

MINUTES

COMMISSIONERS OF BRIDGEVILLE DECEMBER 11, 2006 – 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, Earl Greason, William Jefferson and Town Manager Bonnie Walls. The meeting began with the flag salute and Lord's Prayer.

II. BRIDGEVILLE PUBLIC LIBRARY DONATION

Each year the Town of Bridgeville awards a \$1,000 grant to the Bridgeville Public Library for its general operations. Library Trustee Mr. Matthew Davis accepted the donation on behalf of the library. The Town has \$700,000 set aside for a new library building. There is an additional \$24,000 in settlement and interest monies also earmarked for a new library. President Conaway requested an update on the library's pursuit of matching funds to underwrite the project. The trustees have missed the current state funding cycle and are delayed in applying for grant monies. Mr. Davis advised construction costs are rising all the time. The project cost is over 3 million dollars for a 10,000 square foot building. Over and above building a new facility, there are on-going maintenance and operational costs to consider. The trustees don't want to move ahead until they know they can finish the project. Starting with a smaller building is one option; finding a residence or commercial building that would fit their needs is another option. President Conaway urged the trustees to move forward because monies are available. The Sussex County Library System does help fund local libraries in the county and the Commission will continue to bank monies for a new library. The trustees will need to raise approximately 1.5 million dollars of a 3 million dollar project. Land has been donated for the building by Heritage Shores developer, Allen & Rocks, Inc.

III. QUORUM

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

IV. APPROVAL OF MINUTES

Minutes of the regular monthly Commission meeting held on November 20, 2006 were presented for approval. Commissioner Sipple made a motion to approve the minutes as presented. Commissioner Correll seconded the motion. Motion carried.

**V. SUSSEX COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
PUBLIC HEARING**

The scheduled Public Hearing concerning the Community Development Block Grant Program was opened at 7:08 P.M. Mr. Brad Whaley was present to represent the CDBG and advised the hearing was advertised in the local newspaper. The purpose of this public hearing is for citizens of Bridgeville to have an opportunity to participate in the development of a Community Development Block Grant application, which will be submitted to the Delaware State Housing Authority. The Sussex County program receives monies from the DSHA to fund housing rehabilitations and infra-structure projects throughout the county. Over the past 13 years, Bridgeville has received over \$860,000 in funding. In the current fiscal year, the Town received \$97,500, \$10,000 of which has been used for 1 demolition project and \$87,500 of which has gone to housing rehabs. Approximately \$51,000 of the money has not yet been allocated to projects. Mr. Whaley's purpose in coming and holding the public hearing was to approach the community itself and find out what type of projects they would like to pursue and then a grant application is prepared and submitted. The CDBG administers each project, seeing it through to completion. In order to qualify for housing rehabilitation, the household income level must be at 80% or less of the minimum income for Sussex County. The house must be owner-occupied, the house must be insured, the taxes must be current, and the homeowner must be willing to sign a lien on the property. The average allocation for a house is \$15,000-\$18,000. Roofs, siding and windows are common projects for the program. Mr. Whaley opened the floor for comments or questions. Information on the program was left with Town Manager Walls for the public. Projects are completed on a first come, first served basis. Bridgeville currently has approximately 13 properties on a waiting list for CDBG-funded projects. The current demolition project in Bridgeville is the Dredden property on First Street, damaged by fire. President Conaway commented the CDBG program helps people who are concerned about improving their properties. He added the program representatives have always been very cooperative with and available to the Town. President Conaway advised the Town would request CDBG grant funds to enable housing rehabs and demolition again this year, with the public's agreement. A resident asked about the homeowner's payback stipulation in the contract. Mr. Whaley advised a housing rehab. has a pro-rated, non-interest-bearing lien placed on the property. Each year the percentage the homeowner would have to repay the program if he/she sold the house is reduced. In the case of a demolition, a permanent lien is placed on the property. President Conaway asked for comments from the Commissioners, with there being no response. The Town could administrate this program itself, but it prefers to participate in the county program because the program is successful and the Town saves administration costs by participating. There being no further comments or questions, the Public Hearing was closed at 7:15 P.M. Commissioner Jefferson made a motion to adopt the Resolution to participate in the CDBG Program. Commissioner Correll seconded the motion. Motion carried. A second Resolution endorses the projects to be submitted to the Delaware State Housing Authority for funding from the U.S. Department of Housing and Urban Development, authorizing Sussex County Administrator David Baker to submit an application for CDBG funding for rehabilitation, infrastructure and demolition. Commissioner Jefferson made a motion to adopt this second Resolution. Commissioner Sipple seconded the motion. Motion carried.

