

**MINUTES OF THE MEETING OF THE
CITY OF SEAFORD MAYOR AND COUNCIL**

January 26, 2010

7:00PM

Mayor Edward H. Butler, Jr., called the Regular Meeting to order with the following present: Councilwoman Grace S. Peterson, Councilwoman Pat A. Jones, Councilwoman Leanne Phillips-Lowe, and Councilman J. Rhea Shannon; Councilman William G. Bennett was absent. Dolores J. Slatcher, City Manager, Charles D. Anderson, Assistant City Manager, and Joshua E. Littleton, Building Official were also present.

Councilwoman Peterson offered the opening prayer and Mayor Butler led those present in the Pledge of Allegiance.

Mayor Butler solicited changes to the agenda. City Manager Slatcher stated that there were none.

Mayor Butler called for a motion to approve the Minutes of the Regular Meeting of January 12, 2010. Councilwoman Peterson made the motion to approve the minutes of January 12, 2010. Councilwoman Jones seconded the motion. The motion so passed with all present voting in favor.

City Manager Slatcher noted there was no correspondence.

City Manager Slatcher presented for Council's information the cost of snow removal during the last storm, including labor, equipment, and repairs, the cost was \$13,836.66. The funding for the snow removal comes from the Street Maintenance Account.

Reminder of Meetings

1. SCAT Meeting on January 28th at 10 a.m. in Legislative Hall
2. Delaware League of Local Governments on January 28th at 6 p.m. at the Sheraton in Dover.
3. DE Economic Development Council Meeting on February 4th at 11:30 a.m. at the NRG in Millsboro
4. SVFD Banquet & SVFD Ladies Auxiliary 75th Anniversary on February 6th at 5:30 p.m. at the Fire Hall

OLD BUSINESS:

City Manager Slatcher reminded everyone of the upcoming **Municipal Elections on April 17th from 10:00 a.m. until 6:00 p.m. in Council Chambers of City Hall.** The Mayor and one Council position are up for election. Mayor Edward H. Butler, Jr. and Councilwoman Leanne Phillips-Lowe have filed. As of this date they are the only ones to have filed.

- Candidate filing deadline is March 26, 2010 prior to 5:00 p.m.
- Voter registration filing deadline is March 26, 2010 prior to 5:00 p.m. ***You must be registered at City Hall to vote in this election.***

Mayor Butler closed the Regular Meeting and opened the Public Hearing at 7:05p.m.

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Mr. Josh Littleton presented the request from Case Edwards, property owners of Seaford Apartments, on W. Tull Drive, for a final plan review. Seaford Housing L.P. is in the process of acquiring the property and Mr. Tom Ayd was present to answer questions. The property is identified as Tax Map & Parcel 531 10.00 279.

The owners propose to rehabilitate the units in the five apartment buildings on site; demolish the existing community building and construct a new community building on the south east corner of the site; relocate the tot lot to the center of the site adding new playground equipment and build a maintenance building on the northwest corner of the property.

The owners have received approval from:

State Fire Marshal for major site;

Sussex Conservation for the sediment and storm water plan; and,

Office of Drinking Water issued approval to construct.

Mayor Butler asked about the time line for the project. Mr. Ayd replied they hope to start in late March or early April. Mayor Butler asked how long the project will last. Mr. Ayd replied less than a year. Councilwoman Jones asked how many units will be renovated. Mr. Ayd said thirty seven apartments. Councilwoman Jones wanted to know how many apartments were in each building. Mr. Ayd said eight, except one building has five. Councilwoman Jones then asked for clarification on the location of the playground. Mr. Littleton explained the playground will be moved to the existing center island; the lot will be totally fenced in and it will have all new playground equipment. Crosswalks will be marked. Wrought iron type fencing will be installed around the entire site.

There being no further questions from Council, Mayor Butler called for questions from the public. There being none, he asked Mr. Littleton to proceed to the next agenda item.

Mr. Littleton presented the request from Todd Harris & Robert Richey, property owners of 120 N. Cannon Street, on behalf of the potential new owner, Mr. Phillip Bradley, for a sketch plan site review for a new two story building to be constructed at this location. Mr. Bradley was present to answer questions.

Mr. Littleton explained Mr. Bradley is proposing to build a two story building with commercial space on the first floor and an apartment on the second floor as allowed by C-3 zoning. The lot is 24.6 feet wide and 150 ft. deep with an area of 3,645 sq. ft. The shed at the rear of the property will be torn down to provide room for two off-street parking spaces. The front setback is proposed at nineteen (19) feet. On December 2, 2009, the site plan was granted a variance by the Board of Adjustment to allow the proposed building to encroach on the required side yard setbacks by about 3 ½ feet. It is a legally non-conforming lot. Four off-street parking spaces are required by Code for the office space and two spaces for the apartment. C-3 gives authority to the City Council to waive the off-street parking requirements. The site can provide 2 - 10'x20' off street parking spaces for the apartment. Mr. Littleton noted he and Mr. Bradley discussed stacking options but they didn't seem feasible considering the narrow lot.

