

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

September 25, 2018

7:00 P.M.

Mayor David Genshaw called the Regular Meeting at 7:00 p.m. to order with the following present: Councilwoman Leanne Phillips-Lowe, Councilman James King, Councilman Orlando Holland, Councilman H. William Mulvaney, III and Councilman Dan Henderson. City Manager, Charles Anderson, Building Official, Mike Bailey and Director of Public Works, Berely Mears were also present.

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

Mayor Genshaw solicited any changes to the agenda; there were none.

Mayor Genshaw called for a motion to approve the minutes of the regular meeting on September 11th, 2018. Councilman Holland made a motion to approve the minutes from the September 11th, 2018 Council Meeting. Councilman King seconded the motion; the motion so passed with all present voting in favor.

CORRESPONDENCE

There was none.

NEW BUSINESS

Mayor Genshaw presented New Business Item #3: Bids – Parks Department Zero Turn Mower

City Manager Anderson explained that the City did receive 5 bids from 2 vendors in response to the bid advertisement for a 2018 zero-turn mower for the Parks Department. Superintendent of Parks and Recreation, Katie Hickey is recommending the bid be awarded to the lowest bidder, Textron, OPE with services provided by Bobcat of Sussex County. City Manager Anderson added that the bid price presented of \$7,379.00 was a budgeted purchase in the FY19' Parks Capital Budget.

Mayor Genshaw asked for any questions or comments from Council.

Councilman Holland asked if this was the first time the City has dealt with Textron, OPE; City Manager Anderson stated that as far as he is aware this is the City's first time purchasing from this company.

Councilman King asked for details on the type of mower being purchased. City Manager Anderson explained that it is a mid-mount deck, zero-turn mower; similar to the ones currently used by the Parks Department for cutting rights-of-way.

Councilman Henderson asked if the mower would be replacing a piece of equipment or if it would be in addition to the current fleet. City Manager Anderson explained that this mower would replace

a current piece of equipment that would be too costly to repair. He noted that Textron, OPE did not offer a trade so the City would need to try to sell the unused mower outright.

With no other questions, Mayor Genshaw called for a motion. Councilman King made a motion to approve the bid received from Textron, OPE for a new 2018 Zero-Turn mower for the Parks Department in the amount of \$7,379.00 with funding coming from the FY19 Parks Capital Budget as presented. Councilwoman Phillips-Lowe seconded the motion; motion so passed with all present voting in favor.

Mayor Genshaw presented New Business Item #4; Bids – Nutter Park basketball court repairs. City Manager Anderson explained that in the spring the City solicited bids for resurfacing of the Nutter Park basketball courts. One bid was received from that solicitation however, it was over budget. The City looked to get more bidders interested and opened a re-bid for the job; again, only one bid was received from a different bidder at a cost of \$40,000.00 whereas the previous bidder quoted \$20,000.00. He noted that the City did not budget that much money this year and it is the recommendation of the Superintendent of Parks and Recreation to reject the bid. City Manager Anderson added that he did speak with the Superintendent of Public Works, Berely Mears and they may be able to repave the courts as opposed to resurfacing; which would be brought back in the next budget year.

Councilman Holland asked which company was used to resurface the tennis courts. City Manager Anderson stated it was American Tennis Courts, which was the company that bid on the basketball courts on the first bid solicitation. He added that those types of companies can get very busy this time of year and that could be the reason for not being able to procure more bids.

Councilman Mulvaney asked if independent fundraising had been considered to help with the costs; much like what was done for the tennis courts. City Manager Anderson stated that Superintendent Hickey could be tasked with creating a fundraising plan. He also noted that Nutter Park is one of the busiest and most highly used parks in the City and it should be invested in.

With no other questions, Mayor Genshaw called for a motion. Councilman Holland made a motion to reject the bid received from ATC Corporation for the Nutter Park basketball court resurfacing due to insufficient budgetary funds. Councilman Mulvaney seconded the motion; motion so passed with all present voting in favor.

PUBLIC HEARING

Mayor Genshaw closed the Regular Meeting at 7:06 p.m. and opened the Public Hearing.

Mayor Genshaw asked Building Official, Mike Bailey to come forward and present the information.

Mr. Bailey presented Public Hearing Item #1, McDonald's, 23500 Sussex Highway, TMP # 331-5.00-54.00, are seeking a final site plan review for a proposed McDonald's restaurant with associated parking and access driveways.

Mr. Bailey explained that the property is proposed to be a one-story building at 5,421 square feet in size that will hold 107 seats and provide 63 paved parking spaces. The zoning for this property is C-2 Highway Commercial. Mr. Bailey noted that the building is slightly smaller than what was shown in the preliminary hearing. He added that the existing building will be demolished and totally rebuilt in a more central area of the property. The drive through lanes will wrap further around the building in order to stack the vehicles more efficiently. In addition, there will be on-site storm water management and additional parking in the rear of the building. Mr. Bailey noted that the full-length spaces in the rear would allow for bus or semi-truck parking but the hope is to deter overnight truck parking. The property owner does have approvals from the Fire Marshall and Sussex Conservation, Office of Drinking Water and DNREC; with some questions coming back from DELDOT.

Mr. Bailey noted that they will also be doing some pedestrian improvements on both Norman Eskridge Highway and Sussex Highway, with sidewalks being installed and green space added to the perimeter of the property.

