

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

September 27, 2016

7:00 PM

Mayor David Genshaw called the Regular Meeting to order with the following present: Councilwoman Leanne Phillips-Lowe, Councilman Orlando Holland, Councilman William Mulvaney and Councilman Dan Henderson. Building Official, Josh Littleton was also present.

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

Mayor Genshaw solicited any changes to the agenda. City Manager Slatcher, stated yes; there were two items to be added under correspondence. One is the request for a donation to the WWI monument and Two is the announcement by the Seaford School District of their Blue Jay Pride Day.

Mayor Genshaw called for a motion to approve the minutes of the Regular Council Meeting of September 13, 2016. Councilman Mulvaney made a motion to approve the minutes from the September 13, 2016 Council Meeting. Councilman Holland seconded the motion; motion so passed with all present voting in favor.

CORRESPONDENCE

City Manager Slatcher presented information received from the American Legion Sussex Post 8, in regards to a World War I monument to be placed at the Circle in Georgetown. Mr. Bill West, President of SCAT had asked each Sussex Town to donate \$250.00 to help raise the funds needed for the monument. The total project amount is \$20,000. The monument will be dedicated on November 11, 2016 (Veteran's Day).

Mayor Genshaw called for a motion to approve the \$250.00 sponsorship. Councilwoman Phillips-Lowe made a motion to approve the sponsoring of the monument to be placed at the Circle in Georgetown in the amount of \$250.00, to be paid from the Executive budget the undesignated projects and assistance account. Councilman Henderson seconded the motion; motion so passed with all present voting in favor.

City Manager Slatcher presented information for Blue Jay Pride Day. The Seaford School District, will host a Blue Jay Pride Day, which invites students, families, and the community to all the school where they will showcase the services the school provides. The Blue Jay Pride Day will take place on October 8th from 9 a.m. until 1 p.m.

PUBLIC HEARING

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

Building Official Josh Littleton came forward to present Public Hearing #1, Perdue Grain and Oilseed, LLC, property owners of 1001 Nanticoke Ave. Identified as Tax Map and Parcel 531-13.00-30.00; 33.00;34.00;34.01, are seeking a final site plan review and approval. They are proposing to replace existing grain storage tanks, construct additional grain storage tanks, and construct other associated equipment and site improvements. The property is zoned M-2, Heavy Industrial. The project will include the construction of a barge dock and offloading equipment. Three 90' diameter grain storage tanks, loop driveway, one, 116' diameter grain storage tank, one, 18' diameter grain dryer, and two 30' diameter grain hoppers. Elevators and conveying equipment, and an improved entrance from Nanticoke Avenue curbing and paving. The property owners have already received approvals from Sussex Conservation District for the Sediment and Stormwater Management Plan and the State Fire Marshal for Major Site.

Mayor Genshaw solicited any questions or comments.

Councilman Mulvaney asked what Perdue's plans were with the recently purchased Venture Milling property.

Mike Phillips, representative for Perdue Grain and Oilseed LLC, stated that Southern States would continue to operate the storage tanks on the property.

Mayor Genshaw asked if the truck traffic would shift to the new site.

Mr. Phillips stated yes, some traffic will shift down to the new site and the net decrease in truck traffic is anticipated.

Councilman Henderson asked if "No Name" road would be used for truck traffic.

Mr. Phillips stated, that trucks using the north site will stay using their route.

Mayor Genshaw asked for questions from the public; there were none.

Building Official Josh Littleton presented Public Hearing #2, Fevzi Darlimaz, property owner of 23412 Sussex Hwy, Seaford Eagle Diner, identified as Tax Map and Parcel 331-5.00-60.01, is seeking a final site plan review and approval for the expansion and renovation of the existing restaurant including site improvements. The property is zoned C-2 Highway Commercial. The project will include, demolition of existing diner and sheds, construction of a new restaurant, expansion of paving parking area, dumpster enclosure, and site lighting upgrades. They received two variances from the Board of Adjustment on 9/7/16 for a 15' side yard setback on the north side of the property and a reduction in the required number of parking spaces from 54 to 41. Currently they have two approvals pending; DHSS Office of Drinking Water for a fire suppression water tap and one from the Office of State Fire Marshal for site and building.

