

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

September 24, 2013

7:00 p.m.

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

Councilwoman Peterson offered the opening prayer. Acting-Mayor Genshaw led those present in the Pledge of Allegiance.

Acting-Mayor Genshaw solicited changes to the agenda. Assistant City Manager Anderson stated there were none.

Acting-Mayor Genshaw called for a motion to approve the Minutes of the Regular Council meeting of September 10, 2013. Councilwoman Jones made the motion to approve the Minutes of the September 10, 2013 Regular Council meeting. Councilwoman Peterson seconded the motion. Motion so passed, with all present voting in favor.

Acting-Mayor Genshaw then asked for any correspondence. Assistant City Manager Anderson stated there was none.

Assistant City Manager Anderson presented New Business #4, to let Council know the Jay's Nest will be closed September 27<sup>th</sup>-October 2<sup>nd</sup> for the repainting of structures. He stated this is weather dependent and hasn't been done since it was constructed in 2002.

Acting-Mayor Genshaw then closed the regular meeting and opened the Public Hearing at 7:05 p.m.

Mr. Littleton presented P.H. #1, The Residences at Riverplace, LLC, the property owners of Tax Map #4-31-5.00 Parcels 314.00; 314.01; 315.00; 316.00; 317.00 and 319.00, located on Water St. and S. North St. are seeking a final site plan approval for two (2), thirty-six (36) unit apartment buildings with a community center, marina and reconstruction of the City fishing pier.

Mr. Littleton stated the property is zoned C-3 Riverfront Enterprise Zone. He stated the project is a two building, 72 unit apartment complex and a 1200 sq. ft. community building. The first phase would include building #1, the community building & pool, extension of Water Street pavement, improvements around the canoe launch, stormwater quality improvements and the marina along the bulkhead. The marina may be a separate part of the project because of pending approval, but won't make or break the project. The first phase would also include the relocation of the fishing pier and the new parking spaces along Water Street. He also stated Deldot approval is no longer needed since the Front St work has been eliminated. The second phase would include building #2 and the remaining site amenities. Mr. Littleton stated there were a few waivers that Council granted at the

preliminary approval. They included building height, parking, density and units per building. He stated the project has received approvals from:

- DNREC – sanitary sewer
- DHSS- Office of Drinking water
- Sussex Conservation District – Storm water
- Office of the State Fire Marshal – site and building
- Army Corps of Engineers- Bulkhead and marina (pending).

Acting-Mayor Genshaw asked if there were any questions from the public. Lynne Betts, who is a resident, stated it is a beautiful area, but because there were so many variances issued will it be so exclusive that the people here can't take advantage of the area. She was also concerned with who would be able to afford the apartments and is the contractor local.

Assistant City Manager Anderson stated there were no variances were given, the code was rewritten to allow City Council to permit waivers. He also stated this property is a challenge to develop and the waivers allow development and will provide more affordable housing with the extra units. He stated that the proposed contractor is local.

Acting-Mayor Genshaw asked if there were questions from Council.

Councilwoman Jones asked where will there be parking for people using the fishing pier.

Assistant City Manager Anderson stated that as of right now the people parking to use the fishing pier are technically trespassing, but the developer hasn't made an issue of it. He also stated there is public parking on Water Street and behind the salon on Market Street.

Mr. Littleton presented P.H. #2, CMR Associates, property owners of Tax Map and Parcel 5-31-10.18-128.00, located on the NE corner of N. Porter Street and W. Stein Highway, on behalf of Dollar General are seeking a preliminary site plan review for a new retail store and site improvements.