VI. MR. RICK TULL – LANK, JOHNSON & TULL FY-2006 AUDIT REPORT

President Conaway introduced Mr. Rick Tull, principal of the accounting firm of Lank, Johnson & Tull, to present the annual audit report on the Town of Bridgeville. Mr. Tull identified his comments as an “unqualified opinion,” which is the highest opinion available. Exhibit A is the balance sheet, a snapshot in time of what the Town owns, owes and the net difference. As of June 30, 2006, the Town had net assets of \$3,886,111. The unrestricted balance, or liquid assets, was \$935,683. Exhibit B could be considered a Profit and Loss statement. The Town’s revenues exceeded expenses by over 1.5 million dollars. Looking at an analysis of the revenues for all the funds compared to the budget, the Town had a favorable variance of \$872,905. President Conaway asked Mr. Tull if he found any problems with the way the Town does business. Mr. Tull responded he didn’t have any major concerns. The only issue he is concerned about is segregation of duty in various areas, which the Town is addressing in an appropriate manner. The person who physically handles the assets should not be recording the transactions. Mr. Tull commented he would not hesitate to go to the bond market with this report.

VII. CORRESPONDENCE

Town Manager Walls advised receipt of a donation request from the local Cub Scout Pack for its activities. President Conaway advised these requests are considered during budget preparations in the spring.

A letter of thanks was received from Mary and Levi Willey who attended the Apple Scrapple Festival in October. Mrs. Willey and her husband received much-appreciated assistance after she fell and injured herself on the festival grounds. The Commissioners asked Police Chief Parsons to make an effort to find the gentleman with a John Deere truck who helped this couple following her injury. Mrs. Willey wanted the gentleman to know of their appreciation for his assistance and concern.

The Fall 2006 Delaware Rural Water Association newsletter is available for review.

Town Manager Walls acknowledged her appreciation to the Commissioners and Town employees for their thoughts and remembrances during her husband, Lee’s recent surgery.

VIII. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Finance Director Savage directed the Commissioners to the Balance sheet. As of November 30, 2006, the Town has over \$97,000 in its General Fund and over \$513,800 in its Money Market account. This leaves approximately \$611,000 available for remaining fiscal year purchases. Town Manager Walls and Finance Director Savage will be meeting with Department Heads this coming week to go over the budget and the items that have not yet been purchased for this budget year. A Budget Amendment will be forthcoming at the January Commission meeting. Mr. Savage requested the Commissioners approve a change in the Police Department’s

County Grant. Originally, \$30,000 was budgeted for this grant; however, it has been reduced to \$25,000. The Town intended to purchase live scanning equipment for the Police Department, but the state has informed the department that they will provide this equipment to all the municipalities in January or February. The Police Department is requesting approval to change the allocation of these county grant monies to the purchase of a new police cruiser and associated equipment. Director of Public Safety Chaffinch has checked the fleet and mileage and supports this change. Police Chief Parsons recommends selling a '95 police cruiser and replacing it with a new vehicle.

Finance Director Savage continued with his report, moving on to the Accounts Payable. The Wastewater Department total includes \$32,000 for the Department of Natural Resources and Environmental Control loan, approved last month. There have been vehicle repairs and the Street Department prepared the snowplow for winter weather. The Fidelity Engineering bill relates to a maintenance agreement for a generator. Most of the Davis, Bowen and Friedel bills are reimbursable. The Annexation Wastewater Facility Plan charge is reimbursable. Mr. Savage advised the Profit and Loss Report does not include November settlement transfer taxes of approximately \$49,000. When this money is received, the Town will be at its projected income total for that line item. Total income is at 65% for the year; however, the Town has only purchased 40% of budgeted expenses. President Conaway advised the Escrow accounts stand at \$540,000; the \$70,000 increase over last month is a result of moving impact fees into those line items. Commissioner Correll made a motion to pay the bills as presented. Commissioner Jefferson seconded the motion. Motion carried. Commissioner Jefferson made a motion to amend the fiscal year '07 budget to reflect a reduction in the County Police Department Grant from \$30,000 to \$25,000 and to use the money to purchase a new police cruiser. Commissioner Sipple seconded the motion. Motion carried.