Mayor Genshaw solicited any questions or comments.

Councilman Henderson asked how they calculated the number of parking spaces.

Building Official Josh Littleton, stated that the number of spaces are based on square footage of the diner itself and number of spaces per employee. Councilman Henderson asked how the Board of Adjustment gave such a reduction in parking spaces? Mr. Littleton referred the question to Mrs. Slatcher, a member of the Board of Adjustment. She replied that the owner has a letter of agreement with Sears Home Store next door to use their parking after hours. And the Board accepted this as they have done with other locations.

Mayor Genshaw asked for questions from the public; there were none.

Building Official Josh Littleton presented Public Hearing #3, Case No. S-16-16: Seaford Village, LLC, property owners of Tax Map and Parcel 331-5.00-50.00, located on Sussex Highway, also known as Seaford Village Shopping Center, are requesting a subdivision of 1.545 +/- acres from the larger parcel in order to create an outparcel. The new parcel would be located on the west side of the existing Herring Run Road entrance into the shopping center and front along Herring Run Road. The property is zoned C-2 Highway Commercial District, and meets the minimum lot size in a C-2 district. The remaining parcel will retain the frontage along Herring Run Road and the existing building will meet setbacks. The proposed outparcel complies with Sec. 15-42 Area and Bulk requirements, (1) Lot size. The minimum lot size is 15,000 sf.

Mayor Genshaw solicited any question or comments from Council.

Councilman Mulvaney asked if the lot goes on the other side of the driveway.

Mr. Littleton stated Yes.

Councilman Henderson asked if the East and West access around the building will be at new owner's disposal.

Mr. Littleton stated no; future developers will look at site plan developments.

Mayor Genshaw asked for questions from the public; there were none.

Mayor Genshaw closed the Public Hearing at 7:24 p.m. and reopened the Regular Council Meeting.

Mr. Littleton presented the Findings of Facts for Public Hearing #1:

- Final Site Plan Approval
- Property Owners: Perdue Grain and Oilseed, LLC
- Located at 1001 Nanticoke Ave and is identified as TMP# 531-13.00 30.00; 33.00; 34.00; 34.01
- Property Owners:
- Perdue Grain and Oilseed, LLC

- Zoned M-2 Heavy Industrial
- Construction of:
 - Barge dock & offloading equipment
 - (3) 90' Diameter grain storage tanks
 - Loop driveway
 - 116' Diameter grain storage tank
 - 18' Diameter grain dryer
 - 30' Diameter grain hoppers
 - Elevators and conveying equipment
 - Improved entrance from Nanticoke Ave, curbing & paving.
- State agency approvals:
- State Fire Marshal,
- Sussex Conservation District,
- The project will comply with the area and bulk requirements of the districts.
- Planning and Zoning made a favorable recommendation to Council

Mayor Genshaw called for a motion. Councilman Mulvaney made a motion to approve the final site plan as presented for Perdue Grain and Oilseed, LLC property owners of 1001 Nanticoke Ave. Tax Map and Parcel's 531-13.00-30.00; 33.00; 34.00; and 34.01 to replace the existing grain storage tanks, construct additional grain storage tanks, and construct other associated equipment. Councilwoman Phillips-Lowe seconded the motion.

