducting the hearing, pursuant to The Town Council Policies & Procedures Manual. If you have a telephone, or similar device, we ask that you turn it off or switch it to silent service.

The hearings will be conducted as follows:

First, the Secretary will read the public hearing notice as published in the local newspaper. The Mayor will then ask the Town Manager if there were any written comments received. Written communications and petitions concerning the matter may be noted, read aloud, or summarized. The Mayor will announce the application. The Town Engineer will give an explanation of their review and state if there are any discrepancies in the application. The Mayor may ask Town officials for additional information or necessary background, if appropriate.

"Then, the applicant will present and explain its application to the Council, and may present any relevant exhibits. The Council, the Town staff, and the Town Attorney may question the applicant at any time.

"After the applicant's presentation, the Mayor will invite public comment. If there is a spokesperson or an attorney representing an organized group, we ask that they identify themselves and speak first.

"Whenever speaking to the Council, please come to the podium and identify yourself by name and place of residence for the record. We ask that you be concise in your statement and avoid being repetitious. The Mayor has the authority to set reasonable time limits on testimony from the applicant and the audience and the authority to terminate testimony from anyone that is irrelevant or unduly repetitive.

"The Town Council, in its decisions, does not discriminate against persons based on race, color, religion, national origin, source of income, handicap/disability, familial status, sex, creed, marital status, age, sexual orientation or gender identity. Public comments made on the basis of bias and stereotype concerning people within these protected classes will

not be taken into consideration by the Council in its deliberations.

“No direct questioning or cross examination of the applicant, supporters or opponents will be permitted. Any questions should be directed to the Council, and the Council will direct the question to the appropriate person, if necessary. Individuals supporting or opposing the application may be limited by the Mayor to one opportunity to speak to the Council.

“There will be no rebuttal by the applicant unless requested or permitted by the Mayor or a member of Council. Thank you.”

7. NEW BUSINESS

A. Public Hearing Notice

B. Written Comments

Town Manager Debbie Botchie stated the only comments received were in relation to the dumpsters being removed from Bishop’s Landing. Ms. Botchie stated she compiled a list of each name for those who oppose the removal of the dumpsters and those who are in favor of removing the dumpsters. Ms. Botchie stated the Town received letters from the following Bishop’s Landing property owners who were opposed to removing the dumpsters: Howard Alderman, Lemuel and Gwendolyn Anderson, Darryl Bodnar, Jerri Budzinski, Robin Bullock, Gregory Castellano, Susan Clarke-Curry, Carol Coccia, the Dame family, Lewis and Amy Dardick, Michael Deal, Jim DeVecchio, Chris DiMirco, Melissa Ekey, Rene Fechter, Mickey and Mary Finn, Deborah Galdun, Cindy Giancola, Deirdre Grady, Tammy Gronert, Sharon Hansen, Diane Haynes, Mary and Michael Hendricks, Donna and Rich Hill, Kerin Hillery, Walter Jackson, Amanda Kovaschetz, Mary Levis, Marilyn Lewis, Raymond Logue, William and Esther London, Bryan and Toni Macuci, Sharon Macuci, Sue McClellan, Lesa McLaughlin, John Mesher, Jennifer Miller, Jennifer Mills and John McGlorthan, Micah Miner, Candice Moran, Richard Morin, Amy and Patrick Nicholson, Kim and Paul Ogle, Andrew Oxendine, Joe Redding, Brenda Renninger, Terrie and Chris Riportella, Rosemarie Rothenberg, David and Charlene Salter, Eileen Scerra, Leonard and Suzanne Simniskis, Martin and Donna Striefler, Larry Tanenbaum, Sharon and Dennis Thompson, Chris Vernia, Thomas and Ellen Wheat, and Pat Wilson. Ms. Botchie stated each Council member received a copy of every letter and/or emails received.

Ms. Botchie stated the Town received letters from the following Bishop’s Landing property owners who were in favor of removing the dumpsters: Greg Albertson, Terry Arner, Jim Barry, Maria Bermudez, Francine Bramble, Joan Clow, Sally Desmond, Roxanne Farina, Ronald Forgnoni, Helena Heim, a person with the last name Huber-Warlick, Mark and Lori Jones, James Kuczinski, Kim Miegel, Carlos Melendez, Bob Munro, Joe Parent, Judy Parkins, Peter Pili, James Powers, Byron Plumly, Pierre Saez, Michael and Katrina Sciaraffo, Scott and Louise Stracke, Patty and Gary Smith, Mary Thomas, Dianne Thorpe, and Deborah Zerner. Ms. Botchie stated each Council member received a copy of every letter and/or emails received.

C. Discuss a revision to the Final Subdivision Site Plan submitted by Land Design Inc. on

behalf of H&D Development LLC, for the removal of the pool and pool house, to be replaced by a pavilion and dog park; and add 28 additional parking spaces for Sea Edge development (formerly known as H&D Development), located on Tax Map Parcels #134-16.00-5.00 and 7.01. *Synopsis:* At its November 20, 2019, meeting, the Town Planning & Zoning (P&Z) Commission voted 4-1 to recommend to Council final subdivision site plan approval on the condition of the HOA covenants drafted to include the dog park maintenance being the responsibility of the Sea Edge HOA.

Mr. Tom Ford, of Land Design, stated the H&D Development had this approved many years ago (May 2011), and, with it, they had a pool situated in the amenity area shown. Mr. Ford stated the applicant seeks a passive use of the area, along with all the sidewalks going to be incorporated along the frontages of all the units on both sides of Beaver Dam Road. Mr. Ford stated there are multi-use paths along the area and there are natural paths which circulate through the property and the woods. Mr. Ford stated there is three-thousand (3000) linear feet of sidewalk, there's over one-thousand (1000) linear feet of multi-use path, which is ten (10) feet wide, and there is fourteen-hundred (1400) linear feet of walking trails, meaning there is over a mile of pedestrian improvements and part of the improvements would be used for walking your dog or casual walking. Mr. Ford stated the open space in this particular development is made up of wooded areas and open areas, so individuals can throw a Frisbee or a ball in some of the open areas, and the walks can be used for multiple uses. Mr. Ford stated nearly fifty-seven percent (57%) of the project is contained within open space and that excludes any roads, any sidewalks and any buildings.

