

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

April 24, 2012

7:00 PM

Mayor Edward H. Butler, Jr., called the Regular Meeting to order with the following present: Councilwoman Grace S. Peterson, Councilwoman Leanne Phillips-Lowe, Councilman J. Rhea Shannon and Councilman William G. Bennett. Dolores J. Slatcher, City Manager, and Charles Anderson, Assistant City Manager, Josh Littleton, Building Official, Sharon Drugash, RE/PR Manager and Rick Garner, Director of Power were also present.

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

Mayor Butler solicited changes to the agenda. City Manager Slatcher stated that there were two changes. To add the following items to the agenda: Present information on Power Plant Cooling Well Decommissioning and North Street Sewer Main Replacement in conjunction with Washington Avenue Storm Water project. Councilwoman Phillips-Lowe made a motion to approve the agenda with the changes. Councilwoman Peterson seconded the motion; motion so passed with all present voting in favor.

Mayor Butler closed the regular meeting at 7:05 p.m. and opened up the Public Hearing.

Mr. Josh Littleton, Building Official presented Public Hearing #1, Seaford School District, the property owners of Seaford Senior High School, 399 N. Market Street, Tax Map & Parcel 3-31-5.00-6.00, are requesting a preliminary site plan review and approval for the expansion to the Seaford High School along with ancillary site modifications. Property is zoned R-2 Medium Density Residential. Mr. Roy Whitaker from Seaford School District and Mr. Mike Riemann from Beches Morgan were present. Mr. Littleton stated that on November 2, 2011 – Board of Adjustment granted an expansion of the existing special use exception for the school as required by the zoning ordinance and the project complies with the City zoning ordinance. He added that a maintenance agreement will be necessary between the City and School District due to the interconnection of four catch basins on School Lane. The city engineer, GMB, Inc. is currently reviewing the on-site stormwater system and the possible effects on the existing City storm water system. If any issues arise, they will need to be resolved prior to final plan review. Mr. Littleton stated that the Project will require approvals from: State Fire Marshal – Site Plan, DNREC- Storm water review, State Accessibility Board – ADA Compliance and City Engineer.

Mayor Butler called for questions from Council; there were none. Mayor Butler called for questions from the public; there were none.

Mayor Butler closed the public hearing at 7:09 and reopened the regular Council Meeting.

Mr. Littleton presented the findings of the facts:

- Preliminary Plan Review
- Property is zoned R-2 Medium Density Residential

- November 2, 2011 – Board of Adjustment granted an expansion of the existing Special Use Exception for the School as required by the Zoning Ordinance
- Project complies with City Zoning Ordinance
- A maintenance agreement will be necessary between the City and School District to delineate maintenance responsibilities of the stormwater, water & sanitary sewer facilities serving the project.
- Project will require approvals from:
  - State Fire Marshal – Site Plan
  - DNREC- Storm water review
  - State Accessibility Board – ADA Compliance
  - City Engineer
- Planning and Zoning Commission issued a favorable recommendation for preliminary plan approval.

Mayor Butler then called for a motion. Councilman Bennett made a motion to approve the preliminary plan review and ancillary site modifications for the expansion of the Seaford High School, 399 N. Market Street, Tax Map & Parcel 3-31-5.00-6.00 as requested by Seaford School District. Councilman Shannon seconded the motion; motion so passed with all present voting in favor.

Roll Call Vote:

Councilman Bennett voted in favor based on the findings of facts;  
Councilman Shannon voted in favor based on the findings of facts;  
Councilwoman Phillips-Lowe voted in favor based on the findings of facts;  
Councilwoman Peterson voted in favor based on the findings of facts.

Mayor Butler confirmed the project passed with all present voting in favor.

