

## MINUTES

### COMMISSIONERS OF BRIDGEVILLE JULY 14, 2003 - 7:00 P.M. BRIDGEVILLE TOWN HALL

#### I. CALL TO ORDER

The regular monthly meeting was called to order by President Joe Conaway at 7:00 p.m. Present: Commissioners Margaret Sipple, Pat Correll, Earl Greason, Bill Jefferson, and Town Manager Bonnie Walls. The meeting started with the flag salute and the Lord's Prayer.

#### II. APPROVAL OF MINUTES

Town Manager Walls advised a correction should be made to the minutes of the Special Meeting of June 2, 2003. On Page 2, the annual land rent fee of \$420 paid to Mr. Thurman W. Adams for Parcel 131-10 10.13 137.00 (entrance to treatment plant) should be deleted. This figure is incorrect and the matter is being researched. Commissioner Sipple made a motion to accept the minutes of the Special Meeting of June 2, 2003 with the deletion of the rent fee amount and the minutes of the regular monthly meeting of June 9, 2003. Motion was seconded by Commissioner Correll and carried unanimously.

#### III. APPROVAL OF BILLS

President Conaway offered an explanation of several bills listed on the June, 2003 Vendor Balance Summary: Intercoastal Trading of \$5,944.42 is the chemical cost for approximately a nine month period. Invensys Metering System of \$1,000 is for maintenance and a service agreement for the water and sewer interrogators. Davis, Bowen and Friedel of \$2,014.75 pertains to the movement towards a new wastewater facility plant. A bill in the amount of \$3,442.39 was for the Town's monthly liability insurance premium from St. Paul. After a review of the bills payable and financial statements, Commissioner Correll made a motion to pay the bills as presented and to accept the financial statements. Motion was seconded by Commissioner Jefferson and carried unanimously (see attached). President Conaway advised carry-over funds for FY '04 was estimated in the amount of \$10,000, we will actually be carrying over the amount of \$16,429. One of the problems with a county, municipal, or state budget is the method of auditing. In the Town's case, we present a cash budget which is based on total revenues received by the Town. Our audit is based on an accrual method which does not take into account cash on hand. The current budget indicates the Town spent \$59,000 more than received. In FY '03 the carry-over funds totaled \$75,000 which does

not appear on any financial reports. Therefore, the Town has FY '04 carry over balance of approximately \$16,000. President Conaway pointed out this is a concern of his as auditors insist budget auditing is based on a revenue method as opposed to cash.

President Conaway presented for approval authorization resolution papers which names appropriate signers for the Town's bank accounts. The Money Purchase Pension Plan and Trust Account will carry the signatures of Joseph T. Conaway, Commission President; Douglas C. Jones, Trustee; Debbie Miller, Town Treasurer; and Alma Fleetwood, Town Clerk. The ten banking accounts will carry the signatures of Joseph T. Conaway, President; Margaret W. Sipple, Commission Secretary; Debbie Miller, Town Treasurer, Alma Fleetwood, Town Clerk, and will add Bonnie S. Walls, Town Manager. Commissioner Sipple made a motion to approve the names as signers on the banking accounts. The motion was seconded by Commissioner Correll and carried unanimously.

#### **IV. CORRESPONDENCE**

A letter was received from the Apple-Scrapple Festival Committee soliciting an advertisement in their annual program book. The festival will be held October 10 and 11, 2003...

The monthly pretreatment report was received from Pet Poultry Products.

The monthly newsletter from the Department of Natural Resources and Environmental Control (DNREC) was received for review.

A letter was received from the Delaware 4-H Foundation requesting a donation to help support their efforts.

House Concurrent Resolution No. 29 was received which encourages Delaware local, county and state governments, local district school boards, and related entities to use Delaware businesses and professionals in procuring professional services for their use.

#### **V. DEPARTMENT REPORTS**

In the submitted June, 2003 monthly report, Water Superintendent Doug Jones advised Well No. 2, located at Cherry Alley, is back on line after the pump repairs earlier this summer. Nitrate testing will continue at the site for a few more weeks.

Wastewater Treatment Plant Superintendent Phillip Mowbray announced in his monthly report that the University of Delaware, College of Marine Studies, planted phragmites in the two unused and uncovered sludge drying beds. The results will be studied to aid in a controlled project.

The Police Department report showed the department billed \$26,105.50 in fines for the month of June.

