

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

June 26, 2012

7:00 PM

Mayor William G. Bennett called the Regular Meeting to order with the following present: Councilwoman Grace S. Peterson, Councilwoman Pat A. Jones, Councilwoman Leanne Phillips-Lowe, Councilman J. Rhea Shannon and Councilman David Genshaw. Dolores J. Slatcher, City Manager, Charles Anderson, Assistant City Manager, and Josh Littleton, Building Official, were also present.

Councilwoman Jones offered the opening prayer and Mayor Bennett led those present in the Pledge of Allegiance.

Mayor Bennett solicited changes to the agenda. City Manager Slatcher stated that there was one change, the addition of an Executive Session for the purpose of discussing personnel. Mayor Bennett called for a motion to approve the change. Councilwoman Jones so moved. Councilwoman Phillips-Lowe seconded the motion. The motion so passed with all present voting in favor.

Mayor Bennett called for a motion to approve the Minutes of the Regular Meeting of June 12, 2012. Councilwoman Peterson made the motion to approve the minutes of June 12, 2012. Councilwoman Jones seconded the motion. The motion so passed with all present voting in favor.

Mayor Bennett asked Zoe Laws to come forward to receive the Mayor's Right Choice Award. He explained that each year seniors from the Seaford School District are invited to apply for this award. These students are drug-free and are positive role models in their school and community. He said that Ms. Laws' community involvement includes being a part of the planning and building of the Jays Nest recreation area, as well as a youth member of the AFRAM and Martin Luther King, Jr. Day Celebration committees. She is an active member of Mt. Cavalry AME Church, working with the after school program. At Seaford High School, she was Miss Bluejay 2012, was a varsity cheerleader for 4 years and Captain for 3 of those years, a member of the varsity basketball team, and also active in student government. Mayor and Council congratulated Ms. Laws and she thanked them for the award.

Mayor Bennett asked if there was any correspondence. City Manager Slatcher said that there was none.

City Manager Slatcher presented New Business # 1, approval of the Agreement with the Western Sussex FOP Lodge #9. She called forward Sergeant Joe Bowen and Corporal Valerie Horn who were present on behalf of the Western Sussex FOP Lodge #9 for the signing of the agreement once approved. The agreement will take effect on July 1, 2012. She said that the negotiating team consisted of Charles Anderson, ACM, June Merritt, Director of Finance and Dave Williams, Esquire on behalf of the City, and Sgt. Joe Bowen, Cpl. Valerie Horn, Cpl. Eric Chambers and Ron Stoner , Esquire on behalf of the FOP.

Mayor Bennett solicited any questions. There being none, he called for a motion. Councilman Shannon made the motion to approve the Agreement with the Western Sussex FOP Lodge #9 as prepared. Councilman Genshaw seconded the motion. The motion so passed with all present voting in favor.

Mayor Bennett closed the Regular Meeting at 7:12 p.m. and opened the Public Hearing.

Josh Littleton, Building Official presented Public Hearing # 1, Case # S-09-12, Peninsula Oil Co., property owner of 330 W. Stein Highway, also identified as Tax Map and Parcel 5-31-10.18-126.00 (zoned C-2 Highway Commercial) and 703 E. Ivy Drive, also identified as Tax Map and Parcel 5-31-10.18-127.00 (zoned R-1 Single Family Residential), is seeking to combine the two properties to create one lot by eliminating the property line between the two parcels. John Evans was present on behalf of Peninsula Oil Co., and the future developers of the site were represented by Charles Shaller and Robert Blake. Mr. Littleton explained that Peninsula Oil Co. is seeking to combine the two properties located at 330 W. Stein Highway and 703 E. Ivy Drive. He said that both parcels are approximately .67 acres.

Mayor Bennett asked if the lot at 703 E. Ivy Drive has split zoning. Mr. Littleton explained that there is a line dividing that parcel, and that part of it is zoned R-1 residential and part of it is zoned C-2 commercial. He said that staff came across this during a review of the tax records, and added that the property is currently being taxed at a residential rate.

