

**MINUTES
COMMISSIONERS OF BRIDGEVILLE
FEBRUARY 9, 2009 – 7:00 P.M.
TOWN HALL**

I. CALL TO ORDER

The meeting was called to order by President Joseph Conaway at 7:00 P.M. Present: Commissioners Patricia Correll, Ruth Skala, Earl Greason, William Jefferson and Town Manager Bonnie Walls. The meeting began with the Flag Salute and Lord's Prayer.

II. QUORUM

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

III. APPROVAL OF MINUTES

Minutes from the January 12, 2009 monthly Commission meeting were presented for approval. Commissioner Skala reported an error in the January 12th minutes. Mention of the Library Fundraiser "For the Love of Books" was mistakenly identified as "Books are Fun." The mistake was noted and will be corrected. Commissioner Correll made a motion to approve the minutes. Commissioner Skala seconded the motion. Motion carried.

IV. MS. JENNIFER VOLK – DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC), WATERSHED ASSESSMENT SECTION RE: PROPOSED STORM DRAIN MARKING PROJECT

President Conaway introduced Ms. Jennifer Volk from the DNREC Watershed Assessment Section. Ms. Volk is proposing a Storm Drain Marking Project for Bridgeville that DNREC will fully fund through federal grant monies. She has been working with the Chesapeake Bay program and advised that because our area in Delaware is the headwaters for the Chesapeake Bay; grant funds are available to support projects that reduce non-point source pollution. Storm water coming from developed areas is one source of non-point source pollution. Storm drain marking projects have been completed in areas of Wilmington, Milton, Lewes and Georgetown. This program entails volunteer groups placing markers on storm drains identifying them in terms such as, "No dumping – drains to river/pond/stream." This is an opportunity to do education outreach with volunteer groups, but also makes all residents aware of the effect their actions on land have on our water quality. Grant monies have been set aside for projects in Bridgeville, Greenwood, Laurel and Seaford. All 300 storm drains in Bridgeville (not including Heritage Shores) have been located by GPS and have been mapped. They will be divided into reasonable walking units and will take into consideration those areas that would be inappropriate for young people due to traffic, etc. There may also be areas the Town employees should mark, as these areas would be inappropriate for any volunteers. Ms. Volk has met with

Commissioners of Bridgeville Minutes

February 9, 2009

Page 2

Town Manager Walls and Wastewater Superintendent Mowbray to introduce the program and they discussed possible volunteer groups to approach concerning the project, such as the Summer Youth Program, although the Town is uncertain if that will be funded this year. Ms. Volk brought background materials and examples of markers that could be used, which are placed directly on the drains, for the Commission's review. Many people falsely believe that all storm drains send water to the wastewater plant; this is not true. Ms. Volk has grant monies to purchase all the supplies. Concerning Heritage Shores, Mr. Robert Rauch, engineer for the Heritage Shores project, advised their storm water drains into storm water ponds and the ponds then discharge into the ditch. The placards would be useable at Heritage Shores, as well. Mr. Conaway advised the City of Seaford used to have the same information painted on; however, this method is much easier. (Seaford has approximately 1,000 drains.) Town Manager Walls advised this is a matching program; the supplies are purchased with grant monies and the Town keeps track of volunteer labor hours, which would be our portion of the match. The Town would provide no monies. Town Manager Walls also reported the 4-H is very interested in the project and we will contact the High School for groups and individuals who need community service hours. Ms. Volk reported they have funding for the next six years; therefore there may be opportunities for other types of projects, as well. Commissioner Greason asked about these possible projects. Ms. Volk advised the Chesapeake Bay Program gives grant funds to the State of Delaware; DNREC then finds projects for the monies. Possible projects include the Nutrient Management Commission; the cover crop cost share program; people who are in need with failing septic systems; and there are also funds set aside for urban storm water projects. None of the monies have been assigned, but will be available in June 2010. Commissioner Greason commented that participating in this program might open the door for future project funding. Town Manager Walls feels it is a worthwhile project and asked the Commissioners to consider approval. Commissioner Skala made a motion to pursue the storm drain marking project for the Town of Bridgeville. Commissioner Greason seconded the motion. Motion carried.

President Conaway advised this is his last official meeting as President of the Bridgeville Commission. He introduced the new Commissioner who will be taking his place from District 4, Mr. Michael Collison. Mr. Collison is married to President Conaway's daughter, Joanne. President Conaway shared prepared comments on his eight years in office.

Eight years ago, Pat Correll, Bill Jefferson and I ran for the Commission of the Town of Bridgeville. We dedicated our efforts on behalf of the people of Bridgeville and it was our firm intention to turn Bridgeville around and make it the Town that we all could be proud to call home.

2001 was a difficult time in Bridgeville's history. The Town was approaching bankruptcy; our General Fund checking account held only \$469. The budget was out of control and was not balanced. Morale was low among our employees. On that cold Monday evening when we took our places at the Commission table, times looked bleak. But we immediately went to work to change this situation. Finances had to be brought under control, spending curtailed and new revenues sought. And we did it without a tax increase! When the Fiscal Year ended on June 30, 2001, Bridgeville had an \$18,000 surplus. And we did this without any annexations!