City Manager Slatcher presented New Business # 2, Present a request to pay from the sewer reserves the cost of asbestos removal and special services for upland vegetation at the outfall headwall. She explained that as part of the work on the Washington Avenue Stormwater Retrofit project the City has incurred two expenditures for outside contractors not a part of the General Contractor's contract. The first is with Hastings Marine Construction in the amount of \$9,000. The work was for additional permitting from the State of Delaware DNREC in the amount of \$1,000, which is included in the \$9,000, and planting additional upland vegetation at the headwall to preserve wetlands at the outfall. The second is for contracting with NCM Demolition in the amount of \$1,890 for asbestos removal of abandoned water main as part of the project. The current contractor did not have the necessary permit to haul the waste. These two tasks were done outside of the contract to save the City the mark-up on the work and in the past they have been considered contingencies in the contract. With no questions, Mayor Butler called for a motion. Councilman Shannon made a motion to approve the use of sewer reserves funds to pay for outside contractors performing special services on the Washington Avenue Storm Water Retrofit project specific to Hastings Marine Construction in the amount of \$9,000 for DNREC permit and upland vegetation at the outfall headwall and NCM Demolition in the amount of \$1,890 for asbestos removal from the

site found on abandoned water main. Councilwoman Peterson seconded the motion; motion so passed with all present voting in favor.

City Manager Slatcher presented New Business # 1, Report the results of the Municipal Election held on April 21, 2012 and inform all the new elected officials will be sworn in on May 8, 2012. There were 622 ballots casted including 62 absentee ballots. For the Mayor position, William G. Bennett received 422 votes and Pat A. Jones received 191 votes. For City Council, David Genshaw received 443 votes, Douglass Lambert received 211 votes and Grace S. Peterson received 434 votes. City Manager Slatcher added that they will be sworn in at the next Council Meeting on May 8, 2012 due to the seven day appeal period.

City Manager Slatcher presented New Business # 3, Bids- Clean-Up Week. There were three bids received with Peninsula Oil Company being the low bidder in the amount of \$67.50 per pull. Staff is recommending going with their bid. Councilwoman Peterson made a motion to award the bid for clean-up week debris removal to Peninsula Oil Company in the amount of \$67.50 per pull; with a total base bid of \$24,900.00. Councilman Bennett seconded the motion; motion so passed with all present voting in favor.

City Manager Slatcher presented New Business # 4, Request to add one parking space in front of 107 Spring Street. City Manager Slatcher stated that the owner has request one on-street parking space to be provided for this address. Presently the entire area in front of this property is painted yellow for no parking. A site visit was done by Chief Gary Morris, Berley Mears, Director of PW, Charles Anderson, ACM and CM Dolores Slatcher. They also made contact with Ron and Ric Marvel regarding the request. The Marvels stated that they have a 54' tractor-trailer which makes deliveries to Burton's Hardware Store. Therefore, they need the south space to remain yellow to sustain clearance for the truck. They were in agreement to a trial period to see if there is any negative impact. Therefore, staff is recommending to allow one on-street parking space in front of the property to be located to the north portion of the property for a trial period of six months and if there are no complaints then to permanently allow it to remain. Councilwoman Phillips-Lowe made a motion to permit one parking space in front of 107 Spring Street on a trial basis for six months and if no complaints received by the City then it will be permanently approved. Councilwoman Peterson seconded the motion; motion so passed with all present voting in favor.

City Manager Slatcher presented New Business # 5, Request to paint additional fire hydrants with themes. Mr. Charles Anderson, ACM introduced Mr. Kyler Scheerer who is a member of the YELL Club of Seaford. Mr. Scheerer came forward showing pictures of current hydrants that are painted in the City and he is requesting permission to paint additional hydrants at the Seaford River Walk (floral pattern), Seaford Fire Department (Fire/American Theme), Seaford Police Department (Police/American Theme) and the Hydrant on Royal Farms property (American Flag Theme/Fire Theme). City Manager Slatcher pointed out that the top of the hydrant would be left the current color that it is and would not be painted so that the flow of the hydrant would be known. Councilman Shannon made a motion to approve the request to paint additional fire hydrants with the approved themes and in the locations presented this date. Councilman Bennett seconded the motion; motion so passed with all present voting in favor.

