

Town of Greenwood
Town Council Meeting Minutes
Wednesday, March 9, 2022

Call to Order

Mayor Donovan called the meeting to order at 6:30 pm.

Councilmen and Officials Present

Mayor Donald Donovan, Vice-Mayor Willard Russell, Councilman Norman Reed, Councilman Donald Torbert, Councilman Mike Moran, Police Chief Phillip Thomas, Town Manager Janet Todd, Town Clerk Carolyn Chisenhall

Citizens Present

Queena Mast, Anthony Massey, Kelli Nuwer, Michael Phillips, Mark Yoder, Elmer & Melody Slaubaugh

Approval of Minutes

Motion by Vice-Mayor Russell, Seconded by Councilman Reed to approve the Minutes of the February 9, 2022, Town Council Meeting. CARRIED by Unanimous Vote.

Police Report

Chief Phillip Thomas presented the Police Report and introduced himself, stating he is excited to work with the Town of Greenwood. There was discussion concerning the number of vacation hours that some PD employees have been carrying over. Chief Thomas stated that he has a plan to reduce that number and will have them on track to carry over no more than one week by the end of the year, which will be in compliance with the employee handbook. That will include their anniversary date accrual.

Councilman Moran made a motion to allow the PD to carryover their vacation days, with the stipulation that by the end of this year they will have no more than one week to carry over into 2023. Seconded by Councilman Torbert CARRIED by Unanimous Vote. Comp time will be discussed at a later date as to allow the new Chief more time to research.

Town Manager Report

1. The tractor that had been put out for bids did not receive any. Due to the condition of the tractor, we have decided to take it to Taylor & Messick's auction March 19. Roger is coordinating getting it there.
2. The properties we are taking to Sheriff's sale have been posted. The attorney will let us know when we have a sale date. There are 8 properties with a total of \$107,038.58 owed in back taxes and utilities.

Old Business

Mayor Donovan asked the Council if there were any changes they would like to make to the Charter. The discussion included Councilman Reed's suggestion to see something in there about attendance at meetings, like a percentage or something for committee and council members. Vice-Mayor Russell questioned putting that in the Charter and suggested that each committee come up with a SOP that includes attendance requirements. Councilman Reed also mentioned removing some parts of the Charter that pertain to the sewer since the town no longer has control over that.

New Business

1. Mayor Donovan presented Lisa Workman as an appointee for the Planning and Zoning Commission. Councilman Moran made a motion to appoint Lisa Workman to Planning and Zoning. Seconded by Councilman Torbert. CARRIED by Unanimous Vote.
2. Public hearing for Ordinances 2022-1, 2022-2, 2022-3, 2022-4, 2022-5, and 2022-6. Ordinances 2022-1 and 2022-2 pertain to proposed changes in the Future Land Use Map for properties located at 2 N. First Street and 102 North Street from R-1 to R-3. Ordinances 2022-3 and 2022-4 pertain to applications to change the zoning district of 2 N. First Street and 102 North Street from R-1 to R-3. Ordinances 2022-5 and 2022-6 pertain to applications for conditional uses for lodging houses for independent elders at 2 N. First Street and 102 North Street. A public hearing on these ordinances was held before the Planning Commission on March 8, 2022. Due to the proximity of these two properties to each other and the similarity of the applications, Council will combine the public hearings for each of these ordinances into one public hearing to save time and avoid duplicative testimony or presentations.

The properties are currently zoned R-1 and the Applicant's proposed use is not permitted within the R-1 zoning district. In order to use the properties as proposed, the Applicant requests a zoning change from R-1 to R-3 and conditional uses for a lodging house for independent elders. The Future Land Use Map does not identify the properties as R-3 so an amendment to the Future Land Use Map must be approved before the properties can be rezoned to R-3 and the conditional uses approved.

This hearing will be held by allowing the Applicant to present her requests and for the Council to ask any questions of the Applicant or her witnesses. After the Applicant has completed her presentation, the public will be allowed to comment on the application and the Applicant will thereafter have a chance to address those comments.

Mrs. Mast stated that her vision is to accept independent elderly that just need a little help. She will provide some services such as supplying meals, transportation, help with meds, and shower supervision. Renters with "a little gravy on the side". Councilman Torbert expressed appreciation for what Mrs. Mast is trying to do, but the thing is how she went about it up to this point.

