

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

February 22, 2011

7:00 p.m.

Mayor Edward H. Butler, Jr., called the Regular Meeting to order with the following present: Councilman J. Rhea Shannon, Councilwoman Leanne Phillips-Lowe, Councilwoman Pat A. Jones, Councilwoman Grace S. Peterson, and Councilman William G. Bennett. Dolores J. Slatcher, City Manager and Josh 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 there was one addition. Mr. James Blackwell would be making a presentation on a grant award for an addition at Seaford Historical Society Museum.

Mayor Butler called for a motion. Councilwoman Jones made a motion to accept the addition to the agenda. Councilwoman Phillips-Lowe seconded the motion, with all present voting in favor.

Mayor Butler called for a motion to approve the Minutes of the Regular Council meeting of February 8, 2011. Councilman Bennett made the motion to approve the Minutes of February 8, 2011. Councilwoman Peterson seconded the motion. Motion so passed with all present voting in favor.

Mayor Butler asked if there was any correspondence. City Manager Slatcher stated there was none.

Mayor Butler then stated there would be an Executive session for the purpose of discussing negotiations.

Mayor Butler closed the regular meeting and opened the Public Hearing at 7:05 p.m. He then turned the meeting over to Josh Littleton, Building Official.

Mr. Littleton presented P.H. item #1, Better Homes of Seaford, Inc., seeking a final site plan review for Hampton Circle, to be located at 600 Hampton Circle, Tax Map and Parcel 3-31-5.00-4.25. The land is currently owned by the City of Seaford. The project consists of a 3-story, 36,000 sq. ft. +/- low income senior apartment building with parking, on a 6.28 acre parcel. He stated the land is zoned R-3, high density residential and is located to the north of Yorktown Woods. Stormwater will be managed on site and will outfall to the Herring Run Branch through the existing adjacent ditch. There will be 71 parking spaces and water and sewer is available for connection. The building will be fully sprinklered. He also stated this project will extend water/sewer & electric services to the East for future development. The project is outside of the wellhead protection area. The project has state agency site approvals from the State Fire Marshal and the Sussex Conservation District. DeIDOT has issued a letter of "No Objection".

Mayor Butler asked if there were any questions from the public. There were none. Mayor Butler then asked if there were any questions from Council.

Mr. Littleton presented P.H. item #2, Seaford School District, property owner of 1 Delaware Place (Central Elementary School) Tax Map and Parcel 331-5.00-5.00, seeking a final site plan review in order to construct a 7,000 sq. ft. addition to Central Elementary. The addition is specifically for orthopedically handicap children. The addition consists of four classrooms, a food prep area, a nurse's office, storage and an office/therapy room. The property is zoned R-2, Medium Density Residential. They received approval to expand the existing special exception on 11/3/10 from the Board of Adjustment, as required by Code. The project will also include a new water tap off of Virginia Avenue to service the sprinkler system. The building addition will be sprinklered. There will also be a new bus loop with One Way signage and Do Not

Enter signage. The project has received approval from the State Fire Marshal and DNREC: Division of Watershed Stewardship.

Mayor Butler asked if there were any questions from the public. There were none. Mayor Butler then asked if there were any questions from Council.

Mr. Littleton asked Mr. Roy Whitaker from Seaford School District to come to the podium. Councilwoman Phillips-Lowe asked if this would be in addition to the OH that is currently at the Middle school or would it replace it. Mr. Whitaker stated the addition is for elementary age students that are currently located in Fred Douglas and will be moved upon completion.

Councilwoman Jones asked when the addition will be completed. Mr. Whitaker stated they were hoping to be finished by October, weather permitting.

City Manager Slatcher then presented P.H. item #3, an issuance of a General Obligation Bond in the amount of \$2,579,004 for the purpose of financing improvements to the City's storm water and flood control systems – Washington Avenue Improvements and Porter Street Improvements. She stated the project is called Washington Avenue project, but involves a lot more than that. The project will start at the end of Linden Street, pick up State and Washington Streets, move along Stein Highway thru Our Lady of Lourdes Church to Front St turning on Walker Street, picking up on North Street, going down and turning on Poplar Street and then a new outfall will be established on the West side of Williams Pond dam bridge. She stated there would be different pipe sizes used along the alignment. There will also be green components included in the project which consist of rain gardens, street trees and varying vegetation. She stated having the green components allows us to qualify for a lower interest rate on the loan. She stated we had applied for federal appropriation for the Porter Street project, but were denied. She stated we incorporated the Porter Street work into the loan documents to get the approvals in the hope that we get competitive bids and can include the Porter Street improvements in the anticipated work. The Porter Street project will pick up at the intersection of Pennsylvania Avenue and Porter Street and continue South along Porter Street to Harrington Street and to an outfall at the Nanitcoke River. She stated that project is estimated to be about \$500,000-\$600,000.