Mr. Ford stated the applicant is asking to eliminate a small pool located in the central northern point of the development and put in a dog park "agility area," which will consist of some hurdles where dogs can jump them, crawl under them, run up and down a ramp, and go through a tunnel. Mr. Ford further stated the rest of the development is a place homeowners can walk the dog and take care of the dog's needs, but the park is the only place they can unleash the dog. Mr. Ford stated there is sixty-six-hundred (6600) square feet contained approximately within the fenced area shown tonight, and in reality, the applicant will conform to the existing trees which are there as well as the pathways and so forth. Mr. Ford stated there will also be a pavilion with seating, and as one enters the pavilion area, there will be rules for what the dog park area entails. Mr. Ford stated part of the pavilion will have a frost-proof water hydrant situated in a pea gravel base, and there will be an opportunity to provide water for the dog(s), clean the pooper-scooper, etc. Mr. Ford stated there is also going to be a station which the applicant is calling a tool holder, and it will consist of two (2) pooper-scoopers, two (2) rakes, and a dog waste dispensary – because dog owners will be responsible for the clean-up for their respective dog(s). Mr. Ford further stated the entry for the dog(s) is a double entry, so there will be a gated aspect from the pavilion, the owner brings their leashed dog in, the owner unleashes the dog, and, when appropriate, open the second gate to allow their dog entry into the dog park. Mr. Ford stated inside the dog park will be the agility equipment and the ground turf is expected to be six (6) inches of wash gravel to give good drainage capability, topped by a separation of filter cloth, and then eight (8) inches of a pea gravel topping so if and when dogs dig they have that space before they hit the filter cloth and hopefully the dog owner will stop any digging before the dog goes too deep. Mr. Ford stated, in addition,

there are provisions where there is a twelve (12)-foot double entry gate for maintenance purposes done on a routine basis, and it would be covered with the homeowners association (HOA) documents and so forth. Mr. Ford stated the facility will be surrounded by a five (5)-foot fence, which is found to be a height which most dogs cannot jump over, and it discourages that action. Mr. Ford stated Ryan Homes is the principal builder here and they have requested the switch-out of the pool for the dog park, and the market is demanding for them as having the dog park be more of a priority than the pool, which can only be used three (3) months of the year as compared to a dog park which can be used year-round.

Mayor Steve Maneri stated he sees the applicant has dumpsters located throughout this development. Mr. Ford stated yes, and there is a trash container proposed within the pavilion so the trash can be moved to the dumpster; and there's also a locked box the applicant is proposing so whatever maintenance personnel are there can refill the waste disposal dispenser and have a bigger hose stored. Mayor Maneri stated, according to the November 20, 2019, Town P&Z meeting, the P&Z requested to have the dog park maintenance in the HOA documents. Mr. Ford stated yes. Mayor Maneri asked if the dumpster maintenance could also be put in the HOA documents. Mr. David Hutt, an attorney with Morris James, stated he's representing the applicant and any type of amenity or aspect will be a part of the ongoing maintenance responsibilities of the HOA which is in there. Mr. Hutt stated the document will not be so specific as to list the amount of times somebody has to do something with the amenity, but it would be specific to list the amenities and the dumpster area will be a part of the common area of the community. Mr. Hutt stated it would all fall within the definition and the document would go on to describe how the HOA would collect monies for the maintenance and being authorized to hire the right people to appropriately take care of it. Mayor Maneri asked if all the dumpsters are enclosed. Mr. Ford stated yes. Mr. Andrew Lyons Jr., of GMB, stated the dumpsters are a part of the original approved plan.

Council Member Sharon Brienza stated she finds it ironic Bishop's Landing is requesting tonight to increase the size of its pool and this applicant is requesting Council to take the pool out of their plan altogether. Ms. Brienza stated it doesn't make any sense to her and she thinks a pool would be used. Ms. Brienza asked how many people the applicant anticipates moving into the development, who will have dogs. Mr. Hutt stated there is no answer to that, but the same goes for how many people would use a pool. Mr. Hutt stated he has a pool in his community and he hardly uses the pool. Ms. Brienza stated she thinks with those who have children and/or grandchildren, the pool would get used; and with all the walking trails, there is plenty of room for people to walk their dogs. Mr. Ford stated yes, but there is no place to let the dogs run; and this was driven by Ryan Homes, who is telling the applicant the market demand is greater for a dog park than it is for a pool, with the fifty-seven (57) units proposed. Mr. Ford stated, as a land planner, they look at potentially maybe ten percent (10%) of the community might use a pool and they try to size for that aspect; so, in this instance ten percent (10%) is 5.7 people, so they're looking at the dog park being a better attraction and being used year-round more than a pool.

Secretary Ronald Belinko stated usually the pool is more of a selling point for most developments, and he shares Ms. Brienza's point there are more people who would use

the pool than those who have dogs. Mr. Belinko stated from his experience in his own community, most people who have dogs don't use their dog park, but instead walk their dogs along the trails and sidewalks in the community. Town Solicitor Seth Thompson asked if the market approach may have factored in an ongoing cost of having a pool versus having a dog park. Mr. Ford stated he doesn't know as he was asked to provide this opportunity but maybe the applicant or the contractor may have a little more information. Ms. Brienza asked if the HOA would be responsible for carrying liability insurance if anything happened to two (2) dogs at the park. Mr. Ford stated yes. Ms. Brienza stated her concern is if an accident occurs there, the person will try to sue the Town, even though it would be dismissed. Mr. Hutt stated that could be true of any amenity and a pool is more of an attractive nuisance than a dog park, but an HOA has to have insurance for all of the amenities it has, and that would be a part of the HOA documents. Ms. Brienza asked if the gates will be locked with a key fob and only residents will have access. Mr. Ford stated there will be a card to open and close the gate which only residents will have as this dog park is only for residents and their guests. Mr. Ford stated if you have an aggressive animal, you may be barred from the use of this area, and the card is a way to control that as well.

Treasurer Peter Michel asked if when the people come buy a home there or move in, they'll know they're not going to have a pool but rather have a dog park. Mr. Ford stated yes, the community will be marketed that way. Council Member Barbara Ryer stated the Town is very close to the beach so maybe a pool may not be as important to some people and for those who are dog owners, the park is a nice selling point. Ms. Ryer stated it's a shame the community couldn't have both, but if it's marketed correctly, it will be a nice place with a nice amenity.

Mr. Thompson stated what Mr. Hutt said was accurate in terms of the declaration into the covenants, it will identify what the common areas are, what the amenities are, and the Town doesn't get too deep into the review of those other than making sure nothing is being transferred to the Town in terms of maintenance responsibilities. Mr. Thompson stated we also make sure the HOA is accepting responsibility for those amenities. Mr. Lyons stated this application is also for the addition of twenty-eight (28) extra parking spaces, not thirty (30). Mayor Maneri asked where the twenty-eight (28) spaces are located. Mr. Ford stated the buildings have been shrunk, which allowed for more space in the plan. Mr. Ford pointed the parking spaces out on the site plan for the Council and audience.

