

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

July 28, 2015

7:00 PM

Mayor David Genshaw called the Regular Meeting to order with the following present: Councilwoman Grace S. Peterson, Councilwoman Leanne Phillips-Lowe, Councilman Dan H Henderson, Councilman Orlando Holland and Councilman William Mulvaney III. Dolores J. Slatcher, City Manager, Charles Anderson, Assistant City Manager and Joshua Littleton, Building Official were present.

Councilman Holland offered the opening prayer and Mayor Genshaw led those present in the Pledge of Allegiance.

Mayor Genshaw solicited changes to the agenda. City Manager Slatcher stated that there were no changes.

Mayor Genshaw called for a motion to approve the minutes of the Regular Council Meeting of July 14, 2015. Councilwoman Mulvaney made a motion to approve the Regular Council Meeting Minutes of July 14, 2015. Councilwoman Peterson seconded the motion, the motion so passed with all those present voting in favor.

REMINDER OF MEETINGS & SETTING NEW MEETINGS

- Employee picnic, 6 p.m. – 9 p.m. and golf outing at 2 p.m., July 29th at Hooper's Landing
- Movie night, August 1st at dusk, Ross Mansion – "Mr. Peabody & Sherman"

COMMITTEE REPORTS

Councilwoman Phillips-Lowe reported that the police department is planning for AFRAM patrol. Testing for police applicants has been conducted and the department is now preparing for the interview phase of the process. Sgt. Flood and Sgt. Rapa recently completed the third and final phase of the FBI-LEEDA training program which qualified them for the Law Enforcement Executive Development Association Trilogy Award.

Councilman Mulvaney reported that City Manager Dolores Slatcher met with Comcast representatives to convert the City to do a business account for problem response enhancements. She attended meetings of the DEMEC Board and the Seaford Towne Center. She spent a lot of time in this two week time frame on working on the Chief of Police position, the draft of a RFP for the Pine Street Substation engineering and working with attorneys on resolutions for a public referendum on borrowing for the Solar Array system. Assistant City Manager Charles Anderson attended the second Mayors Challenge Homeless Coalition meeting with Councilman Mulvaney acting as Mayor Genshaw's representatives. He also attended several developers meetings and continued the project coordination of the Parks Building project. Finance Director June Merritt worked on FOP negotiations and prepared for audit which is set to start on August 31st. She reviewed the Chief of Police job description and the employment applications and interview preparations for

the Customer Service Representative position. She also has been training with Edmunds on the next version of their MCSJ software. All other business in financial management, customer service, payroll & benefits, purchasing and billing has been routine. Utility bills were due by July 23rd, delinquent notices were mailed on Friday, July 24th. Disconnects are scheduled for August 6th.

Mayor Genshaw closed the Regular Meeting of the Mayor and Council at 7:05 pm, and opened the Public Hearing.

Building Official Josh Littleton presented PH #1, Ross Point Freedom Church, property owners of Tax Map and Parcel 531-10.00-217.02, located on Tull Drive, are seeking a preliminary site plan review/approval for the construction of a 9,950 sq. ft. building with site improvements. Pastor Shirley Caldwell from the church and Mike Cox the engineer for the project were both present. Building Official Littleton stated that the owners are proposing to construct a 9,950 +/- sq. ft. church. The property is located on Tull Drive and identified as Tax Map and Parcel 531-10.00-217.02 and is zoned C-2 Highway Commercial. A variance was granted to allow a church to be built on the site. An on-site SW management system will be required and will outfall to the City's existing system on Tull Drive. The project falls within the Well-Head protection zone. Onsite stormwater recharge will be necessary given the amount of impervious area and an enclosed dumpster area will be provided. It is proposed to have 79 parking spaces, including 8 handicap spaces and site lighting will be required. Sidewalk will be installed along the Tull Drive side of the property and Tull Drive will be extended to the western property line. The project approvals will be required from Sussex Conservation District and the State Fire Marshal's office.

Mayor Genshaw asked for any questions from the Council. Councilwoman Phillips-Lowe asked if they have planned for any growth and would they possibly need more than 79 parking spaces. Building Official Littleton stated that the calculation is based on the square footage of the building. He also added that as the plan develops they would look more into the need for more parking along with what meets the code ordinance. Councilman Henderson asked about the stormwater outfall from Professional Leasing that looks like it will be going into the buildings outfall. Mr. Littleton stated that the plan is for the stormwater outfall to go into Sussex Ave on the design. He added that there were comments sent back that stated that it needs to go into the City outfall rather than into the Professional Leasing line.