Mayor Genshaw solicited questions from Council. Councilman Mulvaney asked how far to the north the new layout was. Mr. Bailey explained that it will be pushed out closer to the old WC Clothing building. Councilman King asked what the estimation was on the timeframe for the project. Mr. Bailey asked the franchise owner, Mr. Mike Meoli to come forward to explain the timeframe for the build. He explained that the hope was to start demolition of the building by mid-December. Councilwoman Phillips-Lowe confirmed that the total time on the rebuild would be about 4 months. Mr. Meoli confirmed, and added that the most recent rebuild in Milford was also completed in four months. Councilman Henderson asked for clarification on what approvals the plan has and what they are still waiting on. Mr. Bailey asked Project Manager, Chris Mondoro from Bohler Engineering to come forward. Mr. Mondoro explained that there were a few comments that came back from DELDOT in regards to some fine grading near the perimeter of the site and Sussex Conservation did have a few notes they asked to be added to the plan; he anticipates having the revised plan back by next week. In addition, the Fire Marshall requested that the fire hydrant be relocated.

Mayor Genshaw solicited any additional questions from Council; there were none.

Mayor Genshaw solicited questions from the public. Mr. Dan Cannon from 411 Nylon Blvd came forward. Mr. Cannon referenced Mr. Bailey's previous comment in regards to the overnight truck parking and noted that he had been watching this activity for several years. He asked if it is known whether this type of overnight parking is legal. City Manager Anderson stated that City Code states that you are allowed to park trucks of that size in commercial districts, and this site is zoned C 2. He noted that this is only with the expressed permission from the property owner. Mr. Cannon asked if permission has been given for trucks to park overnight, Mr. Meoli replied yes. Mr. Cannon asked if they would still have permission after the new layout of the parking lot is completed, Mr. Meoli stated that they absolutely would not. Mr. Meoli noted that he purchased the restaurant almost 4 years ago and the permission had already been granted by the prior owner. Knowing that these changes were to take place he put the truck owners on notice that after the rebuild there would be no more overnight truck parking. Mr. Cannon asked what kind of notice he gave. Mr.

Meoli stated that it was a verbal notice. He also added that overnight parking is not something they would like to see after the rebuild and it will no longer be conducive with the new parking lot layout.

Mr. Bailey presented Public Hearing Item #2, City of Seaford and Better Homes of Seaford, Inc. are seeking a final site plan review for Herring Ridge, a 35 unit Townhouse Development with community building and various site improvements, to be located west of Bridgeville Hwy. east of Hampton Circle, TMP # 331-5.00-4.24.

Mr. Bailey explained that the development would be for senior housing and would include 35 one bedroom apartments with a community center and 68 off-street parking spaces. The City of Seaford is the current owner of the land and will be selling it to Better Homes of Seaford. The current land zoning is R-3 which is High Density Residential. Each unit would have a storage unit as required by the R-3 zoning. Better Homes of Seaford does have all of its required approvals with the exception of some comments back from the Sussex Conservation District.

Mayor Genshaw solicited questions from Council. Councilman King asked if there is currently water and sewer lines running to the property. Mr. Bailey explained that the water and sewer system does come up to the property line and it would just need to be extended into the development. Councilman King asked if that extension would be at a cost to the City. Mr. Bailey stated no, that it would be at the expense of the developer.

Councilman Henderson asked for clarification on the layout of the development. Mr. Bailey explained that the property borders Bridgeville Highway, directly across from Dutton Avenue. He noted that the development would only be accessible through the Yorktown Woods and Hampton Circle entrance. There is no direct access to Bridgeville Highway and will actually be addressed to Independence Drive which is accessed off of Virginia Avenue. Councilman Henderson asked if the property owner planned to maintain a construction entrance off of Bridgeville Highway. Mr. Bailey stated he does not believe so.

Councilwoman Phillips-Lowe asked what the time frame was on the project. Mr. Bailey asked Executive Director of Better Homes of Seaford, Bill Roupp to come forward. Mr. Roupp explained that the hope was to go to construction closing in December, no later than early January or February. He stated that the contractors estimated it to be a one year project.

Councilman Henderson asked if Ross Street shown on the plans is part of the development. Mr. Bailey stated no; it is an existing, undeveloped right-of-way that is not in City Limits. Mr. Roupp added that there are two properties that use the street as their driveway but it has never been an improved street.

Councilman King asked for elaboration on what the various site improvements would entail. Mr. Roupp explained there would be a walking trail that would connect from Hampton Circle that includes various exercise activities and equipment. In addition, there would be a deck and a gazebo on the back of the Community Center as well as various green spaces.

Councilman Henderson asked what the approximate distance is between the new development and Hampton Circle to the west. Mr. Roupp estimated it was about 500 feet and added that the space included a storm water retention pond and a parking lot.

City Manager Anderson added that the project meets the density requirements permitted by the City's code and they are maxed out on any further development.

Mayor Genshaw solicited questions from the public; Fire Chief, Jack Wilson came forward and explained that after the Planning and Zoning meeting he raised a question in regards to the number of fire hydrants located on the development. He explained that he has contacted the Fire Marshall and requested that an additional hydrant be placed closer to the new development. He added that the next closest access point would be on Dutton Avenue which would be over a 300 foot stretch to reach the nearest hydrant in the event of a fire emergency.

Mayor Genshaw solicited any additional questions from the public; there were none.

Mr. Bailey presented Public Hearing Item #3: Harim Millsboro LLC, 126 N Shipley St. are seeking a subdivision of TMP # 531-13.10-17.00, 531-13.10-19.00 and 531-13.10-20.00 into eleven (11) new parcels.