IX. DEPARTMENT HEAD REPORTS

President Conaway advised the Wastewater Treatment Plant has a record 97 months with no violation of its NPDES permit. Additionally, there is a noticeable decrease in building permits issued; however, it has not reached a significant level. President Conaway expressed concern to Police Chief Parsons and Director of Public Safety Chaffinch that police fines are at an extremely low level. Revenues must remain at a level that justifies the budget.

X. CITIZEN'S PRIVILEGE

Mr. Charles Rosario of 65 Whistling Duck Drive inquired about the 3,000 feet of fencing erected at the rear boundary of Heritage Shores along Wilson Farm Road. Mr. Rosario is not in favor of the fencing; he believes the view is obstructed and it detracts from the enjoyment of the natural land areas. It also segregates Heritage Shores from the rest of the Town. The walking path goes along the outside of the fence and it doesn't send a good message to obstruct the view of the development along the path. Mr. Rosario understands that, although the fence does have gates along the way, those gates will eventually be locked. He understands there will also be another 3,000 feet of fence going further down Wilson Farm Road to the end of the development.

Town Hall staff was able to report a building permit was eventually applied for and granted for the fence. No one in attendance was aware of the reason for the fence, other than Mr. Conaway had heard that it was to keep out the view of the tracks and the train noise, although he didn't find the fence to be a realistic aid to noise reduction. President Conaway advised the Town will make sure the gates are never locked. The Volunteer Fire Company must have access to the development along Wilson Farm Road through the gates for hoses and small equipment. Mr. Rosario understands that Passwaters LLC chose to put the fence up for sale purposes. (This company is a combination of the two builders, Lennar Homes and Brookfield.) President Conaway suggested Town Manager Walls request clarification from the builders as to the purpose of the fence. He also stated he does not believe this is an issue the Town will pursue, other than for safety concerns.

Mr. Sam Magri of 414 Walnut Street questioned whether an agreement had been signed with Chesapeake Utilities. President Conaway advised the issue is on the agenda for this evening's meeting; however, he does not believe it will be approved yet. Mr. Magri also asked for an update on a roof replacement for Town Hall. President Conaway advised a contract has been awarded to the lowest bidder.

Mr. Larry Skala of 101? Whistling Duck Drive expressed concern that the walking path along Wilson Farm Road is not currently accessible to Heritage Shores residents unless one were to trespass on private property and go through one of the gates. President Conaway advised the walking/bicycling path is on Heritage Shores' property and it will be accessible to everyone once it is completed. Currently the path isn't complete. If the path isn't accessible after completion, the Town will become actively involved in a solution.

XI. TOWN MANAGER'S REPORT

Town Manager Walls expressed her appreciation to the Heritage Shores residents for their donations of canned goods for Christmas baskets to needy families. Canned goods are collected at the Caroling in the Park event and Town Employees and Commissioners add extra non-perishable items to prepare two or three baskets. This year, due to the generous donation from Heritage Shores residents, the Town should be able to deliver six or seven Christmas baskets.

Caroling in the Park was held on Friday, December 1st. Commissioner Jefferson reported there were approximately fifteen residents in attendance. There was a low turnout due to inclement weather. Those in attendance enjoyed the Christmas Carols, Santa and refreshments. Town Manager Walls expressed appreciation to Commissioner Jefferson for chairing the event.

The bond closing for the borrowing of \$750,000 was held on December 6th. The source of funds is a loan through DNREC. These monies will allow for necessary upgrades to the treatment plant, including the replacement of two Geo-Reactor Moving Bed Bi-Reactor Units. Upgrades will also include replacement of other equipment to allow the plant to consistently meet its BOD limit. The interest rate will be 3.672% (semi-annual payments for twenty years.)

XII. OLD BUSINESS

A. Chesapeake Utility Agreement

Town Manager Walls advised Town Solicitor Mr. Dennis Schrader is reviewing the agreement offered by Chesapeake Utilities. He is also checking agreements with other municipalities to make sure they are comparable. President Conaway reported this is a 25-year agreement renewal being considered. The franchise was given to Chesapeake 25 years ago for no fee. In Georgetown's agreement with Chesapeake, the Town is charging \$.01/100 cubic feet. Subscribers would undoubtedly pay this fee. President Conaway feels this is the cost of doing business and shouldn't be passed along to the consumer; however, he feels confident the people of Bridgeville would be paying a rate increase. If the Town chooses to charge Chesapeake Utility a fee, he feels the money should be set-aside for a special purpose. President Conaway reported the City of Wilmington has franchise fees for all utilities, which are simply hidden taxes. Chesapeake is the major, perhaps only provider; however, allowing a free monopoly doesn't seem right. The Commission is not ready to sign an agreement; more discussion is necessary following comments from the Solicitor.

