

**MINUTES  
COMMISSIONERS OF BRIDGEVILLE  
JANUARY 10, 2011 – 7:00 P.M.  
TOWN HALL**

**I. CALL TO ORDER**

The meeting was called to order by President William Jefferson at 7:00 P.M. Present: Commissioners Patricia Correll, Michael Collison, Jay Mervine, Lawrence Tassone and Town Manager Merritt Burke IV. The meeting began with the Flag Salute and the Lord's Prayer. Commission President Jefferson requested a moment of silence in honor and memory of two Bridgeville citizens who have recently died. Mr. Richard (Bucky) Rowe, who was a member of the Town's Planning and Zoning Commission, passed away before Christmas and Mr. Richard Lewis, who was a former Town Commissioner, passed away in late December.

**II. QUORUM PRESENT**

President Jefferson reported a quorum was present to conduct the business of the Town of Bridgeville.

**III. SPECIAL RECOGNITION**

President Jefferson commended the members of the Public Works Department, Mr. Jeff Collins, Mr. Rick Passwaters and Mr. Phillip Mowbray for their extra efforts in snow removal during the Christmas Day blizzard. Town Manager Burke also praised the employees for their dedication and each received a Certificate of Appreciation from the Town.

President Jefferson recognized Kiwanis Club of Bridgeville members Mr. Richard Beauchamp, Mr. Campbell, Dr. Kevin Carson and Mr. Lawrence Tassone and Woodbridge High School Key Club advisor Mr. James Wheatley and Club member Patrick Davis for their many years of maintaining the Christmas street lights in Bridgeville. The Christmas Street Light project began in 1939 and has provided Christmas lights in Bridgeville each year since, except for the World War II years, when black-out rules were in effect. This project is in its 72<sup>nd</sup> year. The Key Club has been involved since their inception and they are celebrating their 35<sup>th</sup> year. The Commissioners added their appreciation for the work of the Kiwanis Club in our community and the dedication of the Kiwanians and the Key Club to the Christmas Lights program. It was mentioned that the Kiwanis Club does many other projects for the Town, including the placement of American flags and Apple Scrapple flags during the year. They also offer their Chicken Barbecue stand to many organizations for fundraising during the summer months. This is profit that the Kiwanians could keep for their own purposes; however, they allow other service organizations to benefit from the barbecue sales.

President Jefferson recognized the Woodbridge School District for their canned food drive for needy people in our area. School District Superintendent, Dr. Kevin Carson, was asked to give some background on the event. He introduced Ms. Dee Tunstall, Principal at Phillis Wheatley Middle School and two students, Ben Moles and Kani Kane. The School District made their canned food drive into a competition between the three schools, with a trophy donated by the Kiwanis Club. The prize was a school-wide "Jeans Day". Their goal, devised by Dr. Carson, was exceeded by the 4<sup>th</sup> day

of the contest (1,800 – 1,900 canned goods); the students won their “Jeans Day” goal, but kept bringing in more canned goods. The students’ final tally was 11,094 canned goods. The project went beyond jeans into community service and helping people. The elementary and middle schools were both in excess of 500% of their goals and the high school was in excess of 200% of its goal. The Phillis Wheatley Middle School won the challenge and received the trophy. Dr. Carson thanked everyone involved in the project. Ms. Tunstall advised Ben and Kani were chosen to represent their school tonight because they were the biggest donators of canned goods during the entire competition. The boys reported the grade levels were in competition against each other and corn was the canned good most commonly brought in. The students received a standing ovation from the audience.

#### **IV. APPROVAL OF MINUTES**

President Jefferson presented the December 13<sup>th</sup> Commission meeting minutes for approval. Commissioner Correll made a motion to approve the minutes as presented. Commissioner Tassone seconded the motion. Motion carried.

#### **V. CORRESPONDENCE**

Town Manager Burke advised the Town has received a new edition of the Bridgeville Historical Society newsletter. Copies are available at the Town Hall.

The Town has received a letter from our new Congressman John Carney thanking the Town for its letter of congratulations on his election win in November.

A Certificate of Appreciation was received from the Office of Highway Safety thanking the Bridgeville Police Department for participation in the Safe Family Holiday saturation patrols. The Town also coordinated a “Mocktail” non-alcohol Party to bring awareness to highway safety issues.

