

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

August 28, 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 Councilman J. Rhea Shannon and Councilman David Genshaw. Dolores J. Slatcher, City Manager, Josh Littleton, Building Official and Charles Anderson, Assistant City Manager, 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 were none.

Mayor Bennett called for a motion to approve the Minutes of the Regular Meeting of August 14, 2012. Councilwoman Jones made the motion to approve the minutes of August 14, 2012. Councilman Genshaw seconded the motion. The motion so passed with all present voting in favor.

Mayor Bennett introduced Scout Troop #182 to introduce themselves who are here tonight for the citizenship badge.

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

City Manager Slatcher presented New Business # 1, Bids – Front-end loader for Wastewater Compost site. City Manager Slatcher stated that the decision was made to go with the lowest responsible bidder in the amount of \$119,489.85 less the trade-in. The lowest bid was a Doosan piece of equipment. After doing some research, it was found that there are not any local companies that would be able to service the equipment. The Case front end loader that we currently have at the WWTF is 15 years old and has over 17,500 hours on it. The dealership that we will be purchasing from would be able to service the equipment as well. It is being recommended from staff to purchase the Case as we have had good luck with them in the past.

Mayor Bennett solicited any questions. There being none, he called for a motion. Councilman Shannon made a motion to approve the bid award for the Front End Loader to Folcomer Equipment for the net amount of \$119,489.85, the second low bidder based on the research performed by the Director of Public Works and to approve the use of the Compost reserve funds set aside for major capital to pay for this purchase. Councilwoman Peterson seconded the motion. The motion so passed with all present voting in favor.

Mayor Bennett closed the Regular Meeting at 7:05 p.m. and opened the Public Hearing.

Josh Littleton, Building Official presented Public Hearing #1, Case # S-13-12: The subdivision request of Seaford Project, LLC, property owners of 198 Venture Drive, Tax Map and Parcel 3-31-5.00-4.21. The owners wish to create two lots – Parcel A consisting of 2.1008 +/- acres and Parcel B consisting of 2.1007 +/- acres. Mr. Littleton explained that the property is located in the Ross Business Park. He added that Subdivision complies with the Ross Business Park covenants as well as the Zoning Ordinance.

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 # S-14-12: The request of The City of Seaford, property owners of Tax Map and Parcel 4-31-2.00-31.00. The City is seeking to subdivide 3,030 +/- sq. ft. from this parcel. The adjoining property owner wishes to purchase this 3,030 +/- sq. ft. of land and combine with Tax Map and Parcel 4-31-2.00-29.00. Mr. Littleton stated that this property is located on Front Street. He added that the subdivision would be contingent on the land area being combined with the parcel to the south in order to meet the zoning ordinance.

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 #3 – Genesis Healthcare, property owner of Lifecare at Lofland Park, 715 E. King Street, is seeking a final plan approval for a proposed one story kitchen addition, approximately 1,140 sq. ft., along with ancillary site modifications, to the existing three story health care facility. He explained that this was previously owned by the hospital and they brought food over from their other facility so there currently is not a kitchen at the facility. Mr. Littleton explained that this is zoned R-4 Institutional Residential. The owner plans to construct a one-story kitchen addition of approximately 1,140 sq. ft and the building addition height will be approximately 13'. He added that the addition will be constructed on the SW corner of the existing nursing home and complies with the requirements of the Zoning Ordinance for use, setbacks, and lot coverage. Additional parking was not required as the kitchen is accessory to the existing use. Major site plan approval was issued by the State Fire Marshal. He also stated that the project did not require Sussex Conservation District review due to the size and the building plans will need to be submitted to Public Health. The project site consists of four parcels which will be consolidated into one lot. There is a water and sewer main relocation project that is moving forward since the existing mains came close to the addition.

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 #4 – Express Delaware, LLC, property owners of 161 Venture Drive, Tax Map and Parcel 3-31-5.00-4.17 located in Ross Business Park, is seeking a final site plan approval for a proposed 52,720 sq. ft. addition to the existing FedEx Distribution Facility and ancillary site modifications. The property is zoned M-1 Light Industrial. He added that on July 5, 2012, The City of Seaford received approval to subdivide 2± acres from TMP 331-5.00 4.00; the land will be purchased by the owner of this land and combined with the parcel in order to comply with the zoning requirements for lot coverage. He explained that the existing site has 130 parking spaces and 145 new parking spaces will be added. The existing on-site storm water management system is being modified to comply with the design parameters of the existing downstream municipal storm drain system. There will also be new brick fencing added at the front property corners to mimic the existing entrance design along with new landscaping. Mr. Littleton stated that the addition is sprinklered and will be connected to the existing system. The fire Lane will be relocated to accommodate the addition and a new 10" water connection will be added to serve 2 new on site fire hydrants.

