

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

May 24, 2011

7:00 p.m.

City Manager, Dolores J. Slatcher opened the meeting by asking if anyone would mind doing the Mayor's Right Choice Award before the Real Estate Property Tax Appeals. With there being no objection, Vice-Mayor J. Rhea Shannon asked Ms. Tiffany Booth and her mother, Michelle Booth, to come to the front. He explained the award is given to a Seaford community senior who, by making the right choices in life, has exhibited a positive influence on the Seaford community. The award is not intended to acknowledge academic achievements, but rather to recognize the student as a role model. He presented Ms. Booth with a plaque and a check for \$500 and thanked her for her contributions and all that she has done for the community.

Vice-Mayor J. Rhea Shannon opened the meeting for Real Estate Property Tax Appeals. City Manager Slatcher explained the Tax Appeals process stating that in accordance with the Charter, Section 25 (F) any person appearing before the City Council sitting as a Board of Revision and Appeal may appear in person or may be represented by any third party who has written authorization to so appear. Also anyone wishing to appeal will be introduced by Mrs. Sharon Drugash, Real Estate Property Tax Manager. Each one is requested to come forward and stand at the microphone stating their name and address. Kurt Riley of PTA/DELVAL and Council will hear the appeals and then it will be taken under advisement, after reviewing the information a decision will be made. She stated the tax assessments are based on 2008 values, when the City did a reassessment.

Mrs. Betty Johnson came to the podium in reference to 313 N. Porter Street. She stated this was her father's house and was given to her when he passed away. It is for sale and has been for 2.5 years. She stated the realtor told her with the recent appraisal that was done the selling price would be approximately \$119,000. The house is being sold as is. Her and her husband have their own property to take care of and cannot make the needed repairs. They keep the grass cut and pay the utilities for the property and would like to possibly have the assessment lowered for a possible reduction in the taxes.

Mr. Joe Palencar of Teton Sales came to the podium in reference to 2 lots that he owns in the Industrial Park. One lot is improved with a 40,000 square foot warehouse. He stated he recently refinanced and had an appraisal done. The total appraisal for both lots and the improvement was \$1,325,000. His total current assessment is \$3,928,000, which is a significant difference. Mr. Palencar left his recent appraisal with Mr. Riley for his review.

Mrs. Carol Richardson, 215 Elm Drive, came to the podium in reference to the lot on Elm Drive. She is appealing her assessment because she spoke to the resident at 300 Elm Drive and feels that her assessment should be the same as his, but it is

higher. She was told she is not able to build on the lot and feels the assessment is too high.

Joseph Reinsfelder came to the podium in reference to 502 Linden Street. He stated his property is assessed at \$203,900 and doesn't feel the Wilmar Village area would bring that selling price. He stated there are currently four houses for sale in Wilmar Village and the highest selling price is \$119,000. He feels his assessment is too high.

Mr. George Farnell came to the podium in reference to his business property located at 500 W. Stein Highway. The assessment for the property is \$417,600. He stated there have not been any recent sales of comparable properties on Stein Highway. There was the sale of a property on Stein Highway that was a lot with a building and it sold for \$70,000. There was also a lot with a building on East Stein Highway which sold for \$137,000. The building was torn down recently. He does feel his location is better than those mentioned. He feels that if he were to put his property on the market he would be hard pressed to get \$300,000 for it and feels that's what the appraised value should be.

Ms. Brenda Briggs, 803 Hurley Park Drive, came to the podium. She wanted to know if her assessment included a basement or a crawl space.

Mr. Riley stated it was a crawl space. He also stated that the assessment included a deck on the back of the house.

Ms. Briggs stated the deck collapsed due to snow damage and was removed.

City Manager Slatcher advised Ms. Briggs to contact the Code department and they would come out to look at the property.

Jeffrey Taylor, Jr., 109 Belle Ayre Drive, came to the podium. Mr. Taylor stated he recently purchased the house in October. He is questioning the lot size on the assessment.

Mr. Riley stated that Mr. Taylor is submitting a sketch of the lot where his home is. Mr. Riley also stated the recent purchase price was approximately \$166,000 and the assessment is \$224,000.

Mr. Taylor was told by the builder that the property was appraised at \$180,000. He stated this is his first home and he is not familiar and this is all new to him.