With finances under control, we turned our attention to other matters. If Bridgeville was to survive, it had to grow. We focused our attention on developing Bridgeville's first land plan and in 2002 Bridgeville became the first municipality in Delaware to have a certified Comprehensive Plan under Governor Minner's Liveable Delaware Plan. By the way, that plan has since been recertified through 2012. With this plan in hand, Bridgeville was in a position to move forward. And move forward we did. Since 2002 when we annexed 411 acres, through 2008 when we annexed 140 acres along Route 13, we have grown from a Town of 1,500 acres to a Town of 4,054 acres. From the Route 404 bypass to our north and Route 18 to our south, Bridgeville has become a major attraction for those who would call Bridgeville their home or for those who want to develop commercial activities in our community. From a Town of 612 homes, we have become a community of 5,236 prospective houses. We are proud of our new development, but we are most proud of the twelve new homes built in what I call "Olde" Bridgeville.

Finances in Bridgeville continue to be the envy of other governments and although the Fiscal 2010 Budget will present difficult choices, we are still in better financial shape than most other governments. Not only have we controlled our finances and developed a rainy day fund, we have cut property taxes by 10 cents; we have eliminated the capitation tax of \$3.00; we sliced the monthly water meter fee by \$3.50; and Bridgeville taxpayers have saved on average \$150 in taxes and fees over the past three years. Our annual audit continues to be exceptional.

Bridgeville is about to open a state of the art Wastewater facility on Apple Tree Road just east of Bridgeville. Not only do we own 126 acres, the site of the plant, we also have a long term lease on 1,100 adjacent acres that solves and meets Bridgeville's wastewater needs for the next twenty-plus years.

The philosophy that we developed in 2001 that those who cause the expense should pay for it, led us to develop the State of Delaware's first Special Tax District. Through this innovative program we were able to pay for the cost of growth and provide \$700,000 for the new Bridgeville Library, presently under construction.

We have been able to develop a police force authorized at seven officers that provided us with 24 hour, 7 day coverage and although we have struggled with maintaining our force at that level, we should be at full strength by April of this year. We have developed a strategic plan that will enable us to grow our police force as needed. Bridgeville police officers now start at \$33,000 a year, which makes us more than competitive with other municipalities in Sussex.

During our tenure in office, we have passed a number of Ordinances that have enhanced the quality of life in Bridgeville. Included in these Ordinances were: (1) The toughest sexual predator law in Delaware; (2) protection against, if not complete elimination of any adult entertainment facilities within our Town limits; (3) an updated and modern Planning and Zoning Ordinance; (4) Delaware's first Agricultural Overlay zone; (5) an absentee voting law; (6) an Ordinance that protects the integrity of military funerals in our Town, eliminating the possibility of the disgraceful picketing that occurred in Seaford when two of our brave young heroes were laid to rest; (7) English as our official language; (8) new Election Districts that ensure fair and

universal representation; (9) Delaware's first Special Tax District law; and (10) an enhanced Animal Control Ordinance.

During our time in office, Punkin Chunkin joined the Apple Scrapple Festival and Christmas in Bridgeville as one of a trifecta of outstanding festivals that call Bridgeville their home.

Actively seeking to involve the citizens of Bridgeville to assist with the running of their Town, a number of committees were created including the first Bridgeville Planning and Zoning Commission, a Parks and Recreation Committee, an Emergency Planning Committee, a Town Beautification Committee, a Citizen's Advisory Committee, an Economic Development Committee and an Election Board. In addition, two "Olde Fashioned Town Meetings" have been held allowing an open discussion of citizens' concerns.

The reality of a new and safer Route 13 and 404 intersection is now only months away.

To assist our community-based organizations, the Bridgeville Charity Open Golf Tournament was created resulting in a total thus far of \$52,500 raised for the Bridgeville Lions Club, the Bridgeville Kiwanis Foundation and the Bridgeville Senior Center.

Through our efforts; the efforts of Senators Thurman Adams, Bob Venables and Gary Simpson, along with former Representative Ben Ewing; the Bridgeville Library Trustees and the Friends of the Bridgeville Library, a modern library facility is under construction on land obtained by the Town at no cost to the taxpayer.

Ten acres of additional land, again at no cost to the taxpayer, was obtained for the Woodbridge Little League.

Things have truly improved and Bridgeville has, in our opinion, become the center of the universe. Bridgeville's future continues to be bright, but storm clouds are gathering. Economic conditions in our county, state and country threaten the economic well being of our citizens and our Town. Future Commissions must continue to closely monitor our finances. Our present budget must be cut a minimum of \$300,000 to bring Fiscal 2010 into balance. I am confident that all of this is doable. Pat and Bill are still here; with the addition of Mike Collison as the new Commissioner from the Fourth District and the cooperation of the two remaining Commissioners, I am confident in Bridgeville's future. The new President should come from either Pat, Bill or Mike. Experience, background, ability, knowledge of our past and a commitment to our future make these individuals ready to lead. I am sure that the spirit of cooperation and unity that have been the hallmarks of the past eight years will continue.

