

**MINUTES OF THE MILLVILLE
TOWN COUNCIL REGULAR & TELECONFERENCE MEETING
July 14, 2020 @ 7:00 PM**

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

1. CALL MEETING TO ORDER

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

2. ROLL CALL

Mayor Steve Maneri stated everyone was present.

3. ADOPTION OF TOWN COUNCIL MINUTES

A. Adoption of Town Council Workshop Minutes – May 7, 2020

B. Adoption of Town Council Minutes – June 9, 2020

C. Adoption of Town Council Workshop Minutes – June 23, 2020

Treasurer Sharon Brienza stated she would like to separate the May 7, 2020, Workshop meeting minutes into a separate vote from the other two. Mayor Maneri stated yes. Ms. Brienza motioned to approve the May 7, 2020, Town Council Workshop meeting minutes as presented and there may be missing information as the minutes were not verbatim, and to include a ratification on any votes taken at said meeting. Secretary Barbara Ryer seconded the motion. Motion carried 5-0. Ms. Brienza motioned to approve the June 9, 2020, Town Council minutes and the June 23, 2020, Town Council Workshop minutes. Ms. Ryer seconded the motion. Motion carried 5-0.

4. FINANCIAL REPORT – Treasurer Sharon L. Brienza

A. June 2020

Treasurer Sharon Brienza read the Financial Report for the month ending 6/30/20.

June 30, 2020:

General Revenue: \$ 154,223. Restricted Revenue: \$ 110,857.

General Expenses: 56,806. Restricted Expenses: 29,341.

5. ADMINISTRATIVE MATTERS

A. Administrative Report for June 2020

Deputy Mayor Ronald Belinko stated he's looking at the June Delaware State Police report and notices there was only one (1) offense for the entire month of June, and it was a robbery at an unoccupied lot in the newest Bishop's Landing development.

MOTION TO ENTER PUBLIC HEARING

Deputy Mayor Ronald Belinko motioned to enter the public hearing at 7:05 p.m. Ms. Brienza seconded the motion. Motion carried 5-0.

6. NEW BUSINESS

A. Public Hearing Notice – Secretary

B. Written Comments

There were no written comments.

- C. Discuss a Final Subdivision Site Plan submitted by Civil Engineering Associates Inc. (CEA), on behalf of Christopher at Millville LLC, for a development known as Sea Breeze Village (formerly known as Village 8), located at Tax Map Parcels 134-15.00-117.00, 117.01 and 117.02, which will consist of 54 units as part of Millville by the Sea. At its October 10, 2019, meeting, the Town Planning & Zoning (P&Z) Commission voted 3-0-1 abstention to recommend final site plan approval to Council.**

Mayor Maneri and Ms. Brienza abstained from the discussion. Mr. Ron Sutton, of CEA, stated as of today, the applicant has all of their approvals in from the State agencies. Mr. Sutton stated Sea Breeze Village consists of fifty-four (54) semi-detached units with a total of twenty-five-point-six-seven (25.67) acres, with sixteen-point-two (16.2) acres of open space, and nineteen-point-one-eight (19.18) acres of green space – and the applicant is only required to have ten-point-two-seven (10.27) acres of green space. Mr. Sutton stated there are two (2) tax ditch crossings which will connect to the future Peninsula Village and it will come out of Sea Star Village. Mr. Sutton stated there is also an emergency access entrance through an existing easement out to Roxana Road/Route 17. Mr. Sutton stated the twenty-four (24)-inch sewer which came through Peninsula Village all the way through – what they have listed as – Calm Water Drive, which extends up and through the fifty (50)-foot-wide utility access easement to Beebe, which was installed last year; and the same thing goes for the sixteen (16)-inch water line. Mr. Sutton stated a large portion of the utilities have already been installed for this project. Mr. Sutton stated the applicant has one (1) wet pond, which will have a fountain, and there is one (1) submerged gravel wetland stormwater management area, which is a new technique the Delaware Department of Natural Resources and Environmental Control (DNREC) is pushing. Mr. Sutton further stated the applicant has the required twenty-six (26)-foot-wide roads with sidewalks on both sides. Mr. Sutton stated the requirement by the design requirements is to have one-hundred-thirty-five (135) parking spaces, but the applicant has one-hundred-thirty-six (136) off-street parking spaces, but there are additional on-street parking spaces throughout the development.

