

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

May 28, 2013

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, and Charles Anderson, Assistant City Manager, were also present.

Councilwoman Peterson 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 May 14, 2013. Councilman Genshaw made the motion to approve the minutes of May 14, 2013. Councilman Shannon seconded the motion. The motion so passed with all present voting in favor.

Mayor Bennett then asked Gary Morris, Chief of Police, to come forward to introduce new officer Dustin Hamilton. Chief Morris said that new employee Dustin Hamilton started on May 6, 2013. He has been interested in law enforcement for a long time; he participated in the Delaware State Police Cadet Program, worked at the Del Tech Owens Campus in the Public Safety Department, and has worked for the Blades Police Department for the last three years. Chief Morris added that Dustin and his family have worked as volunteers for the Nanticoke Riverfest over the years. Chief Morris welcomed Dustin and congratulated him on his employment. He said that it is always a benefit to gain personnel that has acquired quite a bit of training. Mayor and Council congratulated Officer Hamilton on his employment.

Mayor Bennett then presented the Mayor's Right Choice Award. He said that there were three applicants for the award this year. He thanked the Committee members who helped him choose: Councilwoman Leanne Phillips-Lowe, Arsie Burton and Sharon Drugash. He announced that this year's Mayor's Right Choice Award winner is Carter Moore. Mayor Bennett explained that this award is given each year to someone who makes the right choices, such as exhibiting a drug-free lifestyle, being a positive role model to our youth, and contributing to a greater quality of life in our schools and community. He said that Mr. Moore has been active in the SVFD since he was 14 years old. He has participated in the Junior Firefighters program the past two years and at age 17 was one of the top EMS responders. While his classmates enjoyed the prom this year, he helped in the kitchen, serving dinner and cleaning up, and even responded to a fire that night. While some kids his age are out drinking and using drugs, he has responded to accidents where he has witnessed first-hand the consequences of these reckless behaviors. On August 5, 2013, Mr. Moore will be enlisting in the United States Army as a Military Police Officer. Mayor and Council congratulated Mr. Moore on his award and thanked him for his service to the community.

Mayor Bennett asked if there was anyone present on behalf of Nanticoke Little League. There being no one present, this item was deferred.

Mayor Bennett closed the Regular Meeting at 7:08 p.m. and opened the Public Hearing.

Charles Anderson, Assistant City Manager, presented Public Hearing #1, Case # R-07-13: John and Jane Watson, the property owners of 23674 Ross Station Road, also identified as Tax Map and Parcel # 5-31-10.00-235.00, are seeking to rezone a 25' strip of land area around the perimeter of the parcel from M-1 to R-1, to correspond with the County zoning AR-1 for the remainder of the property. He said that Mr. and Mrs. Watson were present to answer any questions. Assistant City Manager Anderson explained that this strip of land was sold to the Watsons in 1983 when the City was developing the Seaford Industrial Park to serve as a buffer between the park and their home. Upon recording this sale, Sussex County combined this parcel with the existing parcel, which is not annexed into the City. Since the 25' strip of land cannot be de-annexed, City Solicitor Fuqua has recommended rezoning the parcel from M-1 to R-1 to

coincide with the Sussex County AR-1 zoning for the remainder of the parcel where the Watsons' house sits. Assistant City Manager Anderson asked Mr. and Mrs. Watson if they had anything to add. Mr. Watson explained that the discrepancy in the zoning has created a legal issue for something he is trying to do with his property. Assistant City Manager Anderson added that City Solicitor Fuqua believes that changing the zoning on this parcel should fix the problem that the Watsons are having.

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

Assistant City Manager Anderson presented Public Hearing #2: The Residences at Riverplace, LLC, the property owners of property at Tax Map # 4-31-5.00, Parcels 314.00, 314.01, 315.00, 316.00, 317.00 and 319.00, located on Water Street and South North Street, are seeking a preliminary site plan approval for a 72 unit apartment complex with community building. He said that there were three people present representing this project: Gene Bayard, who is representing the property owner; Heather Adkins, who is representing Keith Fisher Architecture, LLC; and Brock Parker, who is the Civil Engineer serving on the project.

Assistant City Manager Anderson showed some renderings of what the development will look like, which will consist of a marina and a two-building multi-story residential complex. The property is currently zoned C-3 Riverfront Enterprise Zone. The owner intends to combine the parcels into one lot. The original project received final approval as a condominium development in 2007 but was never started. The new owners changed the design to a two-building, 72 unit apartment complex and a 1,200 square foot community building, which will be located near the canoe launch. The first phase of the project would include building #1, the community building and swimming pool, as well as the extension of Water Street pavement, improvements around the canoe launch, Stormwater quality improvements, and building the marina along the bulkhead. The first phase would also include the relocation of the fishing pier, and adding new parking spaces along Water Street, as well as new parking spaces along Front Street, if approved by DelDOT. The second phase of the project would include building #2.