Mr. Bailey explained that Harim Millsboro, LCC is looking to subdivide the property into eleven (11) individual parcels. He noted that parcels 1, 2, 3,4,6,8,9,10 and 11 would be proposed as residential building lots. The current parcel is zoned as R-1 so those specific parcels would retain that residential status. Parcel #7, did obtain a special use exception from the Board of Adjustments on September 5th to house a daycare and Parcel #5, the existing hatchery, is zoned under Nonconforming Use and will be marketed as such. Mr. Bailey added that all of the parcels do meet the area and bulk requirement for the R-1 zoning and all of the existing buildings on the property do meet the setback requirements so there should be no issues when proposing new lot lines.

Mayor Genshaw solicited any additional questions from Council. Councilwoman Phillips-Lowe asked what type of control the City will have over what type of business will go into Parcel #5. City Manager Anderson explained that in accordance with our zoning ordinance, when a building is zoned under Nonconforming Use, when that use ceases to exist for greater than one year it will revert back to the zone with which it is in, which would be R-1. Since the R-1 zoning would be impractical for this parcel, if someone was to find a use for the old hatchery they would need to present information to the Board of Adjustments and request a variance. City Manager Anderson noted that the City has been advised not to rezone the property as Industrial and that it may be difficult to find a good fit for the property as it exists now. He noted that if someone does find a use for the property they would need to present information to the City showing their plan for improvement and determine the zoning, type of use, etc. Then they would need to present the information to the Board of Adjustments.

Councilman King asked if that parcel is limited in how it can be developed since it will be surrounded by residential lots. City Manager Anderson explained that the parcel will be zoned as

R-1 or residential property until someone presents a use for it otherwise. If a use is presented then the property will still need to meet the City's noise ordinance and all of the City's other requirements for occupancy. Councilman King asked if once the lot reverts back to residential zoning if there are any environmental concerns considering the hatchery has been there for so long. City Manager Anderson explained that typically anyone purchasing a property of that type would receive at least a Phase 1 Environmental Assessment which will give a high level look at possible red flags on the property. If there are flags they may decide to proceed with a Phase 2 Environment Site Assessment. The City does not require this assessment; it is typically done by the prospective buyer or for financing purposes. Councilman King asked if the cost for these issues would fall back on Allen Harim LLC as the property owner. City Manager Anderson explained that would be up to DNREC and State of Delaware laws.

Councilman Henderson asked how it will work in regards to utilities if the property is subdivided. Mr. Bailey explained that the utility departments are working now to have everything split for the individual parcels. He added that Director of Electric, Bill Bennett has been on site with electricians and there have been plumbers on-site to try to come up with options for splitting the utility services. Councilman Henderson asked what will happen to the current domestic water well that is on-site. City Manager Anderson noted that the City has required that the well be capped and abandoned properly.

Mayor Genshaw solicited questions from the public; there were none.

Mayor Genshaw closed the Public Hearing at 7:33 p.m.

Building Official Bailey presented the Findings of Facts:

Public Hearing item #1

Findings of Facts:

- Project: McDonalds Restaurant
- Owners: McDonalds Real Estate Company
- Property is located at 23500 Sussex Highway
- Tax Map & Parcel 331-5.00-54.00
- Zoning: C-2 Highway Commercial
- Final site plan review for a 5,421 sf single story building with site improvements.
- Parking spaces provided: 63 paved parking spaces
- Project received approvals from:
 - Sussex Conservation District
 - Office of the State Fire Marshal
 - Delaware Department of Transportation
 - Office of Drinking Water
 - DNREC

Planning and Zoning made a favorable recommendation to Council.

- Mayor Genshaw then solicited a motion. Councilwoman Phillips-Lowe made a motion to approve the request of McDonalds property owners of 23500 Sussex Highway, tax Map & Parcel 331-5.00-54.00 for a final site plan review for proposed McDonalds restaurant with associated parking and access driveways as presented. Councilman Holland seconded the motion.

Mayor Genshaw then asked for a Roll Call Vote:

Councilman Henderson voted yes based on the findings of facts;
Councilwoman Phillips-Lowe voted yes based on the findings of facts;
Councilman Mulvaney voted yes based on the findings of facts;
Councilman Holland voted yes based on the findings of facts;
Councilman King voted yes based on the findings of facts.

The motion so passed with all present voting in favor.

Public Hearing item #2

Findings of Facts:

- Project: Herring Ridge
- Current land owners: City of Seaford
- Land purchasers: Better Homes of Seaford, Inc.
- Zoning: R-3 High Density Residential
- Final site plan review for a senior housing complex consisting of 35 – 1 bedroom apartments; community center
- Parking spaces provided: 68 as required by Code
- Tax Map & Parcel 331-5.00-4.24
- Property is located on Bridgeville Highway
- This project will comply with the area and bulk requirements of the zoning district.
- Project received approvals from:
 - Sussex Conservation District
 - Office of the State Fire Marshal
 - City's Engineer for Stormwater Management review

Planning and Zoning made a favorable recommendation to Council.

- Mayor Genshaw then solicited a motion. Councilman Henderson made a motion to approve the request by the City of Seaford property owner, Better Homes of Seaford Inc., purchaser for final site plan review for Herring Ridge; a 35 unit townhome development with community building and various site improvements to be located west of Bridgeville

Highway, east of Hampton Circle, Tax Map & Parcel 331-5.00-4.24 as presented.
Councilman Mulvaney seconded the motion.

Mayor Genshaw then asked for a Roll Call Vote:

Councilman Henderson voted yes based on the findings of facts;
Councilwoman Phillips-Lowe voted yes based on the findings of facts;
Councilman Mulvaney voted yes based on the findings of facts;
Councilman Holland voted yes based on the findings of facts;
Councilman King voted yes based on the findings of facts.

The motion so passed with all present voting in favor.