City Manager Slatcher stated that the City is doing this project to resolve flooding on Washington Avenue and Collins Avenue, to establish a new outfall on the west side of the Williams Pond Dam, to use rain gardens for pretreatment of storm water, to use pervious pavers in the parking lot of Our Lady of Lourdes Catholic Church to allow groundwater recharge and to resolve flooding on Porter Street pending successful bidding. Funding for the project will be through the State of Delaware Revolving Loan Fund program. It is a loan of \$2,579,004 and not a grant. The terms of the loan are 20 years with a fixed interest rate of 2% with no closing costs. A Public Referendum is required to borrow these funds. The loan will be paid back thru the annual budget and will carry a line item for principal and interest. Payments will be made two times a year, with a projected annual cost of \$157,090.22. The current number of EDUs actively billed by the City is 3,680.30 (this number fluctuates each year based on users) and the annual additional cost per EDU is estimated to be \$42.68 annually or \$3.55 per month. She stated another possible option for consideration would be for Council to use \$579,004 from reserve funds to offset project costs and borrow \$2,000,000. If this option is used annual principal and interest reduces to \$121,822.40 and the annual additional cost per EDU is estimated to be \$33.12 annually or \$2.76 per month.

City Manager Slatcher asked if there were any questions from the public. Mr. Linwood Jenkins, of Concord Road, came to the podium representing the Clarence Street Church of God. He asked if this project will alleviate the standing water problem at the church. City Manager Slatcher stated yes it would solve the problem.

Mr. Chris Vane of 302 Pennsylvania Ave. came to the podium, in reference to the Porter Street project and asked if it was just from the intersection to Harrington Street. City Manager Slatcher stated yes. He also asked what the time frame for the project would be. City Manager Slatcher stated that the whole project from start to finish would possibly be two years. This includes everything involved in the process such as the referendum, the bids and the getting the project thru construction. Mr. Vane then asked if the street would be milled and repaved. City Manager Slatcher stated yes it would be milled and repaved curb to curb.

Mrs. Eisele Couch, of 213 N. Porter St., came to the podium and asked if the money for Porter St. guaranteed if the referendum passes. City Manager Slatcher stated the funds are not guaranteed, but that they are hoping to receive competitive bids and will be able to include Porter Street in the construction. Mrs. Couch then asked why Washington Ave. has precedence over Porter Street. City Manager Slatcher stated the Washington Ave. project is a bigger project and has the green component. Mrs. Couch then asked when the residents will know if Porter Street will be included. City Manager Slatcher stated that once the bids are received they will have a better idea.

Mrs. Kathy Shaffer, of 709 Washington Ave., then came to the podium. She asked if the project will solve the water problem at the end of Washington Ave. City Manager Slatcher stated that it would.

City Manager Slatcher then asked for questions from Council. Councilwoman Jones asked if Washington Street was the area that was affected the most during the storm a few years back. City Manager stated yes the storm in 2006 and that in her career three storms have flooded the Washington Avenue area. Councilwoman Jones then asked how much water has actually been on the street at a given time. City Manager Slatcher said at some points there was about 3 or 4 feet of water.

City Manager Slatcher then presented P.H. item #4, the annexation of lands owned by the State of Delaware National Guard, 23440 Ross Station Road, approximately 11.491 ± acres. She stated the reason for annexation is that they need to obtain water from the City of Seaford. There will be no new roads and there storm water would be managed on site. The current zoning by the County is designated as State Government and with the City of Seaford it is proposed as M-1, Light Industrial. There will be no new property taxes to the City of Seaford because it is a State Government building. The Committee members unanimously agreed to proceed with the proposed annexation process for the property.

Mayor Butler asked for questions from the public. There were none. He then asked for questions from Council. There were none.

Mayor Butler closed the Public Hearing at 7:36 and reopened the Regular Meeting.

Mr. Littleton then presented the Findings of Facts for the P.H. item #1 on the Agenda, a final site plan review for Hampton Circle, to be located at 600 Hampton Circle, Tax Map and Parcel 3-31-5.00-4.25:

- Final Site Plan approval for a 3-story, 36,000 sq ft. building with 35 units
- Tax Map & Parcel 3-31-5.00-4.25
- Lot area - 6.282 acres
- 71 parking spaces provided; 70 required
- Meets R-3 High Density Residential requirements
- Site plan approvals received from:
  - Sussex Conservation District
  - State Fire Marshal
- Water / Sewer / Electric are available to service the project.
- DelDOT has issued a letter of "No Objection" with the stipulation that any future phase of the project must be reevaluated for traffic impacts.
- Planning and Zoning recommends approval to City Council.