Assistant City Manager Anderson explained that Code allows for a building height of 50' max, or 4 stories; the proposed structure is 59' +/-, 4 stories plus ground level parking. The Code for parking calls for 2 spaces per dwelling unit; the proposal allows for 1.58 spaces per unit on-site, 1.875 spaces per unit with all proposed parking. Assistant City Manager Anderson added that when the original project was proposed, Code only required 1.5 parking spaces per unit. Current Code allows for a density of 25 units per acre; the proposed structure(s) would be 29.38 units per acre. And presently, Code allows for 25 units per building; the proposed complex would have 36 units per building. In addition, the project will require approvals from DNREC for sanitary sewer; Office of Drinking Water for water extension; Sussex Conservation District for Stormwater management; DelDOT for Front Street modifications; Office of the State Fire Marshal for the site and building; and the Army Corps of Engineers for the bulkhead and marina.

Assistant City Manager Anderson then asked Mr. Brock Parker to come forward to explain the proposed retention areas. Mr. Parker explained that the areas are micro-bio-retention areas, or infiltrators. These are low-impact, 1' to 2' deep depressions which are designed to draw water into them. The areas are excavated 2' to 4' deep, and then filled to 1' to 2' deep with clean granular sand, which will pool and treat the water before it is let out. Once the water is treated, it will drain out into the river. Because the project discharges into tidal waters, it is exempt from quantity Stormwater management, which ensures that you won't flood your neighbors. Mr. Parker added that there are also emergency discharge areas, should a large storm or hurricane come through and inundate the retention areas.

Mayor Bennett solicited any questions from the public. Gene Bayard added that the project will also require approval from DNREC for the Brownfield program.

Mayor Bennett then solicited any questions from Council. Councilwoman Jones asked about the relocation of the fishing pier. She said it looks like the proposed fishing pier will be much more condensed than the pier that currently exists. She said this was a concern as the fishing pier is well-populated and frequently used for recreation. Assistant City Manager Anderson said that the new fishing pier will actually be larger in square footage than the existing pier. However, the

people who fish along the bulkhead will no longer be able to do so, as the marina will be built there. The current fishing pier is at the end of South North Street, but the new pier will be at the other end of Water Street, near the Blades Bridge. City Manager Slatcher added that people who currently use the fishing pier are actually trespassing; however, the owner has not complained. Assistant City Manager Anderson said that the new community will be gated, so trespassing will not be possible. However, the fishing pier will not be enclosed in that area and will be publicly accessible, with public parking along Front Street. There will also be a crosswalk extending to the existing Riverwalk area.

Councilwoman Phillips-Lowe asked how much space will be between the complex and the canoe launch area. Assistant City Manager Anderson said that he estimated about 30 feet between the road and the community building. Mr. Brock Parker said that the distance would be 30 to 50 feet. Assistant City Manager Anderson added that the complex would be enclosed with a wrought iron type fence, with two entrances and two exits.

Mayor Bennett closed the Public Hearing at 7:28 p.m. and reopened the Regular Meeting.

Assistant City Manager Anderson presented the Findings of Facts for Case # R-07-13:

- Property is located at 101 Industrial Blvd.
- Identified as Tax Map & Parcel 5-31-10.00-235.00
- Mr. & Mrs. Watson were sold a 25' strip of land that surrounds their property on 3 sides in 1983 from the City of Seaford.
- The existing house is not in the City limits, but the 25' strip of land on the North, West and South sides is annexed.
- The zoning on the 25' buffer was not changed with transfer of ownership and is currently zoned M-1.
- The owner wishes to rezone the 25' strip of land from M-1 to R-1 to correspond with the AR-1 County Zoning.
- Planning and Zoning made a favorable recommendation to Council.

Mayor Bennett called for a motion. Councilwoman Jones made the motion to approve the request from Mr. and Mrs. John Watson, the property owners of 101 Industrial Boulevard, Tax Map and Parcel # 5-31-10.00-235.00, to rezone the 25 foot strip of land on the north, west and south property lines from its current M-1 zone to R-1 zone to fit with the County zoning of AR-1 for the remainder of their property. Councilman Genshaw seconded the motion.

Mayor Bennett then called for a Roll Call Vote:

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

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

Assistant City Manager Anderson presented the Findings of Facts for The Residences at Riverplace, LLC Preliminary Plan Review:

- The preliminary plan review is for a 2-building, 72-unit apartment complex.
- The property is located on Water Street and South North Street, identified as Tax Map 4-31-5.00, Parcels 314.00, 314.01, 315.00, 316.00, 317.00 and 319.00
- Zoning is C-3
- The project will be required to comply with the area and bulk requirements for the district, and waivers are requested from City Council for building height, density, units per building and parking.
- The project will require approvals from:
  - DNREC – sanitary sewer, Brownfield
  - DHSS – Office of Drinking Water

- Sussex Conservation District – storm water
- DelDOT – Front Street modifications
- Office of the State Fire Marshal – site and building
- Army Corps of Engineers – bulkhead and marina
- Planning and Zoning made a favorable recommendation to Council.