Mayor Genshaw then called for a Roll Call Vote:

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

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

Mr. Littleton presented the Findings of Facts for Public Hearing #2:

- Final Site Plan approval for Seaford Eagle Diner
- Located at 23412 Sussex Highway; Tax Map and Parcel 331-5.00-60.01
- Zoned C-2 Highway Commercial District
- Project will include:
 - Demolition of existing diner & sheds
 - Construction of a new restaurant
 - Expansion of paved parking area;
 - Dumpster enclosure
 - Site lighting upgrades
- Received two variances from the Board of Adjustment on 9/7/16 for:
 - 15' side yard setback on the north side of the property; and,

- Reduction in the required no. of parking spaces from 54 to 41.
- State Agency approvals required & pending from:
 - DHSS – Office of Drinking Water - fire suppression water tap
 - Office of State Fire Marshal for site and building
- Planning and Zoning made a favorable recommendation to Council

Mayor Genshaw called for a motion. Councilman Henderson made a motion to approve the final site plan as presented for Fevzi Darlimaz, property owner of 23412 Sussex Hwy., Seaford Eagle Diner, Tax Map and Parcel 331-5.00-60.01 for the expansion and renovation of the existing restaurant including site improvements. Councilman Holland seconded the motion.

Mayor Genshaw then called for a Roll Call Vote:

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

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

Mr. Littleton presented the Findings of Facts for Public Hearing #3:

- Case No. S-16-16 – Subdivision
- Property Owner is Seaford Village, LLC
- Zoned: C-2 Highway Commercial
- Identified as Tax Map and Parcel 331-5.00-50.00
- Subdivision of 1.545± acre from the larger parcel
- New parcel will be located on the west side of the Herring Run Road entrance into the shopping center & Front along Herring Run Rd.
- Meets minimum lot size in a C-2 district
- Remaining parcel will retain frontage along Herring Run Rd and the existing building will meet setbacks.
- Planning and Zoning made a favorable recommendation to Council.

Mayor Genshaw called for a motion. Councilman Holland made a motion to approve the subdivision of lands as presented for Seaford Village, LLC, property owners of Tax Map and Parcel 331-5.00-50.00, Seaford Village Shopping Center, on Sussex Highway to subdivide 1.54 +/- acres from the larger parcel in order to create an outparcel on the west side of SVSC Herring Run Road entrance. Councilman Mulvaney seconded the motion.

Mayor Genshaw then called for a Roll Call Vote:

Councilman Henderson voted yes based on findings of the facts;
Councilwoman Phillips-Lowe voted yes based on findings of the facts;

Councilman Mulvaney voted yes based on findings of the facts;
Councilman Holland voted yes based on findings of the facts.

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

Mayor Genshaw presented New Business #1, Information on a grant to expand cat sterilization and vaccination programs. Mrs. Hetti Brown from the Office of Animal Welfare, Delaware Division of Public Health came forward to present the information. Mrs. Brown explained that the Office of Animal Welfare try to bring grants to municipalities to help with sterilization and vaccinations of free roaming cats and help with over population. The department recently received a \$100,000.00 grant for spay/neuter and vaccination program for Sussex County. Seaford was chosen to receive some of these grant funds. The department will reach out to Seaford residents to see where stray cats are roaming, and offer trapping, sterilization, and vaccinations of these cats. They will also offer these services to pet cats. The program is to help minimize the population of free roaming cats. The department would like to start reaching out to Seaford residents mid to late October. Mrs. Brown also stated she would like the City's help in marketing the program, and letting residents know that it is a good thing, and will help with overpopulation, decrease in number of rabid cases, and will also help with free roaming kittens and/or healthy cats find adoption.

Mayor Genshaw solicited any questions or comments from Council.

Councilman Henderson asked the percentage of domain to fertile animals the grant will pay for.

Mrs. Brown stated that the funds would not be split in any percentage, it is statewide and free for all residents.

Councilman Henderson also asked who would coordinate volunteers/ staff to help with the program.

Mrs. Brown stated that a coordinator from Brandywine Valley SPCA will coordinate volunteers to help. There is one paid position in the grant to hire a coordinator to work with the volunteers.

With no further questions or comments, Mayor Genshaw thanked Mrs. Brown for the information and let her know the City will promote this program to its residents.