Mr. Littleton mentioned the adjoining lot owned by Messick and Ruff "bumps" into the lot under discussion by about two (2') feet, thus making the new structure conceivably less than two (2') feet from the property line. The nineteen (19') foot front set back was proposed so

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that this building will be in alignment with the adjoining structures. The original house on this lot was built almost to the front property line. The previous building was damaged by fire. The owners elected to tear it down rather than renovate it.

Councilwoman Peterson asked for the square footage of the new building. Mr. Littleton said approximately 1,600 – 1,700 sq. ft. He also noted this was only a sketch plan and the final architectural design hasn't been done. Mr. Littleton continued to explain the 2nd floor apartment is in keeping with the zoning ordinance. Council will see this project only one more time because of the limited site work. City Manager Slatcher asked what type of construction? Mr. Bradley replied stick built, he is a custom home builder in the beach area. How can you maintain it with a 3 ½ feet setback? Mr. Bradley said Rehoboth has almost no setback. He explained how he does construction and maintenance on the lots in Rehoboth. He noted he will not be selling the building, but intends to use it as an investment rental. Councilwoman Peterson asked if he was a landlord now. Mr. Bradley explained his father is and he (Phil) traveled around Delaware looking at communities. He wants to help promote bringing commercial uses back downtown. He became interested in Seaford and decided to invest here. Councilwoman Peterson asked what type of materials will be used on the exterior of the building. Mr. Bradley said maintenance-free – some type of siding and either brick or stone as the 30% masonry finish required by the Code.

Discussion then turned to the “bump” in the lot. Mr. Bradley said years ago, people just built around things – chimneys, for instance. Councilman Shannon noted he owned 114 N. Conwell St. several years ago and with his knowledge of the area, the buildings are very tight together so the people probably didn't pay much attention to property lines in the early 1900's. Councilwoman Peterson asked why the steps were straight out from the second floor. Mr. Bradley explained they have to be straight because of the setback. They have to be so many feet from the property line to comply with Fire Marshal regulations. There is a small landing as you come out the rear door. Councilwoman Phillips-Lowe asked if the bump creates a hardship if an emergency vehicle has to access the property. Mr. Bradley said the lot has access from the rear alley and Conwell Street. An alley is an unusual benefit in the downtown. If the neighbor decides to run the fence along the bump, there is still three (3') feet on the north side.

Councilwoman Phillips-Lowe asked if George Ruff and Dan Messick were alright with this project. City Manager Slatcher stated based on their comments at two previous hearings in her opinion they would prefer a vacant lot. She went on to explain the Board of Adjustment granted a variance for side yard setbacks to allow the building to be centered on the lot and to allow a nineteen (19') foot front setback. When C-3 was developed in the 90's, the creators added the waiver caveat to authorize Council to relieve off-street parking because the creators of C-3 understood the parking situation in the downtown area. Councilwoman Phillips-Lowe said she does have the opportunity to park on-street in this area and it is very crowded at times. Do you foresee any problems? Mr. Littleton said Council has to review the situation and decide if they want to grant the waiver for the off-street parking. City Manager Slatcher noted when the house burnt down and ultimately demolished, the owners were granted a variance to rebuild a single family house on the original footprint, which was over the property line. When Mr. Bradley came forward with his project, the Board of Adjustment felt his side yard setback was a better situation and corrected the previous setback. City Manager Slatcher added the project was reviewed as a sketch plan rather than a preliminary plan so that Mr. Bradley could get an early indication of how the project would be accepted prior to him making an investment in something he could not build.

Mayor Butler asked if Council had other questions. Councilwoman Jones inquired about the difference between the proposed building and the demolished building. Mr. Littleton explained the new building has a commercial component, where the old building was a single family dwelling. The proposed project is commercial on the first floor and an apartment on the second floor. Councilwoman Peterson wanted confirmation the project meets the Code. Mr. Littleton said yes, except for the 4 off-street parking spaces. Councilwoman Jones asked what type of business did Mr. Bradley believe would rent the space. Mr. Bradley said a small business such as an attorney or accountant.

Mayor Butler called for public comment. There was none. He then closed the Public Hearing at 7:27 p.m. and reopened the Regular Meeting.