Public Hearing item #3

Findings of Facts:

- Project: Allen Harim Property Subdivision
- Current land owners: Harim Millsboro LLC
- Zoning: R-1 Low Density Residential
- Re-subdivide existing property to create 11 individual parcels
- Parcels 1,2,3,4,6,8,9,10, and 11 are residential building lots.
- Parcel 7 obtained a Special Use Exception at the Sept 5 Board of Adjustment meeting for a Daycare.
- Parcel 5 which is the existing hatchery is the only parcel to remain non-conforming use.
- All proposed lots meet area and bulk requirements for R-1 zone.

Planning and Zoning made a favorable recommendation to Council.

Mayor Genshaw then solicited a motion. Councilwoman Phillips-Lowe made a motion to approve the request of Harim Millsboro LLC, property owners of 126 North Shipley Street for a subdivision of tax map parcel 531-13.10-17.00531-13.10-19.00 and 531-13.10-20.00 into 11 different parcels as presented. Councilman Holland seconded the motion. Mayor Genshaw then asked for a Roll Call Vote:

Councilman Henderson voted yes based on the findings of facts;
Councilwoman Phillips-Lowe voted yes based on the findings of facts;
Councilman Mulvaney voted yes based on the findings of facts;
Councilman Holland voted yes based on the findings of facts;
Councilman King abstained from the vote.

The motion so passed with all but Councilman King voting in favor.

Mayor Genshaw presented New Business Item #1, Berley Mears, Director of Public Works to present information pertaining to an infiltration and inflow (I&I) study, including smoke testing of some sewer facilities, to be undertaken within the City of Seaford.

Director of Public Works, Berley Mears came forward and explained that there is currently a smoke testing procedure being performed in the city as part of a study being done by the Western Sussex Unified Sewer District. The City of Seaford has known inflow and infiltration in the sanitary sewer system so the County has offered to perform the inflow and infiltration study. A company came in and set up flow monitoring in seven different manhole locations within the sewer shed of the proposed route of the new unified sewer lines. This was performed from February to June and the company was able to collect a large amount of data. After that data was collected the same company began smoke testing. This testing releases non-toxic smoke into the city's sewer mains and allows us to see anything that is tied into the sewer mains that should not be. (I.e. catch basins, gutter leaders, sub pumps etc.) Mr. Mears added that notices in English, Spanish and Creole were hand delivered to residents in the affected smoke testing areas. He noted that testing started today and already several violations have been detected, including roof gutter systems at the Seaford Fire Station. Several other violations were discovered on residential properties. Mr. Mears noted that these prove to be the most difficult to resolve as they are located on private property and the City would need to approach the owners and request that they repair or replace the systems they currently have. Mr. Mears noted that these violations all affect the capacity at the Wastewater Treatment Plant; which is vital to the City's sewer system. He added that the total testing area is 23,000 linear feet and the plan is to have the testing completed by Friday October, 5th.

Mayor Genshaw presented New Business Item #2: Present for approval a resolution in support as partnership with the Parks Resource Office, State Division of Parks and Recreation under the Outdoor Recreation, Parks and Trails Grant Program for planning and Acquisition funds for the Oyster House Park project.

City Manager Anderson explained that the City has the ability to apply for the Outdoor Recreation, Parks and Trails Grant Program through the State for the planning of the Oyster House Park project located at the end of Cannon and Pearl Street. City Manager Anderson explained that the City was able to take the Chesapeake Conservancy land donation of \$225,000.00 (the amount paid for the land) and leverage that with the State as a cash match. Using those funds, the City is requesting a total project cost of \$200,000.00 with a request from the Outdoor Recreation, Parks and Trails Grant of \$25,000.00 for acquisition and \$75,000.00 for planning. City Manager Anderson stated that those funds would help the City create a park plan and decide what types of amenities the City can offer visitors of the park. He added that a portion of the application process includes a resolution from City Council that states that the City of Seaford is committed to providing outdoor recreation experiences and if the grant is awarded the City will be committed to completing the plan as it is outlined in the application that is submitted to the Parks and

Recreation Resource Office. He noted that with approval from Council, it is required that the Mayor and the City Manager execute the resolution for submission.

Mayor Genshaw solicited any questions from Council. Councilman Henderson asked what the \$75,000.00 planning portion of the request would be used for. City Manager Anderson explained that if the funds were awarded the City would put out a Request for Proposal to engineers that do this type of park planning. They could then create a scope of work that includes public input and opportunities via the parks development. He added that the City was given some consultation from Delaware Parks and though the \$75,000.00 planning cost seems high; it is needed based on what will be required to develop the land. Councilman Henderson asked if that \$75,000.00 will cover the entire cost of the plan. City Manager Anderson stated that he was unsure at this point but it would depend on the volume of work the City decided to put into the development of the park. If in the event the planning cost goes over that amount, the City can look to its partners for assistance funding the remaining cost.

Councilman King asked if the park would be an extension of the current Riverwalk. City Manager Anderson stated that he would advise against just extending the Riverwalk because if it is decided to put some type of structure or visitor center in the park area then that extension may need to be relocated later at an additional cost to the City. This plan would allow people to see the full scope of the plan as it is developed over several years. Councilman King asked if the \$75,000.00 would go towards any of the hardscape portion of the project. City Manager Anderson replied no; these funds are just for the planning portion of the project. This could include, but is not limited to things like wetlands delineation, flood plain assessments and studies from the Office of Historic Preservation.