Mr. Riley explained that the assessment is very close to the survey that was submitted. Mr. Riley also stated that the problem is that the value of not only Mr. Taylor's property, but all property has gone down and unfortunately the only way to correct the problem would be to do another total reassessment.

Tim Ramey came to the podium in reference to 802 Hurley Park Drive. He is the contractor that built the house and is the current owner. He brought his building permit paperwork from Sussex County with the cost of improvements of \$86,458. He stated he purchased the lot in 2009 for \$40,000, but was assessed at \$60,000. The house is occupied by a tenant who will be purchasing the property when her finances are good enough to purchase. He submitted listings for similar houses in the area that were sold for approximately \$160,000. He feels his current assessment of \$224,300 is too high. He stated when he started the project he felt the cost associated with the building permit was too high at the time, but went ahead with the project thinking that it would be a short term problem since he was selling the house.

City Manager Slatcher did want to point out that the building permit values are not associated with the assessment values. There is a nationally established rate and that sets the value for the building permit. She also stated that assessments are different from appraisals.

Mr. Riley will evaluate all the appeals and paperwork submitted tonight and make contact with each individual.

There being no others present to appeal their real estate property tax assessments Vice-Mayor J. Rhea Shannon, called the Regular Meeting to order at 7:36 p.m. with the following present: Councilwoman Leanne Phillips-Lowe, Councilwoman Pat A. Jones, Councilwoman Grace S. Peterson, and Councilman William G. Bennett. Dolores J. Slatcher, City Manager, Charles Anderson, Assistant City Manager, Sharon Drugash, RE/PR Manager and Josh Littleton, Building Official, were also present.

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

Vice-Mayor Shannon solicited changes to the agenda. City Manager Slatcher stated there were none.

Vice-Mayor Shannon called for a motion to approve the Minutes of the Regular Council meeting of May 10, 2011. Councilwoman Jones made the motion to approve the Minutes of May 10, 2011. Councilwoman Peterson seconded the motion. Motion so passed with all present voting in favor.

Vice-Mayor Shannon wanted to mention that Boy Scout Troop #584 was not present and will possibly attend another meeting.

Vice-Mayor Shannon closed the regular meeting and opened the Public Hearing at 7:40 p.m. He then turned the meeting over to Josh Littleton, Building Official.

Mr. Littleton presented P.H. item #1, AGB, LLC, property owner of 120 N. Cannon Street, Tax Map and Parcel 4-31-5.00-266.00, is seeking final plan approval for the construction of a two-story building. The use will be office space on the first floor and a residential apartment on the second floor. The property is zoned C-3 which permits apartments on the second floor above commercial space. He stated there was a single family home on the property and was demolished, by the previous owner, due to a fire. Phillip Bradley, owner of AGB, LLC, purchased the lot and has been through sketch plan approval once before. A variance was granted on 12/02/09 for side yard setbacks on each side. Four off-street parking spaces would have been required for office space but not provided. Council has granted a waiver on off-street parking for the commercial use during the previous approval. Two off street parking spaces are provided for the apartment.

Vice-Mayor Shannon asked if there were any questions from the public. There were none. Vice-Mayor Shannon then asked if there were any questions from Council.

Councilwoman Peterson asked if the existing shed on the property would stay. Mr. Littleton stated that it would be demolished. There is a storage area on the new building.

Councilwoman Jones asked if there will be a driveway or off street parking. Mr. Littleton stated it would be off street parking.

Councilman Shannon asked about stairs to the apartment. Mr. Littleton stated they would be as shown on the side elevation drawings.

Councilman Bennett asked if there would be inside access to the second floor. Mr. Littleton stated no there would not be access from the inside.

Vice-Mayor Shannon closed the Public Hearing at 7:46 p.m. and reopened the Regular Meeting.

Mr. Littleton then presented the Findings of Facts for the P.H. item #1 on the Agenda, a final plan approval for the construction of a two-story building at 120 N. Cannon Street.

- Final plan review two story building
 - First floor office space
 - Second floor Apartment
 - Two off street parking spaces provided for apartment
 - Council granted a parking waiver for the commercial space, as required per sec. 15-48 (d).
- C-3 Riverfront Enterprise District
- Major Site Plan Approval received from the Office of the State Fire Marshal
- Variance granted by Board of Adjustments in accordance with the submitted Site Plan as shown meets R-3 High Density Residential requirements

- Planning and Zoning did not send a favorable recommendation to Council.