## **VI. OLD BUSINESS**

The second and final reading of Amendment to Ordinance No. A02-8, Relating To Zoning, to Modify The Commercial Uses Permitted In The Residential Planned Community (RPC) Zoning District And To Clarify The Provisions Concerning RPC District Amendments was presented by President Conaway. The Amendment provides for two corrections-amending Section 7 of Ordinance No. A02-8, namely Section 234-24-B, "Use Regulations" and amending Section 8, namely 235-41-D, "Amendments and Additions to Site Plans", was presented by President Conaway. There being no further questions or discussion on the Amendment, Commissioner Correll made a motion to adopt the Amendment to Ordinance A02-8 for a second and final reading. Motion was seconded by Commissioner Sipple and carried unanimously.

Town Manager Walls advised a representative from the State Health Insurance Office will be at the Town Office the first or second week of August to explain the health insurance plans available to the employees. President Conaway explained if the State Health Insurance Plan is adopted by the Commission, the monthly cost for each full-time employee would be approximately \$50 less than the current Blue Cross and Blue Shield Plan. Employees will have the option to add the family plan, eye or dental coverage through a payroll deduction plan. Commissioner Greason made a motion to approve the Town of Bridgeville's participation in the State of Delaware Health Plan if the Town Manager determines the plan to be cost effective. Commissioner Sipple seconded the motion. Motion carried unanimously.

President Conaway presented for consideration an agreement that will allow Davis, Bowen & Friedel, Town's Engineers, to begin the engineering and bidding process on the twenty-one proposed street and sidewalk projects as previously determined. Davis, Bowen & Friedel will review all bids to ensure that bid specifications have been met. Town Manager Walls and Davis, Bowen and Friedel will open submitted bids and offer their recommendation to the Commission for action. President Conaway requested that no work be done on any streets affected by the Apple-Scrapple Festival on October 10 and 11, 2003. The proposed engineering agreement fee of \$16,000 is a line item in the approved Department of Transportation (DelDOT) funding. After a general discussion, Commissioner Greason made a motion to execute the agreement with Davis, Bowen & Friedel to proceed with the street and sidewalk project. Commissioner Correll seconded the motion with a unanimous approval from the Commission.

Town Manager Walls advised the Commission needed information regarding a resolution addressing employee's pension contribution changes had not been received. The matter will be presented at a later date.

Mrs. Shirley Beck of 117 N. Main Street, Bridgeville, De, submitted a letter last month stating her desire to purchase the Town owned vacant lot next to her property. This property was purchased by the Town as a means of ingress and egress to the wastewater treatment plant. Mrs. Beck made an offer of \$3,500 plus all costs involved with the transaction. Out of courtesy, Mrs. Sidney Martin, who resides at 115 North Main Street, was contacted so see if she would be interested in all or part of the vacant property. As of today, Mrs. Martin has not replied. The Town currently leases with Mr. Thurman W. Adams a lot (Tax Map Parcel 131-10 10.13 137.00) located on North Main Street as a safeguard to allow access to the Wastewater Treatment Facility. If the Town owned property is sold, the parcel should be released from the Town's assets. President Conaway stated Cooper Realty, his employer, was not participating in the sale of the property. The property sale will handled by the Town Manager thereby eliminating any and all conflicts of interest. After a general discussion, Commissioner Greason made a motion to sell the property, Tax Map Parcel 131-10 10.13 137, to Mrs. Shirley Beck for \$3,500 with her paying all related transaction costs. The motion was seconded by Commissioner Sipple and carried unanimously.

## VII. NEW BUSINESS

The Dangerous Building Inspection Committee (Joe Conaway, Bill Jefferson, and Jack Cannon) recently inspected the property located at 104 North Main Street, after receiving two complaints from residents as required by Ordinance #A03-2, Maintaining of Dangerous Buildings Within The Town of Bridgeville. The owner of the property has been notified numerous times to bring the property up to code standards. The Commissioners received a written report (see attached) from the Dangerous Building Inspection Committee, advising of their findings. Per the Ordinance, the owner will be sent a certified letter and a copy of the Dangerous Building Inspection Committee report. Also, the property owner will be advised of a time and date for a public hearing before the Commissioners to afford the property owner an opportunity to explain why they believe the Committee's findings should not be declared a hazard to life and property and why it should not be ordered for demolition. President Conaway pointed out this is a long process, but worthwhile in protecting the residents and community. This is the first process in making absentee property owners more responsible for properties in this Town. President Conaway advised when this process is set in place, either the property owner repairs the property to comply with town standards or the house will be demolished. Commissioner Jefferson explained a final inspection of the inside of the house should take place, if the property owner agrees to bring the house into compliance. MOTION: Commissioner Correll made a motion to

instruct the Town Manager to send the property owner of 104 North Main Street, a copy of the report of the Dangerous Building Inspection Committee. Motion was seconded by Commissioner Sipple and carried unanimously.

