

**MINUTES OF THE MILLVILLE
TOWN COUNCIL WEBINAR MEETING
May 11, 2021 (7:00 p.m.)**

In attendance: Mayor Ron Belinko, Deputy Mayor Sharon Brienza, Treasurer Barbara Ryer, Secretary Robert Wisgirda, Council Member Steve Maneri, Administrative Assistant Jennifer Ireland, Town Solicitor Seth Thompson, Code & Building Official Eric Evans, GMB Representative Andrew Lyons. Town Manager Debbie Botchie was not in attendance

1. Call Meeting to Order

Mayor Ron Belinko called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance

3. Roll Call

Mayor Ron Belinko stated everyone was present.

4. Adoption of Town Council Meeting Minutes

A. April 13, 2021- Mayor Belinko explained the meeting minutes were not ready due to unforeseen circumstances. Ms. Ryer motioned to delay approval until the next council meeting. Mr. Wisgirda seconded the motion. Motion carried 5-0.

5. Financial Report - Treasurer Barbara Ryer

A. April 2021- Ms. Ryer read highlights from the report. She noted there were a few items that varied comparing March to April. The difference in the restricted revenue was due to gross tax transfer, and the restricted expenses was from police coverage. She stated she had a couple of questions and would be getting with the Town Manager and Finance Director. She would report those items at the next council meeting.

6. Administrative Matters - Town Manager Debbie Botchie

A. Administrative Report for April 2021- Mayor Belinko noted the Town Manager was not present due to illness and asked if anyone had questions. Ms. Brienza said she was happy Ms. Botchie would be getting the help she needed. Mayor Belinko agreed and stated the with Town growth and staff changes indeed has caused some challenging times.

7. Citizens' Privilege: The Mayor invited members of the public to address the Council concerning any topic *not* listed on the agenda. If someone chooses to speak at the first Citizen's Privilege, she/he may *not* speak on the same topic at the second Citizens' Privilege. There were no comments.

MOTION TO ENTER INTO PUBLIC HEARING

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

8. New Business:

A. Public Hearing Notice - Secretary Wisgirda read the public hearing notice to record.

At this time Ms. Brienza, Mr. Maneri, and Mr. Wisgirda abstained from the discussion as they were residents in Millville by the Sea.

B. Written Comments - There were no written comments.

C. Discussion on a final site plan submitted by Land Tech Land Planning, LLC., on behalf of Ardent Companies, LLC., for revisions to the Master Plan Community known as Millville by the Sea (MBTS).

Mr. Jeff Clark with Land Tech Land Planning, LLC. introduced himself and Mr. Ronald Sutton of Civil Engineering Services. Mr. Sutton presented the MBTS revised Master Plan. He stated the last changes were made in 2019. He stated the first page was basically the same as 2019 and showed the different areas within MBTS. The second page defined each area and showed the existing conditions and current approved areas. The third page showed the land holdings within MBTS. Green represented those areas owned by MBTS; pink showed the areas sold. He stated the area that was once the MBTS office was planned to be Tidewater's elevated water storage tank. Page 4 shows Developable Land Bays, and how they were established. The red areas show town center or employment centers, as required for generating commercial space. Yellow represents areas owned by Ardent, which were in planning and development. Page 5 shows the proposed vehicular circulation within the community. It shows the interconnectivity requested and required into the various surrounding communities and properties. The final sheet was the proposed bicycle and pedestrian trails, and additional amenities to accommodate all of the communities. The trails would further interconnect the communities. Mr. Sutton concluded his presentation by summarizing the biggest changes were in the vehicular and pedestrian systems. Those changes were based on the housing and unit types in the upcoming villages. Mayor Belinko suggested hearing the presentation for the revisions to the Development Performance Standards prior to starting any discussions.

D. Discussion for a final approval on the revised Development Performance Standards submitted by Land Tech Land Planning, LLC., on behalf of Ardent Companies, LLC., for the Master Plan Community known as Millville by the Sea.