The Federal Emergency Management Agency sent the Town of Bridgeville preliminary copies of the Digital Flood Insurance Rate Map and Flood Insurance Study Report for its review and comment.

#### **VI. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE**

Finance Director Savage directed the Commission to the Balance Sheet for the period ending December 31, 2010. (The following amounts are in rounded figures.) All accounts totaled \$980,500, a decrease of \$155,000 from last month. The General Fund totaled \$398,934 and the Escrow accounts totaled \$385,850. Accounts Receivable stands at \$137,000. The Town has made a \$62,000 principal payment on the long-term liability loan for the Tatman spray irrigation farm. On the Budget Report, the Town is halfway through the budget year and should be at 50% of the budget. The transfer tax line item has increased since this report was printed; in addition to the \$41,000 stated here, the Town has received an additional \$101,000 in December transfer tax, \$75,000 of which is for the Walgreens settlement. Miscellaneous fees are above budget due to EDU penalties. Total income stands at \$1,373,000, which is 60% of the budget. On the Expense side, debt service has increased and the repairs line item has increased, due to the branch sewer main leak in the amount of \$13,000. Total

expenses are \$1,052,000, or 45% of the budget. On Accounts Payable, the Town has received bills totaling \$32,182. Some of these expenses involve the energy grant from the federal government. Expected expenses, including health insurance, payroll, utilities, etc. are \$118,000, for a total bills to be approved of \$150,182. Commissioner Correll made a motion to pay the bills as presented. Commissioner Tassone seconded the motion. Motion carried.

## **VII. DEPARTMENT HEAD REPORTS**

President Jefferson advised the Department Head Reports have been made available to the public. Commissioner Collison questioned the broken shaft on the RBC unit and asked for an update on the RBC replacement contract. Town Manager Burke advised the contract has been awarded and the start date is February or early March. He will prepare a timeline for upcoming work in the near future. President Jefferson advised it wasn't a matter of a shaft breaking; some plates had failed and in order to secure the media, braces were placed across the area. One brace came loose and more braces and stiffeners were added until the RBC is replaced. This work is not a part of the new RBC contract.

Police Chief Longo reported on the Bridgeville Police Department activities.

- Three juveniles and one adult were arrested for possession of 29.5 grams of marijuana. A car and \$862.00 in cash were seized and charges were filed. The Video Phone was used, which saved the department fuel and lost man hours.
- The Safe Family and Holiday DUI Patrol netted 69 stopped vehicles. Of those stops, there were 6 DUI arrests, 8 detained for further DUI investigation; 1 underage drinking arrest; 1 drug arrest; 2 fugitive arrests; 4 seatbelt violations; 22 speeding tickets issued; and 6 miscellaneous moving violations.
- Of the 50 assignments the Police Department has handled since January 1<sup>st</sup>, a Maryland couple was arrested on drug charges for marijuana and PCP. \$5,422.00 was seized in cash.
- A motor vehicle stop on South Main Street resulted in 6 narcotics charges for a Town resident. The stop later turned into an arrest for theft of cash, silver coins and jewelry taken from a residence within the Town by the same suspect.
- The Police Department has used the Video Phone five times in ten days
- The Department has received compliments for changing a flat tire for an elderly female on the side of the road. Two officers were also complimented for how they handled an upset citizen. They also received thanks from a distraught resident who credited the Police officer with saving their life.

## **VIII. TOWN MANAGER'S REPORT**

Town Manager Burke thanked the Police Department for their efforts during the snowstorm; the officers were very responsive to the Town Manager during the emergency. The Public Works Department was also very efficient in making sure the Police and Fire Departments were able to move easily during the snowstorm.

Town Manager Burke reported the State of Delaware passed a yard waste ban that went into effect on January 1<sup>st</sup>. As of today, the Town trash provider, M-T Trash, has received limited phone

calls about initiating a separate yard waste pick-up service. He does not believe M-T Trash will be providing this service to the people of Bridgeville, due to limited interest. It would not be cost-effective for the trash company if only a few are interested. Residents will need to explore other alternatives.