A hearing request for a Conditional Use Application filed by Ms. Lisa Miltenbger to open a Home Décor Business and a permission to rent the "mother-in-law" apartment at 419 South Main Street was held June 24, 2003. The Commission deferred action requesting additional information-parking plan for customers, owner and renters; a submittal of a site plan as to security lighting; signage and structure placement; and handicap accessibility plan. The existing ordinance allows for only one single family home per parcel. The application filed indicates one business in the main house and the apartment (16' x 36') would be used only for a single rental. Business hours will be 9:00 a.m to 5:00 p.m. on Friday, Saturday, and Sunday and operated by family members only. Ms. Miltenberger submitted a second diagram relating to a displayed sign (2' x 4') with accent lighting, a security light, 11 parking spaces (10' x 20' each) located at the rear of the property, and a handicap accessibility ramp. The shed on property is grandfathered in per President Conaway. If the application is approved as discussed and the applicant decides to change any plans or stipulations she would have to file another Conditional Use Application. Per Ordinance #A02-3-Condition Use, if the application is adopted by the Commission, the applicant has one year (2004) to have the business operable or that part of the application would be void. President Conaway explained the moratorium on rentals remains in affect, but the application from Ms. Miltenberger is not a request to change the moratorium but a request to use 419 South Main Street as a single family residential rental and a business. After a general discussion, Commissioner Greason made a motion to approve the Conditional Use Request by Ms. Miltenberger with the conditions as discussed. The motion was seconded by Commissioner Sipple and carried unanimously. President Conaway commented that it is his inclination to vote no because he does not believe the Town should expand business uses into residential neighborhoods, but he agrees with the Commission that Ms. Miltenberger took all the necessary requirements of an applicant. Each Commissioner was asked to vote and explain the decision of their vote.

Commissioner Greason- Yes - Based on the conditions required of the business owner.

Commissioner Correll-Abstained-Ms. Miltenberger is a neighbor and would not want to show favoritism.

Commissioner Jefferson- Yes-based on their application requirements and there was not a resident opposing the business.

Commissioner Sipple-Yes-based on no residents opposing the business.

President Conaway-Yes-based on the record and the indication of the applicant to comply with the Conditional Use Ordinance.

The motion was carried 4-0 with Commissioner Correll abstaining. Commissioner Sipple pointed out the business will be in honor the former artist, Mr. Jack Lewis.

On Sunday, July 6, 2003, the Bridgeville community experienced a severe wind storm. The hour long storm caused severe damage to trees and buildings, but no report of injuries. The Bridgeville Volunteer Fire Company was the first to respond along with Town personnel, Doug Jones, Phillip Mowbray and Rick Passwaters. President Conaway thanked Officer Adam Hitchens and the residents who volunteered to help make things better during the difficult time. Due to debris on the railroad tracks, tourist traffic was rerouted by Ruth Ann Tull and Joanne Conaway. Monday morning, the Sussex Correctional Boot Camp workers were called to help clean the Town and they assisted all week. Senator Thurman Adams and Rep. Ben Ewing notified the office that they were ready to assist the Town financially. Governor Ruth Ann Minner sent representatives from the Department of Transportation to see if they could be of any help. The cost for removing down trees and limbs totaled \$3,960. The Town Manager will inquire to see if the Town is eligible to use Municipal Street Aid Funds to cover the cost of the clean up.