Synopsis: At its February 18, 2021, meeting, the Town Planning & Zoning Commission voted 3-0-1 abstention recommending to Town Council for approval of the revisions to the Millville by the Sea Master Plan and Development Performance Standards, with the conditions of the revisions discussed at the meeting made before Council Review.

Mr. Clark stated the Development Performance Standards document remained largely unchanged. He “walked-through” the revisions that were shown in red, as follows:

- Page 1: Date of Revision to reflect May 2021. Under purpose, language had been added to reinforce the Development Standards of the Master Plan were a joint and single set of documents.
- Page 2: Removal of paragraph, to report progress, that was previously replaced with a table that will be continuously updated.
- Page 6: Updates the development acreage. If approved the date will be updated to May 2021.
- Page 7 (V.B.): Revision was made to include additional staff and the town engineer at design reviews and informal concept plans.
- Page 8 (A.3.e.): Reflects proposed clarification for single-family detached homes on corner lots. No setback changes except along major collector roads, requiring a 10’ rounded side yard setback and 20’ rounded right-of-way (Exhibit A). Exhibit B shows setbacks and angular right-of-way for interior streets. The Town may request a sight triangle, if deemed necessary by the Town Engineer. Under #6 parking for detached single-family homes had been revised to provide a ratio of 3 spaces per unit, and 2 of the 3 spaces per unit must be off-street parking (Exhibit C) as required by the Millville Planning & Zoning Commission.
- Pg. 8 (B.1.) for single-family attached homes text was added to clarify single-family attached homes can be duplexes or townhomes up to 6 units. At 7 units it was called a multi-family unit.
- Pg. 9 (B.3.e) depicts changes to setback requirements for single-family attached units with a 10’ minimum side yard and 20’ minimum between buildings. It states the right-of-way at intersections for major collector roads shall be rounded in an arc of 20’ or greater. At all other intersections the right-of-way may be at an angle. Again, the Town may request a site triangle if deemed necessary by the Town Engineer. (Exhibits D, E).
- Pg. 9 (B.6.) parking for attached single-family homes had been revised to provide a ratio of 3 spaces per unit, and 2 of the 3 spaces per unit must be off-street parking (Exhibits F, G) as required by the Millville Planning & Zoning Commission.
- Pg. 9 (C.1.) Changes the definition of multi-family from 3 to 7 units.

Mr. Lyons stated, regarding the Master Plans graphics, the section labeled “mixed use town center” on page one, per his comment letter, still needed to be changed. He stated the developer was aware of the change and was going to make it per his comments. The term “mixed use town center” triggered a new set of requirements. He stated the other changes could be seen from MP5 which was the number of entrances, which are mostly DelDOT required changes. DelDOT had reduced the number of entrances they would allow. Roxana Rd. had 7, now has 5 proposed, Substation Rd. was reduced from 10 to 8, and Powell Farm from 5 to 3 entrances. These were due to safety concerns, especially with Egret Shores, the entrances would be too close. Mr. Lyons stated on the Development Standards there was one section missed (in the presentation) that was on page 5. It was removed because it was talking about Beebe coming in, and Beebe was already there, so it was unnecessary. He stated most of his comments were below page 6 because the others were mostly housekeeping. He stated he had no issue with the setbacks on corner lots. It makes it easier to review the plans and less mistakes. For off street parking, the biggest change was cleaning up the language a little bit. They were meeting the normal requirements for Millville Code that 2 of the 3 spaces must be off street. He stated the setback changes made it more in line with some of the other developments. Mr. Lyons stated all of the recommendations from the Planning Commission were met and on the plans.

Ms. Ryer questioned the reason for the reduction of entrances in the plans. Mr. Lyons stated it was a DelDOT requirement. Mayor Belinko said it was his understanding it was done for safety. Ms. Ryer asked if DelDOT was proposing to reduce the speed limit on Roxana Rd and would the entrances into the developments be well-lit. Mr. Lyons stated he had seen the DelDOT proposal, and he believed the speed limit was going to be reduced to 25 mph, but again, it had to be approved by DelDOT.