B. Resolution Authorizing an Annexation Referendum

This proposed Resolution would authorize an Annexation Referendum. The Referendum has been scheduled for Saturday, January 13, 2007. Voting will be from 10:00 A.M. to 2:00 P.M. at Bridgeville Town Hall. There are two Parcels (A & B) being considered for annexation into the Town. Parcel A includes the Wheatley, Wilson and Johnson properties south of the existing Heritage Shores development. Parcel B is a series of commercial properties beginning at the old Bridgeville Diner on South Main Street and moving north to include several properties up to the road called Antique Alley. These properties are owned by the Tull Group; Jimmy's Grille & Catering; Robert W. Hunsberger; Beach Commercial Realty; and F.E. D. Investments. Several of these properties front U.S. 13 and S. Main Street. The final property in Parcel B is on the southeastern corner of Redden Road and U.S. 13 and is owned by Miller Furniture Industries. Every citizen of the Town of Bridgeville who is at least 18 years of age and is registered to vote in the Town is eligible to participate in this Annexation Referendum. Registration for national elections has no bearing on this vote. Solicitor Schrader clarified this Referendum is different than if the Town were holding a Bond Referendum. In that instance, voting rights are predicated upon property ownership. This is for registered voters only. Voting will be by machine and voters will be able to choose Parcel A and/or Parcel B for annexation into the Town. Each of these properties are not necessarily contiguous to the Town if they are considered individually; therefore, they are being considered as two groups, Parcel A and B. A Public Hearing will be held at the Bridgeville Fire Hall on Thursday, January 11th, at 7:00 P.M. Those requesting annexation will make a presentation on their intentions for their property. Passage of this Resolution authorizes the Annexation Referendum. Commissioner Correll made a motion to adopt this Resolution authorizing an Annexation Referendum. Commissioner Jefferson seconded the motion. Motion carried.

XIII. NEW BUSINESS

A. DNREC, Division of Fish & Wildlife, Delaware Mosquito Control Section, Participation in 2007 Program

Town Manager Walls reported a request was received from DNREC concerning the Town's participation in Mosquito Spraying from early April through November. The Town has participated in the program for many years. Commissioner Correll made a motion to participate in DNREC's Mosquito Spraying Program. Commissioner Jefferson seconded the motion. Motion carried.

B. Request from Lester Williams Regarding Alleyway Land

The Town has many alleys that have never been used for vehicular traffic. Many homeowners have requested, and been given, ½ of the alleyway behind their property if they have been responsible for its maintenance over the years. This is one such request. Mr. Williams lives at 600 Birch Street and has maintained the un-used alleyway behind his house. He has requested approval by the Commissioners for this land to be deeded to him. The Commissioners require that the homeowner pay for all costs associated with the process. Commissioner Greason made a motion to allow Mr. Williams to take over ½ of the alleyway provided he pays all the associated costs and the Town maintains an easement, should it ever be needed. Commissioner Jefferson seconded the motion. Motion carried.

C. Request to Dangerous Building Inspection Committee – 31 Church Street – c/o Mr. Gary Crockett

Town Manager Walls reported the receipt of appeals from two neighbors concerning the condition of this property. They claim it is in a state of disrepair and threatens the life, health and safety of the residents of the Town. This property is being referred to the Dangerous Building Committee for a thorough inspection. The Committee will submit a report to the Commissioners within 30 days. Committee Chairman Jefferson requested assistance in inspecting the premises from Code Enforcement Constable Butler. Town Manager Walls reported Mr. Butler is aware of the condition of the property and has done a preliminary visual inspection; he will be available to assist the Dangerous Building Committee.

D. Introduction and First Reading of Ordinance A06-8, An Ordinance to Amend Section 234-37 of the Town of Bridgeville Code, Relating to Zoning, to Modify the Open Space Standard for the Residential Planned Community (RPC) Zoning District

Due to the passage of the Town's Land Use and Development Code, the Town will reduce the open space standard for the RPC district to 20%. President Conaway believes this ordinance should be in place before any land is annexed into the Town. The Town will seek Solicitor Schrader's recommendation as to the passing of this ordinance.

Commissioner Jefferson made a motion to introduce Ordinance A06-8 for its first reading. Commissioner Correll seconded the motion. Motion carried.