The showing of the Bridgeville-based Mayor Cupcake movie was moved to January 18<sup>th</sup> at 6:00 P.M. Film producer Alex Pires is coordinating the free event for the community at the Clayton Theater in Dagsboro. Jimmy's Grille may have extra tickets; if the Town receives any extra, they will be available at the Town office.

The auditing firm of Lank, Johnson and Tull has completed a rough draft of the yearly audit of financial records. The final audit will be presented at the February 14<sup>th</sup> Commission meeting.

The February Commission meeting is scheduled for Valentine's Day; the Commission is welcome to consider whether they would like to change that meeting.

Municipal Elections will take place on Saturday, March 5, 2011. The candidate filing deadline is February 4<sup>th</sup>. If you are interested in running, please see Town Manager Burke after the meeting for further details. A potential candidate would submit a letter to the Commission President or Secretary to express their interest in running for one of the three seats up for election in District #1, District #4 and District #5.

The Delaware Department of Natural Resources and Environmental Control (DNREC) set a submission deadline of January 24, 2011 for the Universal Recycling Grant and Low Interest Loan Program. The Town of Bridgeville will apply for recycle carts, which are mandated by the new recycling law. Residential recycling must be in place by September 15, 2011. If Bridgeville is not funded by this grant, we will need to include recycling carts and pick-up in our new trash contract which comes up for bid in June. Information on recycling and yard waste will be available on our website and at Town Hall in the near future. We will also be glad to convene district meetings for Commissioners on these subjects. Mr. Stang, our current trash hauler, is also available to speak with citizens. Commissioner Mervine clarified the recycling mandate; it is mandated that it be provided by trash haulers. It is not mandatory that individuals participate. Town Manager Burke added, it is mandatory that the trash hauler provide residents with a cart that will be charged to the homeowner. It appears that trash haulers will charge an extra \$5-6 per month for recycling pick-up. This is in addition to regular trash charges. You can roll out your recycle container for emptying or not.

Town Manager Burke thanked the Town employees for participating in the Safe Family Holiday "Mocktail" event. Ms. Trish Bachman came to represent the Delaware Office of High Safety and talked about drinking and driving. The employees had the opportunity to wear the special goggles that change vision to imitate inebriation. It was a good educational experience. Police Chief Longo suggested opening up this event to the community in the future. He feels it would be very helpful for young people at prom time.

The Town is working with AllFacilities Energy Group to bid out three contracts for energy upgrade work. The contracts consist of replacing windows and doors at the wastewater treatment

plant, performing motor and pump upgrades at all well houses and performing lighting retrofits at several Town buildings. The projects will be publicly bid in February with a June 2011 completion date. The Town has received approximately \$127,000 from the Office of Energy for the upgrades.

The Town Engineer is currently soliciting bids to repair a crack in the secondary clarifier. Bids are due on January 11, 2011.

The Town Code Enforcement Official has started rental unit inspections. All inspections must be completed each calendar year. Applications are available at Town Hall.

Town Manager Burke reminded the residents that his door is open to anyone with questions or comments concerning the operation of the Town.

## **IX. CITIZEN'S PRIVILEGE**

Mr. Larry Skala from 108 Whistling Duck Drive asked if a resident opts out of garbage collection, do they still have to participate in recycling. Town Manager Burke advised, as far as he knows, if you opt out of garbage, there isn't any way to charge for recycling. Mr. Skala commented we will likely see more garbage on roadsides in the future, due to this change. Town Manager Burke added that he mentioned this very issue at the Delaware Solid Waste Authority (DSWA) recycling meeting he attended. It is likely to happen a little more often on the western side of the county, due to lower socio-economic conditions. Commissioner Correll commented the Town has already spoken with its representatives and Senator concerning this issue.

Mrs. Barbara Kozichousky from 55 Emily's Pintail Drive asked if residents who already have a recycle container can use that and avoid the cost of a new container from the waste hauler. Town Manager Burke advised residents will still be charged for a new container at \$5-\$6 (amount yet to be determined). DSWA will not be picking up their blue and yellow recycle carts, for those involved in this curbside recycling program; they will remain with the homeowner. Town Manager Burke hopes to ask each resident if they want or need a recycling cart, rather than just dropping one off at each address; however, the cost of the container will be figured into everyone's monthly garbage bill. There might be some residents who can use one of the recycling containers for another purpose in their garage.

