

MINUTES

COMMISSIONERS OF BRIDGEVILLE OCTOBER 3, 2005 - 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, Margaret Sipple, William Jefferson, Earl Greason and Town Manager Bonnie Walls. The meeting started with the flag salute and Lord's Prayer.

II. QUORUM PRESENT

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

III. APPROVAL OF MINUTES

Minutes of the regular board meeting held on September 12, 2005, were presented for approval. President Conaway advised a correction to the minutes as follows: Page 7, final paragraph should be amended to read, "President Conaway advised these costs will be billed to the Heritage Shores Special Tax District." The minutes as originally written stated that the costs would be billed to the Heritage Shores developer. Commissioner Correll made a motion to approve the minutes with the correction. Commissioner Sipple seconded the motion. Motion carried.

IV. CORRESPONDENCE

Town Manager Walls reported receiving the September Department of Natural Resources and Environmental Control newsletter.

Town Manager Walls advised that Shore Cut Lawn Services is currently doing contractual work at Heritage Shores. The builders are informing the Town of local and nearby businesses that are employed at the new development. Brookfield Homes also gave the Commissioners a sample post card sent to their constituency regarding the upcoming Apple Scrapple Festival.

A thank you card was received from the family of former Mayor of Lewes, George Smith. The Town sent flowers to the funeral.

Town Manager Walls advised an invitation was received from Woodbridge School District to attend the Construction Commencement Ceremony on October 3rd at 4:00 P.M. The district is beginning site and construction work at their farm property. Available Commissioners attended with Town Manager Walls.

A letter was received from the Bridgeville Public Library stating that on September 21, 2005, the Board members of the Bridgeville Public Library, Inc. agreed to work with the Town of Bridgeville on the construction of a new library. President Conaway reported further on the meeting, advising that he and Town Manager Walls met with the Library Board of Trustees and the State Librarian. The Library Board voted to proceed with plans and enter the State funding cycle. Engineers Davis, Bowen, & Friedel attended the meeting and will supply cost estimates. Library construction costs have increased substantially and currently are approximately \$300.00 per square foot. The Library Fund will receive \$700,000.00 from the sale of Heritage Shores bonds and approximately \$200,000.00 from Heritage Shores settlements. Land has also been donated by Allen & Rocks, Inc., developer of Heritage Shores, for the Library site. The engineers must prepare a letter for the Library Board to submit to the State for the project to be considered for this year's funding cycle. If that is not possible, it will need to wait until the next funding year for inclusion. Initially, the Bridgeville Library indicated they were not ready to move ahead with the project, but now that the Library Board has expressed interest in proceeding, a special appeal must be made to Secretary of State Harriett Smith Windsor to amend her budget submission to include a Bridgeville Library grant. The Library Board was very pleased with the Town Commissioners and their efforts to move forward with the Library project. The proposed Library will be 10,000 sq. ft. and will be designed with a removal wall for future additions.

Town Manager Walls advised a letter was received from the Woodbridge High School Athletic Director thanking the Commissioners for their support of the fall sports schedule poster.

V. APPROVAL OF FINANCIAL REPORTS AND BILLS PAYABLE

Finance Director Jesse Savage reviewed the monthly Balance Sheet with the Commissioners. The new Library will be receiving \$8,800.00 from the issuance of September building permits and the EMS Fund will receive \$31,431.00.

The Water Department escrow account has increased. Monies have been set aside to upgrade the meters at Heritage Shores; they will be converted to radio-controlled meters rather than hand-held meters. The builders are paying for this upgrade.

There is a Discover Bank CD of \$300,000.00 which is coming due in November and another deposit has been made into the Money Market savings account. Cash on hand totals \$647,000.00 in round figures. We received a \$25,000.00 check today from Sussex County for a Police equipment grant.

Regarding Accounts Payable, the total for bills received so far this month is low because this meeting is taking place earlier in the month than usual. We are in very good financial condition. Commissioner Correll made a motion to pay the bills as stated. Commissioner Sipple seconded the motion. Motion carried.

VI. DEPARTMENT HEAD REPORTS

Superintendent Mowbray's Wastewater Treatment Plant report did not contain acknowledgement of another month without an NPDES violation due to the fact that notification has not yet been received.

VII. CITIZEN'S PRIVILEGE

There were no requests or concerns from citizens of Bridgeville.

VIII. TOWN MANAGER'S REPORT

Town Manager Walls commented she had the privilege of participating in the Muscular Dystrophy Lock-up fundraiser on September 14th. Mr. Bob Rauch, engineer for the Heritage Shores development, joined her in raising \$4,250.00. President Conaway participated as well and raised \$4,700.00. County-wide the event raised over \$60,000.00. The money goes for research, wheelchairs, clinic visits and summer camp for the families served by the Association in our local area.

Town Manager Walls met with the Town Solicitors Dennis Schrader and Robert Robinson. This is to become a monthly occurrence to expedite issues that remain unfinished.