City Manager Slatcher presented New Business #6, Request to take clean-up action on the Power Plant Cooling Wells following EPA and DNREC inspection. City Manager Slatcher explained that during the EPA site visit two weeks ago, oily water was discovered in one of the three cooling water wells (West well) behind the power plant. As a result of the inspection, the EPA has requested to have all three wells pumped, cleaned with high pressure nozzles to eliminate the source of oil into the West well. An estimate was given by Clark Environmental Services of Salisbury to do the work in the amount of \$7,000 to \$9,000. Rick Garner, Director of Power has also looked into the option of using flowable fill to permanently seal the three cooling wells to 6" below grade. At \$90/yard this would be approximately \$2,500 additional. Therefore, the estimated cost to permanently seal the wells with flowable fill would be \$11,500 on the high end. City Manager Slatcher added that \$11,500 does not include any testing that may need to be done. Councilman Bennett made a motion to approve up to \$11,500 for the clean-up of the Cooling Wells at the power plant to seal with flowable fill for a permanent closing of the wells to be paid for from the Electric reserves. Councilwoman Peterson seconded the motion; motion so passed with all present voting in favor.

City Manager Slatcher presented New Business #7, Request to replace deteriorating sanitary sewer clay pipes, laterals, and clean-outs on North Street in conjunction with the Washington Storm Water project. City Manager Slatcher stated that it is being recommended by staff to replace the sewer main on North Street based on the price that was received by A.P. Croll. This area is in bad shape and needs to be replaced before the paving occurs in order to save money. If it is not replaced at this time, it may become an emergency repair. Councilman Bennett made a motion to approve and not-to-exceed budget of \$127,628.60 for the replacement of the sanitary sewer clay pipe on North Street as proposed by staff and AP Croll in conjunction with the Washington Avenue Storm Water project to be completed prior to paving to be paid for from the Sewer Impact Reserves; however, if the price is not met then the work will not be done. Councilman Shannon seconded the motion; motion so passed with all present voting in favor.

City Manager Slatcher presented Old Business #1, Reminder of Special Election to be held on May 14, 2012 from 2:00 p.m. to 6:00 p.m. proposing the issuance by the City of Seaford, Delaware of up to \$1,903,812 maximum principal amount general obligation bond to finance the installation of water meters and other associated equipment throughout the City of Seaford. Present the names for the Special Election Board to be appointed by Mayor Butler. Mayor Butler stated that the election board would be as follows: Ms. Arsie Burton, Mr. Charles Butler and Mr. Rick Peterson. Councilwoman Phillips-Lowe made a motion to approve the Special Election Board for the May 14<sup>th</sup> Special Election on the borrowing of \$1,903,812 in general obligation bonds. Councilwoman Peterson seconded the motion; motion so passed with all present voting in favor.

City Manager Slatcher presented Old Business #2, Present recommendations for cases presented at Real Estate Property Tax Appeal Hearing on April 10, 2012. Mrs. Sharon Drugash, RE/PR Manager came forward to present the recommendations on behalf of Mr. Dave Hickey, PTA/DEL VAL.

Mrs. Drugash stated that appeal #1 was from Robert Durham for the lot located at Sussex Hwy and the three lots located at Bridgeville Hwy. After Mr. Hickey reviewed the information, he found that

the property was found to be assessed significantly higher than the appraisal; however, the assessment appears to be in line with the assessment of the adjoining properties as well as the current sales data. He is recommending no change for this appeal. Councilman Bennett made a motion to approve the recommendation as presented based on the review of Mr. Dave Hickey, PTA/DEL VAL of the information presented at the April 10, 2012 Real Estate Property Tax Appeal Hearing. Councilwoman Phillips-Lowe seconded the motion; motion so passed with all present voting in favor.