Mr. Andrew Lyons Jr., of GMB, stated he has reviewed the submission per the Code and the Millville by the Sea (MBTS) Development Standards, and – as Mr. Sutton stated – a lot of the main utilities were put in before as part of the off-site improvement for Beebe which was approved a few years ago. Mr. Lyons stated the mailbox cluster will be designed by others, and will have to be – as it was approved in Sea Star Village – as the standard, so it will be the minimum standard size; and it will be coming at a later date as

to what it will look like. Town Code & Building Official Eric Evans stated he thinks it all looks well but the northern part where there will be a construction entrance, when it is completed there will be a spur road which is Summerwind Boulevard and will be connected, and there will be double access into the development. Mr. Sutton stated he understands Mr. Evans' concern but this applicant is a different developer – this is Christopher Company and Mr. Evans' concern has to do with the developer for the main MBTS, LDC. Mr. Sutton stated it's why he mentioned the access easement they have in place which will serve as a secondary emergency access should it be required.

Town Solicitor Seth Thompson stated the road runs through the one-hundred-fifty (150)-foot wide easement and Mr. Thompson wants to make sure it's been communicated to Delmarva Power & Light (DP&L) to make sure it is acceptable. Mr. Sutton stated they have communicated with Delmarva Power several times throughout this process. Mr. Sutton stated the easement document which exists was dated back to the 1940s/1950s and it is a one-and-a-half-page easement document for this parcel, and it basically states the applicant can do "whatever we want" provided the applicant doesn't obstruct DP&L's access to the poles or wires. Ms. Ryer stated she is very happy with the subdivision, it's got good parking, there is plenty of green space and the presentation was very good. Mr. Belinko stated he would echo what Ms. Ryer stated and he likes the product which is a very interesting product.

D. Residents/Property Owner Comments & Questions

Ms. Maureen Grimes, of Millville, stated she owns property right off Route 17, next to the proposed site, and she has seen the layout, which looks wonderful. Ms. Grimes asked, regarding the structure, if the developer will start construction nearest to MBTS and move their way to the area backing up to her property. Mr. Sutton stated he believes the goal is to start at the northeastern tip with the crossing because it already touches the construction road. Ms. Grimes asked if the applicant had any idea of a timeline. Mr. Craig Havenner, of Christopher Companies, stated it's difficult to say with everything, but the contract has been awarded, so it would be the developer's hope to start in about a month. Ms. Grimes asked about the emergency road. Mr. Sutton stated hopefully it never gets used. Mr. John Dayton, of Christopher Companies, stated if it is to be used, he will make every effort to approach Ms. Grimes before it is done. Ms. Grimes stated she's glad to see how this is done and the use of density but wants to make sure she can still have her berm of trees and a place for the deer to go.

Mr. Bob Wisgirda, of Pembroke Lane, asked if the fifty-four (54) units are currently all owned by Christopher Companies. Mr. Havenner stated not yet, but the closing is scheduled for July 30, 2020. Mr. Wisgirda stated he is a little confused as to the number of entrances and exits into the development and whether there will be the emergency road. Mr. Havenner stated if that happens, they will be in contact with the Town. Mr. Havenner showed Mr. Wisgirda the north entrance near Sea Star Village. Mr. Wisgirda stated he just wants to make sure there are enough emergency entrances and exits for the development. Mr. Lyons stated all entrances and exits are DelDOT approved and the multi-access right now is just an emergency exit so it's not paved all the way, but if required, there is an easement there allowing for what is needed; and it allows for a little

extension into Sea Star Village. Mr. Sutton stated the applicant also does have State Fire Marshal approval for these entryways. Mr. Wisgirda stated Mr. Havenner has an excellent reputation as far as Mr. Wisgirda is concerned and Mr. Wisgirda is happy to see what he's doing with this land. Mr. Wisgirda stated he does not fully agree with the fact Mayor Maneri and Ms. Brienza should have to abstain from the vote on this matter. Mr. Wisgirda stated this village is independent as far as he is concerned, and his opinion as a citizen and taxpayer is the Council represents the people of MBTS, so they should not have to abstain. Mr. Thompson stated the Town is governed by a Code of Ethics Code of Conduct which is a State Code and it has been interpreted by the Public Integrity Commission and Public Integrity Council which states that if a vote can have a financial impact on a Council member or public official, that person needs to abstain. Mr. Thompson stated the notion is that by voting on the number of houses in the overall umbrella Home Owners Association (HOA), it can then affect somebody's pocketbook if they are within that overall HOA umbrella. Mr. Wisgirda stated he doesn't fully agree with that but he will do some research on his own about it.

MOTION TO CLOSE PUBLIC HEARING

Ms. Ryer motioned to close the public hearing at 7:29 p.m. Council Member Peter Michel seconded the motion. Motion carried 3-0-2 abstentions.

7. NEW BUSINESS

A. Discuss and possible vote on a Final Subdivision Site Plan submitted by Civil Engineering Associates Inc., on behalf of Christopher at Millville LLC, for a development known as Sea Breeze Village (formerly known as Village 8), located at Tax Map Parcels 134-15.00-117.00, 117.01 and 117.02, which will consist of 54 units as part of Millville by the Sea.