Mayor Genshaw presented New Business #2, Clean-up and painting of Stein Highway Bridge. Mr. Jordan Forston, youth pastor of Gethsemane United Methodist Church, came forward to report on the project. Mr. Forston stated that on September 18th 30 youth and adults came out to the Stein Highway Bridge to clean up the brush that surrounded the area. On September 24th, 60-75 volunteers came out to scrap off vandalism and old paint from the bridge. Mr. Forston spoke highly of the volunteers that took time out of their Saturday to come help with this project. He also thanked the business/ people who volunteered other services including, food/ snacks, water, painting supplies, and money towards the paint.

Mayor Genshaw thanked Mr. Forston and the volunteers for all of their hard work that went into the project.

Mayor Genshaw presented New Business #3, First reading for an ordinance to amend Chapter 14, of the Municipal code of Seaford, Delaware relating to "water" section of 14.2.6 Water wells or water systems. The amendment to Chapter 14, Waters wells or water systems, will read as follows:

- A. There shall be no water wells or other water systems installed or maintained in the City, with the exception of the following:
 1. Water wells or water systems which are City-owned and connected to the City-maintained public water supply.
 2. Water wells in existence prior to the adoption of this ordinance or which may exist on a property at such time in the future that it is annexed into the City. Said water wells may never be connected to the City maintained public water supply and are considered grandfathered so long as they are maintained as part of an existing and established use. If said use ceases or is modified in any way, the requirements to connect to the City water system per 14.2.1 shall be applicable and said water well shall be disconnected from said use and shall be abandoned in accordance with the regulations of the State of Delaware.
 3. Water wells or other water systems granted a specific approval by the City Council.
 4. This section shall not apply to underground piping installed as part of a closed-loop ground source heat-pump HVAC system. The City Manager, or designee, may issue a building permit in accordance with 4.1.2 for this type of underground piping system.

Mayor Genshaw solicited any questions or comments from Council. There were none.

Mayor Genshaw presented New Business #4, Bids for replacement of landscaping in the bio-swale of Our Lad of Lourdes storm water pond previously damaged due to the storm water pipe blow-out. Assistant City Manager Anderson stated that the pipe failed during a heavy rain event. The City received three bids. After reviewing the submitted documentation provided by the vendors, it is recommended that the bid be awarded to the lowest bidder, in the amount of \$6,617.00, to Designscares LLC.

Mayor Genshaw solicited any questions or comments from Council.

Councilman Mulvaney asked if the bid was based on the use of specific plants that will be replaced.

Mr. Anderson stated yes, the bid includes specific plants needed for the bio-infiltration swale.

With no further questions or comments, Mayor Genshaw called for a motion.

Councilwoman Phillips-Lowe made a motion to award the replanting of Our Lady of Lourdes bio-infiltration swale installed by the City for storm water which was damaged when the pipe failed during a heavy rain event to the low bidder Designscares, LLC in the amount of \$6,617.00 with

funding to be from the sewer reserve account for the replacement pipe. Councilman Mulvaney seconded the motion; motion so passed with all present voting in favor.

Mayor Genshaw presented New Business #5, Appoint Annexation Committee. The committee will be responsible for preparing the Annexation Committee report for the annexing of Tax Map and Parcel 3-31-5.00 101.00; lands on the Northwest corner of Middleford Road and Sussex Hwy (Route 13) and present to the full Council for consideration. Mayor Genshaw appointed Vice-Mayor Dan Henderson as Chair, Councilwoman Leanne Phillips-Lowe and Councilwoman H. William Mulvaney III, of the Annexation Committee.

Mayor Genshaw solicited any questions or comments from Council. There were none.

Mayor Genshaw called for a motion. Councilman Henderson made a motion to Mayor Genshaw's appointment of Vice-Mayor Dan Henderson, Chair, Councilwoman Leanne Phillips-Lowe and Councilman H. William Mulvaney, III to be the Annexation Committee to write the report for the requested annexation of Tax Map and Parcel 3-31-5.00-101.00 on the Northwest corner of Middleford Road and Sussex Highway (Route 13). Councilman Holland seconded the motion; motion so passed with all present voting in favor.