I want to thank the people of Bridgeville for the opportunity that they gave me to serve. I have been humbled by their support over these past years. I want to thank the employees, especially Town Manager Walls and Finance Director Savage, for their efforts; nothing could have been accomplished without them. To all those Commissioners that I have had the pleasure to serve with, I thank you for your cooperation and patience. Working with me is no walk in the

park. And to my wife and family who allowed me this opportunity to serve, I thank you for your support and sacrifice.

Tonight is my last meeting as a Commissioner. I know not what the future holds for me or where I will spend the remainder of my time here on earth, but I shall never forget my experiences here in Bridgeville and will always be ready to help.

V. CORRESPONDENCE

Town Manager Walls advised the Town has received the Seaford Chamber of Commerce monthly report and it is available for review.

A letter has been received from the Woodbridge School District thanking the Commission for their annual \$1,000 donation to the Student Uniform Assistance Fund.

VI. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Finance Director Savage directed the Commission to the Balance Sheet. (The following amounts are in rounded figures.) For the period ending January 31st, the Town had \$506,200 in general checking and savings accounts. Rainy day funds totaled \$583,000, an increase of 7%, due to impact fees collected from Royal Farms for an increase in allocation. Total cash accounts are \$1,322,160. This is \$160,000 less than this time last year; however, our budget is lower than last year. Accounts receivable stands at \$52,500, the majority of which is the \$42,000 Greenwood billing for last quarter. There is a \$5,828 journal entry in accounts receivable for the Town of Greenwood account, adjusted for the July billing period. It will be reversed at the end of the fiscal year. President Conaway reported Greenwood is going to exceed what we budgeted for them to pay this year. Finance Director Savage advised their average usage has increased from 27% to 34%. This line item is currently at 82% of the budget; it was decreased in the budget amendment, due to their previous usage, but now they have returned to their allocation figure. On the Budget report, the Town is seven months into the fiscal year, with a target of 58%. Building permits have increased, as there was one new start at Heritage Shores. There was no transfer tax collected for the month of January; however, property transfers are expected in February. Garbage fees are on target, as well as water/sewer fees. Total income is currently 84% of the budget, a 9% increase over last month. Concerning expenses, bills are at the projected amount. The electric bill is low; however, the budget reflects the acceptance of Phase I Heritage Shores, and that has not taken place as of yet; there are still details to be worked out. Total expenses are currently 52% of the budget. President Conaway advised Police Department fine income stands at \$15,997.45, 32% of its budgeted amount. He suggested that stopping more trucks might take care of the shortfall. Finance Director Savage advised the fine amount does not include \$1,900 for the month of January. Bills to be paid total \$27,200. The Ballard, Spahr, Andrews & Ingersoll bill concerns the closing of the USDA loan for the spray irrigation project. The Town's bond counsel has changed from Mr. Hal Salmons to his former assistant, Ms. Mary Anne Piper, who is with the above referenced firm. Expected expenses before the next meeting total \$101,900; total accounts payable to be approved total \$129,100. Commissioner Correll

made a motion to pay the bills as presented. Commissioner Skala seconded the motion. Motion carried.

VII. DEPARTMENT HEAD REPORTS

President Conaway advised the Department Head reports are available to the public. President Conaway questioned Police Chief Parsons about surveillance camera options. This issue was discussed at the January 12, 2009 meeting, with the request that reasonable choices be determined within a week's time. Chief Parsons advised they are waiting for pricing information from Connectiv to place cameras on poles. Town Manager Walls reported they should have answers by next week and are also getting quotes from a second company. President Conaway questioned Police Chief Parsons about last month's approval of police overtime for additional street patrols. Extreme cold has curtailed mischievous behavior in Town and the department has not needed many overtime hours. As warm weather approaches they will become more visible on the streets. No loitering signs were installed on North Main Street earlier today and they will be enforced. Town Manager Walls reported she has asked the Police Department to keep an eye on the signs, as young people were making comments as the signs were being installed. Concerning Well #6, Town Manager Walls advised the Town is waiting for Mr. Dubb   from Brookfield Homes to fill out paperwork with information on golf course water usage. Mr. Robert Rauch, Heritage Shores engineer, advised he completed the paperwork today and submitted it to the state on Brookfield Homes' behalf.

VIII. CITIZEN'S PRIVILEGE

Mr. Russ Beard of 25 Amanda's Teal Drive shared a list of accomplishments he is appreciative to the Town for: the friendship of the whole Town and the Methodist church; the municipal government's organization and the fact it has regular Town meetings where residents can participate; the Commission's concern for the welfare of the Town, including demolition of old buildings, renovating older homes and keeping the Town clean; regulations that have been enacted to make Bridgeville a safer community; and additional lighting in the Town Hall parking lot for the recycling center. He thanked the Town for all they do. Commissioner Correll added that many of the Heritage Shores residents support activities at Union United Methodist Church and she feels they have added a lot to the community. Ms. Dottie Harper from Brookfield Homes acknowledged that there have been some differences in the past with President Conaway; however, that is in the past. She appreciates the Town's open arms to the community of Heritage Shores. It is a great mutual relationship. Commissioner Correll mentioned all that Ms. Harper has done for the Club House and that she deserves a great deal of respect. Mr. Larry Skala of 108 Whistling Duck Drive acknowledged they are owners of a Lennar-built home. He said that Brookfield Homes, under Ms. Harper, has done more than anyone in making Heritage Shores a community, not just a group of houses. He is very grateful. Ms. Harper reported Brookfield Homes sold one new home last week; 5 homes are under construction; there is one closing in February and two or three expected in March. President Conaway questioned whether the land for the new Walgreens/Happy Harry's drug store will be settled in this fiscal year. Developer