Mrs. Drugash presented the second tax appeal, Mr. Nicholas Bernstein of 300 Elm Drive. Mr. Bernstein was under the impression that he was being charged with a finished basement. After reviewing the record, it was found that it has not been assessed as having a finished basement. It is being recommended to make no change for this property. Councilman Shannon made a motion to approve the recommendation as presented based on the review of Mr. Dave Hickey, PTA/DEL VAL of the information presented at the April 10, 2012 Real Estate Property Tax Appeal Hearing. Councilman Bennett seconded the motion; motion so passed with all present voting in favor.

Mrs. Drugash presented the third tax appeal, Mrs. Carol Beth Lambert of 414 N. Porter Street. After reviewing sales of homes similar to this property, it was found that the assessment is in line with the then current market value. It is being recommended to have no change for this appeal. Councilman Shannon made a motion to approve the recommendation as presented based on the review of Mr. Dave Hickey, PTA/DEL VAL of the information presented at the April 10, 2012 Real Estate Property Tax Appeal Hearing. Councilwoman Peterson seconded the motion; motion so passed with all present voting in favor.

Mrs. Drugash presented the fourth tax appeal, Mr. William Bumpass of 317 Chandler Street. Mr. Bumpass stated that he was required to make improvements to his property by the City which resulted in an increase in his assessment from \$58,700 to \$61,900. He also stated that he continues to have problems with the property due to the renters/occupants. Taking this into consideration, it was found that very limited sales data existed in the \$60,000 price range in the City. At the time of the assessment as well as the Building Permit adjustment, he was unaware that this was a rental property. Therefore, a ten percent decrease in the assessment is being recommended. The adjustment will lower the subject value from \$61,900 to \$57,800. Councilwoman Peterson made a motion to approve the recommendation as presented based on the review of Mr. Dave Hickey, PTA/DEL VAL of the information presented at the April 10, 2012 Real Estate Property Tax Appeal Hearing. Councilwoman Phillips-Lowe seconded the motion; motion so passed with all present voting in favor.

#### **REMINDER OF MEETINGS & SETTING NEW MEETINGS**

- DE League of Local Governments at the Sheraton in Dover on April 26<sup>th</sup> at 6:00 p.m.
- Manor House new courtyard on April 27<sup>th</sup> @ 2:00 p.m.
- Recognition dinner for Administrative Professionals, Georgia House in Laurel on April 27<sup>th</sup> at 6:00 p.m.
- Delmarva Power Wholesale meeting at the Clarion in Ocean City, MD on May 3<sup>rd</sup> at 3:00 p.m.

- Opening Day of Nanticoke Little League on May 5<sup>th</sup> at 7:45 a.m.
- National Day of Prayer on May 3<sup>rd</sup> @ City Hall from 12:20 p.m. until 1:40 p.m.

### COMMITTEE REPORTS

Councilwoman Peterson reported that a good report was received from the recent safety inspection. The Washington Avenue Storm Water project is moving along. A movie at the Mansion will be held on May 5<sup>th</sup> starting around 7:45 p.m. and will be "Puss in Boots". The SET team is having a yard sale this Saturday at City Hall. The Code Department is updating their code book and getting grass violations letters out. She added that Clean-Up Week will be held May 14 – 18.

Councilwoman Phillips-Lowe reported that budget meetings will start to take place. She thanked all of the staff for their work on the election. She added that tomorrow is Administrative Professional Day and thanked all of them for their hard work and commitment to the City.

Councilman Shannon reported that everything is fine at the Police Department.

Councilman Bennett thanked everyone that came out and voted and congratulated the other candidates. The electric department had some small outages due to the winds and tree trimming will start in Westview on May 7<sup>th</sup>. The fire department has their new ambulance in service.

City Manager Slatcher thanked Mayor Butler for his years of service to the City.

With no further comments, Mayor Butler called for a motion to adjourn the Regular Meeting of Mayor and Council. Councilwoman Phillips-Lowe so moved. Councilwoman Peterson seconded the motion and the motion so carried with all present voting in favor. Mayor Butler adjourned the meeting at 7:48 p.m.

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Dolores Slatcher, City Manager

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