Town Manager Walls met with Mr. Brian Hall of the Forestry Program regarding the planting of 15 to 20 trees in Bridgeville through a \$1,500.00 grant. Tree planting will be completed on Walnut Street and if additional trees are available, they will be planted on Church Street.

The Community-wide Yard Sale held on Saturday, September 17th, was a success. A number of residents participated.

Clean up Day, held on Saturday, September 24th, was also a success. M-T Trash collected and delivered to Delaware Solid Waste Authority 32.76 tons of household related items. Last year's figure was 29.62 tons. Our thanks go to Senator Adams and Representative Ewing for providing needed credits at the landfill. We also appreciate the staff of M-T Trash, Street Superintendent Passwaters, Water Superintendent Jones and Wastewater Superintendent Mowbray for their hard work and efforts.

Town Manager Walls attended a Children's Sanctuary Park meeting on Monday, September 26th. Officers were elected - President Jim Mitchell, Vice President Billy Jefferson, and Secretary/Treasurer Bonnie Walls. The Kiwanis Club volunteered to provide the labor necessary to make repairs at the Park. New mulch will be placed in the spring. There will be a clean up day scheduled for Saturday, October 15, and the Boy Scouts will continue with a monthly clean up.

Town Manager Walls requested permission to apply through the Delaware League of Local Governments for planning money from the 2004 Homeland Security Grant Program to implement an Emergency Operations Plan. A sub-grant has been prepared, with Mr. Jim Weldon, Homeland Security Consultant, offering assistance as to what dollar amount to request in the sub-grant. The Government Administrative representatives, Mayor Speed from Dover and Mayor Mooney from Clayton, will determine and approve requests to be submitted to DEMA. If successful, we would incur expenses, submit a copy of paid invoices and be reimbursed within thirty days. Commissioner Jefferson made a motion to submit a sub-grant for a Homeland Security Grant to develop an Emergency Operation Plan. Commissioner Greason seconded the motion. Motion carried.

President Conaway commented there is already an Emergency Plan in place through the Fire Company and Police Department. In the case of Hurricane Katrina, their first responders were overwhelmed. An emergency operation plan would allow us to prepare for emergency situations such as wind, rain and flooding. Additionally, should there be a hurricane off our coast; we must be prepared for the beach evacuees traveling through our Town. Our Town Plan must be in place before we can receive Homeland Security monies that are earmarked for emergencies.

IX. OLD BUSINESS

A. Ordinance A05-6: To Amend Chapter 96, Building Construction, by Adopting The International Building Code

President Conaway advised the County does our building inspections for us and has used the Southern Standard Code. In January of 2005, the County adopted the International Building Code and our lawyers have advised that we should do the same. Commissioner Jefferson made a motion to introduce Ordinance A05-6. Commissioner Correll seconded the motion. Motion carried. The first reading of the Ordinance was accomplished; the second reading and Public Hearing regarding this Ordinance will take place at the November 7th monthly Commission meeting.

B. Ordinance A05-8: Conditional Use, Rafail Properties, LLC

In April 2005, the Commission considered a Conditional Use request to build storage units on Market Street. The Commissioners approved the request with conditions placed on the usage. This Ordinance legally changes the zoning on the property to meet this conditional use. Nine conditions were imposed on the usage which were adopted at the hearing by unanimous vote. Commissioner Jefferson made a motion to adopt Ordinance A05-8. Commissioner Sipple seconded the motion. Motion carried.

C. Woodbridge School District

A letter was received from the Woodbridge School District concerning paving they are planning to do around their athletic fields and a stormwater pond which would be constructed at the location. Town Manager Walls will respond to the school district informing them that a pond will not be allowed at that location; it would be a safety hazard and out of character for that neighborhood. The Town will continue to develop the wastewater management program for that entire area and will plan for an eventual paved parking lot. If and when the school district chooses to pave that area, they will need to connect to the Town's underground stormwater system and be responsible to pay their share based on the area that will be treated. The \$25,000.00 the school has available for their proposed stormwater pond may be sufficient to pay for their portion of usage.

X. NEW BUSINESS

A. Dangerous Building Inspection Committee Requests

Town Manager Walls advised several properties will be turned over to the Dangerous Building Inspection Committee. They include 23A Gum Street; 25 Gum Street; 25A Gum Street; 27 Gum Street; and 24 Church Street. For the committee to consider a building, it must first receive letters from at least two residents asking for a committee investigation. These letters are being submitted to the committee through Commissioner Jefferson tonight. The committee has 30 days to respond with a report. (Note: The building at 107 First Street was listed on the Agenda for inspection by the Dangerous Building Inspection Committee; however, after further investigation it was determined that the building should be removed from consideration at this time.)

