

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

July 27, 2010

7:00PM

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

Councilwoman Peterson offered the invocation.

Mayor Butler led those present in the Pledge of Allegiance.

Mayor Butler solicited changes to the agenda. City Manager Slatcher stated that there were no changes.

Mayor Butler called for a motion to approve the Minutes of the Regular Meeting of July 13, 2010. Councilwoman Jones made the motion to approve the minutes of July 13, 2010. Councilwoman Peterson seconded the motion. The motion so passed with all present voting in favor.

Mayor Butler asked Representative Danny Short and his son-in law Aaron Popelas to come forward to accept the trophy for winning the Riverfest Mayor's Challenge for the third straight year. Representative Short thanked everyone, it was a fun event.

Mayor Butler closed the regular meeting at 7:09 p.m. and opened the Public Hearing.

Mr. Joshua Littleton, Building Official came forward. He presented the only item for the public hearing tonight, Case No. S-07-10; Faye Cannon, property owner of Tax Map and Parcel 331 5.19 160 & 161, two parcels on Clarence Street, proposes to revise the lot line to create two buildable lots – TMP 331 5.19 160 will have 5,003 sq. ft +/- and TMP 331 5.19 161 will have 5,175 sq. ft +/- . The request is the realignment of property lines to create two more buildable lots of approximately 5,000+/- sq. ft. Tax Map and Parcel 331 5.19 160 is approximately 28 ft in width currently. Tax Map and Parcel 331 5.19 161 is approximately 78 ft. in width currently. The property is zoned R-2 Medium Density Residential which requires a minimum lot width of 35 feet and a minimum lot size of 4,500 square feet.

Mayor Butler asked if the Council had any further questions, there were none.

Mayor Butler called for public comment. There was none.

Mayor Butler closed the Public Hearing at 7:12 p.m. and reopened the Regular Meeting.

Mr. Littleton presented the Findings of Facts for the Subdivision of the land:

- Realignment of property lines between two existing lots on Clarence Street to create two lots of approximately 5,000+/- sq. ft.
- Subdivision complies with the R-2 area and bulk requirements

Mayor Butler called for a motion. Councilwoman Phillips-Lowe made the motion to approve to revise the lot line for the parcel on Clarence Street to create two buildable lots for TMP 331 5.19 160 to have 5,003 square feet and TMP 331 5.19 161 to have 5,175 square feet. Councilwoman Peterson seconded the motion. Mayor Butler called for a roll call vote.

Roll Call Vote:

Councilman Shannon voted in favor based on the Findings of Fact;
Councilwoman Phillips-Lowe voted in favor based on the Findings of Fact;
Councilwoman Jones voted in favor based on the Findings of Fact;
Councilwoman Peterson voted in favor based on the Findings of Fact.

Mayor Butler confirmed the motion on the floor passed with all present voting in favor.

New Business #1 – City Manager Slatcher presented the annexation committee report for the requested annexation of the Loyal Order of the Moose property on Bridgeville Highway (Alt Route 13A). The committee met to review the request which consisted of Councilman Bennett (chair), Councilwoman Peterson and Councilwoman Jones. The Seaford Moose Lodge petitioned the City to be annexed; the acreage is about 2.362 +/- . Their reason for requesting annexation is to obtain City utilities (water only) for their new sprinkler system that is required as a result of a portion of their building that collapsed. The annexation committee did go inside of the building and see the extent of the damage. The City does not have a storm water system service to this property. Any storm water management system to serve these lands will have to be designed by the developer and approved by the Sussex Conservation District office. The electric service would still be provided by Delmarva Power & Light as it currently is being served. The City of Seaford currently has existing sewer mains serving properties east of this site. Once annexed, these lands would be eligible to be tied into the municipal sewer area. The current facility is serviced by a functioning on-site septic system. The existing private water well will have to be abandoned in accordance with State of Delaware regulations. The owner would be expected to pay all associated construction and connection fees. There was one easement that was necessary that has been obtained. These lands will be taxed based on the City assessment following the annexation. The owner will have to file an application with the City of Seaford to make final determination of their non-profit status. The committee members unanimously agreed to proceed with the proposed annexation process for this property. Councilwoman Peterson made a motion to approve the Committee Annexation report dated July 27, 2010 for the Loyal Order of the Moose recommending the process to go forward to a public hearing. Councilwoman Phillips-Lowe seconded the motion; motion so passed with all present voting in favor.