XIV. SPECIAL REPORT

Director of Public Safety Chaffinch reported he is continuing to investigate a request by the Bridgeville Volunteer Fire Company to close Union Alley due to safety issues. Mr. Chaffinch advised there were two near mishaps with vehicles and pedestrians on Election Day in November. The Fire Company feels the alley is unsafe for vehicular traffic due to increased activity at the Fire Hall. This will be complicated by a plan to build an addition to the rear of the firehouse, making use of the alley even more dangerous. Mr. Chaffinch recommends closing the alley. He has prepared a letter to the residents affected by the closing of the alley and has forwarded it to Town Manager Walls for her signature. Mr. Chaffinch is prepared to meet with any residents and answer any questions they may have before the next Commission meeting. People will be inconvenienced if the alley is closed; however, it is a public safety issue. President Conaway is concerned that the affected residents be contacted and be made aware of the issue. The two houses on Delaware Ave. owned by the Fire Company will eventually be demolished. Commissioner Greason suggested after the removal of the houses, perhaps a perpendicular alley could be placed at that point in the alleyway so a portion of the alley behind other residences could still be used. The Fire Company advised when they purchased the two properties they were intended for rentals, but would eventually become additional parking for the Fire Hall. There is a possibility the parking area could be designed to allow access from the alley behind residences to Delaware Ave. Currently, the Commissioners are concerned that residents be contacted and the alley be closed. President Conaway suggested the letter be sent immediately and the Commission will be advised by the Town Manager and Director of Public Safety of the residents' response.

The Commission Meeting did not officially adjourn. A Zoning Hearing directly followed the Commission Meeting at approximately 8:17 P.M.

**XV. PUBLIC HEARING TO TAKE PUBLIC COMMENTS ON A CHANGE
OF ZONE REQUEST BY MS. KATHLEEN WRIGHT FROM R-1 TO C-1
418 Walnut Street – Sussex Tax Map #1-31-10.15-69.00**

Ms. Kathleen Wright of 418 Walnut St. requested a change of zoning from R-1 to C-1. Solicitor Schrader explained the applicant will be allowed to make a presentation explaining the request to the Commissioners. The floor will be opened for anyone who favor or against the application. Cross-examination of the applicant is not allowed. After all interested parties are allowed to speak, the Commissioners will make a decision on the application. The Commission may defer the decision until a later date. Solicitor Schrader opened the scheduled hearing at 8:19 P.M.. Ms. Martha Wright came forward to represent the applicant. She holds the power of attorney for her sister, Ms. Kathleen Wright, who currently lives in California.

*Full Documentation
for K. Wright Zoning
Hearing is available
in Supplementary
Meeting Notebook*

change the zoning from R-1 to C-1. When Ms. Kathleen Wright bought the property three years ago, it was zoned commercial. A commercial mortgage would have required 20% down payment; therefore, she requested a zoning change from C-1 to R-1 to afford the purchase. She was advised the apartment on the property could not be used as a dwelling. Because Ms. Kathleen Wright was not educated in these matters, she should have changed the zoning back to commercial after she received a mortgage, which she did not. Ms. Martha Wright moved to this area to perform end-of-life care for a family member and Ms. Kathleen Wright suggested she moved into the apartment. Ms. Martha Wright was unaware of the zoning on the property and feels that her sister was irresponsible and unknowledgeable about property management. Ms. Martha Wright has come to the Commissioners to make things right and put the property in compliance. Currently the property does not comply with R-1 zoning. They would like to change the zoning back to C-1 for several reasons:

- To allow the upstairs apartment to be used as a dwelling
- To allow the property to have multiple uses, such as a woodworking business in the barn and an office below the apartment
- At the present time the property is not marketable for resale due to the R-1 zoning. Apparently the property was zoned C-1 for a number of years. A concrete block man purchased the property in the 1970's and enlarged the structures.
- The traffic situation would not be a problem if the property were re-zoned. There is ample parking available. Ms. Martha Wright assured the Commissioners the Town Code would be strictly followed regarding those businesses permitted to rent the facilities.

Presently the property is not in compliance. In order to make mortgage payments they have rented buildings on the property.