Mayor Butler called for a motion. Councilwoman Peterson made a motion to approve the final plans for Hampton Circle, Tax Map and Parcel 3-31-5.00-4.25 for a 36,000 sq. ft. senior apartment building. Councilwoman Jones seconded the motion.

Mayor Butler then called for a Roll Call Vote:

Councilman Bennett voted in favor based on the Finding of Facts;  
Councilman Shannon voted in favor based on the Finding of Facts;  
Councilwoman Phillips-Lowe voted in favor based on the Finding of Facts;  
Councilwoman Jones voted in favor based on the Finding of Facts;  
Councilwoman Peterson voted in favor based on the Finding of the Facts.

Motion so carried with all present voting in favor.

Mr. Littleton then presented the Findings of Fact for P.H. item #2, final site plan review for Seaford School District, property owner of 1 Delaware Place (Central Elementary School) Tax Map and Parcel 3-31-5.00-5.00, in order to construct a 7,000 sq. ft. addition to Central Elementary:

- Tax Map and Parcel 331 -5.00-5.00
- Sketch plan review for 7,000 sq. ft. O.H. addition to existing school consisting of:
  - Four classrooms
  - Food prep area
  - Nurses' office
  - Storage
  - Office/Therapy room
- Property is zoned R-2 Medium Density Residential
- Received approval to expand the existing special exception on 11/3/10 from the Board of Adjustment, as required by Code.
- Building addition will be sprinklered.
- Received Final Site plan approval from:
  - State Fire Marshal
  - DNREC Division of Watershed Stewardship
- Planning and Zoning recommends approval

Mayor Butler called for a motion. Councilman Shannon made a motion to approve the final site plan for Seaford School District, Tax Map and Parcel 331-5.00-5.00 for the 7,000 sq. ft. O.H. Wing on Central Elementary School. Councilman Bennett seconded the motion.

Mayor Butler then called for a Roll Call Vote:

Councilman Bennett voted in favor based on the Finding of Facts;  
Councilman Shannon voted in favor based on the Finding of Facts;  
Councilwoman Phillips-Lowe voted in favor based on the Finding of Facts;  
Councilwoman Jones voted in favor based on the Finding of Facts;  
Councilwoman Peterson voted in favor based on the Finding of the Facts.

Motion so carried with all present voting in favor.

City Manager Slatcher asked Mr. Jim Blackwell of the Seaford Historical Society to come to the podium to present New Business item #1. Mr. Blackwell presented information on a grant award for an addition at the Seaford Historical Society Museum located on High Street. The addition will house a walk thru display of the people and buildings of the area around the turn of the century. There will also be other displays and presentations. He stated one of the ways they sold the project was by wanting to get people to the downtown area of Seaford.

City Manager Slatcher presented New Business item #2, Mayor Butler to appoint Board of Election for Special Election to issue \$2,579,004 in General Obligation Bonds. The Board of Election would consist of Mr. Donald Tull, Mr. Charles Butler and Mr. Rick Peterson.

Mayor Butler called for a motion. Councilman Bennett made a motion to approve the Board of Election, as appointed by Mayor Edward H. Butler, Jr., to be Mr. Donald Tull, Mr. Charles Butler and Mr. Rick Peterson, for the Special Election to issue \$2,579,004 in general obligation bonds. Councilman Shannon seconded the motion, with all present voting in favor.

City Manager Slatcher presented New Business item #3, present for approval the resolution proposing the issuance of up to \$2,579,004 in General Obligation Bonds for the Washington Avenue Storm Water Improvements Project and possibly the Porter Street Area Storm Water Improvements and set the date as March 28, 2011 from 2:00 p.m. to 7:00 p.m. in Council Chambers.

Mayor Butler called for a motion. Councilman Bennett made a motion to approve the resolution proposing the issuance of up to \$2,579,004 in General Obligation Bonds for the Washington Avenue and Porter Street Storm Water Improvements to be held on March 28, 2011 in Council Chambers from 2:00 p.m. until 7:00 p.m. Councilwoman Phillips-Lowe seconded the motion.

Mayor Butler then called for a Roll Call Vote:

Councilman Bennett voted in favor;  
Councilman Shannon voted in favor;  
Councilwoman Phillips-Lowe voted in favor;  
Councilwoman Jones voted in favor;  
Councilwoman Peterson voted in favor.

City Manager Slatcher presented New Business item #4, present committee report to change designated parking area on North Street in front of the Delaware Teen Challenge property.