- **Deputy Mayor Belinko will request an individual vote**

Ms. Ryer motioned to approve Final Subdivision Site Plan for a development known as Sea Breeze Village, which will consist of 54 units as part of Millville by the Sea. Mr. Michel seconded the motion. Ms. Ryer voted yes. Mr. Michel voted yes. Mr. Belinko voted yes. Motion carried 3-0-2 abstentions. Mayor Maneri and Ms. Brienza rejoined the meeting.

E. Discuss and possible vote on Ordinance 21-02. *Synopsis:* If approved, Ordinance 21-02 will amend the Town Code at Chapter 90, entitled "Licenses," to add a new subchapter on mobile food vendors.

Town Manager Debbie Botchie stated we've had several businesses which have come to the Town over the last few years, requesting to do their own community events and they would like to have food trucks. Ms. Botchie stated food trucks were not allowed in Millville for many reasons, one of which is they don't buy a Town business license for a full year, they don't pay property taxes or gross rental receipts (GRR) or rents. Ms. Botchie stated the Town has been looking for an ordinance to mirror from, which was found from the Town of Millsboro. Ms. Botchie stated she, Mr. Evans and Mr. Thompson have all reviewed the ordinance and tweaked it to fit the Town's needs. Ms. Botchie stated

for a food vendor to come in, it's going to be at a permitted public event only. Ms. Botchie stated the business owner who wants to have the public event will have to come to the Town to apply for a permit and once that is issued – if they choose to have food vendors – the food vendor would come in, buy a fifty dollar (\$50) mobile food vendor business license, as well as fifteen dollars (\$15) for a permit per day. Ms. Botchie stated we don't want mobile food trucks to just pull up in any parking lot and conduct business without special privilege.

Ms. Brienza motioned to approve Ordinance 21-02. Ms. Ryer seconded the motion. Motion carried 5-0.

- C. Discuss and possible vote on Resolution 21-05. *Synopsis:* If approved, Resolution 21-05 will amend Resolution 20-02, a fee schedule for fiscal year 2021, as amended, regarding license fees and permit fees.

Ms. Botchie stated this resolution is really the second portion of the ordinance which was just approved. Ms. Botchie stated this will approve the fee schedule so the Town may charge the food vendor business license as well as the public event permit and mobile food vendor permit.

Ms. Brienza motioned to approve Resolution 21-05. Ms. Ryer seconded the motion. Motion carried 5-0.

- D. Discuss and possible vote on Town park rules.

Council Member Peter Michel stated he made a package for Council, gave Council a week to submit rules they wanted to see, and he is presenting them tonight for approval to go into a park ordinance. Ms. Botchie stated there is one change which Mr. Belinko brought to the Town's attention, and it is to change the word "handicap" to "ADA mobility aides." Mayor Maneri asked if the Town has to amend its ordinance regarding the length of leashes for dogs. Mr. Thompson stated because this is Town property, the Town can set a different set of rules for someone using Town property as opposed to an ordinance which would exist throughout the entire town. Ms. Botchie stated these rules will be codified via the park ordinance and the leash length can go in that park ordinance. Ms. Ryer asked if there may be any confusion with the leash law of ten (10) feet versus eight (8) feet. Town Clerk Matt Amerling stated most likely not because it will be on a sign at the park for those who are there at the park, and it will be in the Code for anyone wanting to look it up.

Mr. Belinko motioned to approve park rules with the change from "handicap" to "ADA mobility aides" as stated. Ms. Ryer seconded the motion. Motion carried 5-0.

- E. Discuss and possible vote on naming of Town park.

Ms. Ryer stated she would like to hear what the former owner of the land, Mr. Scott Evans, has to say. Mr. Scott Evans stated he is the son of Jack and Betty Evans who formerly owned the property which the Town acquired for the park. Mr. Evans stated the intentions were – when the Town bought the property – for a park. Mr. Evans stated in the process of

negotiating with the Town, Mr. Evans dropped the price of the property because he wanted his parents' name in the park. Mr. Evans stated everyone was looking at Evans' Park to showcase his parents' name, and he agreed he would drop the price if the Town would put the name into the park name. Mr. Evans stated he remembers coming into Town Hall and Mr. Amerling pointing out in the contract where it stated the Town would have Mr. Evans' parents' name in the name of the park. Mr. Evans stated he was born and raised here, and the way he is if he tells someone something, that's all you need and his word is just as good as signing a contract. Mr. Evans stated when he heard there was going to be a meeting with the discussion of naming the park, Mr. Evans wanted to be here tonight to make sure his parents' name is on that park. Mr. Evans stated his father was a tugboat captain and a docking pilot, and people knew him as Captain Jack. Mr. Evans stated his grandfather and his brothers were either tugboat captains or had something to do with the boating side. Mr. Evans stated he would like the Town to continue with the promise issued when the contract was signed for the sale of the property.