Mr. Russ Beard from 25 Amanda's Teal Drive questioned whether the recycle bins at Town Hall will continue to be available. Town Manager Burke believes they will still be available.

Mrs. Ruth Skala from 108 Whistling Duck Drive shared information from the Friends of the Bridgeville Library group. Local artists will be on display at the Library. Currently, Ms. Tammy Kearney's prizewinning art is being displayed; she is a Woodbridge graduate. There are also ongoing events at the library, including a flamenco and classical guitarist on January 14<sup>th</sup>. She trusts the community will respond positively; the library meeting room holds 200 people. Mrs. Skala advised the Friends group has done a great deal of fundraising on behalf of the library and is now focusing their efforts on enhancing library services to the community. Their future fundraising will be for targeted projects.

Town Manager Burke advised he has met with the Library's Executive Director, Karen Johnson, who is open to having Town meetings at the library meeting room.

Ms. Dottie Harper from Heritage Shores advised there is not a great deal to report, as sales traffic diminished a great deal over the holidays. Ryan Homes had a home sale recently. Both builders are looking forward to spring sales campaigns. She understands the New Year's Eve celebration at the Heritage Shores Club House was successful. She wishes to speak with Finance Director Savage regarding linking the Heritage Shores and Town websites to share important information in the future.

Mr. Everett Faircloth from 138 Widgeon Way questioned the water/sewer estimation for this current billing cycle. He believes his water meter readings have been bouncing around, high and low for several months. President Jefferson advised the Commissioners made the decision in the month of December to estimate the billing. The estimate was based on an average of the previous three months of usage – both for the house and irrigation accounts. If you overpaid your bill due to the estimation, you will receive a credit on your account(s) for the overpayment. This is current, standing policy in the event the water meters cannot be read. If Mr. Faircloth has a fluctuation in his readings, he should contact the Town Manager so that his water meter can be checked. Mr. Faircloth has done that; however, he will call the Town Hall again and continue to seek a resolution to the problem. Ms. Harper questioned whether the estimation was because of bad weather or because the meters couldn't be read. She also hoped it would not be customary to bill on the irrigation meter during months when the meter is turned off (i.e. winter). Town Manager Burke advised the December meter reading came during Christmas week this year, a four-day work week, with one Public Works employee on sick leave. The Town also had a snowplow truck out of service with a blizzard coming. He made the executive decision to fix the plow rather than read the water meters; therefore, the bills were estimated. Standard policy in the past has been to estimate the past three months. Town Manager Burke realized that irrigation system owners would pay extra up front, but would receive a credit on their accounts; he apologized for inconveniences to any residents. The policy can be revisited at a future date. Concerning Ms. Harper's question about billing irrigation meters that are turned off for the winter, Finance Director Savage advised that is not something the Town intends to continue. This is likely the only month when irrigation meters would come into play. Ms. Harper reported she was asking in order to squelch the rumor mill. Mr. Savage added the Town is moving the monthly billing date. The readings will now take place at the end of the month; bills will be mailed around the 5<sup>th</sup> of the next month, with a due date of the 25<sup>th</sup> of the month. This will allow the billing cycle to align with the calendar month. The estimated billing probably helped decrease some homeowners' bill last month, as this month's bill is based on 38 days of usage, rather than the usual 30.

Mr. Leo Lynch from 106 Emily's Pintail Drive asked if the Town is pursuing an electronic system for water/sewer billing. Most businesses are streamlining their operations and saving postage by using electronic systems. Town Manager Burke advised he is researching the possibilities and will introduce it to the Commission if an electronic system lowers expenses.

Mr. Russ Beard re-iterated there are currently two bills and two postages paid. He also wanted to make sure he understands the estimating system correctly. The residents will receive a credit on their January bill for any overcharges in December. It was agreed that is true.

Mrs. Barbarba Kozichousky wanted to clarify that both the house and irrigation bills were estimated. That is true. She asked if the \$3.50 meter charge on the irrigation bill will be deducted from the credit each month until they use it up or turn on their irrigation system in May. That also is true.