Mr. Nick Rocks expressed uncertainty. President Conaway commented this settlement would be a great benefit to the Town, as would the price of a building permit for the new store.

IX. TOWN MANAGER'S REPORT

Town Manager Walls reported she and President Conaway attended the unveiling of the 2009 Sussex County Profile. The Profile offers valuable information describing Towns throughout the county by highlighting each community, their quality of life, economics, education, etc. Copies of the Profile are forthcoming and will be made available.

Town Manager Walls is recommending adoption of a Memorandum of Understanding (MOU) between Sussex County and Bridgeville. President Conaway gave some background on the MOU. Apparently, there are a number of developments being planned for the Lewes area and local residents there have a very strong opinion of the types of developments they wish to be placed in their vicinity. This led to negotiations between Lewes and the County as to how they would plan land use for the areas that surround their Town. Letters have been sent to all 24 Sussex municipalities suggesting they consider the MOU, developed by the County. It commits the Towns and County to dialogue, letting each other know what they are doing in areas of mutual concern. This document does not take away from the authority of the Town Commission concerning land use. The Town is not committed to the County's land use suggestions, or vice-versa. It suggests talking rather than getting mad at each other. Commissioner Skala questioned, if this document had been in place when Mr. Wilson, a neighbor of Heritage Shores, decided to put up chicken houses, could that permission have been blocked? President Conaway advised no, the property owner is entitled under existing law to place chicken houses on agricultural land. As an example of something that would fall under this document, President Conaway advised there is a 100 acre site on the east side of Route 13, south of the Highway One property that is planning a future housing development. They do not need to request annexation from Bridgeville; they can submit their plans directly to the County and go through that process. With this MOU in place, the Town would have the opportunity to comment on the proposal. If the proposed development didn't meet the Town's determined needs, or what we thought should be placed on that property, we would have the opportunity to make those comments to the County, who could agree or disagree. The MOU would require that we discuss these matters with each other. President Conaway would resist the MOU if the County denied an application because the Town didn't like it. He would also resist if the County were able to reach into Bridgeville and tell us what we can and can't do. Commissioner Correll suggested there are several new members in the Sussex County Council as well as long-time County Department Heads ready to retire. It would be prudent to pursue a working relationship with these new individuals in County positions. Town Manager Walls commented when there is a re-zoning within one mile of Town limits, the Town receives a letter (as well as the school district and the fire company) with an opportunity to respond. She also contacts County Director of Planning and Zoning Mr. Lawrence Lank when the Town anticipates an annexation. He always responds back to the Town with any concerns. We are already communicating, but this is an attempt to bring about a more formal communication system. Commissioner Correll made a motion to adopt the

Commissioners of Bridgeville Minutes

February 9, 2009

Page 8

Memorandum of Understanding on land use decisions with Sussex County. Commissioner Greason seconded the motion. Motion carried.

Town Manager Walls advised a Hopkins Construction vehicle hit Water Superintendent Jones' truck on January 27th. There were no injuries and a Police Department report was written. Estimates were obtained and the truck was repaired today at the expense of Hopkins Construction.

Town Manager Walls advised she attended, with President Conaway and Commissioner Skala, a Delaware Economic Development Workshop entitled "Stabilizing and Enhancing Key Downtown Merchants". Speakers shared information and tips to help identify at-risk businesses and discover proven methods to help retain those businesses in their communities.

Along those same lines, Bridgeville's Economic Development and Main Street Committee met to determine any interest in the economic development of the Bridgeville downtown and in sprucing up the area. After a general discussion by the Committee, consisting of representatives from downtown businesses, it was decided to invite Ms. Julie Wheatley, the Sussex County Economic Development Director, to a committee meeting for further insight into downtown possibilities. That meeting has been scheduled for February 19th.

A request for annexation has been received from Matt and Christine Davis for a property at 16695 Adams Road (Church Street – next to the Phillis Wheatley Middle School). Mr. and Mrs. Davis have been advised of their responsibilities and that an annexation date has not yet been selected.

Per Section 26 of the Town Charter, the Commissioners are required to designate a certified public accountant or firm to audit the Town accounts each year at their February meeting. Town Manager Walls recommends the appointment of Lank, Johnson & Tull, as they have always been very responsive to the Town's needs. Commissioner Jefferson made a motion to designate the firm of Lank, Johnson & Tull as Bridgeville's certified public accounting firm. Commissioner Greason seconded the motion. Motion carried.