#### **TOWN MANAGER REPORT:**

Town Manager Walls reported that she and President Conaway met on Thursday, July 10, 2003, with representatives from The Department of Natural Resources and Environmental Control (DNREC) and the United States Department of Agricultural (USDA) in regards to obtaining money for the wastewater treatment facility expansion and spray irrigation facility expansion. It appears at this time Bridgeville will receive \$6,534,300 in the following grants and loans: State and Tribal Assistance Grant (STAG) \$867,300; 21st Century Fund Grant \$710,000; USDA Grant \$1,000,000; USDA loan in the amount of \$1,257,000; and the Water Pollution Revolving Fund Loan (WPCFR) in the amount \$2,700,000 for a total of \$6,534,300. USDA will refinance a 1990 Town loan of 6 percent to a lower payment fee. The new rate could be as low as 2.5 percent for twenty years. The estimated construction starting date is January 2005; spray irrigation January 2006, with the first payment on the SRF loan due January, 2007. The wastewater treatment facility expansion will include a lagoon, force main, land purchase, and upgrading the existing process for nitrogen and phosphorous removal. The spray irrigation project will require new effluent storage to a lagoon and effluent force main and pump station to transport the treated effluent to the irrigation facility. President Conaway advised an agreement has been signed with a gentlemen who has farm land and is willing to sell it to the Town for use of spray irrigation system.

Town Manager Walls advised the Town is working with the Sussex County Constables office regarding three abandoned trailers. This is a slow process, but she believes the outcome will be a positive one.

A FY-'04 funding report was received from the Municipal Street Aid Fund regarding funding available to each municipality. The FY-'04 funding has been reduced state wide, with Bridgeville experiencing a loss of \$1,100.78.

Mr. Rick Passwaters, Street Department Superintendent, recently attended a class to obtain his water license. Mr. Passwaters was the fifth highest in the class with a score of 89. Town Manager Walls expressed her congratulations to Mr. Passwaters on a job well done.

A meeting has been scheduled for the end of July, 2003, with the coordinator from the State and Local Law Enforcement and Emergency Illegal Drug Enforcement regarding grants that have expired in 2001. Needed documented paper work and attachments must be provided in order for the Town to be eligible for future grants.

Two youths from Bridgeville have been hired through the State of Delaware Summer Youth Program. Mr. Passwaters is assigning the youth their tasks each day. The grant program is for eight weeks with the pay being at minimal wage scale.

Town Manager Walls thanked the Town employees for completing their department inventories. This is a program that has not been previously implemented, but will now become a yearly required assignment.

A check was received from the Delaware Emergency Management Agency in the amount of \$3,810.6 for reimbursement of expenses incurred during the statewide February, 2003, President's Day Snow Declaration.

An amendment to the Town of Greenwood sewer agreement was mailed on June 13, 2003. To date, no reply has been received from the Town of Greenwood.

### **VIII. CITIZEN'S PRIVILEGE**

Mr. Bob Rauch, developer of Bridgeville South, presented plans consistent with the revised and approved Concept Plan and consistent with the Town's Comprehensive Plan. The concept plan establishes the broad scope and is the key to the plan- a 18 hole golf course, related facilities, and a selection of variety of home styles. The clearinghouse reviews from all state agencies have been received with no negative comments. Mr. Rauch pointed out managing the storm water on this site will be the single, biggest challenge for the developer. As required by the Department of Transportation traffic count procedure requirements are in process. DelDOT established seventeen points for their evaluation concerning the project entrance from Sussex Highway. Rt. 13. Mr. Rauch asked the Commission to approve the overall preliminary Residential Planned

Planned Community Plan (RPC) with the proposed phase: a 18-hole course with related facilities; entrance road, and 245 homes. The Town will receive final site plans as steps progress which will include engineering and needed permits. Mr. Rauch advised he would like to have all permits and approvals for the project by December, 2003 so ground breaking might begin in December or early 2004. Mr. Rauch pointed out the water features associated with the project which involve the Wilson Farm, located just south of the present Town limits. The parcel will remain agriculture with a lake being added to the site. The lake will be stocked and will become part of the drainage program for the development, adjacent to this farm. President Conaway advised Ms. Connie Holland, State Planning Coordination Director, indicated on Friday, July 11, 2003, the Department of Agricultural has advised they will review plans of the Town's request to add Wilson Farm to the Growth and Annexation area of the Town's Comprehensive Plan After a general discussion, and no questions or comments from the public, Commissioner Sipple made a motion to accept the preliminary site plan, which reflects the revised concept plan as also presented at the June 9, 2003 meeting. Motion was seconded Commissioner Correll and unanimously carried.

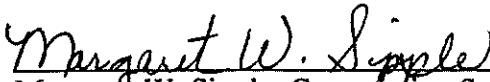
#### **IX. EXECUTIVE SESSION**

Commissioner Sipple made motion to hold an executive session to discuss legal and personnel matters. Motion was seconded by Commissioner Jefferson and so carried. Regular session recessed at 8:30 p.m.