Mr. Mike Horsey, of Common Sense Solutions (CSS), stated he is the contractor for the developer and when Ryan Homes was saying they didn't want the pool, they sent Mr. Horsey to Lewes, where they have a community of a lot more people, and Ryan wanted to copy here what they have there, which is having a pavilion – a place to sit and relax – while watching your dog(s) run free.

D. Residents/Property Owner Comments & Questions

There were no comments.

- E. Discuss a Final Subdivision Site Plan submitted by George, Miles & Buhr LLC on behalf of Dove Barrington Development, for the addition of 85 lots (18 single family and 67 townhomes) as well as a revision to enlarge the community pool and relocate the pickleball court from the pool area to the basketball court area, to the previously approved Final Subdivision Site Plan for Bishop's Landing 2 (formerly known as Dove Landing), located on Tax Map Parcels #134-12.00-372.00, 372.01 & 373.00. Synopsis: At its October 10, 2019, meeting, the Town P&Z Commission voted 3-0-1 abstention to recommend to Council for approval.

Mr. Michel and Mr. Belinko abstained from the discussion and left the dais. Mr. Steve Marsh, of GMB, stated he is representing Beazer Homes, and they are here tonight to ask for Council's approval of eighty-five (85) additional units to what is referred to as Bishop's Landing 2. Mr. Marsh stated the original Dove Landing site plan received approval in December 2007, and the original plan called for four-hundred-two (402) units, consisting of a mix of one-hundred-forty (140) single family homes, one-hundred-forty-two (142) townhome units, and one-hundred-twenty (120) condo units, which were laid out in four (4) thirty (30)-unit condo buildings. Mr. Marsh stated all of it was on the original ninety-five (95) acres for a gross density of 4.2 units per acre, and a net density of 5.64 units per acre. Mr. Marsh stated a Home Depot and strip shopping center were originally proposed in the eighteen (18) acres, which will hold the 85 units requested tonight. Mr. Marsh stated final site plan extensions for this plan were in February 2011 and January 2014; and in October 2016, GMB submitted a revised plan for the Town, which called for a reduction in the number of units from four-hundred-two (402) to three-hundred-sixteen (316). Mr. Marsh stated when they made their application, they asked for an extension, which the Town denied not because Council looked at the plan unfavorably, but because the Town wanted the applicant to go through the process again; so the applicant did and their final site plan approval was December 12, 2017. Mr. Marsh stated they made modifications to the product mix, to which they added the forty (40)-foot Ocean Villa product into the site and the approval was granted July 2018. Mr. Marsh further stated the July 2018 approved plan has one-hundred-twenty-seven (127) single family homes, sixty-six (66) of the forty (40)-foot Ocean Villas, and one-hundred-twenty-three (123) of the twenty-eight (28)-foot Beach Villas, for a total of three-hundred-sixteen (316) units on the original ninety-five (95) acres.

Mr. Marsh stated Beazer Homes wishes to develop parcels 372.01 and 372.02 as part of the overall Bishop's Landing community. Mr. Marsh stated the land area is approximately eighteen (18) acres and the parcels are zoned as a residential planned community (RPC). Mr. Marsh stated the development team is proposing the addition of eighty-five (85) units with a mix of eighteen (18) single family homes, forty-seven (47) of the forty (40)-foot-wide Ocean Villas, and twenty (20) of the twenty-eight (28)-foot-wide Beach Villas. Mr. Marsh stated the housing product and overall feel will be consistent with the rest of the Bishop's Landing community. Mr. Marsh stated in the Phase 4 area, they are proposing a little beach area with a gazebo, which was done similarly at the Estuary community, which is a few miles away. Mr. Marsh further stated because they are adding eighty-five (85) units, the applicant is also requesting a revision to the previously approved amenity package for the original Dove Landing by asking to increase the size of the pool and the pool deck by seven-thousand (7000) square feet, and, in doing that, the pickleball courts –

which were originally located in the pool area and could no longer fit there – will have to be relocated to next to the half basketball court area. Mr. Marsh stated if you look holistically at the overall project relative to the original Dove Landing project, the original approval was for four-hundred-two (402) total units, but, this revision – even with the additional eighty-five (85) units – is four-hundred-one (401) units, so the overall is still less than what was originally approved, so this is less dense and lower number of units.

Mr. Marsh stated if you look at Bishop's Landing as a whole, there are four-hundred-thirty-three (433) units south of Burbage Road, which was originally approved for four-hundred-fifty-seven (457) on one-hundred-thirty (130) acres; and, if this gets approved tonight, four-hundred-one (401) units north of Burbage Road on one-hundred-thirteen (113) acres for a total count of eight-hundred-thirty-four (834) units, which is twenty-five (25) less than what was originally approved on the plan, for a gross density of 3.43 units per acre and a rough net density of 4.58 units per acre, with a combination of three-hundred-forty-seven (347) single family homes, two-hundred-seventeen (217) forty (40)-foot-wide Ocean Villas, and two-hundred-seventy (270) twenty-eight (28)-foot-wide Beach Villas, with single family homes making up forty-two percent (42%) of the community, which is over the forty percent (40%) required by Town Code.

Mr. Marsh stated upon meeting with the Town Planning & Zoning (P&Z) Commission in October 2019, they made a few comments, which Mr. Marsh will review. Mr. Marsh stated the first concern was with the mailboxes, and Mr. Marsh confirmed with Beazer the mailboxes were already built big enough to accommodate the extra mailbox units; so there is no having to build another kiosk. Mr. Marsh stated the second concern was with the tot lot area being too small, but they have gone back and looked at it and it is thirty-five-hundred (3500) square feet, which is sizeable and has plenty of room for the playground equipment; so they're not concerned with that aspect. Mr. Marsh stated there was a concern to look specifically at the buffer area to the north, because adding the pickleball courts now – along with the basketball court – will bring a little more activity. Mr. Marsh stated GMB and Beazer looked at this aspect and came up with a landscaping plan of the area to include five (5) more trees and some grasses and shrubs. Mr. Marsh stated they have gone as far as they can until there's a stormwater drain easement at the eastern edge of the planting area. Mr. Marsh stated the last area they were asked to look at was the beach area and having a tot lot there rather than where they decided. Mr. Marsh stated they considered having a tot lot in the beach area but decided against it because the tot lot would somewhat be located at a street intersection and it's right by a pond, so it may compromise a child's safety.

