

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

January 22, 2013

7:00 PM

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

Councilwoman Jones offered the opening prayer and Mayor Bennett led those present in the Pledge of Allegiance.

Mayor Bennett solicited changes to the agenda. City Manager Slatcher stated that there were none.

Mayor Bennett called for a motion to approve the Minutes of the Regular Meeting of January 8, 2013. Councilman Genshaw made the motion to approve the minutes of January 8, 2013. Councilwoman Peterson seconded the motion. The motion so passed with all present voting in favor.

Mayor Bennett then welcomed Boy Scout Troop #249 who were present and are working on their citizenship/communication badge.

Mayor Bennett then Proclaimed January as "National Mentoring Month".

Mayor Bennett then closed the Regular Meeting at 7:05 and opened the Public Hearing.

PH #1- Mr. Brad D. Whaley, Sussex County Community Development Office to present information on the Community Development Block Grant application process for the Seaford Community. Mr. Whaley Director from the Sussex County Community Development and Housing Division came forward. He explained that a public hearing is held in order to explain the guidelines of the program. The funds are from the urban development and are applied for by the different counties. He stated that there is about \$2 to \$2.2 million available in fund this year for the program. The program uses the money for demolitions, water and sewer hook ups, small infrastructure and house rehabilitations. This program is designed for the low to moderate income range; he explained that the current guidelines are \$33,350 for a one person household and \$47,600 for a four person household. The house must be owner occupied, must be insured and the taxes must be current. Mr. Whaley explained that a lien is placed on the property and depending on the age of the owner is how long the lien lasts. If the person is above 62 years old, the lien is for five year and if the person is below 62 years old the lien is for ten years. Mr. Whaley stated that there are currently 24 people on the waiting list. He stated that the application should be submitted on or before February 28, 2013. Mr. Whaley asked for any questions, there were none.

Mayor Bennett closed the Public Hearing at 7:12 p.m. and opened the regular meeting.

Correspondence

City Manager Slatcher read a letter from Nanticoke Hospital who was thanking the City of Seaford for their donation for their heart catheterization lab which is the second year of the three year pledge.

City Manager Slatcher then read a letter from Downtown Seaford Association who thanked the City of Seaford for their contribution for the Christmas Parade.

City Manager Slatcher presented New Business # 1, Mr. Eugene Bayard, Wilson, Halbrook and Bayard will be present regarding River Place Apartments. Mr. Bayard came forward representing his client who recently purchased the property where River Place Apartments was going to be placed. He stated that in 2005 the project was on numerous Public Hearings and Variances meeting for a 54 unit condo project. The project failed for many reasons including the developer going broke, the bank failing and the FDIC coming in and taking over. He stated that his client

needs help in order to make this project go forward. A project booklet was submitted to the City last week that included information about the developer's plans. Mr. Bayard stated that his client is in the process of getting a phase 1 environmental study report done. He added that this is an experienced builder who wants to start soon and is willing to work with the City. The architect for the project was present and came forward to discuss the project. He stated that in tab 2 of the booklet that was submitted is a conceptual idea which is the developer's vision for what the Riverfront building will look like. They are going to be apartments in the mid to high range level. He added that the developer is looking to create green/open space so that families will have room to play or be outside. They also have a swimming pool and clubhouse planned for the residents to be able to use. The developer is looking to add more units than the initial plan that was submitted. He also stated that the parking previously had 72 spaces and with this plan it will have 108 spots. The developer is interested in rebuilding the fishing pier and creating a marina. Mr. Bayard stated that they would like for the City Council to consider authorizing the City Solicitor to write an ordinance to grant a waiver to building a project of this scale. The current plans for this project are in violation of some of the ordinances that the City currently has in place. These violations include the lot coverage, height, density and parking. The client would make an application for the C-3 ordinance for this project and then move forward from there. City Manager Slatcher asked about the Verizon duct bank that was located on this site if they have considered that and what they would do with it. It was stated that they are familiar with this and the sensitivity of it. They have hired a geo tech engineer to look at the duct bank and do some underground research. It was also asked how long they thought it would take to complete this project. It was answered that it would be about a two and a half year long project and would be done in a two phase process. It was agreed to review the documents that were submitted from the developer and bring it back to the next Council meeting. It was also agreed by City Council to allow staff to work with Mr. Fuqua, City Solicitor to do the request so that the ordinance can be drafted if it is chosen to go that route, the ordinance will already be ready for Council consideration so that if they agree then no time is lost for the developer. Mayor Bennett stated that it looks like a great project and thanked them for their presentation and time.

City Manager Slatcher presented New Business # 2, Chief of Police, Gary Morris to present requesting approval of the SALLE Grant and EIDE Grant applications. City Manager Slatcher explained that they are the same as in the past. The funding would be used for training, overtime for saturation patrols and some equipment. Councilman Shannon made a motion to approve the SALLE and EDIE grant applications as presented. Councilman Genshaw seconded the motion; motion so passed with all present voting in favor.