**X. OLD BUSINESS**

**A. Second Reading and Public Hearing Concerning Ordinance A10-11, An Ordinance to Rezone the Wheatley Property from R-1 with an RPC Overlay to R-1 with an AIOZ Overlay**

The specific tax parcels affected by this zoning change include Sussex Tax Map #1-31-18.00 – 22.00, 28.00 & 35.00; Sussex Tax Map #1-31-19.00-8.00. The Public Hearing was opened at 8:07 P.M. Mr. Larry Skala of 108 Whistling Duck Drive requested clarification on the definition of the zoning classifications. Town Manager Burke advised RPC zoning is a Residential Planned Community zoning district in the Town Code Book. The Heritage Shores development and Heritage Shores South are both considered RPC zoning districts. AIOZ zoning stands for Agricultural-Industrial Overlay Zoning. The Commission will vote on changing the zoning classification on the Wheatley property (4 parcels) from RPC overlay to AIOZ overlay. Both RPC and AIOZ zones have R-1 as their base zoning. R-1 means single-family residential zoning. This overlay zoning places additional restrictions or conditions on the property; with an RPC overlay, all RPC conditions and restrictions trump the R-1 zoning. With an AIOZ overlay, all AIOZ conditions and restrictions trump the R-1 zoning. The permitted uses in AIOZ are included in the Town Code Book. AIOZ permitted uses would be allowed; however, R-1 (residential homes) would not be allowed. In addition, the Planning and Zoning Commission's letter of recommendation to the Town Commission includes additional proposed conditions on the property. Mr. Russ Beard from 25 Amanda's Teal Drive questioned whether these parcels include the Agricultural Preservation area south of the current Heritage Shores development. It was explained that the Ag Preservation land belongs to Mr. Wilson and is not included in this zoning change. The Public Hearing was closed at 8:10 P.M. Commissioner Tassone made a motion to approve Ordinance A10-11, An Ordinance to Rezone the Wheatley Property from R-1 with an RPC Overlay to R-1 with an AIOZ Overlay, with the added condition recommended by the Bridgeville Planning and Zoning Commission. The condition imposed reads as follows: "No farm animals will be raised or housed on this property without prior approval of the Bridgeville Town Commission." It was clarified that this restriction includes chickens; there can be no chickens on the property. Commissioner Correll seconded the motion. Motion carried. The Commission votes are recorded as follows:

Commissioner Collison	Aye
Commissioner Correll	Aye
Commissioner Mervine	Aye
Commissioner Tassone	Aye
President Jefferson	Aye

## **XI. NEW BUSINESS**

### **A. Introduction and First Reading of Ordinance A10-10, An Ordinance to Amend Chapter 234 of the Code of the Town of Bridgeville, Titled "Land Use and Development Code" to Increase the Number of Major Recreational Equipment on a Residential Lot from One to Four**

Commissioner Collison made a motion that the Commission table the first reading of this Ordinance until there is further discussion regarding trailers. He was quite taken aback as a Commissioner when he received notice of the first reading on an Ordinance without discussion by this 5-member Commission. He believes that in the future, when there is something in the Land Use and Development Code or the current code for the Town that the Commission would like to discuss for possible changes, it should be brought before the Commission for discussion first before any Ordinance is re-written and brought before the Commission for a first reading. Commissioner Correll seconded the motion. Motion carried. The Commission votes are recorded as follow:

Commissioner Collison	Aye
Commissioner Correll	Aye
Commissioner Mervine	Aye
Commissioner Tassone	Aye
President Jefferson	Nay