Mayor Bennett called for a motion. Councilwoman Phillips-Lowe made the motion to approve the preliminary site plan for “The Residences at Riverplace”, including the requested Zoning Ordinance waivers:

- An increase in the allowable building height from 50’ max or 4 stories to 60’ max with 5 stories (ground level parking +4);
- A decrease in the off street parking requirement from 2 spaces per dwelling unit to 1.58 spaces per dwelling unit;
- An increase in the allowable dwelling units per acre from 25 units to 29.38 units;
- An increase in the allowable dwelling units per building from 25 units to 36 units.

Councilman Shannon seconded the motion.

Mayor Bennett then called for a Roll Call Vote:

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

Mayor Bennett confirmed that the motion passed with all present voting in favor. He added that he thinks the community will be a nice addition to the riverfront.

Mayor Bennett then recognized Travis Collins from Boy Scout Troop 249, who was present to work on his communications merit badge.

City Manager Slatcher presented New Business # 1, Bids for street paving. There were three bids received. Jerry’s Paving, Inc. was the low bidder with a total price of \$23,823.08; Jerry’s also bid \$1.00 per square foot for 1.5” hot mix overlay and \$8.00 per square foot for patching. City Manager Slatcher said that the intent is to use the \$36,000 in Municipal Street Aid for this year that was related to paving projects.

Mayor Bennett solicited any questions. There being none, he called for a motion. Councilman Shannon made the motion to approve the paving bid to Jerry’s Inc. in the amount of \$23,823.08 for the base bid, to approve the 1.5” Type C Hot Mix overlay at \$1.00 per square foot, and patching at \$8.00 per square foot, with funding from Municipal Street Aid. Councilwoman Peterson seconded the motion. The motion so passed with all present voting in favor. City Manager Slatcher added that the primary road to be paved is Industrial Blvd.

City Manager Slatcher presented New Business # 2, first reading of an Ordinance to amend Chapter 4 of the Municipal Code of Seaford, Delaware, relating to “Buildings.” The Delaware Housing Authority has reviewed and approved the amended ordinance as required. She explained that the ordinance will come back at the next Council Meeting for second reading and adoption.

Mayor Bennett then solicited any questions or comments from the floor. Mr. John Watson thanked the City staff, especially Josh Littleton, for helping him with the problem he was having and addressing the matter so quickly.

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

- Seaford High School Graduation – June 7<sup>th</sup> at 6 p.m.
- Employee Party at Seaford Community Swim Center – June 7<sup>th</sup> at 6 p.m.
- Sussex County Prayer Breakfast – June 18<sup>th</sup> at Crossroad Community Church at 6:45 a.m.

## COMMITTEE REPORTS

Councilman Shannon reported that the Police Department has completed spring firearms qualifications, and new handguns have been placed in service. Annual taser certifications are being done this week. The Department has been patrolling and participating in community events, including Clarence Street Church of God Community Day, Relay for Life, and Memorial Day events. The Department is also preparing for an active warrant roundup during the month of June, where officers will be concentrating on executing outstanding warrants for traffic and criminal charges.

Councilwoman Jones reported that June Merritt has been working on budget preparations and other routine tasks. She added that the New Tech Academy will be sponsoring a Health Fair at the Seaford High School gym from 9 a.m. to 2 p.m.

Councilman Genshaw reported that Recreation staff has been working on getting the co-ed softball league up and running, and are expecting up to 10 teams to participate this year. Signups for Little Smashers have begun, and the Walking Club is gaining momentum. The Parks Department is busy cutting grass.

Councilwoman Phillips-Lowe reported that the Code Department has been busy with routine tasks; issuing building permits and keeping an eye on grass height throughout the City. She reported that Trisha has been spending a lot of time working on preparation for Riverfest. She said that the WWTF is running well. The Public Works Department is continuing to work on flushing the fire hydrants, and will soon begin curb painting.

Councilwoman Peterson reported that the Electric Department has been busy with tree trimming and removal, as well as working on projects at the Industrial Park. They will soon begin working on the underground service at Seaford High School. There was a power outage on May 18<sup>th</sup>, caused by a blown fuse, which caused 7 customers on Riverside Drive to be without power for approximately 60 minutes.

Mayor Bennett commented that the Memorial Day Service in Kiwanis Park was very nice and well attended. He commended Lieutenant Pete Bohn and the rest of the committee for their efforts in preparing for this event.

With no further comments, Mayor Bennett called for a motion to close the Regular Meeting of Mayor and Council. Councilwoman Peterson so moved. Councilwoman Phillips-Lowe seconded the motion and the motion so carried with all present voting in favor. Mayor Bennett closed the meeting at 7:43 p.m.

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Dolores Slatcher, City Manager

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