City Manager Slatcher asked Assistant City Manager, Charles Anderson to come to the podium to go over the report from the committee. He stated he was part of the committee along with Lt. Jamison and Berley Mears, Director of Public Works. He stated they visited the site and visibility was a problem. The recommendation was to eliminate 55 lineal feet of the existing parking zone on North Street. It would still allow for 3 parking spaces, but it would open up visibility at the intersection.

Mayor Butler called for a motion. Councilwoman Jones made a motion to approve the recommendation from staff to change the designated parking area on North Street in front of Delaware Teen Challenge. Councilwoman Peterson seconded the motion, with all present voting in favor.

City Manager Slatcher presented New Business item #5, Mayor Butler to appoint Board of Election for the Annual Municipal Election. She stated the Charter states that we have a standing Board of Elections.

Mayor Butler appointed: one year term – Mr. Rick Peterson and Mrs. Jean Briggs-Johnson; two year term – Mrs. Maureen Stanton; and three years – Mr. Donald Tull and Mrs. Elaine Vincent.

Mayor Butler called for a motion. Councilwoman Jones made a motion to approve the Board of Elections, as appointed by Mayor Edward H. Butler, Jr., to be for a one year term – Mr. Rick Peterson and Mrs. Jean Briggs-Johnson; two year term – Mrs. Maureen Stanton; and three years – Mr. Donald Tull and Mrs. Elaine Vincent. Councilman Bennett seconded the motion, with all present voting in favor.

Mayor Butler then appointed the Municipal Election Workers:

|                          |                          |
|--------------------------|--------------------------|
| Mr. Donald Tull          | All Day – Election Judge |
| Mrs. Elaine Vincent      | All Day                  |
| Mrs. Jean Briggs-Johnson | All Day                  |
| Mr. Rick Peterson        | All Day                  |
| Mrs. Maureen Stanton     | All Day                  |
| Mrs. Dolores Slatcher    | All Day (Relief)         |
| Mrs. Trisha Newcomer     | All Day (Relief)         |
| Mrs. Jeanne Sapp         | 9 a.m. – 2 p.m.          |
| Ms. Annette Cole         | 9 a.m. – 2 p.m.          |
| Ms. Tina Hurley          | 2 p.m. – 6:30 p.m.       |
| Ms. Tracy Torbert        | 2 p.m. – 6:30 p.m.       |

Mayor Butler called for a motion to approve the Municipal Election workers for April 16, 2011. Councilwoman Phillips-Lowe made a motion to approve the Municipal Election workers for April 16, 2011 as appointed by Mayor Edward H. Butler, Jr., as so stated. Councilman Shannon seconded the motion. Motion so passed with all present voting in favor.

**REMINDER OF MEETINGS & SETTING OF NEW MEETINGS:**

- SCAT meeting on March 2nd
- League meeting on February 24<sup>th</sup>
- High Street Renewal meeting on March 1st

**Annual Municipal Election Information:**

Election date is Saturday, April 16, 2011 from 10:00 a.m. until 6:00 p.m.  
Candidate filing deadline and Voter Registration deadline is March 25, 2011 by 5:00 p.m.

All interested candidates must file with the City Manager before the filing deadline. Two Council Member's positions are up for election. These positions are currently held by Councilwoman Pat A. Jones and Councilman J. Rhea Shannon.

**COMMITTEE REPORTS:**

- ♦ Councilwoman Jones reported that the volleyball and dodgeball meetings were being held tonight. The Parks department has been trimming trees and bushes. She also reported that the Parks and Recreation Department is now on Facebook. The Money Mailer ad will be going out on March 2<sup>nd</sup> and the Easter Egg Hunt will be held in April.
- ♦ Councilwoman Peterson reported that the water main on Nylon Blvd. is complete and the road will be finished at a later date. There has been an additional yield sign placed on Market Street. She also reported all departments are working on budgets.

- ♦ Councilwoman Phillips-Lowe had nothing to report.
- ♦ Councilman Shannon reported that the background process has been completed for a new dispatcher and we should have a new dispatcher soon.
- ♦ Councilman Bennett reported that the Electric Department has been working on the budget and the lights in Westview are almost complete. The Fire department has been busy with several brush fires and the Train show is this weekend.

Mayor Butler requests a motion to hold an Executive Session for the purpose of discussing negotiations. Councilwoman Phillips-Lowe made a motion to hold an Executive Session for the purpose of discussing negotiations. Councilwoman Peterson seconded the motion, with all present voting in favor.

Immediately following the Executive Session at 8:34 p.m. Mayor Butler reopened the regular meeting of the Mayor and Council

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

Mayor Butler adjourned the Regular meeting at 8:36 p.m.

By: \_\_\_\_\_  
Charles Anderson, Assistant City Manager

/tlh