Commissioner Collison then proceeded to discuss the trailer issue. He advised in April 2010 the Commission had a number of discussions concerning commercial vehicles and trailers and amended the Land Use and Development Code, which was originally adopted in 2005, to allow a trailer of any kind on any given lot. The amendment included a number of other additions and changes. The Commission voted unanimously to approve that change. Suddenly we have started enforcing the code that was adopted and then amended in April and there have been several upset residents because the Town was enforcing the code and they had up to four trailers on their lot. Code Enforcement Official Jerry Butler send letters to several of the residents regarding their properties and Commissioner Collison brought pictures of some of the properties in violation of the code with him tonight to show to the Commissioners, as evidence of his resistance to amending a code that we have already adopted. Mr. Collison read from the current code concerning major recreational vehicles. The definition includes: "boats, boat trailers, utility trailers, travel trailers, pop-up campers, or coaches designed to be mounted on motor vehicles, motorized dwellings, tent trailers, and similar equipment, as well as cases or boxes used for transporting major recreational equipment regardless of whether the equipment is inside of the boxes." The code also states that each residential lot in the zone is allowed one major recreational vehicle. It goes on to say it shall be parked or stored only in a carport, within an enclosed building, or in the rear of the dwelling and shall not be permitted to park on any street. It goes on to talk about commercial vehicles and the limitations on a lot. Commissioner Collison had recently asked Mr. Butler and Town Manager Burke to answer a series of questions concerning the current lot size in Town, the average house size, etc. We have several lots in Town that are sizeable, including Howard Hardesty's and Steve McCarron's properties; however, many lots are very small. When you look at the current code with minimum frontage for a house and minimum side clearances for a house, and the average size lot, to even consider anything more than the current code, you will



end up with some overcrowded yards, as we have currently in Town. The code also says that any trailers that are on these lots are required to have current tags and registration. Commissioner Collison directed the Commissioners to a picture he brought of a property right on Main Street that has four trailers on the lot. He will have Mr. Butler check tags tomorrow; however, he doubts they all have current tags. Commissioner Collison believes this is not what we need in our Town. Heritage Shores residents are limited due to their Homeowner's Association (the HOA does not allow any trailers.) Commissioner Collison believes the Code Enforcement Official was hired to enforce the Town codes as currently written. He does not feel that any Commissioner or the Town Manager should instruct the Code Enforcement Official to not enforce a code because they do not feel the code is right. The Code Enforcement Official should not be receiving mixed messages from different Commissioners concerning his job. He believes this Commission should strongly consider having the Code Officer enforce the code with no exceptions unless the code is changed or amended by the majority of Commissioners.

Commissioner Mervine asked specifically about the problem that has brought this issue before the Commissioners tonight. President Jefferson advised virtually all surrounding Sussex County Towns (6) do not even have a trailer Ordinance restricting the number of trailers on a property at all. Based on our code, a resident may have a utility trailer, but that would preclude him/her from also having a boat trailer or a recreational vehicle or trailer on their property. President Jefferson understands that Heritage Shores has an HOA which regulates its members, but he believes the working Town of Bridgeville is different. With the new yard waste ban, if a homeowner already has a recreational vehicle in their yard, they cannot have a utility trailer to haul their yard waste and they would be breaking the law. President Jefferson also advised any Commissioner may recommend or initiate a new Ordinance or amendment to a current Ordinance. It is not necessary to speak to each Commissioner first to make sure they agree with bringing the Ordinance or change before the Commission. All Ordinances are brought up to a table of five Commissioners to be discussed at that time, and not because one Commissioner feels his property is so neat that no one else can own a trailer.

Commissioner Mervine asked if President Jefferson had received requests from residents to discuss this matter. President Jefferson reported he has had approximately six phone calls from residents concerning this issue. He acknowledged that he had suggested the change from one recreational vehicle to four vehicles; however, his intention was to discuss the issue with the Commissioners and agree on a reasonable number of vehicles/equipment, i.e. two. He believes the Ordinance in its present form is wrong for the citizens. There are hardworking people in Bridgeville who would like to have more than one trailer/vehicle in their yard. As long as they are neatly parked, neat in appearance and tagged, he believes they should be allowed.

Commissioner Collison suggested that everyone review the photos of excess and mis-use taking place in Town that he brought to the meeting tonight.

Commissioner Correll advised she understands that Heritage Shores has an HOA that is restrictive in this area. The Commissioners should be legislating for all of Bridgeville, not just for a portion of Bridgeville. Heritage Shores may no longer have an HOA someday and all of the Commissioners' decisions must be considered carefully and must consider all of Bridgeville, not just part of the Town. She does not want to see lots of vehicles/trailers jammed on a lot. She admits that

she is not an expert in these types of issues. It has been her understanding that residents were allowed one commercial vehicle and one recreational vehicle on their property. She doesn't want residents' businesses to be impeded by the Town codes.