The deadline date to file as a candidate for the March 2009 municipal election was Friday, February 6th. Commission seats were available in districts 4 and 5. Mr. Michael Collison, 406 South Cannon Street, filed for district 4 and Mr. William Jefferson, 204 South Main Street, filed for re-election in district 5. There were no other filings; therefore, an election will not need to be held. Town Manager Walls advised she looks forward to working with these Commissioners.

Town Manager Walls announced that, following the March 9th Commission meeting, a reception honoring President Conaway will be held here at the Town office to say "thank you" for eight years of dedicated service as a Commissioner of Bridgeville.

X. OLD BUSINESS

A. Election Board Appointments

President Conaway advised Town Manager Walls has recommended two residents for appointment to the Bridgeville Election Board. This will bring the Board to six, an even number, which can be difficult in the case of a tie; however, Town Manager Walls is concerned about sickness among members of the Board, thus her request for two additional members. The recommendations are Mrs. Anne Hallman and Ms. Kelly Davis, residents of the Town of Bridgeville. Commissioner Correll made a motion to appoint Mrs. Hallman and Ms. Davis to the Town Election Board. Commissioner Skala seconded the motion. Motion carried.

B. Public Hearing and Second Reading of Ordinance A09-1, Amending Chapter 128 Fees, to Correct an Inconsistency as it Relates to Water and Sewer Charges

President Conaway opened the Public Hearing at 7:56 P.M. Town Manager Walls advised there was an in-house error failing to increase the water and sewer rates for all categories of users. There are no changes to the rates; the Town is simply making the Code Book agree with the current rates. President Conaway asked for comments from the Commission and from the audience concerning this Ordinance. There being no response, the Public Hearing was closed at 7:57 P.M. Commissioner Correll made a motion to adopt Ordinance A09-1 for a second and final reading. Commissioner Jefferson seconded the motion. Motion carried.

XI. NEW BUSINESS

A. Introduction and First Reading of Ordinance A09-2, An Ordinance to Create a New Chapter of the Town of Bridgeville Code Relating to Alarms

President Conaway advised the Town has had a number of false alarms and property owners have failed to make repairs to their alarm systems. They have even told the Police Department not to respond to the alarms; however, the police cannot risk the possibility of being sued if an alarm is not false. This Ordinance is patterned after one in use by the Town of Georgetown. Businesses/homeowners are entitled to three false alarms within a calendar year. 4th -6th false alarms would incur a \$150 fine. 7+ false alarms would incur a \$250 fine. The Town is paying at least that amount of money to provide police and vehicles for each incident. Commissioner Skala asked how many of the 15 alarms on this month's report are false alarms. Chief Parsons responded that 13 of the alarms would incur a fine under this new Ordinance and they are all from the same business. Commissioner Greason made a motion to introduce Ordinance A09-2 for a first reading. Commissioner Jefferson seconded the motion. Motion carried.

**B. Introduction and First Reading of Ordinance A09-3, A Historic Ordinance
Amending the Bridgeville Land Use and Development Code by Providing
Regulations for the Overlay Zone Known as “Historic District”**

President Conaway reported that four years ago the Bridgeville Historical Society approached the Commission to develop a Historic Ordinance that would enable the Town to control the Historic District, which was created by policy and later by Ordinance, so that structures within that area would be under closer scrutiny than structures in other parts of the Town. Historical Society President Mr. Howard Hardesty and President Conaway worked together on the details of the Ordinance, which was then sent to the Town Solicitor for his review. It has finally returned in the form of a Historic Ordinance for the Town of Bridgeville. It is not as intrusive as some of the Historic District Ordinances in other Towns. The public hearing on the Ordinance will take place at the March meeting. There are building permit requirements and public hearings involved. Paint color is not included in this Ordinance. The Planning and Zoning Commission, which currently has two members who are also a part of the Historical Society, would hold hearings on proposed changes to houses within the Historic District. The Board of Adjustment could also be involved if there were a variance request. Demolition might not be easy under this Ordinance. This would add a measure of protection for historic structures; it is inclusive, but not too intrusive. Commissioner Jefferson made a motion to introduce Ordinance A09-3 for a first reading. Commissioner Skala seconded the motion. Motion carried. The votes are recorded as follows:

President Conaway	Yes
Commissioner Correll	Yes
Commissioner Greason	No
Commissioner Jefferson	Yes
Commissioner Skala	Yes

Commissioner Greason reported when the Commission first considered the proposed Comprehensive Plan several years ago, he asked to have included in the plan that the Historical Society would take a consulting role concerning historic homes. At that time the Commission touched on, but backed away from passing Ordinances that would impose restrictions upon the residents in the Historic District. That district does include our downtown area, which is currently considering economic development. His experience from other Towns has been that an Ordinance such as this one is very restrictive and has prohibited people who do not have a large wallet from investing in historic properties. Commissioner Greason lives in the Historic District and when considering restoration, researched the state guidelines and found historic restoration to be cost prohibitive. We have a bad economy right now which makes it difficult to draw more people into Town anyway. President Conaway commented adopting an Ordinance would be right in line with the Comprehensive Plan Originally there was to be a second Historical Commission Board created, which was later thought to be too much bureaucracy and dropped. President Conaway advised in some Towns, even adding a shed to a historic property is difficult. He feels this Ordinance avoids those hindrances. Commissioner Greason still feels the Ordinance is too restrictive; he believes there should be a consulting role included instead of

attaching rules to the restoration process. President Conaway advised this Ordinance will protect the historic structures in our community, which is what the Commission set out to do.