Mayor Bennett solicited any questions from the public; there were none. He then solicited any questions from Council; there were none.

Mr. Littleton presented Public Hearing # 2, Case # R-10-12, Peninsula Oil Co., property owner of Tax Map and Parcel(s) 5-31-10.18-126.00 & 127.00, is seeking to rezone the newly created lot to C-2 Highway Commercial. He said that the northern portion of TMP 5-31-10.18-127.00 is zoned R-1 Residential, and the remainder of the property is zoned C-2 Highway Commercial. The new lot created by combining the two parcels is to be rezoned C-2 Highway Commercial. Mr. Littleton explained that relocating the zoning line to the rear of the property would bring it in line with the commercial properties on either side of it – Hardee's to the east and Callaway, Farnell & Moore to the west.

Mayor Bennett solicited any questions from the public; there were none. He then solicited any questions from Council; there were none.

Mayor Bennett closed the Public Hearing at 7:15 p.m. and reopened the Regular Meeting.

Mr. Littleton presented the Findings of Fact for Case # S-09-12:

- Property is located on Stein Highway and East Ivy Drive
- Consolidation of the two parcels to create one large lot
 - TMP 531 10.18 126 is zoned C-2 Highway Commercial

- TMP 531-10.18-127 is zoned C-2 Highway Commercial & R-1 Single Family Residential
- The subdivision complies with all zoning requirements;
- Planning & Zoning made a favorable recommendation to Council.

Mayor Bennett called for a motion. Councilwoman Phillips-Lowe made the motion to approve the request of Peninsula Oil Co., property owner of 330 W. Stein Highway, Tax Map and Parcel # 5-31-10.18-126.00 and 703 E. Ivy Drive, Tax Map and Parcel # 5-31-10.18-127.00 to combine the parcels and extinguishing the property line between the parcels as presented. Councilman Shannon seconded the motion.

Mayor Bennett then called for a Roll Call Vote:

Councilwoman Peterson voted in favor based on findings of fact;
Councilwoman Jones voted in favor based on findings of fact;
Councilwoman Phillips-Lowe voted in favor based on findings of fact;
Councilman Shannon voted in favor based on findings of fact;
Councilman Genshaw voted in favor based on findings of fact.

Mayor Bennett confirmed that the motion passed with all present voting in favor.

Mr. Littleton presented the Findings of Fact for Case # R-10-12:

- Property is located on Stein Highway & W. Ivy Dr.
 - TMP 531 10.18-126 is zoned C-2 Highway Commercial
 - TMP 531-10.18-127 is zoned C-2 & R-1 Single Family Residential
- The rezoning will allow the entire parcel to be within one zone
- The combined parcels are to be rezoned to C-2 Highway Commercial
- The lot will comply with the zoning regulations of the district
- The rezoning is consistent with the City's Comprehensive Plan
- Planning & Zoning made a favorable recommendation to Council.

Mayor Bennett called for a motion. Councilwoman Peterson made the motion to approve the request of Peninsula Oil Co., owners of lands identified as Tax Map and Parcel #s 5-31-10.18-126.00 and 127.00 to rezone the new lot to C-2 Highway Commercial. Councilwoman Phillips-Lowe seconded the motion.

Mayor Bennett then called for a Roll Call Vote:

Councilwoman Peterson voted in favor based on findings of fact;
Councilwoman Jones voted in favor based on findings of fact;
Councilwoman Phillips-Lowe voted in favor based on findings of fact;
Councilman Shannon voted in favor based on findings of fact;
Councilman Genshaw voted in favor based on findings of fact.

Mayor Bennett confirmed that the motion passed with all present voting in favor.

City Manager Slatcher presented New Business # 2, approval of an Employment Agreement with the Director of Power. She said that this agreement with Rickey Garner will be for the period July 1, 2012 through June 30, 2017.