Commissioner Collison agreed there are a number of residents who are able to run their contracting businesses, etc. from their homes. Currently, the code allows a trailer with no size limitation. If you allow two on the lot, you could end up with two 40-foot trailers on a lot, unless the Town amends the Code to say that you must have a minimal amount of open area on the property or the size of trailers is restricted. In 2005 when the Land Use and Development Code was adopted by the Commissioners, it allowed for one major recreational piece of equipment, including: "boats, boat trailers, travel trailers, pop-up campers, or coaches designed to be mounted on motor vehicles, motorized dwellings, tent trailers, and similar equipment, as well as cases or boxes used for transporting major recreational equipment regardless of whether the equipment is inside of the boxes." The code also allowed any type of commercial vehicle on any residential lot. Large commercial vehicles, such as trailers, tractor trailers and cabs of tractor trailers had to be parked in the rear of the dwelling. (Commercial vehicles were not to exceed one-ton capacity.) When the Code was amended, it said that commercial vehicles had to be parked in the backyard. It did not define what a commercial vehicle was. There is currently no definition of a commercial vehicle in the code or the Land Use and Development Code.

Commissioner Collison believes this whole issue should be tabled to allow the Commissioners to decide what a commercial vehicle is, size restrictions on trailers or commercial vehicles, etc.

Commissioner Collison also expressed concern that the Commission discusses issues/changes that need to be made to avoid problems such as we are experiencing right now, and when Mr. Butler goes to enforce the Code that has been unanimously approved, some of the Commissioners want to quickly write a change to the code from one to four vehicles/trailers to appease residents who are in violation of our approved codes, without even discussing it together as five Commissioners. Commissioner Collison believes we should have our attorney involved to define a commercial vehicle and possibly bring before the Commission a code change to allow a commercial and recreational vehicle, or some combination thereof. Perhaps size limitations should be considered and a requirement for a certain amount of open space on the property. He has no problem with investigating the best solution to this issue. What he doesn't want is what he has recently seen outside his house on a nearby property: a four-horse trailer, a utility body, a van, a truck and a car on a lot that is no bigger than this Town Hall. As mentioned earlier, this Ordinance was tabled.

## **B. Municipal Election Information**

Bridgeville's Municipal Election will take place on Saturday, March 5th, with voting from noon to 7:00 P.M. Voting District's #1, currently represented by Commissioner Mervine, #4, currently represented by Commissioner Collison and #5, currently represented by President Jefferson will have elections. Districts #4 and #5 are two-year terms. District #1 is a one-year term, as Commissioner Mervine was appointed to replace Commissioner Greason who moved out of Town. Per Town Code, Commissioner Mervine's appointment extends until the next municipal election, at which time an election is held in this district to complete the remaining 1-year term.

The first step in filing as a candidate in any of these districts is to submit a letter of interest to the President or Secretary of the Commission. Additional paperwork will then be provided to interested candidates.

The candidate filing deadline is February 4th. Residents must be registered on the Town voting roles by February 23rd to be eligible to vote in this election. Further questions can be directed to Town Hall.

### **C. State of the Town Report**

President Jefferson advised copies are available to the public. Town Manager Burke mentioned some of the highlights of the report for those in attendance. (The full State of the Town Report is an attachment to the permanent minutes.)

- 2010 was a year of transition for the Town of Bridgeville. The Town welcomed a new Chief of Police and a new Town Manager.
- Concerning real estate development, commercial and residential development activity decreased, due to economics. We expect Heritage Shores sales to pick up during the spring season.
- Marketing the Town of Bridgeville continued through 2010 due to the Apple Scrapple Festival and Punkin Chunkin, with thousands of people coming to Bridgeville. We received advertising for the Town through the Discovery Channel's show on the Chunk.
- The new Police Chief and officers secured over \$40,000 in non-competitive grants. Foot and Bike Patrols will be initiated once again as the weather moderates. Safe neighborhoods attract a larger residential and commercial tax base.
- Any opportunities to market the Town should be pursued.
- The Town is in a good position with over \$450,000 in reserve funds and will be solvent for years to come.
- The Town will continue its Community Clean-Up efforts.
- On the financial end, Bridgeville will continue to pursue competitive grants.
- Bridgeville has water/wastewater capacity to grow. Town Manager Burke does not anticipate tax and fee increases in 2011.
- Despite having one employee on sick leave, the Public Works Department is doing an exemplary job of keeping things going.
- The Administrative staff coordinates all the policies and programs and does an excellent job. The Commissioners have continued to be a great support for our staff, as well.