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 #5 – Peninsula Oil Co., property owners of 330 W. Stein Highway, on behalf of "Seven-Eleven", is seeking a final site plan approval for expansion of the existing building for a convenience store with ancillary site modifications. Mr. Littleton explained that the existing building will be renovated and added onto for a 7-11 Convenience Store. He added that the property owners received subdivision approval on May 2, 2012 to expunge the property line between the two parcels & to rezone the residential portion of parcel 127 from R-1 to C-2 Highway Commercial. The site is now zoned C-2 in its entirety. The following will be done for the project: in lieu of a landscaped buffer, a privacy fence will be required along the rear property line, a dumpster enclosure will be provided and 2 of the 4 existing entrances into the site will be closed. Mr. Littleton stated that State Fire Marshal site plan approval has been received. DeIDOT is currently reviewing the site plan for entrance approval and it has been said that it could take three to six months to get an answer from them. There are 27 parking spaces are provided including 2 handicap parking spaces. It was suggested by staff to accept the project with the stipulation of receiving DeIDOT approval before any building permits are issued.

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 7:20 p.m. and reopened the Regular Meeting.

Mr. Littleton presented the Findings of Facts for Case # S-13-12:

- Property is located on Venture Dr.
- Seaford Project, LP is seeking to subdivide the property into 2 lots:
  - Parcel A consisting of 2.1008± acres &
  - Parcel B consisting of 2.1007± acres.

Mayor Bennett called for a motion. Councilwoman Peterson made the motion to subdivide Parcel 3-31-5.00-4.21, owned by Seaford Project, LLC, 198 Venture Drive, into two parcels with Parcel A consisting of 2.1009 +/- acres and Parcel B consisting of 2.1007 +/- acres. Councilman Genshaw 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;  
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 Finding of Facts for Case # S-14-12:

- Property is located on Front Street
- The City is seeking to subdivide 3,030± sq. ft. from the larger parcel. The adjoining property owner wishes to purchase the parcel and combine with Tax Map and Parcel 431-2.00-29.00

Mayor Bennett called for a motion. Councilwoman Jones made a motion to subdivide Parcel 4-31-2.00-31.00, owned by the City of Seaford, 525 N. Front Street, consisting of 3,030 +/- sq. ft. from Parcel 4-31-2.00-31.00 and to approve the new owners, Bruce D. and Elaine Willey, to combine these lands with their existing lot Parcel 4-31-2.00-29.00. Councilwoman Peterson seconded the motion. The motion so passed with all present voting in favor.

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;  
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 Finding of Facts for PH #3:

- Final Site plan approval.
- Genesis Health Care; Lifecare @ Lofland Park
- Tax Map & Parcel 431-5.00 – 325, 326, 327 & 327.01
- Zoned R-4 Institutional Residential.
- Final site plan approval for a one-story kitchen addition of approximately 1,140 sq. ft. to the existing nursing home;
- The addition complies with the requirements of the Zoning Ordinance for use, parking, setbacks, and lot coverage.
- Additional parking was not required as the kitchen is accessory to the existing use.
- State Fire Marshal – major site plan approval issued

Mayor Bennett called for a motion. Councilman Genshaw made a motion to approve the final plan of Genesis Health Care known as Lifecare at Lofland Park, 715 E. King Street to construct a one-story kitchen addition to their existing three story health care facility consisting of approximately 1,140 sq. ft. as presented. Councilman Shannon seconded the motion. The motion passed with all present voting in favor.

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;  
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 finding of facts for PH#4:

- Express Delaware, LLC – owner of 161 Venture Drive
- Tax Map & Parcel 331-5.00-4.17
- Zoned M-1 Light Industrial
- Final site plan approval for a 52,720 sq. ft. addition to the existing distribution facility.
- 145 new parking spaces will be added
- State Fire Marshal Major site plan approval issued
- Sussex Conservation District Site Plan Approval issued

Mayor Bennett called for a motion. Councilwoman Peterson made a motion to approve the final site plan as presented for Express Delaware, LLC owners of 161 Venture Drive, Tax Map and Parcel 3-31-5.00-417 located in the Ross Business Park for a 52,570 sq. ft. addition to their existing FED EX Distribution Facility and ancillary site modifications. Councilwoman Jones seconded the motion. The motion passed with all present voting in favor.

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;  
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 finding of facts for PH#5:

- Peninsula Oil Co., property owners of 330 Stein Highway, identified as Tax Map and Parcel 531 -10.00 -126 & 127 on behalf of Lend Lease, are seeking a final site plan approval.
- The existing building will be renovated and added onto for a 7-11 Convenience Store.
- The property owners received subdivision approval on May 2, 2012 to expunge the property line between the two parcels & to rezone the residential portion of parcel 127 from R-1 to C-2 Highway Commercial;
- The site is now zoned C-2 in its entirety.
- 27 parking spaces are provided; including 2 HDPC spaces
- A privacy fence will be required along the rear property line, in Lieu of a landscaped buffer;
- Dumpster enclosure is provided;
- DelDOT is currently reviewing the site plan for entrance approval;
- Received State Fire Marshal site plan approval

Mayor Bennett called for a motion. Councilman Shannon made a motion to approve the final site plan as presented for Peninsula Oil Co., owners of 330 W. Stein Highway on behalf of "Seven-Eleven" for the expansion of the existing building for a convenience store with ancillary site modifications with the stipulation that no permits will be issued until DelDOT approval is received. Councilwoman Peterson seconded the motion. The motion passed with all present voting in favor.