XII. ADJOURNMENT FOR REGULAR BUSINESS

President Conaway recommended adjourning the Commission meeting for general business and reconvening for the Public Hearings on five Planning and Zoning requests. Commissioner Skala made a motion to adjourn the general business meeting. Commissioner Correll seconded the motion. Motion carried. The Commission meeting for general business was adjourned at 8:13 P.M.

XIII. RECONVENING OF THE COMMISSIONERS OF BRIDGEVILLE TO CONSIDER PLANNING AND ZONING REQUESTS

President Conaway called the meeting back to order at 8:14 P.M. for the purpose of Public Hearings dealing with a number of Planning and Zoning requests.

XIV. Public Hearing regarding Planning and Zoning Commission Recommendation: First State Signs

President Conaway advised, by law, the Planning and Zoning Commission meets to consider requests and then responds to the Commissioners of Bridgeville with a recommendation. They are not to be intimidated; therefore the Commissioners of Bridgeville do not attend the Planning and Zoning Commission meetings to avoid any possible influence. Commissioner Skala was in attendance at the Planning and Zoning Commission Hearing on January 22nd, but did not participate. If she had, it would be necessary to recuse herself for these hearings. President Conaway recommended she not attend the meetings in the future.

President Conaway opened the Public Hearing at 8:16 P.M. Mr. Dale McCalister came to represent First State Signs with two Billboard requests for Jimmy's Grille and its owner, Mr. John Snow. Mr. McCalister advised two billboard installation requests were taken before the Planning & Zoning Commission. The first is on the Route 13 side of the Jimmy's Grille property and the second is on the Route 404 side of the property. The proposed location for the Route 404 side was inside the stockade fence as you enter the Jimmy's Grille parking lot. The Planning & Zoning Commission recommended placing the billboard further north, closer to the Banquet Center. Mr. McCalister advised Mr. John Snow was at that meeting and agreed that if the Planning and Zoning Commission wanted that change of location, they would comply. It is a 12' x 24' billboard and is smaller than the one proposed for Route 13, (12' x 48') because of the speed and size of the road. It is similar to other billboards already located on Route 13. Both are of unipole structure, not a telegraph pole. Commissioner Skala advised the Planning & Zoning Commission had requested the Route 404 billboard be moved because of it being a distraction as cars come around the curve into Town. Mr. McCalister advised there is a 25' setback so that there is no obstruction to a driver's view. It is less obtrusive than a telephone pole. Commissioner Correll is concerned that the location recommended by the Planning and Zoning

Commissioners of Bridgeville Minutes

February 9, 2009

Page 12

Commission blocks the Banquet Center. Commissioner Skala added that it is further along Main Street closer to Town; it is her desire to keep billboards as far away from Old Bridgeville as possible; therefore she prefers the original location for this billboard. President Conaway advised the entire area is zoned commercial. He also questioned Code Enforcement Butler's recommendation. Mr. Butler advised his personal preference would have been the original location. He does not feel it would be a prohibitive distraction, but he is not a voting member of the Planning & Zoning Commission. President Conaway asked for any public comment in favor of or in opposition to this application. Mr. Russ Beard of 25 Amanda's Teal Drive, advised he is used to seeing billboard signs placed lower to the ground (i.e. Columbia, Maryland and other Towns). He advised he spoke with someone from the new Cracker Barrel Restaurant on Kent Island and found that they are very restrictive on high elevation signs. Commissioner Skala clarified that these billboards are not advertising for the restaurant, they are off-site advertising. By law, it can't be advertising for the restaurant at that location. Another type of signage is permitted to identify a restaurant or business location. It was determined the sign could start at 12' off the ground and could be no higher than 25'. The square footage of the larger sign on Route 13 is 576 square feet; the smaller sign on Route 404 is 288 square feet. The county height limit is 25' high and Mr. McCalister is used to working with that height. Commissioner Greason asked Mr. John Snow his location preference. He admitted he would prefer for the Route 404 sign to be placed at the originally chosen location; he does not feel it is a traffic safety issue. Commissioner Correll prefers that it not be in front of the Banquet Center. It was clarified that the sign would be lighted and therefore would add extra lighting to the parking lot, if it were placed in the original position. It is not a problem for neighbors because Mr. Snow owns the land surrounding the signs. There being no further comments or questions, President Conaway closed the Public Hearing at 8:27 P.M.