B. Board of Adjustment Legislation

President Conaway reported on a letter received from Solicitor Schrader concerning the Delaware League of Local Governments' interest in Board of Adjustment Legislation. The Board of Adjustments meets to consider requests for exceptions to zoning ordinances. Decisions are sent to Superior Court for appeal; currently the court can remand, reverse or affirm wholly or partly. This legislation asks for the opportunity to remand the case back to

the Board of Adjustments for further proceedings. Additionally, the Town would be able to address minor zoning violations directly by having a designated Town official grant variances administratively. Currently this is not possible. The legislation must be passed by the Legislature, signed by the Governor and then the Town would pass an Ordinance concerning its rules for variance requests. Passage of this legislation is in the distant future. The Commissioners directed Town Manager Walls to advise Mr. Schrader of the Commissioners' support of this legislation.

C. Agreement between Delmar Homes and Department of Natural Resources and Environmental Control involving Annexing into the Town of Bridgeville.

Delmar Homes is the owner of the banquet facilities adjacent to Jimmy's Grille. They had applied to the State of Delaware to obtain a holding tank permit. Preliminary discussions between the owners of Delmar Homes and the Town stated that water and sewer are available from the Town if the property is annexed. Presently the Department of Natural Resources and Environmental Control is making an agreement with Delmar Homes that requires Delmar Homes to request annexation into Town. Delmar Homes has now come to the Town asking that we become a party to this agreement. President Conaway rewrote aspects of the agreement to accommodate the Town's best interests and these were written into the agreement as follows: Delmar Homes has agreed to request annexation for all four land parcels (Sussex County Tax Map # 131-15-5, 6, 7, and 9), including the restaurant, parking lot, 2 homes and banquet facilities; Delmar must pay all appropriate fees to the Town; Delmar may use the temporary holding tank for 12 months before hooking into Town facilities, not 24 as originally written; Delmar must sign a development agreement with the Town prior to the annexation vote. This final addition to the agreement replicates the agreement made with the Heritage Shores developer. This potential annexation will be treated in exactly the same manner. Delmar Homes has until October 30th to ask for annexation. All we are granting to Delmar Homes is approval to request annexation. President Conaway was adamant that all costs should be paid by Delmar Homes and not by the residents of Bridgeville. The final annexation decision will be made by Town residents, not by the Commissioners. Commissioner Jefferson made a motion to approve the agreement between Delmar Homes, the Department of Natural Resources and Environmental Control, and the Town of Bridgeville. Commissioner Correll seconded the motion. Motion carried.

D. First Reading of the Land Use Code

This Ordinance is an update to the 1960's Zoning Code. Highlights of the new code are listed below.

1. Includes a New Zoning Map
2. Incorporates explicit and up-to-date definitions.
3. Limits unrelated persons in a single household to 4.
4. Creates subdivision regulations.

5. Creates a Planning and Zoning Commission to make recommendations to the Town Commission.
6. Expands the Board of Adjustments to 5 members.
7. Details administrative procedures for Development Plan Review.
8. Includes all current Town Ordinances.
9. Includes a section on Sensitive Areas.
10. Adds a section on wetlands, including Best Management Practices.
11. Includes a comprehensive section on Signs.
12. Includes a section on Recreation, Open Space, Screening, and Shade.
13. Creates a section on Violations and Penalties.
14. Defines Kennels.

This Ordinance being introduced tonight includes drastic changes in the zoning map. Currently we have "spot zoning," with many C-1 commercial pockets throughout our residential district. These commercial enterprises will continue; however, the zoning will be returned to residential and businesses will be labeled "prior existing use," giving them permission to exist in a residential zoning area. These businesses may sell their property to be used for the same or similar purpose; however, they may not sell the property to be used for a different commercial purpose. At that point the property would return to residential zoning status. The zoning should never have been changed as it has been. Corrected maps will be given to all Commissioners before the next meeting. Zoning is a Town function, not a County function. Commissioner Sipple made a motion to introduce the Land Use and Development Code as an Amendment to Chapter 234 of our existing zoning ordinance. Commissioner Correll seconded the motion. Motion carried. The second reading and Public Hearing regarding this Ordinance will take place at the November 7th monthly Commission meeting.

E. Walnut and Laws Street Intersection

This has become a dangerous intersection with accidents taking place. On the corner diagonally across from the post office, a van consistently parks close enough to the intersection to inhibit visibility for those cars crossing the intersection. It was suggested that Chief Parsons look into the matter and make a recommendation to Town Manager Walls.

F. State-Maintained Curbs

State-maintained curbs on Main and Market Streets are crumbling. This was observed when Kiwanis Club members painted Town curbs as a community service. Commissioner Jefferson recommended sending a thank you letter to the Kiwanis Club. Town Manager Walls assured the Commissioners that would be done.

XI. ADJOURNMENT

Commissioner Correll made a motion to adjourn the meeting. Commissioner Sipple seconded the motion. Meeting was adjourned at 8:21 P.M.

Respectfully submitted by:

Margaret W. Sipple
Margaret W. Sipple, Commission Secretary

Peggy Smith
Peggy Smith, Transcriptionist