New Business #2 – City Manager Slatcher presented New Business #2, Present the request from Penco Corporation to delay their connection to the municipal sanitary sewer system for three years so they may lease a portion of their property to a trucking transport company. And present for

approval an agreement outlining connection to the sanitary sewer system at the conclusion of three years. Penco is planning to lease a 104,000 square foot building to a trucking transport company, initially 4 full time jobs to the area, with their ultimate goal to have 50 full time employees. An agreement has been made to a 5 year initial term with a second 5 year renewal option. As part of the agreement, Penco must provide 2 new bathrooms and other improvements. The lease would commence when the improvements are complete and the tenant can move in and begin operations. Penco is seeking initial relief from tying into the City of Seaford sanitary sewer system and would like to tie the bathrooms to the existing septic system, which services the adjacent building. After a period of three years from the commencement of the lease, they would abandon the septic system, and tie all of the bathrooms to the City's sanitary sewer. City staff is also recommending in addition to this, an agreement between the parties so that they would have to tie on by September 1, 2013 and to have the agreement in writing. Councilman Shannon made a motion to approve the request from Penco Corporation to delay their connection to the sanitary sewer for 1710 and 1801 Dulany Street for three years. Councilwoman Peterson seconded the motion; motion so passed with all present voting in favor. Councilman Shannon made a motion to approve an agreement with Penco Corporation outlining the requirement to connect 1710 and 1801 Dulany Street at the end of three years. Councilwoman Phillips-Lowe seconded the motion; motion so passed with all present voting in favor.

New Business #3 – City Manager Slatcher presented New Business #3, Second reading of Ordinance 11-09 Subdivision Exemption and adoption of Ordinance. Councilwoman Jones made a motion to adopt Ordinance 11-09 Subdivision Exemption as presented. Councilwoman Peterson seconded the motion; motion so passed with all present voting in favor.

Reminder of Meetings

- Grand Opening of Hoopers Landing public golf course on July 30th with opening remarks at 7:45 a.m.
- AFRAM in Nutter Park on August 13 and 14

COMMITTEE REPORTS

Councilman Shannon – Officer Saylor is doing well in the academy; he is starting his third week. An arrest was made in the attempted abduction case earlier this week.

Councilwoman Phillips-Lowe – Administration is working on Audit which will be September 13-17th. She added that the Parks department has done a great job on the hedge work out at the golf course.

Councilwoman Jones – nothing to report.

Councilwoman Peterson – Virginia Ave lift station had some tree damage on Sunday due to the storm. An insurance claim has been filed and the property owner has been notified. Code is working on violations and Trisha is working on the Grand Opening for the golf course on Friday. The Shoreline Stabilization project has been completed and looks great.

Dolores added that the City staff should also be commended as they did some cleanup work before the project started.

City Manager Slatcher reported for Councilman Bennett that the electric department has completed the separation of services for all the facilities at Hoopers Landing. They experienced some outages Sunday due to the storm. There was a transmission pole that was damaged in an accident; the repair work is to be done by a contractor and an insurance claim is to be filed.

With no further comments, Mayor Butler called for a motion to adjourn the Regular Meeting of Mayor and Council. Councilman Shannon so moved. Councilwoman Peterson seconded the motion and the motion so carried with all present voting in favor. Mayor Butler closed the Regular Meeting at 7:35 p.m.

Dolores Slatcher, City Manager

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