As the Commission moved closer to a decision, President Conaway gave a synopsis of the state law. The Planning and Zoning Commission can make recommendations to the Commission. They cannot change a Town Ordinance and the Town would be sued if they did. They convene a Public Hearing and prepare a recommendation to the Commission, which has already taken place. The Planning and Zoning Commission recommended the application be approved, with the moving of one billboard to another location. The Commissioners of Bridgeville then convene a Public Hearing, giving opportunity for the public to respond to the application. This Commission can approve this recommendation as it stands (with the Route 404 billboard changed to a second location close to the Banquet Center.) The Commission can also approve the request with an amendment that the original location for the Route 404 billboard be the approved site. It will take three votes for a motion to pass. It is necessary for each member of the Commission to state their reasons for their approval or denial. The Commissioners can adopt as is, adopt with an amendment, deny or defer. These billboards follow our Ordinance, so to deny could bring a lawsuit for denying what an existing Ordinance allows. Commissioner Greason made a motion to approve the request as originally submitted. Commissioner Jefferson seconded the motion, agreeing that the Commission approve the request as originally submitted. President Conaway advised each member of the Commission must include a reason for their vote. If not, a future lawsuit would be lost simply because the reasons for voting are not included.

- Commissioner Jefferson voted yes because the request meets all Ordinances and the original location keeps the billboard away from the historic area.
- Commissioner Skala suggested it is time for the Commission to look at their signage Ordinance more carefully as growth comes to Bridgeville. In light of the fact that she attended the Planning & Zoning Commission meeting, she abstained.
- Commissioner Greason voted yes, based on the recommendation of the Code Enforcement Constable and at the request of the business owner.
- Commissioner Correll voted yes and added that the Route 404 sign shouldn't be placed in front of the Banquet Center to ruin the attractiveness of the building.
- President Conaway voted yes, based on the record, based on the locations as presented and based on the Ordinance as written.

President Conaway advised the motion carried.

XV. Public Hearing regarding Planning and Zoning Commission Recommendation: Phillips Signs

President Conaway opened the Public Hearing at 8:32 P.M. Phillips Signs presented three billboard requests for Heritage Rocks Properties, Two, LLC. President Conaway advised these billboards have already been constructed on the property of Heritage Rocks Properties, Two LLC. The Planning and Zoning Commission approved the billboard requests with a vote of 6 to 1. President of Phillips Signs Mr. Ben Phillips was in attendance on behalf of the applicant and requested that the Commission approve a variance on the three billboards. Developer Mr. Nick Rocks of Heritage Rocks Properties Two, LLC, petitioned the Commission by letter in July, 2007 concerning construction of the three billboards which are brought before the Commission tonight. At that time Town Manager Walls, on behalf of the Commission, advised Mr. Rocks the Town did not object to Heritage Shores building three billboards on their commercial property, with the understanding that they would proceed at their own risk. The letter also advised the Town did not object to the Department of Transportation issuing permits for these billboards. Mr. Phillips reported he was under the impression the letter of no objection was sufficient to build the signs. They are now backing up to fulfill all necessary requirements of the Town concerning the billboards. The billboards are 12' x 48', salt-treated poles with plywood bases and will be lighted. Mr. Phillips reported the three signs follow Town code by being 25' from the ground and are off-premise signs. The billboards are not metal-based in the event they need to be moved when future usage of the commercial land is determined. Code Enforcement Constable Butler advised the relocated Jimmy's Grille billboard is still 590' from the nearest Heritage Rocks billboard, which is within code. (State and county code require 300' between billboards.) Mr. Nick Rocks advised some of the advertising space will be used for residential Heritage Shores, which would be considered off-site or off-premise advertising. President Conaway asked for comments from anyone in favor of or in opposition to the application. Hearing none, he closed the Public Hearing at 8:42 P.M. President Conaway asked for questions from the Commission. Hearing none, he asked for a motion. Commissioner

Jefferson made a motion to approve the three billboards for Heritage Rocks Properties Two, LLC. Commissioner Greason seconded the motion.

- Commissioner Jefferson voted yes, based on the record. The request meets the codes and Ordinances.
- Commissioner Skala voted yes because they are in the midst of a commercial area.
- Commissioner Greason voted yes, based on the record.
- Commissioner Correll voted yes, based on the record.
- President Conaway voted yes, based on the record and presentation.

President Conaway advised the motion carried.

XVI. Public Hearing regarding Planning and Zoning Commission Recommendation: Heritage Commercial Center Phase I, Section 1 – Final Development Plan

Public Hearing regarding Planning and Zoning Commission Recommendation: Subdivision of Lot 3

Public Hearing regarding Planning and Zoning Commission Recommendation: Walgreens Drug Store – Final Development Plan