President Conaway confirmed through Ms. Martha Wright that the house has been rented more than once with the knowledge that it is in violation of its zoning. He added the Commission explained to Ms. Kathleen Wright very clearly in 2004 that changing the zoning to R-1 meant she lost the ability to do anything but live in the house, and that was agreeable to her because she needed to get a loan to purchase the property and a commercial loan was too costly. She understood exactly what she was doing. Violations began soon after the property was changed to R-1. Others have lived in the apartment and in the house and a sign was posted last August for rental of the warehouse/barn. President Conaway advised Ms. Kathleen Wright would be in violation of her residential loan if the property was returned to a commercial property. The Commission would be working with the property owner to defraud the bank if it approved this zoning change back to C-1. The Commission first contacted the sisters of the violations in April 2005, to no effect. Penalties for violation under the zoning ordinance are \$500 for the first violation and \$500 per day for every violation thereafter. President Conaway expressed concern that, not only is the property owner seeking 2 residences, but also 2 structures for businesses. The lot is not large enough to handle that amount of usage. The Commission recently turned down another application in Bridgeville requesting permission for a 4th dwelling on a property.

Ms. Martha Wright responded she could not speak to the issue of the mortgage and what a zoning change would do to the current mortgage. Solicitor Schrader clarified that the two residential dwellings are both occupied at the present time, as well as a woodworker is occupying the barn. The woodworker transports the cabinets he makes elsewhere for sale. There is only one water/sewer connection for the house and apartment, made apparently in the 1990's, according to an investigation by Town Manager Walls. Solicitor Schrader questioned the parking facilities. Ms. Martha Wright reported there are 7 or more parking spaces available. The driveways are paved concrete. Ms. Martha Wright ended her presentation by saying she was sorry this has been an unfortunate situation for the Town, her sister and herself. She would be glad to speak to the bank about the possible need to change the mortgage. She has a potential buyer for the property; however, the buyer is interested in the property as commercial, not residential. She doesn't know any other way to resolve the violations, etc. other than to request a zoning change. She has had to rent out the various buildings on the property to make the mortgage payments.

Solicitor Schrader asked if there were any individuals present who wished to speak in favor of the application. A letter was read and entered into the record from O'Leary Law Offices, received by the Town Manager on December 7th. The O'Learys own the property at 200 Railroad Avenue, adjacent to the property in question, and had no objection to the zoning change. Solicitor Schrader then asked if there were any individuals present who wished to speak in opposition to the application. A letter was read and entered into the record from Mrs. Betty Davis, written on December 6th and addressed to Town Manager Walls. Mr. and Mrs. Davis own a house next door at 416 Walnut Street. This letter objected to the application. Mr. Sam Magri of 414 Walnut Street stood to speak in opposition to the application. He expressed concern about noise in their quiet residential neighborhood. The Public Hearing was closed at 8:45 P.M. Solicitor Schrader pointed out that if the commercial zoning were granted, there are many uses that the Town would allow and read a number of uses from the Code Book. He then turned the zoning change request over to the Commissioners, instructing them to state the reasons for their vote on this application. The decision should center on land use findings, rather than unintended consequences.

President Conaway listed additional commercial uses that would be possible from the Code Book. He then reiterated the circumstances in 2004 when the property owner requested a change of zoning from C-1 to R-1, stating that Ms. Kathleen Wright clearly articulated her need for the zoning change. Shortly after approval of the zoning change and a clear explanation of the restrictions, violations began to occur. As early as 2004 there is a record of letters informing Ms. Kathleen Wright of violations to the Town Code. President Conaway indicated he had not heard any compelling reason to approve the application. He believes the applicant has made the problem herself. Opening this property to possibly 4 usages, 2 rentals and 2 businesses is far more intense than was ever intended at this location. Commissioner Correll made a motion to deny the application at 418 Walnut Street to change the R-1 zoning to C-1. Commissioner Jefferson voted yes to deny because after the earlier zoning change he specifically asked the owner if the apartment would be used as a dwelling and she replied, "no." Commissioner Sipple voted yes for the same reasons already described. Commissioner Greason voted yes because of

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the violations of the current code and the understanding the Commissioners had with Ms. Kathleen Wright when she changed the zoning to R-1. Commissioner Correll voted yes for the same reasons as already described and because approval of this zoning change will open the door for other similar requests and she doesn't feel commercial properties belong in a residential district. President Conaway voted yes based on his previous comments. The Commission unanimously voted to deny the application.

XVI. ADJOURNMENT

Commissioner Sipple made a motion to adjourn the meeting. Commissioner Correll seconded the motion. Motion carried. Meeting was adjourned at 8:53 P.M.

Respectfully submitted by:

Margaret W. Sipple
Margaret W. Sipple, Commission Secretary

Peggy A. Smith
Peggy A. Smith, Transcriptionist