Mayor Genshaw asked for questions from the public. There were none.

Building Official Josh Littleton presented PH #2, Case #R-10-15: E. Gray Investments, LLC, property owner of 305 E. Stein Hwy, Tax Map and Parcel 431-1.00-8.00, is seeking to rezone the property from C-1 General Commercial to the original zoning of R-2 Medium Density Residential. Mr. Deric Parker, owner of the property was present. The owner proposes to rezone the property to R-2, medium density residential. Adjoining properties on 3 sides are zoned R-2. The parcel will comply with the area and bulk requirements of R-2.

Mayor Genshaw asked for questions from the Council. Councilman Henderson asked if the property used to be zoned R-2 as the agenda reads that they are seeking to rezone back to the original zoning. City Manager Slatcher stated that it used to be a service station, however, they did rezone the property thinking that they were going to develop it commercially but it never happened.

Mayor Genshaw asked for questions from the public. There were none.

Building Official Josh Littleton presented PH #3, Tana Properties, LLC, property owners of 628 N. Phillips Street, Tax Map and Parcel 531-13.05-178 and adjacent lot identified as Tax Map and Parcel 531-13.05-177, are seeking a sketch plan review/approval, on behalf of The Light of the World Church, for renovations of an existing structure and site improvements, including parking lot and storm water management. Pastor Hermes Gray from the church and Andrew Dolby, engineer for the project were both present. This is for a sketch site plan review. The property is identified as Tax Map & Parcel #531-13.05 177 & 178 located at 628 N. Phillips St, and the adjacent lot. The properties are zoned R-1 Single Family Residential. A Special Use Exception was granted to allow the existing residential property to be converted into a church. Onsite stormwater management system will be required. The project falls within the Well-Head protection zone. Onsite stormwater recharge may be necessary given the amount of impervious area. An enclosed dumpster area will be required for the property. There are 17 parking spaces proposed. Site lighting will be required along with landscape buffers. Approvals will be required from Sussex Conservation District and the State Fire Marshal's office for the project.

Mayor Genshaw asked for questions from the Council. Councilwoman Peterson asked if there were any plans for the garage? Mr. Littleton stated not at this time, the main house structure will stay as it currently is just the inside will be getting gutted. Councilwoman Peterson added that the garage does not appear to be in good condition. Mr. Littleton stated that if there is a code issue with the garage then it will be addressed. Councilman Henderson asked how the calculation was done for the parking that is required. Mr. Littleton stated that it is 60 square feet per patron per parking space.

Mayor Genshaw closed the Public Hearing at 7:17 p.m. and reopened the Regular Meeting.

Building Official Littleton presented the findings of facts for PH#1, Ross Freedom Point Church:

- The owners are proposing to construct a 9,950 +/- sq. ft. church;
- The property is located on Tull Drive and identified as Tax Map and Parcel 531-10.00-217.02;
- The property is zoned C-2 Highway Commercial;
- A variance was granted to allow a church to be built on the site
- Onsite SW management system will be required and will outfall to the City's existing system in Tull Drive.
- The project falls within the Well-Head protection zone. Onsite SW recharge will be necessary given the amount of impervious area.
- An enclosed dumpster area will be provided;
- 79 parking spaces, including 8 handicap spaces are proposed.
- Site lighting will be required.
- Sidewalk will be installed along the Tull Drive side of the property and Tull Drive will be extended to the western property line.
- Project approvals will be required from Sussex Conservation District and the State Fire Marshal's office.

Planning and Zoning made a favorable recommendation to Council.

Mayor Genshaw called for a motion. Councilwoman Phillips-Lowe made a motion to approve the preliminary site plan for Ross Point Freedom Church, Tull Drive, Tax Map and Parcel 531-10.00-217.02 for the construction of a 9,950 sq. foot building with site improvements as presented. Councilman Holland seconded the motion.

Mayor Genshaw called for a Roll Call Vote:

- Councilman Henderson – Yes, based on findings of facts.
- Councilwoman Phillips-Lowe – Yes, based on findings of facts.
- Councilwoman Peterson – Yes, based on findings of facts.
- Councilman Mulvaney – Yes, based on findings of facts.
- Councilman Holland – Yes, based on findings of facts.