Mayor Steve Maneri asked, regarding the pond near the basketball and pickleball courts, can't the applicant put a buffer between the pond and Denton Mills development. Mr. Marsh stated there is a tax ditch there. Mayor Maneri stated he thought when this was discussed before, the applicant was going to put something there. Mr. Marsh stated they'd be happy to expand the buffer but there's a storm drain easement there and the applicant could plant over top of it, and it doesn't bother Mr. Marsh but it may bother the Town engineer (Mr. Lyons). Mr. Marsh stated he would be happy to submit something which shows little more detail for that corner. Mayor Maneri stated he would like to see some

buffering go along the west side of that pond so there'd be more privacy for Denton Mills residents. Mr. Marsh stated he would look at it. Mayor Maneri asked if the pickleball courts will have lights on them. Mr. Marsh stated no. Mr. Lyons stated the only issue with planting over top of the storm drain easement is the plantings will come out eventually if they have to pull out the storm drain to repair it. Mr. Marsh stated they will strategically look where the pipe is and review it.

Mr. Lyons stated he did review the record plans and there is stuff tied into the letter of no objection for recordation from DeIDOT but Council can ask him if they have any questions. Mr. Thompson asked, in terms of expansion of size of the pool, was that to accommodate the additional houses? Mr. Marsh stated there were a lot of discussion regarding the amenity sizes specific to the clubhouse building and the pool deck area. Mr. Marsh stated they presented a lot of data from different Beazer communities across the bridge, and the size they had was more than adequate for this community, but the applicant felt adding to the pool deck was appropriate because of the increase in homes. Mr. Marsh stated what they found is the pool deck is a lot more important than the pool because people are mostly laying out by the pool, and they get more complaints from when there's not enough pool deck than the actual pool size.

F. Residents/Property Owner Comments & Questions

Mr. Marshall Gevinson, of Seashore Park Drive, stated his concerns are there will be four-hundred-one (401) homes in Bishop's Landing 2 (BL2) and he doesn't think one (1) tot lot is going to be big enough for kids in the entire part of that community, and it should accommodate the people there.

Mr. Greg Albertson, of Bellevue Court, asked how much parking is around the pool, as well as the basketball and pickleball court area, and down by the beach area, because in Bishop's Landing 1 (BL1), the parking available gets full around holidays and he doesn't see much parking. Mr. Marsh stated there is parking all around the pool, and along the street (in the pocket parking areas). Mr. Marsh stated at BL1, there is a really big parking lot around the clubhouse, and in BL2, they have some fifty (50)-something spaces around the amenity, as well as other parking areas spread throughout the community. Mr. Marsh stated one of the complaints they heard from BL1 was there weren't enough pocket overflow parking spaces throughout the community, so they spread the pocket parking spaces out in BL2, with a total of one-hundred-fifty (150) on-street, off-street spaces which are not associated with driveways. Mr. Lyons stated the parking requirements per the Town Code have been met on this project and in the entirety of BL2.

Mr. Thompson stated it seems the "theme of the night" is what is adequate in terms of recreational uses such as playgrounds and parking. Mr. Thompson asked if there was any specific thought in terms of the tot lot being an appropriate size. Mr. Marsh stated he hears different things such as "they're not used" and "they're used all the time," and this tot lot is sixty-six (66) by fifty-two (52), making it three-thousand-four-hundred-thirty-two (3,432) square feet, and the area is quite large.

Mr. John Mesher, of Old Canal Lane, asked the size of the pool for BL2 compared to BL1. Mr. Marsh stated the main clubhouse pool in BL1 is fifty-five-hundred (5500) square feet and the pool deck is eighteen-thousand (18,000) square feet, with a total of twenty-three-thousand-five-hundred (23,500) square feet; and the pool and pool deck combined in BL2 twenty-one-thousand (21,000) square feet. Mr. Mesher asked how many parking spaces are in BL1 compared to BL2. Mr. Marsh stated for BL1, the total amount of spaces is one-hundred-eighty-two (182) and the total amount of spaces for BL2 is one-hundred-fifty (150). Mr. Lyons stated the amount of parking spaces for both BL1 and BL2 are consistent per Town Code requirements. Mr. Mesher asked if Mr. Marsh had the individual pool and pool deck square footage for BL2. Mr. Marsh stated no, he doesn't have the exact number of square footage and only has them combined because he doesn't think it's been one-hundred percent (100%) finalized yet.

Ms. Debra Colman, of Alapocus Drive, asked how many parking spaces will be around the clubhouse in BL2. Mr. Marsh stated forty-six (46).

Ms. Paulette Kreider, of Trap Pond Court, stated she has concern about the parking for the pool because there's a lot of people who go to the pool and she's had trouble finding spaces at the clubhouse this past summer. Ms. Kreider stated one of the Bishop's Landing rules is residents and visitors are not allowed to park along the side of the street and she was told it was a Town rule. Town Manager Debbie Botchie stated no, it is not a Town rule; it is a Bishop's Landing HOA rule. Ms. Kreider stated there have been contractors parking along both sides of the streets, which is truly a hazard emergency issue. Ms. Kreider stated at her old neighborhood, they were allowed to park on one side of the street and thinks that would be a nice solution to parking issues in BL1 and BL2. Ms. Botchie stated that is a HOA issue.

Mr. Mike Burgo, of Seashore Park Drive, stated he has a concern there not being lighting for the pickleball courts and basketball court. Mr. Burgo asked if not having them lit was a part of the original master plan. Mayor Maneri stated it was never on the master plan to have those courts lit, but it did come as a request to not have the basketball court lit and the pickleball is included now because it would be relocated to that area. Mr. Burgo stated he is concerned the clubhouse for BL2 is not big enough. Mayor Maneri stated the clubhouse has already been approved and is not up for discussion this evening.

Mr. Mike Lerche, of Greys Neck Court, asked with the addition of the 85 units coming in, will it change the covenants or anything regarding the developer still controlling the HOA. Mayor Maneri stated that is not a Town issue. Mr. Thompson stated Mr. Lerche is talking about a HOA issue and a Delaware Uniform Common Interest Ownership Act (DUCIOA) issue, which are separate from the Town.

Mr. Greg Richters, of Alapocus Drive, stated the clubhouse in BL2 is significantly small and it's already created a problem for those using the clubhouse in BL1 for social functions.

Mr. David Van Stone, of Brandywine Drive, stated there has been talk about both big pools in BL1 and BL2, but there was no mention of the fact there is another second pool

in BL1. Mr. Marsh stated they are looking at this – BL1 and BL2 – holistically and the main clubhouse is central to nearly everything and it is fairly sizeable, and all three (3) pools are for BL1 and BL2 as a whole.