Mrs. Mast said that at one time, Janet told her not to put anybody in the house yet, and "I didn't know what to say at that point. Maybe at that point I should've just had this conversation with her because I was like, that ship has sailed." Vice-Mayor Russell asked what the building permit was issued for, to which Janet replied, "single-family residential home". Councilman Moran asked if the state has been in to inspect the property to make sure it's safe for elderly, to which Mrs. Mast replied no. Councilman Reed asked if Mrs. Mast really felt like it's independent living, and she replied, "at this point, no". Mrs. Mast clarified that 102 N. First Street is in her name and the new house at 2 N. First Street which they are calling "Home Care and Joy" is in her father, Mark Yoder's, name. There are currently 3 people living at "Home Care and Joy", one single lady and one couple. They have separate leases. Mrs. Mast does not live in the home with them. She has an employee. She said the original requirements to stay there were to not need help at night and to require no more than 2-3 check-ins per day. However, Mrs. Mast stated that with the new couple, the lady's care "went down" and Mrs. Mast felt that she "wanted to make a call for round-the-clock care for her". She has electronic devices, like a pad with a 300' signal range that alerts Mrs. Mast at home if the resident gets up so she can go help her. She has files with their paperwork in case of emergency. She stated that at this particular time and with these particular residents, there is always someone there. Mark Yoder apologized and said they didn't realize they were overstepping when they started this. What he wants to know is, "What can we do now"?

Mrs. Mast currently has a State of Delaware business license as "direct care worker".

Anthony Massey asked how long Mrs. Mast has been running this business. She replied since December and that she also registered as LLC at that time. When Mr. Massey asked if the home was built with the intention of running this business, Mrs. Mast said it's a complicated timeline and gave no clear answer. Mrs. Mast stated that she doesn't remember the exact timeline but thought that she could just do this as a tenant situation. Mr. Massey clarified that she came into this with the assumption it would be a tenant landlord situation but instead it's become more of an assisted living situation, to which Mrs. Mast replied yes. Kelli Nuwer suggested changing the description from independent to assisted living. Mrs. Mast replied that she would be more than happy to pursue assisted living licensing. Councilman Torbert replied if the zoning were to be changed from R-1 to R-3 then that would cover a broader range than a single-family dwelling.

Manager Todd read the Town's solicitor recommended that since the Council would not be revisiting this issue until the meeting on May 11, the Council should decide whether to allow Mrs. Mast to continue doing business as it has been since December or cease operation until the issue is resolved. Currently the property is in violation of the zoning use with the elder care home and the art studio.

Mayor Donovan read a statement: "Last night March 8, 2022, the Planning Commission voted to leave the record open for the limited purpose of allowing Town staff to solicit comments regarding the ordinances from the Office of the State Fire Marshal, the Board of Health, and DHSS with comments due by April 8, 2022, and to have a hearing on April 26, 2022 to discuss those comments and to receive any comments from the Applicant and the public regarding the agency comments only. Since the Commission has not yet issued a recommendation to Council with regard to these proposed ordinances, Council will not be able to vote to approve or deny the ordinances until such time as the Commission's recommendation is received."

Councilman Moran made a motion to leave the record open for the limited purpose of receiving the Commission's recommendation. Seconded by Councilman Reed.

CARRIED by Unanimous Vote.

3. Motion made by Councilman Torbert to let Mrs. Mast continue to operate until this issue is resolved. Seconded by Councilman Moran. CARRIED by Unanimous Vote.
4. Councilman Reed made a motion to approve the selling of 111 N. First Street. This nonconforming lot will be put up for sealed bids and sold to the highest bidder as it is of no use to the Town. Seconded by Vice-Mayor Russell. CARRIED by Unanimous Vote.
5. Manager Todd obtained grant money to purchase a Gator for the Public Works Department. It will help eliminate the need for a day laborer to ride around in the back of Roger's truck. Motion by Councilman Moran to approve the purchase. Seconded by Vice-Mayor Russell. CARRIED by Unanimous Vote.

Executive Session

Councilman Reed made a motion to enter Executive Session at 7:33p.m. Seconded by Councilman Torbert. CARRIED by Unanimous Vote.

Return to Open Session

Return to Open Session at 7:42p.m. Motion made by Councilman Reed to approve the document discussed in executive session. Seconded by Vice-Mayor Russell. CARRIED by Unanimous Vote.

Adjournment

Meeting adjourned at 7:43 p.m.

Attested Janet M. Judo, Town Manager