#### **X. ADJOURMENT**

Regular session reconvened at 9:30 p.m. Commissioner Greason inquired of the meeting with State and Local Law Enforcement and Emergency Illegal Drug Enforcement as to the intent. Town Manager Walls stated there are outstanding grants dating back to 2001 which must be closed out, needed proper documentation being provided, in order to continue to be eligible for grant funds. Commissioner Correll made a motion to adjourn the meeting at 9:37 p.m Motion was seconded by Commissioner Sipple and so carried.

Respectfully submitted by:

  
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Margaret W. Sipple, Commission Secretary

  
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Alma Fleetwood, Recording Secretary



**AN ORDINANCE TO AMEND ORDINANCE NO. A02-8, RELATING TO ZONING, TO  
MODIFY THE COMMERCIAL USES PERMITTED IN THE RESIDENTIAL PLANNED  
COMMUNITY (RPC) ZONING DISTRICT AND TO CLARIFY THE PROVISIONS  
CONCERNING RPC DISTRICT AMENDMENTS**

**WHEREAS**, the Commissioners of Bridgeville have the power and jurisdiction to develop and adopt zoning ordinances as it shall deem necessary in order to preserve and protect the public health, safety, morals, beauty and good appearance of the Town and provide for the growth thereof;

**WHEREAS**, the Commissioners of Bridgeville established the Residential Planned Community (RPC) zoning district to provide the Town with the flexibility to permit mixed-use developments, and to provide for the application of design ingenuity while protecting existing and future developments and achieving the goals of the Comprehensive Plan; and

**WHEREAS**, the Commissioners of Bridgeville desire to correct two provisions of the RPC District established by Ordinance No. A02-8.

**NOW, THEREFORE, THE COMMISSIONERS OF BRIDGEVILLE HEREBY ORDAIN AND ENACT:**

**Section 1.** Amend Section 7 of Ordinance No. A02-8, § 234-24-B, entitled "Use regulations" by deleting paragraph B and substituting the following:

B. Uses permitted in the C-1 District by § 234-18(B)-(F), (H), (J)-(P)(1), (Q)-(S), (U) and (BB) [as revised by Ordinance No. A02-8], and accessory uses and signs relating to such uses, in accordance with the additional requirements and specific provisions of this Article. Such uses shall be situated and designed to be compatible with existing and reasonably anticipated development in the surrounding neighborhood in terms of size, scale and appearance.

**Section 2.** Amend Section 8 of Ordinance No. A02-8, § 234-41-D, entitled "Amendments and additions to site plans" by deleting paragraph D as follows:

The procedure for amendment of an approved RPC District or an approved RPC preliminary or final site plan shall be the same as for a new application, except that minor amendments of an approved Concept Plan or preliminary site plan or of conditions attached to an approved RPC District may be approved by the Town Commissioners at a regular meeting after a written report by the Director of Development or Designee and without a public hearing, provided that such change or amendment:

- A. Does not alter a recorded RPC final site plan;
- B. Does not conflict with the specific requirements of this chapter;
- C. Does not significantly change the general character or content of an approved development plan or use;
- ~~D. Applies to an approved condition originating with the Commission and not the Town Commissioners;~~

- E.D. Has no appreciable effect on adjoining or surrounding property;
- F.E. Does not result in any substantial change of major external access points;
- G.F. Does not increase the approved number of dwelling units or height of buildings; and
- H.G. Does not decrease the minimum specified yards and open spaces or minimum or maximum specified parking and loading spaces.

The phrase "minor amendments" shall not include changes to the boundaries of an approved RPC District, but may include changes to: the location, number or types of uses; number of dwelling units; location or method of providing public services or utilities; and other similar amendments.

**Section 3. Effective Date.** This amendment shall become effective upon its adoption by a majority of all members elected to the Commission present and voting.

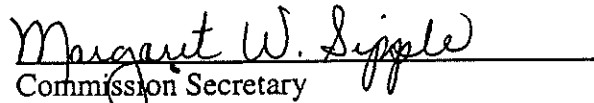
6/9/03  
First Reading

COMMISSIONERS OF BRIDGEVILLE

7/14/03  
Second Reading

  
Commission President

7/14/03  
Adopted

  
Commission Secretary

[This amendment references the provisions of Section 234-18, as established or revised by Ordinance No. A02-8]