- G.** Discuss a revision to the Bishop’s Landing 1 & 2 Final Subdivision Site Plan, submitted by George, Miles & Buhr LLC on behalf of Beazer Homes, to remove all dumpsters from the community, as well as the community garden and clamshell parking spot from Phase 5; and the addition of horseshoe pits in Phase 3 of Bishop’s Landing 1.

Mr. Steve Marsh, of GMB, stated they are here to request the removal of the community garden and clamshell parking from Phase 5 of BL1, to add the horseshoe pits to Phase 3 of BL1, and to remove all dumpsters from BL1 and BL2. Mr. Marsh stated there was first discussion about removing all dumpsters back at the February 12, 2019, Town Council meeting, when Beazer specifically requested to remove dumpsters from only Phase 5 of BL1, and there was “a whole lot of discussion” with Bishop’s Landing residents present about dumpster use in general that night. Mr. Marsh stated at the meeting, Council tabled the application with the request Beazer address the issue holistically. Mr. Marsh stated the applicant came back in November and asked for the dumpster removal in Phase 5, which Council approved, and, at that time, they committed to the fact Beazer was going to request to have all the dumpsters removed. Mr. Marsh further stated it is critical for Beazer to reach some resolution of this because it is a key component of some of the bonding requirements, and the idea is the amenity plan has to be built as it’s approved for Beazer to begin concerns about getting off some of the bonds they have.

Town Solicitor Seth Thompson stated he knows they talked about this about a month ago with respect to Phase 5, but in terms of the trash, the Town’s focus has to be on whether there is adequate trash service; so please review what Bishop’s Landing currently has as far as trash service. Mr. Marsh stated everyone has curbside service for their trash bins, and the dumpsters were originally planned as a place to put overflow garbage, whether it be for people leaving or coming on the weekend and not going to be there for the curbside service on Mondays. Mr. Marsh stated this seemed like a great idea at the time, but when Beazer presented to Council in February, there was a lot of concern raised about the fact people weren’t using their trash bins appropriately or people were coming from outside of the community and using the dumpsters; and there were many instances where there was trash piled up in bags all around the dumpsters and because there was a Town ordinance prohibiting putting trash on the side of dumpsters, the Bishop’s HOA was going to start being fined. Mr. Marsh stated it was also discussed Bishop’s was the only dumpster community in Millville, so this is a tough issue and they’re dealing with it in multiple communities. Mr. Marsh further stated Beazer went to discuss this issue with some residents and the idea was to come forward and ask to have all the dumpsters removed because they seemed to be causing more trouble than they’re worth. Mr. Marsh stated also brought up during the February meeting was how in other communities which don’t have dumpsters, it seems to work out fine because neighbors help each other out by pulling trashcans up to the house. Mr. Marsh stated the request to remove all dumpsters seems to be, in Beazer’s mind right now, the best way forward to stop some of the problems which are occurring.

Mr. Thompson asked what has been done as far as community outreach to get information and so Bishop's residents have "some kind of voice." Mr. Steve Frisina, of Beazer Homes, stated Beazer met with the HOA representatives on the board, and they were feeling in favor of removing the dumpsters, so Beazer went with the favor of the board members and they took their opinions out "to the field" and came back with the opinion of removing the dumpsters, which is what Beazer is requesting. Ms. Botchie asked if taking the opinions out to the field means the dumpster committee/task force the board formed. Mr. Frisina stated yes. Mr. Marsh stated the first big issue here was with Phase 5 (of BL1) because the way the land plan laid out, they were in a really awkward position. Mr. Marsh stated Beazer has already paid to put the dumpster pads in so Beazer is trying to do the right thing and they are trying to solve a problem. Mr. Marsh stated he's not so sure Beazer cares one way or the other but this seems to be the best approach to solve the problems occurring and the complaints which were discussed in February. Mr. Frisina stated Beazer is under the impression the dumpsters were a problem, trash was everywhere and there was a problem with the Town, so Beazer looked at removing all the dumpsters, and since then, it's "lighted up the firestorm." Mr. Frisina stated at the end of the day, Beazer just wants to make the community happy, but either way, Beazer would like to get a decision tonight on whether or not to let the dumpsters go.

Mayor Maneri stated it is not up to the Town regarding an issue like this and it's really a HOA decision. Mayor Maneri stated he thinks the HOA should look into this and the voting which occurred – based on one of the letters submitted – was only about one-hundred (100) people polled. Mayor Maneri stated there is more than one-hundred (100) people who live in Bishop's Landing. Mr. Frisina asked if it was a survey or questionnaire. Mayor Maneri stated he's not sure but it could have been a questionnaire, but not everyone got the right to vote on this issue, and Mayor Maneri doesn't think a HOA matter should be left up to the Town. Mayor Maneri stated his sole opinion would be to go back and get a regular voting process which encompasses all of Bishop's Landing residents and let the HOA work on it. Mr. Thompson stated the reason Beazer is here to request the removal is because the dumpsters are on the site plan. Mr. Thompson stated two (2) things would have to happen effectively if Beazer were to remove the dumpsters: one is the Town would have to approve the revision to the site plan so they are no longer required by the Town to have the dumpsters; and two is however their HOA elects to deal with the issue internally. Mr. Thompson stated Beazer does have to come to the Town just because the dumpsters are shown on the site plan. Mr. Lyons stated there is another application here as well concerning the horseshoe pit addition and everything on the site plan must match up. Mayor Maneri stated he is only speaking of the dumpsters part – not the rest of the application – and he still thinks there should be another, more complete vote of the community by the HOA and it shouldn't be left up to the Town. Mr. Frisina stated he doesn't think they are leaving the decision to the Town but are merely moving forward based on the opinions put forward. Mr. Frisina stated, personally, he would not want this tabled at this point. Mr. Marsh asked about taking the dumpsters out but leaving the pads there and the HOA votes collectively to bring them back, the infrastructure will be there to put them back. Mr. Thompson stated Beazer still needs Town Council approval to remove the actual dumpsters because they're on the site plan. Mr. Thompson stated, from a legal standpoint, his thought would be to have the public hearing if Council votes to leave the record open specifically for the purpose of some

other vote coming in, that's fine, but "we're all here, we're all dressed up" and we should receive public comment tonight.