Mayor Butler asked Mr. Littleton to present:

FINDINGS OF FACTS for Seaford Apartments, 1200 W. Tull Drive:

- Final plan review for site renovations and rehabilitation of the 5 existing apartment buildings;
- Demolition & construction of a new community building;
- Construction of a new maintenance/storage building;
- Construction of a new play ground;
- The project received the following:
 - SCD Approval of sediment and storm water plan
 - State Fire Marshal Approval of major site
 - Office of Drinking Water Approval to construct
- Planning and Zoning made a favorable recommendation to Council

Mayor Butler called for a motion. Councilwoman Phillips-Lowe motioned to approve the final site plan for Seaford Apartments, 1200 W. Tull Drive, as presented. Councilwoman Peterson seconded the motion.

ROLL CALL VOTE:

Councilman Shannon voted in favor based on the Findings of Facts.

Councilwoman Phillips-Lowe voted in favor based on the Findings of Facts.

Councilwoman Jones voted in favor based on the Findings of Facts.

Councilwoman Peterson voted in favor based on the Findings of Facts.

Mayor Butler confirmed the motion passed unanimously in favor of the project.

Mr. Littleton presented the:

FINDINGS OF FACTS for 120 N. Cannon Street :

- C-3 Riverfront Enterprise District
- Variance granted by Board of Adjustments in accordance with the submitted Site Plan as shown on December 2, 2009.
- Sketch plan review two story building
 - Office space on first floor
 - Apartment on second floor
 - Two off-street parking spaces provided in the rear for the apartment.
 - Four off street parking spaces needed for office but not provided.
- Council may grant a waiver on 4-off- street parking spaces

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- Site plan approval from the State Fire Marshal will be required.
- Planning and Zoning did not make a favorable recommendation to Council.

Mayor Butler called for a motion. Councilwoman Jones made the motion to approve the sketch plan as requested by Todd Harris/Robert Richey, property owners of 120 N. Cannon Street, for a two story building with the first floor commercial space and the second floor residential, as presented. Councilwoman Peterson seconded the motion.

ROLL CALL VOTE:

Councilman Shannon voted in favor based on the Findings of Facts.

Councilwoman Phillips-Lowe voted in favor based on the Findings of Facts.

Councilwoman Jones voted in favor based on the Findings of Facts.

Councilwoman Peterson voted in favor based on the Findings of Facts.

Mayor Butler confirmed the motion passed unanimously in favor of the project.

Councilwoman Phillips-Lowe questioned the four off-street parking spaces needing Council approval and was not addressed in the motion. City Manager Slatcher said Council should make a decision on the off-street parking issue with a motion. Councilwoman Phillips-Lowe made a motion to grant relief from the required four off-street parking spaces for the commercial space at 120 N. Cannon Street, as required by the Zoning Ordinance. Councilman Shannon seconded the motion.

ROLL CALL VOTE:

Councilman Shannon voted in favor based on the Findings of Facts.

Councilwoman Phillips-Lowe voted in favor based on the Findings of Facts.

Councilwoman Jones voted in favor based on the Findings of Facts.

Councilwoman Peterson voted in favor based on the Findings of Facts.

Mayor Butler confirmed the motion passed unanimously in favor in granting relief from the off-street parking requirements for this project.

Committee Reports:

Councilman Shannon reported that he attended the Seaford Police Department Awards Ceremony at the Fire Hall. The SVFD Ladies Auxiliary did a superb job. He was very pleased with the officers and their conduct over the past year.

Councilwoman Phillips-Lowe had nothing to report. She did commend the Police Department- she was amazed, impressed and proud with the Department. She thanked Chief Morris, Capt. Flood, the Lts., the officers and the Dispatchers. She feels they are ranked among the best.

Councilwoman Jones had nothing to report. She did remind everyone about the SCAT meeting on February 3rd at Heritage Shores.

Councilwoman Peterson stated she too was very impressed with the Police Department; they all do an outstanding job. She reported that the first Riverfest meeting was held on January 20th. The water main is complete on Oak Road; Public Works is doing their normal routine.

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Mayor Butler concurred with the other Council members – the Police Department and the Dispatchers do an excellent job. He also noted the Planning Session went well; he is very proud of how well Council works together.

Councilwoman Jones wanted to thank everyone who participated in the MLK Day Celebration. They had about 200 people attend the Prayer breakfast at the Fire Hall. The Ladies Auxiliary did a wonderful job. Joy Oliver Hunt, a Seaford native was the guest speaker. Approximately 600 people attended the activities at the high school. She expressed her appreciation to the local newspapers, the Police Department, the Recreation Department and the City Council for their support.

There being no other business, Mayor Butler called for a motion to adjourn. Councilwoman Phillips-Lowe made a motion to adjourn the regular meeting. Councilwoman Jones seconded the motion. The motion so passed with all present voting in favor.

Mayor Butler adjourned the meeting at 7:40 p.m.

By: _____
Dolores J. Slatcher
City Manager

/wjp