Mayor Bennett solicited any questions. There being none, he called for a motion. Councilwoman Peterson made the motion to approve the Employment Agreement with the Director of Power for the period of July 1, 2012 through June 30, 2017. Councilman Genshaw seconded the motion. The motion so passed with all present voting in favor.

City Manager Slatcher presented New Business # 3, approval of the Dedication Agreement with Stoneybrook Village for water and sewer utilities. She explained that this is a standard agreement for the subdivision dedicating these utilities back to the City. She said that this also includes the offsite sewer utilities at Food Lion and Taco Bell. She added that the sewer connection at Taco Bell is not yet completed and therefore not included, and that Phases 4 and 5 of Stoneybrook Village, streets and stormwater are also not included in this agreement. She said that the engineers have inspected the utilities and have recommended accepting the agreement.

Mayor Bennett solicited any questions. There being none, he called for a motion. Councilwoman Jones made the motion to approve the Dedication Agreement with Stoneybrook Village for acceptance of the water and sewer utilities. Councilwoman Phillips-Lowe seconded the motion. The motion so passed with all present voting in favor.

City Manager Slatcher presented New Business # 4, approval of the Appointment of Records Officer and Authorized Agents for FY2013. She said that Tracy Torbert will be the Records Officer, and herself, Trisha Newcomer, and June Merritt will be the Authorized Agents.

Mayor Bennett solicited any questions. There being none, he called for a motion. Councilwoman Jones made the motion to approve the appointment of the Records Officer of the City of Seaford Tracy Torbert, and the authorized agents being Trisha Newcomer, Dolores Slatcher, and June Merritt, for the Delaware Public Archives. Councilwoman Phillips-Lowe seconded the motion. The motion so passed with all present voting in favor.

REMINDER OF MEETINGS & SETTING NEW MEETINGS

- Nanticoke Senior Center – Lunch at 12 noon on July 3rd
- July 4th – All City offices closed for the Holiday

COMMITTEE REPORTS

Councilman Genshaw reported that softball games are under way in the Recreation Department. He said that there have been discussions with the Parks and Recreation

Department about making changes to their website to better communicate with the public about their programs. He added that there was a swim meet held recently at the Seaford Community Swim Center, and there were many positive remarks made about the appearance of the pool.

Councilman Shannon reported that everything is running smoothly with the Fire and Police Departments.

Councilwoman Phillips-Lowe reported that the Code Department has been busy sending out violation letters and issuing work orders to correct those violations. She said that they have also been busy issuing building permits, and have issued Certificates of Occupancy for Building 1 at Stoneybrook Apartments and the Papayo Market. She reported that everything is running smoothly at the WWTF, and a recent inspection performed there was successful. She said that the Public Works Department has been working on the Washington Street Stormwater Project, which is on schedule. She added that Riverfest t-shirts are available for sale at City Hall, and this year there will also be beach balls for sale featuring the Riverfest logo.

Councilwoman Jones had nothing to report for the Administration Department.

Councilwoman Peterson reported that the Electric Department has advertised for the Superintendent position. She said that the decommissioning of the fuel storage tanks was completed at the Power Plant. She said that there was another grounding wire theft, and that the Police Department was able to arrest the culprit the same day. She added that the annual inventory count is complete.

With no further comments, Mayor Bennett called for a motion to close the Regular Meeting of Mayor and Council and move to Executive Session. Councilwoman Phillips-Lowe so moved. Councilwoman Peterson seconded the motion and the motion so carried with all present voting in favor. Mayor Bennett closed the meeting at 7:26 p.m.

Mayor Bennett closed the Executive Session and reopened the Regular Meeting at 7:35 p.m. He then called for a motion to adjourn the Regular Meeting. Councilman Shannon so moved. Councilwoman Peterson seconded the motion and the motion so carried with all present voting in favor. Mayor Bennett adjourned the meeting at 7:35 p.m.

Dolores Slatcher, City Manager