President Conaway advised these three requests can be placed under consideration together. The Public Hearing was opened at 8:45 P.M. President Conaway advised the Commission would first entertain a request by Heritage Rocks Properties Two, LLC for site plan approval of Phase I, Section 1 for Heritage Commercial Center. Mr. Robert Rauch, the engineer for the commercial development, advised they have already received sketch plan approval for the entire Phase I development. Section 1 begins the entire project with site development work for a Walgreens Drug Store. This will bring utilities to the site, provide for interior roads to be built and make modifications to the interchange to accommodate the new entrances. In addition to the recommendation from the Planning Commission, they have also received permits from the Department of Transportation; approval from the Soil Conservation District and the Department of Drinking Water; final comments from the Fire Marshall; and review comments from the Town engineer, Davis, Bowen & Friedel, Inc. Mr. Rauch advised the site plan confirms the work that will be done in the first phase of construction, including erosion control, stormwater management, paved road accesses on Route 404, on the west service road and a third on business 404. This is the first step in the development of the Walgreens Drug store. Procedurally, this site plan must be approved first. Next is the subdivision of Lot 3, which creates parcel 3A, the site for the drug store. The final request is the site plan for the Walgreens store itself. It is essentially the same store that has been constructed in Seaford. Walgreens has very rigid standards and is very concerned about name and site recognition. President Conaway asked if there were any questions from the Commission. President Conaway asked for comments from anyone in favor of or in opposition to the application. Mr. Russ Beard of 25 Amanda's Teal Drive asked if the service road will be extended to allow residents of Heritage Shores direct access to Walgreens. Mr. Rauch advised the master plan includes that access; however, they are

moving in controlled pieces and are currently working with site planners to create a third access directly to the service road. DelDOT would not allow the development to place a road by the pump station as originally intended. DelDOT already has curbs in place for a road; however, the developer is going to propose moving that road slightly to better match the development's master plan. The road would tie in to Heritage Circle. That particular area is Phase 3 and will be residential. Mr. Rauch reported it is all in the planning stages at the moment. There is a great desire to have a distinct sense of entrance to Heritage Shores in that area. President Conaway asked when the proposed road will be built. Mr. Rauch advised it would not be built in conjunction with the construction of Walgreens; it will be built as the community grows and as the economy strengthens. There are extensive utilities associated with building that road. It is not a small matter to bring that road through to the Walgreens right now. President Conaway proposed restricting the issuance of building permits in Phase 3 based on the completion of that roadway. Mr. Rauch answered that would be a very difficult thing for the developer to deal with due to the present economy; they will have to be responsive to markets as to when they begin Phase 3. Currently they are in the rough planning stages. Mr. Rauch advised the establishment of the Walgreens store is not a specific condition of the Heritage Shores development. The road is not a part of the current application, but it will be built; there is a curb cut-off already in place to accommodate the road. President Conaway reported as things stand now, Heritage Shores residents will have to travel three miles to reach the Walgreens. Mr. Rauch advised DelDOT flatout refused the developer's original road request because it was too close to another turning; DelDOT wants it more centrally located. The location wasn't negotiable, as far as DelDOT was concerned. The timetable is based on the economy. Ms. Harper of Brookfield Homes commented it is very important to them, as the builder, to have that particular road built; it is a huge asset to the marketing of their homes; however, it is too big of a step to take right now without some of Phase 3 homes built and without more than a Walgreens for the road to be connected to. Brookfield and the developer would build this road together; they have a mutual interest in the roads. The timetable for building the road is more connected to the pace of houses being sold than to the commercial development. Commissioner Greason questioned whether there is a firm agreement in place with Walgreens. Mr. Rocks advised Walgreens is cutting half of their proposed new stores, but not Bridgeville; the developer has a contract with Walgreens; however, the timetable for the project must be followed precisely. Mr. Rauch advised they have a pre-construction meeting with DelDOT on February 19th and they must finish the interchange improvements by April 15th. Mr. Rocks advised they are getting interest from other retailers because they have secured Walgreens. Mr. Rauch commented it is good news that retailers are starting to show interest; they weren't even talking up until now and that shows promise. President Conaway asked if there were any other comments from the public or the Commission. Commissioner Greason made a motion to close the Public Hearing. Commissioner Correll seconded the motion. Motion carried. The Public Hearing was closed at 9:07 P.M. The Commission will consider all three applications as one. Commissioner Greason made a motion to approve all three of the following applications:

1. Preliminary and Final Development Plans – Heritage Commercial Center Phase I, Section 1
2. Subdivision of Lot 3
3. Preliminary and Final Development Plans – Walgreens Drug Store

Commissioners of Bridgeville Minutes

February 9, 2009

Page 16

Commissioner Correll seconded the motion.

- Commissioner Jefferson voted "yes" because the requests meet all Town Ordinances and Codes.
- Commissioner Skala voted "yes" because everything meets Town Codes.
- Commissioner Greason voted "yes" because this is what the Commissioners have been planning for all these years.
- Commissioner Correll voted "yes" because this has been part of the plan and intentions
- President Conaway abstained due to the fact that he does not vote on any applications involving Heritage Shores.

President Conaway advised the motion carried.

Mr. Rauch asked to say a few words. On behalf of Mr. Rocks and himself, he thanked President Conaway for his vision for controlled, managed growth for Bridgeville. The appreciation comes from their business families, as well as their personal families, as they have found business friends in Bridgeville and personal friends.

XVII. ADJOURNMENT

Commissioner Correll made a motion to adjourn the meeting. Commissioner Jefferson seconded the motion. Motion carried. The meeting was adjourned at 9:10 P.M.

Respectfully submitted,

Patricia M. Correll
Patricia M. Correll, Commission Secretary

Peggy A. Smith
Peggy A. Smith, Transcriptionist