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;  
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, Present for approval a proposal from Downes Associates to perform a distribution circuit study – improving distribution circuit switching capabilities. City Manager Slatcher stated that when the transformer was lost at the Central substation it was discussed to switch power. The size of the conductors is a concern so before going out and upgrading one circuit instead of another circuit, it is being recommended for a study to be performed. It is important to have this done for liability issues as well as capability to move power around in case an outage does occur.

Mayor Bennett solicited any questions. There being none, he called for a motion. Councilman Genshaw made a motion to approve the Distribution Circuit Study: Improving Distribution Circuit Switching Capabilities dated July 11, 2012 for the Electric Department in the amount of \$20,000 and to approve the use of the Electric Reserve Impact Fees to pay for this proposal. Councilwoman Peterson seconded the motion. The motion so passed with all present voting in favor.

City Manager Slatcher presented New Business # 3 – Present for approval the revised schedule of fees and rates. She stated that this will be adding one section; there is a new fee regarding the water capacity charge. The new item will be a three inch tap which will be \$1,500 dollars rather than charging \$3,000 for the minimal cost.

Mayor Bennett solicited any question. Councilman Genshaw asked why someone would use a three inch tap rather than a four inch. City Manager Slatcher stated the size the development, it is primarily for a duplex or multiplex. With no further questions, Mayor Bennett called for a motion. Councilwoman Peterson made a motion to approve the Revised Schedule of Fees and Rates to include a 3" or smaller Water Tap for the Water Capacity Charge. Councilwoman Jones seconded the motion. The motion so passed with all present voting in favor.

City Manager Slatcher presented New Business # 4 – Present a proposed donation of land from Timothy Ayers. She explained that a letter was received from Mr. Ayers that he would like to donate the lands to the City which are located on Front Street and one on Market Street at no cost to the City of Seaford. After the letter was received, the City Solicitor was contacted and he recommended having a phase 1 environmental report done prior to accepting the donation of land to make sure of the background of the property.

City Manager Slatcher presented New Business # 5 - Present from BP Environmental, Inc. a proposal to perform a Phase 1 Environmental Report for the Ayers land. They have provided the City a price of \$2,550.00. Once this is authorized to move forward and if this comes back clean then it move forward to accept the donation of lands.

Mayor Bennett solicited for any questions. Councilwoman Jones asked how long would the study take? City Manager Slatcher stated about 30 to 60 days depending on when it is released. Mayor Bennett then called for a motion. Councilwoman Peterson made a motion to approve the contract with BP Environmental, Inc. to complete a Phase 1 Environmental Site Assessment on a Lump Sum Basis of \$2,550 and to approve the use of funds from the Realty Transfer Tax for this contract. Councilman Genshaw seconded the motion. The motion so passed with all present voting in favor.

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

- DEMEC annual meeting, Dover Downs, September 26<sup>th</sup> @ 5 p.m.
- DE League of Local Governments, Sheraton, September 23<sup>rd</sup> @ 3 p.m.
- Police Night Out, Police Department, September 27<sup>th</sup> from 5 p.m. until 8 p.m.

#### **COMMITTEE REPORTS**

Councilman Genshaw reported that the Recreation department will start football and field hockey programs in September. He added that Scott has reached out to the High School

to try to get them involved in the football program. He added that the parks department is catching up on cutting grass.

Councilman Shannon reported that he attended the fire department meeting on Wednesday and everything is routine. He added that the police department has received a new vehicle.

Councilwoman Jones reported that audit will start next Tuesday and the office will be closed next Monday for Labor Day. She added that the office is back to full staff and rotation of the offices has been completed.

Councilwoman Peterson reported that tree trim is still occurring in Westview. She added that the fiber optic taps for the hospital were completed last Friday. There were two outages last week on August 23<sup>rd</sup> and 25<sup>th</sup> which were due to trees and possibly a squirrel.

City Manager Slatcher reported for Councilwoman Phillips-Lowe that the Public Works department is currently down manpower. There have been two job offers given one to Jerry Allen Bryant who will start on 9/4 and the other to Josh Willin who will start on 9/17. She added that they also have an employee out due to medical and the street sweeper is currently down but there is a bid out to replace it. The IT department is working on installing virus packages and changing computers up. The code department is working on different projects and violations. She added that they did over twenty work orders for grass cutting.

Mayor Bennett stated that the fireman's softball tournament was held last week out to the Sports Complex. He stated that the fields were in great shape and they had 18 teams who participated which raised about \$6,000 for the burn camp.

With no further comments, Mayor Bennett called for a motion to close the Regular Meeting of Mayor and Council. Councilwoman Jones so moved. Councilman Genshaw seconded the motion and the motion so carried with all present voting in favor. Mayor Bennett closed the meeting at 8:00 p.m.

---

Dolores Slatcher, City Manager

/tnt