Mayor Belinko opened the discussion to residents: Sally Griffin of Huntington St. in MBTS said she felt the Development Performance Standards needed to be revised to meet future needs. She felt the current proposal was only relevant for the next 5 years. Her suggestions included: updated graphics on the plans, including residents and/or HOA representatives from MBTS in plan discussions, updated parking for guests, reconsider the species of trees used, who owns and maintains the regional park, considerations for a cell tower, natural gas, or solar farm, etc. Ms. Griffin urged the council not to approve the Development Performance Standards though they met the current requirements of the code. Wally Bartus of Huntington St. questioned, with the recusal of the three council members who live in MBTS that there was no longer a quorum, how was the interest of the town

protected. Town Solicitor Seth Thompson stated the members were present for the purpose of a quorum for the meeting, but they had to abstain from the vote to avoid the appearance of a conflict of interest based on the Code of Conduct as stated in the Delaware Code. Mr. Bartus questioned, if the vote were for a tax change, why would they all not be required to recuse themselves. Mr. Thompson stated the Delaware State Constitution required uniformity of taxes. Mr. Bartus stated, "That's a distinction without a difference... I protest that, and I don't think it's proper." Bob Wisgirda of Pembroke Ln, as a private citizen, asked if the developments, along Substation Rd., were going to wait to go forth until DelDOT widened the road. Mr. Lyons stated he had received plans on some of the villages, and some of them trigger DelDOT requirements. Mr. Sutton stated there were two DelDOT approvals, record plan and construction plan. They were actively engineering and addressing comments on the construction plans for Substation Rd. Mr. Lyons stated for clarification the developer was through the recordation plans and in the process of the construction plan approval.

MOTION TO CLOSE THE PUBLIC HEARING

Ms. Ryer motioned to close the public hearing at 7:57 p.m. Mayor Belinko seconded the motion. Motion carried 5-0.

I. Discuss, Consider, and Possible vote on a final site plan submitted by Land Tech Land Planning, LLC., on behalf of Ardent Companies, LLC., for revisions of the Master Plan Community known as Millville by the Sea. Mr. Thompson stated it would be noted that the phrase "Town Center" would be removed from "Mixed Use Town Center" on district B on the final site plan. It was so noted, and a vote was taken. Ms. Ryer motioned to approve. Mayor Belinko seconded the motion. Motion carried 2-0-3 abstentions.

J. Discuss, consider, and possible vote on a final approval on the revised Development Performance Standards submitted by Land Tech Land Planning, LLC., on behalf of Ardent Companies, LLC., for the Master Plan Community known as Millville by the Sea. Ms. Ryer motioned to approve. Mayor Belinko seconded the motion. Motion carried 2-0-3 abstentions.

K. Discuss, consider, and possible vote on Resolution 22-01; A Resolution to Hire a Town Clerk (Wendy Pierce- Mardini). Ms. Brienza motioned to approve the resolution with the adjustment of the hourly wage being \$18.00 per hour, and the annualized salary being \$35,100.00 seconded the motion. Motion carried 5-0.

L. Discuss, consider, and possible vote on Resolution 22-02; A Resolution to Hire a Part-time Park Maintenance Employee (Paul DuCott). Mr. Maneri expressed concern there was no specific language stating weekends may be required. Mayor Belinko stated it was addressed using

the language “as needed”. Mr. Evans stated that was the case, and that it was made clear in the interview. He stated Mr. DuCott required flexibility as well. Mayor Belinko expressed his feeling that the park was uncharted territory, and he expected a large amount of potential growth. Mr. Evans stated we were still actively seeking additional help. Mr. Wisgirda made a motion to approve Resolution 22-02. Ms. Brienza seconded the motion. Motion carried 5-0.

9. **Citizens Privilege:** No comments.

Mayor Belinko discussed the possibility of opening the council meetings to the public, following the government guidelines.

10. **Announcement of next meeting:** Town Council Meeting- May 25, 2021 at 7:00 p.m.

11. **Adjournment:** Ms. Brienza motioned to adjourn at 8:18 p.m. Mr. Wisgirda seconded the motion. Motion carried 5-0.

Respectfully submitted,
Jennifer Ireland
Administrative Assistant