Building Official Littleton presented the findings of facts for Case #R-10-15 – E. Gray Investments, LLC:

- Case # R-10-15 Rezoning
- Property is identified as Tax Map and Parcel #431-1.00-8.00, located at 305 E. Stein Hwy.
- Property is currently zoned C-1 General Commercial
- The owner is proposing to rezone the lot to R-2 Medium Density Residential.
- Adjoining properties on 3 sides are zoned R-2.
- The lot will comply with the area and bulk requirements of the district.

Planning and Zoning have made a favorable recommendation.

Mayor Genshaw called for a motion. Councilman Henderson made a motion to rezone the lands of E. Gray Investments, LLC, 305 E. Stein Highway, Tax Map and Parcel 431-1.00-8.00 from C-1 General Commercial to R-2 Medium Density Residential as presented. Councilwoman Peterson seconded the motion.

Mayor Genshaw called for a Roll Call Vote:

- Councilman Henderson – Yes, based on findings of facts.
- Councilwoman Phillips-Lowe – Yes, based on findings of facts.
- Councilwoman Peterson – Yes, based on findings of facts.
- Councilman Mulvaney – Yes, based on findings of facts.
- Councilman Holland – Yes, based on findings of facts.

Building Official Littleton presented the Findings of Facts for PH# 3, Tana Properties, LLC:

- Sketch Site plan review
- Property is identified as Tax Map & Parcel #531-13.05 177 & 178 located at 628 N. Phillips St, and the adjacent lot.
- The properties are zoned R-1 Single Family Residential.
- A Special Use Exception was granted to allow the existing residential property to be converted into a church.
- Onsite stormwater management system will be required.

- The project falls within the Well-Head protection zone. Onsite stormwater recharge may be necessary given the amount of impervious area.
- An enclosed dumpster area will be required;
- 17 parking spaces are proposed.
- Site lighting will be required along with landscape buffers
- Project approvals will be required from Sussex Conservation District and the State Fire Marshal's office.

Planning and Zoning have made a favorable recommendation.

Mayor Genshaw called for a motion. Councilman Holland made a motion to approve the sketch plan for Tana Properties, LLC, 628 N. Phillips Street, Tax Map and Parcel 531-13.05-177 & 178 on behalf of the Light of the World Church for renovations of the existing structure and site improvements including a parking lot and storm water management system. Councilman Mulvaney seconded the motion.

Mayor Genshaw called for a Roll Call Vote:

- Councilman Henderson – Yes, based on findings of facts.
- Councilwoman Phillips-Lowe – Yes, based on findings of facts.
- Councilwoman Peterson – Yes, based on findings of facts.
- Councilman Mulvaney – Yes, based on findings of facts.
- Councilman Holland – Yes, based on findings of facts.

Mayor Genshaw presented New Business # 1, Present resolution proposing the issuance of up to \$1,658,300 in general obligation bonds through the State Revolving fund for the renewable energy generating system (solar array for WWTF) and setting the public hearing for August 25, 2015 at 7:05 p.m. in Council Chambers. City Manager Dolores Slatcher stated that it is being proposed to issue up to \$1,658,300 maximum aggregate principal amount of the City's general obligation bond in order to finance the installation and operation of a renewable energy generating system (a ground mounted solar array) that will offset a portion of the energy consumption at the City's Waste Water Treatment Plant and pay for the costs of issuance of the Bond. This will establish to hold the public hearing on August 25, 2015 at 7:05 p.m., in the Council Chambers at the Seaford City Hall located at 414 High Street, Seaford, DE 19973. Councilman Henderson asked what the next steps were for the process. City Manager Slatcher stated that there is still 1 more resolution to go and then the date, time and place would be set for the referendum to be held. Councilwoman Peterson made a motion to approve the resolution proposing the issuance of up to \$1,658,300 in general obligation bonds through the State of Delaware Revolving Fund for the renewable energy generating system (solar array for WWTF) and setting the public hearing for August 25, 2015 at 7:05 p.m. in Council Chambers. Councilman Henderson seconded the motion.

The Mayor called for a Roll Call vote:

- Councilman Henderson – Yes, based on findings of facts.
- Councilwoman Phillips-Lowe – Yes.
- Councilwoman Peterson – Yes.
- Councilman Mulvaney – Yes.

- Councilman Holland – Yes, based on findings of facts.