Mr. Littleton stated the preliminary site plan review is for a new commercial building approximately 12,448 sq. ft. with site improvements. There would be new entrances off of Porter Street and Tulip Place in and out. There would be stormwater ponds to the north and south of the site along Porter Street. The property is zoned C-2 and is located on the NE corner of Porter St & Stein Hwy. There would be 63 + 4 handicap parking spaces (required = 66 total). He also stated truck traffic would not be allowed beyond the entrance on Porter Street and Porter Street would be the only entrance for truck traffic. White fencing will be installed as barrier between adjoining residential areas to the north. The existing fence will be removed as part of the proposed improvements. Project approvals would be required from DHSS- Office of Drinking water, Sussex Conservation District for the stormwater, and Office of the State Fire Marshal for site and building. DeIDot will review the stormwater design and has indicated that no additional improvements will be required at the

intersection of North Porter St & Stein Hwy. He stated the building will comply with the 30% masonry finish requirement on the Stein Highway and Porter Street sides.

Acting Mayor Genshaw asked for questions from the public.

Bill Mulvaney came to the podium. He stated he has 30 years experience as a traffic judge and he feels this project needs to be looked at by DelDot. He feels there should be a No Left Turn sign to prevent traffic from turning left onto Stein Highway from N. Porter Street. He feels this could be a traffic disaster.

Mr. Littleton stated Planning and Zoning was also concerned about the same issue. He stated he spoke with DelDot and they will not require any improvements.

Danny Messick, owner of the property, came to the podium. He stated this is the first time developing the property has been discussed. He wanted to commend the developer. This is an upscale Dollar General and would be a beautiful asset to the City. He feels if there are traffic issues we should try to work them out.

Acting-Mayor Genshaw asked for questions from Council.

Councilwoman Phillips-Lowe stated she does agree with Mr. Mulvaney and feels that the corner is a concern. She is for the project and feels it will be an asset. She asked if there is a possibility there could be a No Left Turn sign installed.

Mr. Howard Crosson, developer, came to the podium. He stated that Dollar General typically has one delivery per week with a maximum of two. They are usually in the morning.

Councilwoman Phillips-Lowe stated she wasn't only concerned with truck traffic, but also with added traffic to the store.

Mr. Crosson stated he has dealt with DelDot during many projects and if there was inkling that they could get something than they would. He stated he appreciates the concern, but doesn't feel that Stein Highway has enough traffic for concern. He stated that if the concern is for the traffic then the property can't be developed because you will always have the same concern.

Councilwoman Peterson stated she feels she would be more comfortable if there was a No Left Turn sign. Is there any way that could be done?

Assistant City Manager Anderson asked if there was requests for the sign would that hinder the development.

Mr. Crosson feels it wouldn't hurt the car traffic, but feels it may cause more of a problem for the truck traffic because they would possibly be making a U turn, which could be more

dangerous. He also stated there are numerous properties on Stein Highway that you can make a left turn on Stein Highway.

Councilwoman Jones asked if this was taking the place of the other two Dollar General Stores in town.

Mr. Littleton stated only the store near the Save A Lot would be closing.

Acting-Mayor Genshaw closed the Public Hearing and reopened the Regular meeting at 7:39 p.m.

Mr. Littleton presented the Findings of Facts on P.H. #1:

- The final plan review is for a 2-building, 72 unit apartment complex, with community building and pool; marina & fishing pier relocation
- The property is located on Water St and S. North St. & identified as Tax Map and Parcels 431-5. 314.00;314.01; 315.00; 316.00; 317.00 &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 & parking.
- The project has approvals from;
  - DNREC – sanitary sewer
  - DHSS- Office of Drinking water
  - Sussex Conservation District – Storm water
  - Office of the State Fire Marshal – site and building
  - Army Corps of Engineers- Bulkhead and marina (pending)
- Planning and Zoning made a favorable recommendation to Council.

Acting-Mayor Genshaw called for a motion. Councilman Shannon made a motion to approve the final site plan for two, thirty-six apartment buildings with a community center, marina and reconstruction of the City fishing pier for the Residences at Riverplace, LLC, property owners of Tax Map #4-31-5.00 Parcels 314.00; 314.01; 315.00; 316.00; 317.00 and 319.00 as presented. Councilwoman Peterson seconded the motion, with all present voting in favor.