Mayor Maneri asked Mr. Evans which name he would like to see for the park. Mr. Evans stated he has thought about it more recently and to keep Millville in the name, he likes Captain Jack's Park at Millville. Mayor Maneri stated he was thinking of names last night and asked Mr. Evans what he thought of Evans Cove in Millville. Mayor Maneri stated the boats are in the cove, with the cove right behind us, and there are other ways to name it, such as Evans Cove in Millville Park. Mayor Maneri stated he's thinking there is the boat in the background, and let's say it's at harbor right now, so it is just anchoring, and it's inside a harbor, inside a cove a lot of times, but Mayor Maneri has no problem with either one of the names. Mr. Evans stated he talked to Ms. Botchie about this being a nautical-themed park, and there was talk at one time about naming a path or something after his mother, such as Betty's Pathway. Mr. Evans stated he has no problem with any of that as long as the Town has the Evans name in there and the Town has Captain Jack's or something like that in there. Ms. Ryer stated she likes Captain Jack Evans Park in Millville or something like that. Mayor Maneri stated he thinks Evans covers the whole family so if the Town were to go with something like Evans Cove, it would cover it. Ms. Brienza stated she likes Evans also. Mayor Maneri stated Council can "throw around" these names as it doesn't have to be voted on right at this moment. Ms. Ryer stated Council should come up with potential names. Mayor Maneri stated Council now knows what Mr. Evans would like. Ms. Brienza stated she likes something simple like Evans Park at Millville, but with a name like Skipjack or Captain Jack, no one will really know it is named after Mr. Evans' dad. Mr. Belinko stated he agrees with keeping the Evans name in the park name and there is a history here, which needs to be preserved and it's very important to maintain the heritage of the area. Ms. Ryer stated she also thinks it's important the Town keep its word of what was said when the contract was signed. Mr. Evans stated as to the statement of "who is Captain Jack?", Mr. Evans' son has a few things which belonged to Mr. Evans' father and grandfather, and put them on display. Mayor Maneri asked Mr. Evans if he would mind if the Town took the name Skipjack Park "off the table," and the Town can go off of Captain Jack, Evans Cove or any other name such as Evans Park at Millville, and in two (2) weeks, Council can think of something, get it together and get back to Mr. Evans on the name to make sure it's OK with Mr. Evans. Mr. Evans stated yes, and as for any memorabilia, Mr. Evans' son owns a lot but he's not sure if he's willing to part with it, but his son knows the park will be named after the family. Mayor Maneri stated Council can

look at Evans Cove, Evans Harbor or something like that. Ms. Ryer stated it can be Captain Jack Evans Park in Millville. Ms. Brienza stated she doesn't like Captain Jack in there. Mr. Evans stated he understands if it's just named Captain Jack's, people may not know where that park is, but if it has Millville in the title, that will help with the location and Town.

Ms. Botchie stated when it was first considered to be called Captain Jack Evans Park at Millville, she also talked (with Mr. Evans and former Mayor Hocker) about doing a plaque which would identify who Captain John "Jack" and Betty Evans are, as well as their history with the Town; plus, the Town could have some memorabilia to set up in the Town park community building. Mr. Evans stated his son has a lot of the memorabilia so we'll see what we can do but if they give the memorabilia to the Town, most likely it will be there forever but will still be on loan.

8. CITIZENS' PRIVILEGE

There were no comments.

9. ANNOUNCEMENT OF NEXT MEETING - Town Council Workshop Mtg., July 28, 2020

Ms. Brienza stated the Town is letting people come into Town Hall for meetings now, granted having social distancing in place; and she knows people are arranging to come to Town Hall to pick up and drop off building permits. Ms. Brienza asked if the Town can open the building for those people who want to schedule an appointment to review a site plan. Mayor Maneri stated yes. Mr. Amerling stated he knows the public hearing notice was worded about coming into Town Hall and that can be changed, but also keep in mind that the information up for review at meetings is all up online on the Town website so people may review it there, and if they have questions, they can call into Town Hall during business hours to discuss a site plan. Mr. Amerling stated if people don't have a computer with internet capabilities, then certainly the Town can schedule an appointment for them to come in. Ms. Botchie stated those plans online are not always good at viewing. Mr. Amerling stated there is a zoom-in button which people can use, but yes, sometimes the quality is not the best, depending on the scan quality. Ms. Brienza stated there should be some kind of Plexiglass to put in front of Mr. Amerling's window. Mayor Maneri stated the Town can just take one of the long tables and put it in front of the service window so people keep their distance.

10. ADJOURNMENT

Ms. Brienza motioned to adjourn at 7:56 p.m. Mr. Belinko seconded the motion. Motion carried 5-0.

Respectfully submitted,
Matt Amerling, Town Clerk