Public Comment Period

Mr. Dan Cannon of 411 Nylon Blvd came forward to discuss establishing a formal complaint policy. Mr. Cannon stated: Quite recently, our City has made some significant progress towards more open government, citizen-friendly government by: (1) establishing a "Public Comment" section as a regular part of meeting agendas and (2) providing some documentation (albeit last minute) to clarify meeting agenda business for citizens.

However, there is still much work to be done, especially regarding the handling of citizen complaints. In the last couple of months I have twice attempted to lodge a complaint about the actions of a top level City employee. Our Mayor dismissed the first complaint saying "We have answered these questions". However, this complaint contained issues never before brought to the attention of the Mayor or City Council.

In a second instance, I requested a hearing to complain about the unethical behavior by the very same top notch City employee. Mayor and City Council answered by holding a meeting behind closed doors, excluding me and announcing the employee "did nothing unethical". How do our elected representatives duck their responsibilities to conduct a fair hearing by including the citizen who made the complaint? As it turns out, it is easy – the City of Seaford has no complaint policies/procedures/rules for citizens to use. In response to my Freedom of Information Act (FOIA) request, our City responded, "No such written (complaint) policy exists."

As a former teacher in the Seaford School District, I am accustomed to rational, transparent dealing with problems through established procedures, including complaint policies.

The City of Seaford desperately needs a citizen complaint policy which utilizes the chain-of-command sequence, guarantees fair and objective hearing(s) with due process and guarantees fair and objective response to citizen concerns. After all, our form of government was founded, in part, on the principle that citizens be able to seek and obtain proper redress of grievances from their elected representatives.

The Mayor and City Council should establish a fair and effective complaint policy for citizens of Seaford and move a little farther into the 21st century.

COMMITTEE REPORTS

Councilman Henderson reported that Trisha Newcomer, IT/ED Manager coordinated with CGI during 3 days of filming for the City's website videos. She also assisted with Ross Business Park information for a potential client and attended rural communities business mentoring program information session. She also gave a presentation at a Nanticoke Rotary meeting and gave a review on the 2015 Riverfest. She installed a new client PC for Beta testing for a new Edmunds Software version and dealt with miscellaneous routine IT issues. Berley Mears, Director of Public Works reported that Public Works cut a service valve for 26 Rodney Street, swept streets and received new soda ash control board for 534 wells. They also filled various potholes around the City, assisted the line crew with Mt. Olivet tree removal, maintained the pump station and replaced a fire hydrant on Hall Street with updated Storz connections and breakaway fittings. They also performed routine tasks and equipment maintenance. The WWTF performance is reported as excellent and the leachate treatment is going well but is down to 5 loads a day. They installed a leachate

flow meter and continued to have intermittent sand filter PLC problems. The department sent a complimentary compost sample to Clemson University at their request and performed routine maintenance. Josh Littleton, Building Official reported on July 20th he attended an internal construction coordination meeting. He also has drafted an easement for Seaford Village Shopping Center based on utility location survey and worked on a dedication agreement and deed for Governor's Grant Phase 2 streets. He assisted with a FIOA request and worked on implementation of Code Enforcement software for the Edmunds software system. He completed several plan review letters and approved record plan showing new street names for Meadowbridge apartments.

Councilman Holland reported that Natalie Wilson, Supt. of Parks and Recreation assisted CDI with some filming of the City for the website. Adult softball is wrapping up and preparation is underway for the upcoming Movie Night. There were new swings installed at Soroptimist Park that meet the safety standards.

Councilwoman Peterson reported that the electric department helped clean up after Riverfest. They also did their monthly substation checks and cut down a tree on Clarence Street for the code department. They also worked on the new service for Food Lion and did tree trimming around the City. They also replaced a bad cross arm on Rosetree Lane. Rick Garner, Electrical Engineer reported that he has been working on layouts for the LED street lighting and vendor coordination for the solar project. He also attended the DEMEC meeting.

With no further comments, Mayor Genshaw called for a motion to close the Regular Meeting of Mayor and Council and move into an executive session to discuss personnel. Councilwoman Phillips-Lowe made a motion to close the Regular Meeting of Mayor and Council and move into an executive session. Councilman Henderson seconded the motion. The motion so passed with all present voting in favor. Mayor Genshaw reopened the regular meeting following the executive session and called for a motion to close the Regular Meeting. Councilman Mulvaney made a motion to close the Regular Meeting. The motions was seconded by Councilwoman Peterson with all present voting in favor. Mayor Genshaw closed the Regular Meeting at 8:05 p.m.


Dolores J. Slatcher, City Manager

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