Acting Mayor Genshaw then called for a Roll Call Vote:

Councilwoman Phillips-Lowe voted in favor based on the Findings of Facts;  
Councilwoman Jones voted in favor based on the Findings of Facts;  
Councilwoman Peterson voted in favor based on the Findings of Facts;  
Councilman Shannon voted in favor based on the Findings of facts.  
Acting-Mayor Genshaw voted yes, based on the Findings of Facts.

Acting-Mayor Genshaw confirmed that the motion passed with all voting in favor.

Mr. Littleton presented the Findings of Facts on P.H. #2:

- The preliminary plan review is for a 12,448 +/- sq. ft. building with site improvements
- The property is located on the NE corner of N. Porter St and Stein Hwy & is identified as Tax Map and Parcel 5-31-10.18-128;
- Zoning is C-2;
- The project complies with the area and bulk requirements for the district;
- The project will require approvals from;  
DHSS- Office of Drinking water  
Sussex Conservation District – Storm water  
Office of the State Fire Marshal – site and building  
DeIDot – Letter of No Objection
- Planning and Zoning made a favorable recommendation to Council.

Acting-Mayor Genshaw called for a motion. Councilwoman Phillips-Lowe made a motion to approve the preliminary site plans for a new retail store and site improvements for CMR Associates, property owners of Tax Map and Parcel 5-31-10.18-128.00 located on the NE corner of N. Porter Street and Stein Highway for a new Dollar General Store as presented. Councilwoman Jones seconded the motion, with all present voting in favor.

Acting-Mayor Genshaw then called for a Roll Call Vote:

Councilwoman Phillips-Lowe voted in favor based on the Findings of Facts;  
Councilwoman Jones voted in favor based on the Findings of Facts;  
Councilwoman Peterson voted in favor based on the Findings of Facts;  
Councilman Shannon voted in favor based on the Findings of facts.  
Acting-Mayor Genshaw voted yes, based on the Findings of Facts.

Acting-Mayor Genshaw confirmed that the motion passed with all voting in favor.

Assistant City Manager Anderson asked Lynne Betts, a representative from the A.C.E. Center on Bradford Street, to come to the podium to present New Business #1, a presentation on the Center.

Mrs. Betts is a volunteer at the center and wanted to come before Council to let them know how the center is helping people. She stated A.C.E. stood for Acceptance, Change Empowerment. The center helps to develop a sense of self worth. She stated A.C.E. helps people with mental illness and addictions find help through other agencies. They are a support system to help people find help and get back on their feet. Among the people who it helps are those who have recently been released from prison, homeless and veterans. She then introduced a few of the people with her from the center. Sharon Childress (co-chair

and peer counselor), Bert Rosas (co-chair and peer counselor), Barry Peterson (supporter and veteran) and Roger Neville (consumer and supporter) were present on behalf of the center. The center keeps the property and surrounding area clean. They do food drives, hold workshops and assist in any way they can.

Bert Rosas credits the A.C.E. center for his happiness and stated he has been in several mental health programs, but A.C.E. has been the only place that has helped him.

Sharon Childress stated she was helped by the A.C.E. center and now helps others in need. She also wanted to invite Council to a Recovery Celebration on September 30<sup>th</sup>. There will be a DJ and refreshments. On October 5<sup>th</sup> there will be the 2<sup>nd</sup> Annual Walk for St. Vincent Depaul. They will collect food to help the less fortunate. She hopes that Council will be able to attend.

Acting-Mayor Genshaw thanks the group for the informative presentation.

Assistant City Manager Anderson presented New Business #2, a request from Soroptimist International of Seaford, Inc. to construct a 20' X 54' addition on the west end of the Nellie G. Allen Curiosity Shop. He stated the City does own the property, but the project will be funded and constructed by the Soroptimist. They put a bid out for this work in 2007, but didn't do the project. They currently need the space and if approved will continue with the project. He also stated they have the fire marshal approval for the proposed addition.