### **D. Planning and Zoning Commission Appointment**

President Jefferson advised there are two applicants who have expressed interest in the Planning and Zoning Commission position of Mr. Richard Rowe, who passed away in December. He asked for the Commission's input on an appointment for this vacancy. Commissioner Tassone advised he learned today of an individual from Heritage Shores who has just retired after 32 years with the Corp of Engineers. He suggested that the Commission table this appointment so he can contact the

individual to determine his interest in the appointment. Commissioner Collison questioned whether the appointments were originally made by voting districts or some other method. President Jefferson reported it was mostly done by districts, although it is noted that the Town Code does not require the appointments to be by district. Mr. Rowe was from District 3, Commissioner Correll's district. Commissioner Correll questioned how quickly the Commission needs to make this appointment. Town Manager Burke advised the appointment does not have to take place tonight. The code requires that the Planning and Zoning Commission have not less than five members and not more than nine members. Currently there are six members, with the death of Mr. Rowe. Town Manager Burke presented two letters of interest from residents to the Commissioners for their review. There is a Planning and Zoning Commission meeting scheduled for January 27<sup>th</sup>; however, the Commissioners do not have to fill the vacancy before that meeting. As Commissioner Correll understands it, there are currently six members on the Planning and Zoning Commission and current Chairman, Mr. Bill Atwood, would break a tie vote if needed. Commissioner Correll questioned whether this appointment has been discussed with Chairman Atwood. President Jefferson recommended that the Commissioners give Town Manager Burke the authority to bring the two current applications to Chairman Atwood to discuss a potential replacement for Mr. Rowe on the Planning and Zoning Commission, followed by a decision to be made jointly by the President, Town Manager and Chairman of the Planning and Zoning Commission.

Mrs. Ruth Skala from 108 Whistling Duck Drive, a former Commissioner, requested permission to address this appointment. When she was a Commissioner of Bridgeville, she was upset about how these Commission appointments were made. Choices were made based on people who were personally known by the present Commissioners. She felt strongly that openings should be posted so that the community would be aware of them and people should be given the opportunity to apply. Currently, the community never knows in advance. She believes the decisions should be made based on qualifications. Commissioner Collison believes the practice of choosing members by district is valid; however, we also need qualified individuals on the Planning and Zoning Commission. This should be opened up to all community members with a defined deadline and a process for submission of an application or letter of interest. Town Manager Burke added that the Town Code does specify that the Commissioners vote on appointments to the Planning and Zoning Commission. It was decided that Town Manager Burke would return with a recommendation for the Commissioners to vote on. Commissioner Correll reported that the members of the Planning and Zoning Commission are very impressed with Chairman Atwood; he does an excellent job.

Commissioner Collison thanked the people of Bridgeville for his opportunity to serve on the Commission for the past two years. He has enjoyed his time on the Commission, but advised he will not seek re-election in March. He is doing this for personal and family reasons. His family has lived in this area for many years and his wife has lived here since she was a baby. His home and business are in this Town and his wife teaches in this Town. Making sure Bridgeville makes good decisions is important to Commissioner Collison, as well as an attractive Town in appearance. He will continue to be involved in the Town and has appreciated the opportunity to serve the Town and its residents. Town Manager Burke personally thanked Commissioner Collison for his support and for serving Bridgeville. President Jefferson expressed his appreciation for Commissioner Collison's service to the Town and his expertise. Commissioner Correll also expressed her appreciation for Commissioner

Collison's efforts, as it has been a challenging year. Commissioner Collison expressed that all efforts have been made for what's best for the community.

## **XII. ADJOURNMENT**

Commissioner Collison made a motion to adjourn the meeting. Commissioner Mervine seconded the motion. Motion carried. The meeting was adjourned at 8:50 P.M.

Respectfully submitted,

  
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Patricia M. Correll, Commission Secretary

  
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Peggy A. Smith, Transcriptionist