Mayor Genshaw presented New Business #6, Pre-FY18 Budget Workshop. Mayor Genshaw stated that the City will have a pre-FY18 Budget Workshop planning session on October 18th at City Hall at 7 p.m.

Mayor Genshaw solicited any questions or comments from Council. There were none.

Mayor Genshaw presented New Business #7, Workshop for Rental Licenses. Mayor Genshaw stated that the City will have a workshop for potential Rental Licenses on November 1st at City Hall at 7 p.m.

Mayor Genshaw solicited any questions or comments from Council. There were none.

Mayor Genshaw presented New Business #8, 2017 summer hours. City Manager Slatcher stated that she is recommending to have the 2017 summer hours by from Memorial Day to Labor Day and 7 a.m. to 4 p.m. for all, except the shift workers in the Police Department. City Manager Slatcher explained this year was a test year for the May 1st through September 30th as the summer hours. We are beginning to see more customers coming to City Hall as they believe we have returned to normal business hours of 8 a.m. to 5 p.m. Therefore she is recommending we go back to the hours as recommended. The Council may elect to retain the present hours from May 1st through September 30th or accept the City Manager's recommendation.

Mayor Genshaw solicited any question or comments from Council. There were none.

Mayor Genshaw called for a motion. Councilman Mulvaney made a motion to approve the summer hours for 2017 to be from Memorial Day to Labor Day for all except the shift works in the Police Department from 7 a.m. to 4 p.m.

OLD BUSINESS

There was none.

REMINDER OF MEETINGS & SETTING NEW MEETINGS

- Seaford Police Community Night Out, Thursday, September 29th from 5 p.m. until 7 p.m. at Seaford Police Department.
- 1st Saturday, on October 1st on High Street
- The Cancer Walk, Nanticoke Health Services, on October 3rd at 7:15 p.m. from NMH to Gateway Park
- SCAT, dinner meeting, Wednesday, October 5th at SVFD Banquet Hall at 6 p.m.
- NOVEMBER 7TH- MONDAY EVENING, 7 p.m., Regular Council Meeting instead of on Tuesday, November 8th due to the Sussex County Election Board's use of Council Chambers for the November General Election
- Administration and Utilities return to normal business hours on October 1st which are 8 a.m.- 5 p.m.

LEAF MACHINE WILL BE IN OPERATION STARTING OCTOBER 1ST THROUGH DECEMBER 31ST. In rain events, help us to help you by clearing a catch basin or calling Public Works to have the catch basin cleaned at 302-629-8307.

COMMITTEE REPORTS

Councilwoman Phillips-Lowe reported that she did not have a fire report this week. In the Police Department, Lt. Van Fleet and Chief Flood attended the Sussex County Chiefs' meeting on September 21st at the Emergency Operations Center in Georgetown, DE. Two officers were promoted; Steven Flood to the rank of Lieutenant ; Valerie Horn to the rank of Sergeant, both effective September 26, 2016. The department is preparing for Community Night Out which will be held this Thursday, September 29, weather permitting. The Chief is monitoring the forecast. Preparations have begun for the department's fall firearms night re-qualification course. CID is working on several investigations. Chief Flood will attend the Regional Police Chiefs' meeting to be held at Seaford PD on September 30th at 9 a.m. This meeting will include police chiefs from Georgetown, Laurel, Blades, along with DSP Troop #5, and Seaford. C- Squad handled two complaints on September 26th recovering 621 bags of heroin, 7.2 grams of powder cocaine, one handgun (pellet gun), along with numerous paraphernalia. A-Squad recovered 5,486 bags of heroin along with \$1,342.00 drug money. With patrol the department is at 5,504 bags heroin, 2.7 grams' crack cocaine, 4 grams' powder cocaine.