Acting-Mayor Genshaw called for a motion. Councilman Shannon made a motion to approve the Soroptimist International of Seaford, DE, Inc. to construct a new addition to the Nellie G. Allen Curiosity Shop located at 1100 Middleford Road and to amend the City lease agreement to incorporate the addition being 20' X 54' on the west end of the building. Councilwoman Phillips-Lowe seconded the motion, with all present voting in favor.

Assistant City Manager Anderson asked Mr. Littleton to present New Business #3, pictures of power plant pre-demolition and post-demolition. He wanted to thank Trisha Newcomer, ED/IT, for putting the presentation together. He stated that the engine and piping demolition is now completed.

Acting-Mayor Genshaw feels this has potential to re-launch the downtown area, but it is going to require a tremendous amount of work and a lot of money.

**REMINDER OF MEETINGS & SETTING OF NEW MEETINGS:**

- DEMEC dinner at Dover Downs, September 25<sup>th</sup>.
- Seaford Community Night Out at the Police Dept. on September 26<sup>th</sup> from 5 p.m. to 8 p.m.

**COMMITTEE REPORTS:**

Councilman Shannon reported that business is usual at the Police Department and he wanted to remind everyone about Community Night Out which will be held on September 26<sup>th</sup> from 5 p.m. to 8 p.m.

Councilwoman Jones reported that June Merritt, Director of Finance, finalized the audit field work and is waiting on a draft copy of the financial statements. She is continuing to update project files for funding reimbursement. Flu shots are tomorrow at 10:30 a.m. She met with Mr. Bennett regarding the inventory system. She also processed the Annual Report for Federal Equitable Sharing Funds. All other business is routine. Electric, water and sewer bills are due September 26<sup>th</sup> and disconnect will be October 8<sup>th</sup>. Meter reading will take place September 25<sup>th</sup>-27<sup>th</sup> for water and September 30<sup>th</sup> and October 1<sup>st</sup> for electric.

Acting-Mayor Genshaw reported that the Recreation department is in their third week of flag football. Tackle football had a slow start, but now has more teams than they have ever had. There was an equipment donation to the program. There are 27 participants in the hockey program and 7 volleyball teams. Adult flag football has started. He also wanted to remind everyone about the St. Jude's Bike-A-Thon on October 13<sup>th</sup>.

Councilwoman Phillips-Lowe reported that the leaf machine will begin running on October 1<sup>st</sup>. Public Works has been cleaning sewer lines and curb painting will begin in the next few weeks. The pedestrian bridge at Hooper's Landing is complete. The WWTF is routine and operating well. She wanted to share that there is compost available for purchase. The Code department has issued 11 violation letters, 4 work orders and 8 building permits have been issued. Final inspections have been completed for the press box, bleachers at Dowd Stadium and final inspection has been done at La Red Medical office on High Street. She also wanted to report that Josh Littleton, Building Official, is now a member of the State Wetlands Advisory Committee. He will be attending a meeting for that tomorrow. The ED/IT department has been working on Police department computers. Peggy Geisler will be at City Hall at 8:30 a.m. on September 30<sup>th</sup> to talk about the Worksite Wellness program. The Breast Cancer Awareness walk will be October 1<sup>st</sup> and she also wanted to report she was impressed with the new Grayling facility that she toured during the dedication ceremony she recently attended.

Councilwoman Peterson reported that Rick has been working on the RP3 application and must have it completed by September 30<sup>th</sup>. The City won an award last year. He has also been doing research on the Utility Building emergency generator, Gardner-Gibson bulk terminal, Riverplace Apartments and pole relocation on Pine Street. Bill reported that the service has been completed to the La Red facility and the Electric department has been trimming trees. She also reported there was one outage on Stein Highway and was caused by a squirrel.

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There being no other business, Acting-Mayor Genshaw called for a motion to adjourn. Councilwoman Jones made a motion to adjourn. Councilwoman Peterson seconded the motion. Motion so passed with all present voting in favor.

Acting-Mayor Genshaw adjourned the Regular meeting at 8:17 p.m.

By: \_\_\_\_\_  
Charles D. Anderson, Assistant City Manager

/tlh