With no other questions Mayor Genshaw then solicited a motion. Councilman Holland made a motion to approve the execution of the resolution in support of the partnership with the Parks Resource Office, State Division of Parks and Recreation under the Outdoor Recreation, Parks and Trails Grant Program for planning and acquisition funds for the Oyster House Park project to be located on the Nanticoke River at the end of Cannon Street. Councilman Henderson seconded the motion; motion so passed with all voting in favor.

Mayor Genshaw presented New Business Item #5: Present for acceptance the Annexation Committee Report for annexing property identified as TMP 331-5.00-84.00 (with building) and TMP 331-5.00-85.05; located at 1380 Middleford Road, Seaford, DE 19973.

City Manager Anderson explained that the Mayor had previously appointed an Annexation Committee consisting of Vice Mayor Henderson as Chair, Councilwomen Phillips-Lowe and Councilman Mulvaney in regards to the property at 1380 Middleford Road, TMP 331-5.00-84.00 (with building) and TMP 331-5.00-85.05. City Manager Anderson explained that a petition for annexation was signed by Mark Melson, the Treasurer for the Seaford Nylon Employee Council and the property does meet the requirements for annexation based on its contiguous location to Seaford city limits. He noted that this annexation will need to be submitted to the State for their review and approval. In the highlights from the Annexation Report it is noted that the owners of

the property, the Seaford Nylon Employee Council, wish to be annexed into city limits in order to obtain the city's utility service which is conveniently adjacent to this property. There are no city roads in the area so the property owners would need to work with DELDOT in the event they would want to make any revisions to the lot entrance or to make any additional use of the storm water drainage system on Middleford Road. Sussex County currently had the two lots zone under General Business and the requested City of Seaford zoning would be C-2 Highway Commercial District; which would be in line with the adjacent parcels current zoning. In addition, the property is currently serviced by Delmarva Power for electric and if annexation is approved the City of Seaford would look to purchase that service from Delmarva Power. The property owners would need to work with the Director of Public Works and the City's Building Official to determine how the sewer system would be extended and there is ample capacity at the Wastewater Treatment Facility to accommodate this property. He added that there is also a 10" water main on Middleford Road which would make for a fairly straight forward tap in for water service.

City Manager Anderson explained that if there are easements that are necessary, the City would ask the owner to provide those. In addition, should the property be annexed, information will be sent to the City Tax Assessor and they will establish a tax rate. The City's current rate is .31 cents per \$100.00 of the assessed value based on 2008 market values but would be adjusted if necessary after the current city-wide reassessment is completed. He also noted that part of the City's Charter requires these annexation reports give advantages and disadvantages for the City. Some advantages for the City included increased tax base, decreased area of enclave, extended utility service area and potential for redevelopment. Some disadvantages include possible expansion of personnel to provide services, capital budgets may increase, increased area for city departments to serve, traffic on Middleford Road may increase slightly if the property is redeveloped and there would be an added number of requests for service. Some advantages for the property include having all utilities through one provider, local police protection and all permitting would go through the City. Disadvantages would be that the property owner would have to adhere to the City's codes and only one available vendor for utilities. After two meeting and review the committee unanimously agree to proceed with the proposed annexation process. City Manager Anderson noted that there is a required Public Hearing 60 days after acceptance of the Annexation Request; which would need to be scheduled should the process be approved.

Councilman Henderson asked what the time frame was for the State's Preliminary Land Use Service review on this property. City Manager Anderson explained that the review was submitted to the Office of State Planning as soon as the petition for annexation was received and the Director of Economic Development & Community Relations and himself were set to meet on September 26th at 11:00 a.m. with the Preliminary Land Use Service. It is his understanding that they have a 20 day timeframe to issue comments on the submission but he does anticipate having those comments back within a month since the process has already started.

Councilman Henderson asked what the timeframe was on the Public Hearing. City Manager Anderson explained that the Public hearing must be held within 60 days of acceptance of the report and then there would need to be at least a 2/3 vote from Council within a 90 day period to allow the property to be annexed.

Councilman King asked how long the building on the property has been vacant. City Manager Anderson explained that the building is not vacant and is used on occasion for meetings of the Seaford Nylon Employee Council. However, it was noted that the reason for the request for annexation may have been due to lack of use since membership for the Council is so low and their critical need to tap into the City's utilities for increased value when the property is sold.

With no other questions Mayor Genshaw then solicited a motion. Councilman Mulvaney made a motion to accept the Annexation Committee Report for annexing the property identified as TMP 331-5.00-84.00 (with building) and TMP 331-5.00-85.05; located at 1380 Middleford Road, Seaford, DE 19973 as presented. Councilman Holland seconded the motion; motion so passed with all voting in favor.

OLD BUSINESS:

Mayor Genshaw presented Old Business Item #1, Present for approval a letter from Belle Ayre Investments, LLC offering the donation of the balance of the land (51 unimproved lots) in the Belle Ayre Subdivision to the City. Mr. Mark Prata, representing the property owner came forward. Mr. Prata stated that his company picked up the project in 2013. They started in phase 1 with 83 lots total; 20 are sold and there are currently 12 improved lots. He added that project never moved forward to phase 2. Mr. Prata said that the City has accepted donated land in the past and he wanted to extend the offer of the land to the City.

City Manager Anderson explained that Mr. Mark Prata gave a presentation last month to Council in regards to the land donation and the issues was tabled for continued discussion. Belle Ayre Investments, LLC has owned the property for several years but the housing development did not take off as they had assumed and they are in discussion in regards to donating the remaining 51 lots to the City of Seaford.

Mayor Genshaw added that after much discussion it was decided that if the City could help control the land use we can work to get it redeveloped.