Councilman Mulvaney reported that the Public Works Department requests that my report begins with a public awareness announcement regarding three projects throughout the

City; hydrant flushing and inside cleaning of catch basins have begun and will continue for several weeks. October 1st marks the start of the leaf machine program, as soon as a sufficient quantity of leaves are present the machine will continue operations until the end of the year. Highlighted activity the past 2 weeks include assistance with the removal of a huge fallen tree at Williams Pond Park, some equipment maintenance, boarding up of a property on behalf of the Code Department and repaired service leaks. Director Berley Mears notes attendance at several meetings including MS4, AMP, construction and DNREC. Wastewater Treatment and Compost reports plant performance is good with no major maintenance issues with some FOG (fats, oil & grease) inspections performed. Upcoming projects include preparations for the Route 13 water main extension

City Manager Slatcher reported for Councilwoman Peterson, who was unable to attend the Council Meeting. Mrs. Slatcher reported that in the Parks and Recreation department, youth and adult flag football continue, as well as preparation for the soccer, football, and softball fields. Mayor's Intern Sierra Snigier, visited with Parks and Rec. staff. The department is preparing for the Breast Cancer Walk (Oct. 3rd) and 1st Saturday.

The Code department attended many meetings including one with DNREC at Seaford Village and Lower Delaware Building Official's meeting. The department worked with the Parks department to complete work orders for grass cutting and rubbish clean up; and worked on recertification for Flood Insurance Community Rating System. Updated statuses of commercial and large residential projects include: New Triple Team (former Dillard's) shell space is 80% completed, Plaza Tapatia restaurant fit-out is 45% completed, Take-out Restaurant Fitout on High Street is 15% completed, and Smith's Café Restaurant Fitout is 15% completed.

Councilman Henderson reported that among several meetings Electrical Engineer Rick Garner attended was a Solar Array Project progress meeting and the Pine Street Substation and Electrical Improvements Project. Rick continues to investigate the problems with the capacitor bank controllers on Circuits 140 and 310 as well as a high nitrogen pressure problem at the Central Substation Transformer. He attended an AMI workshop on September 14th as well as the DEMEC Annual Dinner Meeting on September 21st.

Superintendent Bill Bennett reports that work continues at Meadowbridge Apartments the relocation of transformers and new wire on 2 sections of the North Building. The LED Street Light Project Phase 2 work has been completed. The department assisted Public Works with cutting up a large tree that had fallen in Williams Pond Park. Bill worked with Mark McAlister from Downes Associates on testing grounding at the new substation site. Met with AMP and the vendors about the smart metering project. He attended a progress meeting on the Pine Street Substation expansion. Monthly substation checks were performed, and a high pressure reading in Central Substation was found. Some load from that substation was transferred to the Pine Street Substation. Bill coordinated with the contractors on the City solar project. Progress on the project is substantial as can be seen by the photograph on the monitor.

Councilman Holland reported that the Teen Challenge Sidewalk replacement is scheduled to start 9/28/16. The administrative staff attended many meetings including, DEMEC annual meeting in Dover, DEMEC Board meeting and met with AMP regarding AMI project. They also had the quarterly meeting with Adkins Management-Golf Course, Electric Substation Progress meeting, met with Orient Chemical representatives, attended the Clean Water Advisory Council meeting, and held a Bid opening- OLL Landscaping. The department also continues work with Auditors, attended the flu vaccination clinic, and reports all other business is routine- financial management, payroll/ benefits, purchasing, billing, customer service, etc.

In Information Technology, Gary Andrews, had a conference call with Auditors RE: IT procedures, installed a digital recorder in the Council Chambers, replaced failing network switch at City Hall and completed the Team View installs.

With no further comments Mayor Genshaw called for a motion to adjourn the Regular Meeting of Mayor and Council. Councilwoman Phillips-Lowe made a motion to adjourn the Regular Meeting of Mayor and Council. Councilman Henderson seconded the motion. Motion so passed with all present voting in favor. The Regular Council Meeting was closed at 8:24 p.m.

Dolores J. Slatcher, City Manager

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