Mr. Marsh stated as for the community garden, at one point it was a sand volleyball court which was moved to turn into a community garden so Beazer requested it and it's what's on the plan right now. Mr. Marsh stated now it turns out no one wants it so Beazer is requesting the garden be removed from the plan – although the garden is not there yet – and hopefully Council will approve the request to put in the horseshoe pits which are already there. Mayor Maneri stated his disagreement with Beazer putting a tot lot and horseshoe pits which were already put in and Beazer coming in after the fact. Mayor Maneri asked if the clamshell parking is in the area. Ms. Botchie stated the clamshell parking has not been put in yet, but it is on the plan and Beazer is requesting to have it removed and therefore not install it. Mr. Lyons stated yes, along with the bike rack in Phase 5, but he has reviewed all of the other items on the plan and they are installed or where they need to be per the recorded plan.

Council Member Barbara Ryer stated she thinks the Town issue here is just to approve the change on the site plan and it is not Council's job to get into HOA business regarding process or how information is collected, but these are issues residents will deal with when they take over the HOA. Ms. Ryer stated she thinks Council should move forward with voting on this application tonight. Council Member Sharon Brienza stated she agrees with Ms. Ryer and Council should vote on this tonight.

H. Residents/Property Owner Comments & Questions

Mr. John Mesher, of Old Canal Lane, stated he is an attorney, has practiced law for thirty-five (35) years and is a law professor, and he is not here to take a side whether the dumpsters should be removed or not, but he is worried about the process. Mr. Mesher stated he thinks the process here needs to be tweaked a little bit as it appears the "cart is being put before the horse," meaning the HOA documents have specific promises in them. Mr. Mesher stated one of the promises – along with pools and tennis courts – is community dumpsters and those documents cannot be amended without a formal, special homeowners meeting in accordance with the by-laws. Mr. Mesher stated letters don't count, committees don't count, petitions don't count, surveys don't count, polls don't count; the only thing that counts is a special homeowners meeting where a vote is properly taken with ballots and proxies to decide whether or not the HOA documents can even be amended. Mr. Mesher further stated it does require an amendment to remove the community dumpsters from the amenities. Mr. Mesher stated the problem with the approach he hears is if you approve the removal on the site plan, it effectively usurps the residents' rights under the HOA documents to force an amendment to be considered by the HOA homeowners. Mr. Thompson asked if it would allow the amendment to be considered. Mr. Mesher stated what he's saying is Beazer will get this approved, and once that is done, Beazer will say, "we don't care what the amendment does, we cannot put the dumpsters in because the Town has already approved a community without dumpsters." Mr. Mesher stated he thinks Beazer is trying to use this process maybe as a backward way of having an amendment to the declarations which would be ineffective. Mr. Mesher stated for residents to have to wait until the HOA is taken over by all of the community,

the requirement for amendment to the HOA documents, is a majority of the lot owners, and not just those voting but the entire lot owners. Mr. Mesher stated eight-hundred-forty (840) people are allowed to vote at the meeting and are entitled to vote, and one half (1/2) of that would have to approve an amendment to the declarations to eliminate the dumpsters. Mr. Mesher stated if you put this on the homeowners afterwards, to try to get half the homeowners to put the dumpsters back in, it's never going to happen; you won't have four-hundred (400) people even voting. Mr. Thompson asked if the Town Council doesn't take action on the current application, isn't it just doing the opposite of what Mr. Mesher is saying? Mr. Mesher stated no, what he suggests is Council table this application, let Beazer and the directors convene a homeowners meeting – taking ten (10) to sixty (60) days' notice – and have the meeting where everyone gets to vote. Mr. Mesher stated Beazer would have to have a majority voting to eliminate the dumpsters. Mr. Thompson stated the difficulty as Mr. Thompson sees it is the Town doesn't really get involved in HOA matters. Mr. Mesher stated Council is, though, because it is usurping the right of the homeowners to say they want the dumpsters or don't want them. Mr. Mesher stated there is nothing wrong in waiting sixty (60) days to have a formal homeowner vote and it could be done. Ms. Botchie stated she thought Mr. Mesher just said people wouldn't vote because you won't have four-hundred (400) people even voting. Mr. Mesher stated no, what he's saying is Beazer would have to have a majority of homeowners vote to eliminate the dumpsters, but Beazer doesn't have fifty percent (50%) of the vote anymore and, by his calculation, they would have to have another one-hundred-fifty (150) homeowners vote to eliminate the dumpsters from the declaration. Mr. Thompson stated the Town must operate within its ordinances and its Charter, so that's what Council applies, and the restrictive covenants are a contract between those members but the Town is not a party to that contract. Mr. Thompson stated if people in that contract decide to build a certain type of house, the Town doesn't "weigh in on" it unless it gets into the Town Code. Mr. Mesher stated all he is saying is to delay it, because you're saying Beazer is just doing what the homeowners want them to do but these informal surveys and polls don't matter, and even the board of directors cannot amend the declarations on their own. Mr. Thompson stated the Town has to apply its processes which are public comments, and then applies the ordinances; so if a fence violates a covenants but doesn't violate Town Code, the HOA is responsible, not the Town. Mr. Mesher stated the Town is eliminating the dumpsters before homeowners have had the chance to officially vote on eliminating the dumpsters. Mr. Mesher stated if Beazer is just worried about bonding and so forth that's not a consideration the Town should consider to moving forward on this. Mr. Thompson stated the Town does have the responsibility of making a decision within sixty (60) working days based on the Town Code; so Council doesn't have to make a decision tonight – they can table it – but there is a timeframe in terms of making a decision.

Mr. Glenn Mandalas, an attorney with Baird Mandalas Brockstedt LLC, representing Beazer Homes, stated he has in front of him a copy of the declaration of covenants, conditions and restrictions, and he respectfully disagrees with the analysis Mr. Mesher just presented. Mr. Mandalas stated the applicable section – section 6 – defines what may or may not be common or limited common elements. Mr. Mandalas stated section B of section 6 says "general common elements include the following, to the extent such are located on the property." Mr. Mandalas stated it's anticipating certain things may or may

not be on property but if they are on the property, it is a common element. Mr. Mandalas stated it doesn't require to be on the property and the only thing that requires these dumpsters to be on the property is the plan which is up on the board. Mr. Mandalas stated Council has control as to whether the dumpsters are required or not; and if you remove them from the plan, the document still anticipates the HOA may or may not include dumpsters. Mr. Mandalas stated the community will have the flexibility, without the vote Mr. Mesher talked about, to include or exclude dumpsters. Mr. Mandalas stated the problem now is the HOA has no flexibility and they're currently on the plan, which is why the applicant is asking for the removal of the dumpsters from the plan, and then let it be a HOA issue to work out; and it shouldn't be something of which the Town has to have multiple meetings. Mr. Mesher stated BL1 already has dumpsters and by Mr. Mandalas' admission, they are already included in the amenities, already existing, so, at least on BL1, they can't eliminate the dumpsters without a homeowner vote.