Mr. Prata added that they did need to do some more research on their end as to how the donation would work and how it would benefit both the City of Seaford and Belle Ayre Investments, LLC.

City Manager Anderson noted that if Council should decide to move forward with the donation there would be a due diligence period where they would consult their attorneys on how the land donation would occur and how it can be done legally. A survey would need to be completed and a deed would need to be prepared. Should Council choose to move forward the two parties would work together over the coming months to work out the details.

Mayor Genshaw asked if this issue would then come back to Council; City Manager Anderson stated he believed it should since there will be things that need to be executed in order to go through with the donation of land.

Mayor Genshaw solicited any questions from Council. Councilman Henderson asked if there was a budget in mind for the cost of the investigation. City Manager Anderson stated that the City would leave that to Belle Ayre Investments, LLC.

Councilman King asked if there was an idea of the value of the property or what Belly Ayre Investments hopes to gain from the donation. Mr. Prata stated that they have not consulted their accountants to find out what the tax credit would be for the land donation because they wanted to determine if the City did in fact had interest in receiving the donation before incurring costs to determine the incentive.

With no other questions Mayor Genshaw then solicited a motion. Councilman Henderson made a motion to authorize the due diligence and investigation of the donation of the balance of the land including 51 unimproved lots in the Belly Ayre Subdivision from the owner, Belly Ayre Investments, LLC to the City of Seaford as presented. Councilman Mulvaney seconded the motion; motion so passed with all voting in favor.

REMINDER OF MEETINGS & SETTING NEW MEETINGS:

- Seaford Night Out, Seaford Police Department, Thursday, September 27, 2018 5pm – 8pm.
- Monday, October 1, 2018, Pink Ribbon Walk from Nanticoke Memorial Hospital to Gateway Park. Games and activities starting at 6:15p.m. at Nanticoke Hospital followed by the walk to Gateway Park at 7:00p.m.
- SCAT Meeting, SVFD Banquet Hall; October 10, 2018, 6:00 p.m.

COMMITTEE REPORTS

Councilman Henderson reported on Fire, Police and EMS.

Seaford Volunteer Fire Department, Inc.

A meeting with City Manager Anderson, Chief Wilson, President Wilson, and myself was held on September 24, 2018. The main topics included:

1. All equipment is in service.
2. Plans are moving forward for the purchase of a new ambulance to replace C87.
3. On September 19, 2018 an After-Action Review was conducted in regard to the structure fire on August 27, 2018 at the Family Dollar Store. The event was well attended with over 50 attendees present, up to 80 viewing the Facebook Live Feed, and over 2,000 Facebook views.
4. As a result of the alarm on August 27, 2018 there were 2 minor injuries which resulted in no lost time from duty.
5. The new Draeger SCBAs are in full service.

6. Fire prevention week starts October 8, 2018. The tradition of offering education and rides to elementary school children continues on October 10, 2018.
7. The Fire department continues to work with the Public Works Department to identify and restore service to hydrants that are either inaccessible or in need of repair.
8. The Chief is working with Assistant Chief Matt Read to improve the response grid. This effort will help optimize support from mutual aid organizations.
9. SVFD representatives will be attending the upcoming SCAT meeting hosted by City of Seaford on October 10, 2018.
10. To date there are 7 candidates for 2 open positions of Fire Fighter/ EMT. Testing will be held on October 7, 2018. Testing consists of 3 phases: Physical Agility, EMS Assessment, and an Oral Interview.

Seaford Police Department

Police Activity during period of September 10, 2018, through September 24, 2018:

Criminal

On September 8, 2018, officers responded to a residence on Phillips Street regarding a reported Domestic in Progress. A subject identified as William Torres was fleeing the residence in a vehicle as officers arrived. Torres led officers on a pursuit which ended several blocks away. While fleeing, Torres threw a shotgun from the driver's side window that was later recovered. The vehicle was later discovered unoccupied by officers. Officers searching the area observed the suspect who had changed clothes and took him into custody. He further attempted to elude officers by giving a false name. A search of his vehicle led to the discovery of approximately 6.5 grams of marijuana and various forms of drug paraphernalia to include a scale and drug packaging items. The gun the suspect threw from the car was a Savage Arms 12-gauge break action over/under double barrel shotgun with 36 12-gauge shotgun rounds. This suspect was wanted on an active warrant out of Seaford Police Department for Unauthorized use of a Motor Vehicle and he has been convicted of prior felony weapon-related charges out of New York. He was committed to Department of Corrections in lieu of \$16,919.00 secured bail.

On 09/11/2018, at approximately 0919 hrs., Pfc. Short was dispatched to the Miracle Revival Center at 800 Sussex Ave., Seaford, for an attempted arson complaint. Investigation reveals that sometime between 1300 hrs., on 09/10/2018, and 0919 hrs., on 09/11/2018, perpetrator(s) used a wooden stake that was wrapped with flammable material doused in gasoline. Perpetrator(s) then attempted to catch the awning of the building on fire, but the building did not catch on fire.

On 09/11/2018, at approximately 1150 hrs., Pfc. Jones was dispatched to the Ross Mansion at 23669 Ross Station Rd., Seaford, for another attempted arson complaint. Investigation reveals that sometime between 1500 hrs., on 09/10/2018, and 1150 hrs., on 09/11/2018, perpetrator(s) used a wooden stake that was wrapped with flammable material doused in gasoline. Perpetrator(s) then attempted to light the top of a door and its archway on fire, but the mansion did not catch on fire.