City Manager Slatcher asked Mr. Littleton why Planning and Zoning did not give a favorable recommendation. Was it based on code issues or was it that they did not like the plan submitted?

Mr. Littleton stated the decision was based on them not liking the design of the property and was not due to code. They have met the requirements of the code and for the portions they didn't they received a variance from the Board of Adjustments.

City Manager Slatcher stated the Board of Adjustments felt like it was a minor variance to provide the residential home and the business opportunity in the area rather than a vacant lot. The builder has proven that the building can be built on this lot.

Vice-Mayor Shannon called for a motion. Councilman Bennett made a motion to approve the final plans for AGB, LLC, who is the property owner of 120 N. Cannon Street, as presented. Councilwoman Phillips-Lowe seconded the motion.

Vice-Mayor Shannon then called for a Roll Call Vote:

Councilman Bennett 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 Facts;
Councilman Shannon voted in favor based on the Finding of the Facts.

Motion so carried with all present voting in favor.

Vice-Mayor Shannon asked if there was any correspondence. City Manager Slatcher stated there was none.

City Manager Slatcher presented New Business item #1, Alliance Environmental's request to access property and an access agreement for the installation and sampling of three monitoring wells adjacent to Adams Oil. She stated we received a letter from Alliance Environmental seeking permission to install three monitoring wells. They are in the process of conducting an environmental investigation at Adam's Oil, located at North Pine Street Extended.

Vice-Mayor Shannon called for a motion. Councilman Bennett made a motion to grant access to City of Seaford right-of-way property and to install three monitoring wells for sampling adjacent to the property of Adams Oil Company. Councilwoman Peterson seconded the motion, with all present voting in favor.

City Manager Slatcher presented New Business item #2, to advise that the Municipal Street Aid Report, as submitted by the Municipal Street Committee, has been presented to the General Assembly and a copy is on file. The committee was working with DELDOT back in January to put the information together for the General Assembly for continued and increased funding for Municipal Street Aid.

City Manager Slatcher presented New Business item #3, request approval for the employment contract with Captain Gary Flood for five years.

Vice-Mayor Shannon called for a motion. Councilwoman Phillips-Lowe made a motion to approve the employment contract with Captain Gary W. Flood for five years beginning on July 1, 2011 and ending June 30, 2016. Councilwoman Peterson seconded the motion, with all present voting in favor.

REMINDER OF MEETINGS & SETTING OF NEW MEETINGS:

- DE League of Local Governments – May 26th @ the Sheraton in Dover
- Seaford High School Graduation – May 27th @ 6 p.m.
- Heritage Weekend @ Ross Mansion – May 27th - 29th
- Memorial Day Parade and Ceremony @ Kiwanis Park – May 30th
- Summer hours begin on May 31st
- Memorial service for Tina Fallon – June 4th

COMMITTEE REPORTS:

Councilwoman Peterson reported that the Movie in the Park was a success. The Seaford Enhancement Team will have a booth at Heritage Weekend at the Ross Mansion this weekend.

Vice-Mayor Shannon called for a motion to close the Real Estate Tax Appeals at 8:00 p.m. Councilwoman Jones made a motion to close the Tax Appeals. Councilman Bennett seconded the motion. Motion so passed with all present voting in favor.

Councilwoman Peterson continued to report that the Public Works department is behind on leaf and limb pick up due to being short a truck, an employee, water leaks and meter readings. She also reported that Hooper's Landing looks good.

Councilwoman Jones wanted to thank Parks and Recreation and Public Works for their help with the AFRAM fundraiser. The fundraiser raised \$642 for the event. AFRAM will be held August 12th & 13th. She also wanted to remind everyone of the budget meeting on June 7th.

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Councilwoman Phillips-Lowe reported that the budget is still a work in progress.

Councilman Bennett reported that the Electric Department has been doing routine maintenance. The Fire department has already had two water rescues and wanted to stress to everyone to be safe if you are out on the water.

Councilman Shannon reported that it is business as usual at the Police department. There are a few officers in training in several different areas.

There being no other business, Vice-Mayor Shannon 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.

Vice-Mayor Shannon adjourned the Regular meeting at 8:06 p.m.

By: _____
Dolores Slatcher, City Manager

/tlh