Mr. Marshall Gevinson, of Seashore Park Drive, stated in regards to people not knowing whether they want to keep the dumpsters or not, there aren't many people in this room who have seen the result of the ten (10)-person dumpster committee/task force to decide whether the dumpsters are needed, and you can't make an informed vote if you don't know what's going on. Mr. Gevinson stated the other vote they had was a ridiculous vote, no one had any idea and it was just personal opinion. Mr. Gevinson stated if you want the community at large to say something, to know what's going on, submit that information to them to make an intelligent decision – good, bad or indifferent – but they don't know, so they can't make a decision.

Mr. Mike Lerche, of Greys Neck Court, stated he would like to see the dumpsters stay in the community. Mr. Lerche stated he is a part-time resident and he usually leaves Sundays to go back home, and trash pick-up here is on Monday. Mr. Lerche stated he doesn't want to inconvenience his neighbors and he doesn't want anyone to have access to his property or house, so the dumpsters have been a tremendous help for his family. Mr. Lerche stated in regards to the clamshell parking and community garden, his home is the one next to the big triangular green space, and they are basically proposing to not irrigate the green space and just put seed down next to it. Mr. Lerche stated it should be irrigated.

Mr. Ken Brauer, of Holts Lane, stated one of the main reasons he bought a home in Bishop's Landing was not just the area but to have a dumpster in the community. Mr. Brauer stated the dumpsters were an amenity he wants and he would appreciate leaving the dumpsters in place.

Mr. Richard Duggan, of Flagstone Lane, stated regarding the dumpsters, how do people in other communities live without them? Mr. Duggan stated it's by managing trash and for those who are down here part-time, what do they do with their garbage at home? Mr. Duggan stated Bishop's has big trash bins for each homeowner and the dumpsters are a little extra convenient but who will set up a system to prevent the abuse which has been going on (with the dumpsters)? Mr. Duggan stated they know for a fact they've had homeowners in Bishop's Landing tell their contractors to get rid of the excess trash in the dumpsters. Mr. Duggan stated he doesn't know how you deal with the people who have no common sense. Mr. Duggan stated the dumpsters are a problem because people are

abusing them and Mr. Duggan doesn't know how they can control them other than to get rid of the dumpsters. Mr. Duggan stated people should either put their trash out in the bins or take their trash home with them. Mr. Duggan stated as to what Mr. Lerche mentioned regarding the green space, Mr. Duggan lives back there too and the area should be kept up and maintained just as nicely as the front entrance (to BL1) where Beazer is trying to sell homes.

Ms. Joni Keller, of Brandywine Drive, stated she was one of the ten (10) people comprising the dumpster committee/task force. Ms. Keller stated they were at a HOA meeting back in February and they're honestly tired of talking about the trash. Ms. Keller stated if the residents all followed the rules, we wouldn't be having this discussion. Ms. Keller stated there were ten (10) residents on the committee and they were tasked to make "pros and cons" to find a way to solve this problem. Ms. Keller stated what they came up with is exactly what Beazer said. Ms. Keller stated originally these dumpsters were placed here for the convenience of the people who came here on the weekends and didn't live here full-time, the community wasn't fully developed yet, there wasn't full trash service, and the dumpsters were nice. Ms. Keller further stated when the first survey went out asking homeowners if they wanted a dumpster or not, she would want one as it is convenient and if everyone followed the rules, they could still have dumpsters, but that's not what's happening now. Ms. Keller stated it has been exacerbated ever since the *Coastal Point* article was published and people were informed there were dumpsters at Bishop's Landing. Ms. Keller stated Bishop's Landing has residents who say their trash bins are too large and they take up too much space in their garage, so they returned their trash bins to the old trash company and said they wouldn't use the bins at all. Ms. Keller stated the HOA dues are still paying for the trash bins. Ms. Keller stated if the dumpsters are taken, no one is being denied trash removal, it has been provided to them with the trash bins. Ms. Keller stated when the community got Blue Hen Disposal, the residents were told Blue Hen could not accept any trash bins back and the homeowners have to use them. Ms. Keller stated those residents who didn't want the bins took the bins out of their garages and up to the clubhouse, as well as the second pool dumpster, and dropped them off. Ms. Keller stated you have your own residents who aren't using these bins and the community is paying for it. Ms. Keller stated dumpsters are a convenience, but, as stated, there is a lot of construction garbage and excess; and week after week, there's been a lot of residents going to those dumpsters and picking up the bags – along with couches and TVs and computers and pieces of decks – placed around the dumpsters and putting them in the dumpster. Ms. Keller stated there have been more calls from people complaining about the dumpsters and the committee was trying to figure out how to make this right. Ms. Keller stated they do have sympathy for the people who are here only on the weekends and they understand those people may not want someone in their house, but, in all seriousness, have they not made one friend in the community who they trust to bring their bin in? Ms. Keller stated she only generates about one (1) bag of trash per week, and if she's going away, she'd ask a friend or neighbor if they could put the bag(s) of trash in their trash bin. Ms. Keller stated if people can't do any of those options, there is Omar Station four (4) miles up the road, which costs one dollar (\$1.00) per thirty-two (32)-gallon bag to dump. Ms. Keller stated when people vacationing here leave their homes in Maryland and other places to come here for two (2) to three (3) weeks, they have to figure out what to do with their trash there, so it's not a complicated process to get rid of your

trash. Ms. Keller stated if you rent out your home, you should have a property management service, a house-cleaning service or a real estate agency to manage the property; so add the cost to the rent and have one of those services deal with disposing of the garbage. Ms. Keller stated it has gotten so bad now with outside people coming in and dumping their trash in or around the dumpsters. Ms. Keller stated she didn't retire to this community to go around and pick up trash. Ms. Keller stated with the Town fining places for trash bags left alongside dumpsters, the community was trying to come up with a solution. Ms. Keller stated there was mention of key cards but that is a huge expense because now you have to run electricity and a conduit all to the dumpsters; and those who live within the community who abuse the dumpsters by leaving trash on the side will still carry on with the same behavior, while those coming from outside the community will simply leave their trash alongside the gate or barrier of the dumpster. Ms. Keller stated there was mention of putting up surveillance cameras, but someone will have to watch the hours of surveillance footage, and if they catch someone, the person has to report it to the Delaware State Police. Ms. Keller stated it won't be a high priority for the State Police to go after someone who dumped a mattress alongside a dumpster in Bishop's Landing. Ms. Keller stated all this added expense because people can't follow rules. Ms. Keller stated the committee was formed to try and come up with some solution but the solution is to just try and be a responsible homeowner, ask your neighbor, take your trash home, take your trash to Omar for a dollar (\$1) per bag, or get a service or agency who can manage your trash for you if you're renting. Ms. Keller stated when you have people who just aren't following the rules, no matter what you do, they'll still not follow the rules and the issue will never be solved until the dumpsters are completely removed.