On 09/11/2018, at approximately 1559 hrs., Sgt. Horn advised Seaford Communications that she was out at the Grace Baptist Church located at 805 Atlanta Rd., Seaford, in reference to yet another attempted arson complaint. Video surveillance from the church shows a black male attempting to light the underside of the carport on fire. Said carport is located at the rear of the church. The time and date on the video surveillance show the incident occurring on 09/11/2018, at 0401 hrs. The black male is seen using a wooden stake, which is burning at one end. The black male was not successful in his attempt to get the fire lit under the carport. The surveillance captures a good shot of the suspect's face. The suspect appears to have dreads and he appears to be wearing a towel over his head. He is also seen leaving in a light colored 4 door passenger car (possibly a Hyundai).

September 12, 2018 – After many hours of investigation and surveillance, the suspect was apprehended. He is identified as Garry Elmidort, 28 years of age. He was charged with Attempted Arson in the Second Degree, Possession of an Incendiary Device, Molotov Cocktail, and two counts Criminal Mischief. Elmidort was committed to the Department of Corrections in lieu of \$20,200.00 cash bail.

September 14, 2018 – Officers were dispatched to 805 Houston Street for a possible overdose. Victim was found by roommate locked in the bathroom. Roommate unlocked the door and discovered the unresponsive victim with hypodermic needle in right hand. It was determined by victim's temperature and lividity setting in that the victim was deceased.

On September 17, 2018, Corporal Russell located a hit and run suspect that had struck another vehicle and fled. The suspect was issued traffic tickets and was also found to have a capias out of Sussex County Family Court.

On September 18, 2018, Sgt. Miller observed a vehicle pulling into the back of the Industrial Park at 10 p.m. when all the businesses are closed. A check of the vehicle revealed that the vehicle was flagged for warrants. A traffic stop was conducted and both occupants were wanted on hard warrants from our Department. Delaware State Police had warrants for theft charges on one occupant and Superior Court had a warrant for failing to appear for drug court and theft charges on the other occupant. After confessing, both occupants were charged and one was committed to Sussex Correctional Institute.

Also, on September 18, 2018, Mrs. Tull came into the Department to report her husband did not come home from work. Her son received a text from his father and based on a ping location was able to find his father. The father was in his truck in a garage. Fearing a medical emergency, son Scott forced the door open and found his father laying on the seat with a gun in his hand. The father stated he had been gambling and was feeling depressed. The son was able to wrestle the gun away and they drove off separately, with the son losing sight of him. The wife stated that her husband often keeps a shotgun in the back of his truck and a BOLO was requested. He was flagged in the computer as a missing person and a GOLD alert was issued. At 0400 hours, Mr. Tull was located and taken into custody the Delaware State Police. Mr. Tull was transported to Nanticoke Memorial Hospital for a mental health evaluation.

On September 20, 2018, officers responded to Woodland Mills Apartment complex reference a fight in progress with possible shots being fired. A vehicle was leaving the complex and was stopped and subjects detained. When confronted, passenger Arslan Chaudhary stated he had something in his pants. Officers discovered a bag containing a .22 Magnum Taurus revolver with 7 live rounds and a spent round in the cylinder, a black CO2 BB gun and 87 loose .22 live rounds. Investigation revealed a disorderly suspect, Zolando Bennefield, had arrived at Woodlands Mills and started an argument with Chaudhary's brother. Chaudhary went into his apartment and retrieved a firearm and fired one round into the air. Both suspects were processed and committed to Sussex Correctional Institute for lack of secured bond.

On September 21, 2018, Sgt. Rapa was flagged down by Kevin Pitts to report unknown subjects living in a shed at a condemned property. Mr. Pitts had just seen subjects exit the shed. Cpl. Bradley was contacted and we approached the shed observing the rear doors of the shed were open. They found a white female sitting in a chair unconscious. The female did not respond to verbal commands and appeared to have inconsistent labored breathing suggestive of a subject experiencing a drug overdose. The officers placed her on the ground and conducted sternum rubs while we notified dispatch to send an ambulance for the possible overdose. The subject did not respond to the sternum rub and I retrieved my AED as we continued to monitor her breathing and pulse. Station 87 EMTs arrived on scene as well as Sussex County paramedics. The subject was administered Narcan and shortly recovered consciousness. She was transported to Nanticoke Memorial Hospital for further treatment. Officers searched the shed and the house and did not discover any additional subjects or drug evidence. I then responded to the hospital where subject admitted to using approximately \$20 worth of heroin.

Admin

September 11, 2018 – Chief attended the SLEAF Meeting in Dover. Our grant application for two rifles was tabled until the next funding cycle.

Chief attended the Council Meeting and promoted Patrolmen James, McKinnon, Wilson and Wyatt to Patrolmen First Class.

September 12, 2018 – Chief attended the Downtown Focus Meeting.

Chief held a meeting with several agencies assisting us in the Arson investigation.

Chief held a meeting with Team Lyfe regarding the upcoming basketball game between the Department's officers and their players. Karen is preparing a flyer for the event on September 29, 2018.

September 13, 2018 – Chief attended the Seaford Night Out meeting.

Chief interviewed with The Parker Group for "Hometown Heroes" video that will be placed on social media. Cpl. Frank Bradley interviewed as well.

Chief participated in a monthly conference call with the National Liquor Law Enforcement Association.

September 14, 2018 – Packages and thank you cards were delivered by Nanticoke Memorial Hospital to the Department for Law Enforcement Appreciation Day.

September 15, 2018 – Cub Scout Pack 249 came to visit the Police Department and delivered gifts for Officer Appreciation Day.

September 17, 2018 – Chief held a staff meeting with his administrative staff.

Chief received baskets with goodies for the officers along with many thank you cards from elementary school children.