Mr. Craig Kissel, of Fort Dupont Drive, stated he is one of the HOA representatives who sits on the board with the three (3) Beazer representatives, and there have been a very vicious set of attacks which have taken place against the HOA in the resolve of this dumpster issue. Mr. Kissel stated they've gone through the points and assigned a dumpster committee task force which was not started by the HOA members but was started by the residents in Bishop's Landing. Mr. Kissel stated the ten (10) people (on the dumpster committee) spent a lot of time going through facts and statistics, trying to figure out the viability of what to do with the dumpsters. Mr. Kissel stated what you basically come down with is the fact that people cannot manage themselves. Mr. Kissel stated he has lost count how many times he's seen people on a Monday come out and unload a car trunk full of trash in the overflowing dumpster and, when the dumpster is full, seeing people put their trash on the ground beside the dumpster. Mr. Kissel stated Bishop's Landing got two (2) violations last year but the reason the community didn't get fined is because he and about nineteen (19) other residents picked up the trash. Mr. Kissel stated "all the 'i's were dotted and the 't's were crossed" with the dumpster committee in terms of trying to come up with a solution, and Mr. Joe Parent and Mr. Kissel sit on the HOA board together and have talked this over until they were "blue in the face" but there really isn't a good solution to it, but the solution they came up with was the dumpsters need to go.

Ms. Amy Nicholson, of Old Canal Lane, stated she thinks people are missing the point of the process because the HOA says there was a survey sent out, and Ms. Nicholson never received any survey. Ms. Nicholson stated she lives in the community full-time and she's

never seen trash around the dumpsters or seen the dumpsters overflowed. Ms. Nicholson stated she thinks all of the community members need a voice in this matter and it shouldn't be up to Beazer or the HOA to make this decision.

MOTION TO CLOSE PUBLIC HEARINGS

Ms. Brienza motioned to close the public hearings at 8:55 p.m. Ms. Ryer seconded the motion. Motion carried 3-0. Mr. Michel and Mr. Belinko rejoined the dais.

8. NEW BUSINESS

- A.** Discuss and possible vote on a revision to the Final Subdivision Site Plan submitted by Land Design Inc. on behalf of H&D Development LLC, for the removal of the pool and pool house, to be replaced by a pavilion and dog park; and add 28 additional parking spaces for Sea Edge development (formerly known as H&D Development), located on Tax Map Parcels #134-16.00-5.00 and 7.01.

- Mayor Maneri requests individual vote

Ms. Brienza asked if the motion for this item could be split up into two separate items consisting first of the removal of the pool and replacement of the dog park, and second, the addition of parking spaces. Mr. Thompson stated yes, Council could separate them if they agree. Mayor Maneri and other Council members stated they would rather vote on it as one item. Ms. Ryer motioned to approve the revision to the Final Subdivision Site Plan for the removal of the pool and pool house, to be replaced by a pavilion and dog park; and add 28 additional parking spaces for Sea Edge development. Mr. Michel seconded the motion. Ms. Ryer voted yes. Mr. Belinko stated before he votes he would like to mention to the applicant to take note of tonight's discussion concerning dumpsters as well as the comments made about having a pool. Mr. Belinko voted yes. Ms. Brienza voted no as she thinks a pool should go there instead of a dog park. Mr. Michel voted yes. Mayor Maneri voted yes. Motion carried 4-1.

- B.** Discuss and possible vote on a Final Subdivision Site Plan submitted by George, Miles & Buhr LLC on behalf of Dove Barrington Development, for the addition of 85 lots (18 single family and 67 townhomes) as well as a revision to enlarge the community pool and relocate the pickleball court from the pool area to the basketball court area, to the previously approved Final Subdivision Site Plan for Bishop's Landing 2 (formerly known as Dove Landing), located on Tax Map Parcels #134-12.00-372.00, 372.01 & 373.00.

- Mayor Maneri requests individual vote

Mr. Michel and Mr. Belinko abstained from the vote. Ms. Brienza motioned to approve the Final Subdivision Site Plan for the addition of 85 lots (18 single family and 67 townhomes) as well as a revision to enlarge the community pool and relocate the pickleball court from the pool area to the basketball court area, to the previously approved Final Subdivision Site Plan for Bishop's Landing 2. Ms. Ryer seconded the motion. Ms. Brienza voted yes. Ms. Ryer voted yes. Mayor Maneri voted yes, but with the record to reflect no lights for the pickleball courts and with the commitment to put additional landscaping buffering on the west side of the north pond, bordering Denton Mills. Motion

carried 3-0-2 abstentions.

- C. Discuss and possible vote on a revision to the Bishop's Landing 1 & 2 Final Subdivision Site Plan, submitted by George, Miles & Buhr LLC on behalf of Beazer Homes, to remove all dumpsters from the community, as well as the community garden and clamshell parking spot from Phase 5; and the addition of horseshoe pits in Phase 3 of Bishop's Landing 1.
- Mayor Maneri requests individual vote

Mr. Michel and Mr. Belinko abstained from the vote. Ms. Brienza motioned to approve the revision to the Bishop's Landing 1 & 2 Final Subdivision Site Plan to remove all dumpsters from the community, as well as the community garden and clamshell parking spot from Phase 5; and the addition of horseshoe pits in Phase 3 of Bishop's Landing 1. Ms. Ryer seconded the motion. Ms. Brienza voted yes. Ms. Ryer voted yes. Mayor Maneri voted yes. Motion carried 3-0-2 abstentions. Mr. Belinko and Mr. Michel returned to the dais.

9. CITIZENS' PRIVILEGE

There were no comments.

10. ANNOUNCEMENT OF NEXT MEETING - Town Council Mtg., January 14, 2020

11. ADJOURNMENT

Ms. Brienza motioned to adjourn at 9:03 p.m. Mr. Michel seconded the motion. Motion carried 5-0.

Respectfully submitted,
Matt Amerling, Town Clerk