September 18, 2018 – Chief attended the Sussex Police Chiefs' Meeting in Georgetown.

Chief interviewed with WMDT regarding the Opioid Crisis.

There will be a short film of the Seaford basketball practice on WRDE Thursday, September 20, 2018, at 6 and 11 p.m. This is a community-oriented game to bring us all together.

September 21, 2018 – Chief held a Sergeants Meeting and had officers from Probation and Parole attend in an ongoing collaboration between agencies.

September 24, 2018 – Chief attended Fund to Combat Violent Crime Program meeting to seek approval of our recent grant requests.

Training

Detective Chambers is attending a week-long class on the role of a Public Information Officer.

Councilwoman Phillips-Lowe reported in Public Works. AMI water meter deployment started, a water service leak was repaired on Arch Street, cleaning was started on key sewers and the department assisted Parks and Recreation by clearing out under the bridge

The department attended multiple meetings and performed all routine tasks including; street sweeping, limb and leaf pick up, read meters, disconnects, hung pink tags, collected state water samples and supplied barricades for various events, etc.

The department is currently two men down; one due to surgery and one resignation

In WWTF and compost; plant performance is good however we currently do not have compost to sell. The facility is receiving regular Proximity waste and Leachate treatment going well. There are no major maintenance issues

IMPORTANT TO NOTE:

Hydrant flushing will begin on Monday, October 1. It will take approximately 4-6 weeks to complete this process throughout the city.

The smoke testing of the sewer mains began today.

Councilman Mulvaney Reported on the electric department

Congratulations to Greg Brooks who was promoted to Class B Lineman.

Work continues on the rewiring of the Christmas star with LED rope lights. I saw the work being done today and it is amazing just how large the star is up close. It is hoped using the LED rope lights will prevent the crew from having to change light bulbs every season.

The Royal Farms street light that was damaged by the contractors was repaired.

Seaford Village directional boring continued

The crew began renumbering the poles for the circuit changes

Tree trimming was completed throughout the City including the Senior Center and a removal on Porter Street.

There was an outage at Manor House at Cottage #544

Director of Electric, Bill Bennett reports that he met with an electrician to discuss splitting the services at the Allen Harim headquarters building, a preconstruction walk through of the Sussex Highway portion of the distribution upgrades was completed, a preliminary meeting regarding asset management data gather program to place, a safety meeting was conducted, and there was a presentation at the downtown development program.

ALSO ENJOYED A WEEK'S VACATION.

Councilman Holland reported on Administration. Meetings attended included:

- ES Steel regarding potential expansion of operations.
- The Downtown Focus Day event.
- Unified Sewer District design meeting.
- Meeting with Representatives of Mountaire Poultry.
- Meeting regarding the tennis court lighting with the Seaford School District.
- City safety meeting.

Other work included participation in Parks Tech I and Parks part-time interviews and provided information for the ORPT grant submission for the Oyster House Project.

Information Technology Report:

- Worked on installing equipment for WiFi and Infrastructure at PD
- Worked on repairing couple PC's
- Worked on links between Servers and Update Server
- Ran cable at PD for Project
- Cleaning IT Closet and removed old equipment
- Swapping PC's at pd
- Routine IT service requests

Administration Report:

- Work on FOP Negotiations.
- Work with staff - AMI Project Meter Swap
- Prepare for Annual Audit.
- Attend bid opening for Nutter Park Basketball Courts and Zero-turn Mower.
- Attend DEMEC board meeting & 24th annual dinner meeting.
- Review & discuss change to After Hours Disconnect procedures.

All other business is routine – financial management, payroll & benefits, purchasing, billing, customer service, etc.

Councilman King reported on Code and Parks and Recreation. Building Official Mike Bailey reports that the Code Department is doing routine inspections for on-going projects, violation inspections throughout the city and performing plan reviews for new permits. The Code Dept. has issued 192 permits and 171 Rental Licenses as of September 24, 2018.

Large Project Statuses: The Royal Farms is open now! The Ross Station Event Center has the slab poured and framing is going to start soon. The exterior remodel of the Stargate Diner has been started.

In Parks and Recreation, Superintendent of Parks and Recreation Katie Hickey reports that the Parks Department has completed routine jobs of prepping the softball and football fields, weekly trash pick-up, grass cutting and work orders (over 57 work orders completed so far this season). The Parks Department worked with Public Works to clear the overgrowth under the Stein Highway Bridge. Men's Slow Pitch Softball completed its fourth week but youth flag football games were cancelled due to inclement weather; pictures and games were rescheduled. Men's adult flag football games were held with 6 teams signed up to play.

The Parks Department met with Matt Messina about aquatic spraying at the Oyster House Property. Parks and Rec. prepped for the Downtown Seaford Focus Day held on 9/14 and the food truck vendors were very pleased with their sales. Parks and Rec. also prepared lunch for the

Williams Pond Clean-Up attendees on 9/15. Spraying around city facilities in preparation for Seaford Night Out to be held on Thursday, 9/27 has been completed. Additionally, the Parks and Rec Department helped prepare for the Seaford Tomorrow Fundraiser held at the Texas Roadhouse on 9/18 which raised \$202.50 from the bake sale and \$160.00 from dinner flyers.

One new full-time employee and one new part-time employee have been hired and will start on 10/1 and 9/24 respectively.

With no further comments, Mayor Genshaw called for a motion to close the regular Council Meeting. Councilwoman Phillips-Lowe made a motion to close the regular Council Meeting. Councilman Henderson seconded the motion; the motion so passed with all present voting in favor. The meeting was adjourned at 8:32 p.m.

Charles D. Anderson, City Manager

/ash