City Manager Slatcher presented New Business # 3, Present the lease renewal request from George, Miles and Buhr for 400 High Street. City Manager Slatcher stated that they have been an excellent tenant and staff would like to renew their lease. Councilwoman Peterson made a motion to approve the renewal of the lease agreement with George, Miles, and Buhr for 400 High Street for the period of April 1, 2013 through March 31, 2014. Councilwoman Phillips-Lowe seconded the motion; motion so passed with all present voting in favor.

City Manager Slatcher presented New Business # 4, Present the Committee recommendation to hire Pennoni Associates, Inc. to prepare the design information for the Ground Mounted Photovoltaic Generating Facility (solar project). City Manager Slatcher stated that a committee was put together to review the RFP's that were received for the project to rank the firms. After the committee reviewed the proposals, it was decided by the committee that Pennoni Associates was the best qualified firm for the project. City Manager Slatcher added that this will offset the cost of the electric that is used at the Wastewater facility. There has also is a matching grant for this portion of the project from DNREC in the amount of \$25,000. Pennoni will do a concept analysis and participate in a public referendum that is needed to borrow the construction funds for the project. If the referendum fails, the project will stop completely and if it passes then Pennoni will get the project ready to go out to bid. The proposal from Pennoni included 2 stages; stage 1 in the amount of \$21,240.00 and stage 2 in the amount of \$28,025.00 for a total amount of \$49,265.00.

City Manager Slatcher presented New Business # 5, present for approval the agreement with Pennoni Associates, Inc. to prepare the design information for the Ground Mounted Photovoltaic Generating Facility (solar project). City Manager Slatcher stated that the committee has recommended this firm for the project after reviewing all of the proposals that were submitted. Councilwoman Phillips-Lowe made a motion to approve the agreement with Pennoni for the

Ground Mounted Photovoltaic Generating Facility in a two stage process as outlined in the January 17, 2013 document in the lump sum fee of \$49,265.00. Councilwoman Peterson seconded the motion; motion so passed with all present voting in favor.

City Manager Slatcher presented New Business # 6, present the committee recommendations for special parking consideration for the Seaford School District on School Lane and Mr. and Mrs. Larry Karnes, on Washington Avenue. A committee was put together consisting of Charles Anderson, Assistant City Manager, Lt. Glenn VanFleet and Berley Mears who went out to review the request from the property owner. After they reviewed the property, they are recommending the installation of an on-street handicapped parking space at 711 Washington Avenue since no driveway is provided. It was added that the property owner does have a valid Handicapped tag issued to them. Berley reviewed the location and confirmed that a 20' long space can be marked with blue curb painting and a sign can be placed in the grass strip at the head end of the space. The committee is also recommending that the property owner be granted this on-street space for a period of two years; at which point they would need to update the City on the status and the need for the space. Councilman Genshaw made a motion to approve a handicap parking space in front of 711 Washington Avenue for Larry and Tammy Karnes for a period of not more than two years from this date contingent on no changes in the need to support the space. The applicant may reapply for an extension if the need continues. Councilman Shannon seconded the motion; motion so passed with all present voting in favor.

The second request came from the Seaford School District to further limit parking on the south end of School Lane. The same committee went out to review the request and also discussed the request with Susan Messick, Transportation Specialist from Seaford School District. Currently the parking is permitted on both sides of School Lane a short distance away from Stein Highway. The road also accommodates two lanes of traffic in the north and south direction. The existing road width near the intersection is 33' in width. After observing traffic turning onto School Lane heading north, due to the limited road width, parking on both sides of the road does cause pedestrian and vehicular congestion. Mr. Anderson also stated that he did make contact with the church and they did not have a problem with the committee's recommendation. The committee is recommending for School Lane to be restricted as no parking on both sides to the northern side of the entrance to Our Lady of Lourdes parish house. This would need to be done with additional "no parking" signs and a 4" solid yellow line along the edge of pavement where no curb exists on the east side of the road. In addition, the handicapped sign located on the west side of School Lane would be removed. It was told to the committee that this is no longer used by the school and is also improperly marked. Councilwoman Phillips-Lowe expressed a concern about the church using that area for parking for events and when they have church services. It was asked if the no parking could only occur during school hours so that the church could still utilize the parking area. Mr. Anderson stated that he could go back to the committee and take a look at it. Councilwoman Jones made a motion to table this request so that the committee can go back out to look at the request. Councilwoman Phillips-Lowe seconded the motion; motion so passed with all present voting in favor.

City Manager Slatcher presented New Business # 7, Present for approval 2013 Schedule of Fees. City Manager Slatcher stated that as in years past, an incentive was given to new single family homes to have the water and sewer tap fees waived. Staff is recommending waiving the water and sewer taps fees for the first 13 single family homes to pull a permit. Councilwoman Jones made a motion to approve the Schedule of Fees and Rates to incorporate relief for the first 13 water and sewer tap fees related to new single family detached housing units retroactive to January 1, 2013. Councilwoman Phillips-Lowe seconded the motion; motion so passed with all present voting in favor.

City Manager Slatcher presented New Business # 8, Present for approval to sell two 29,000 +/- fuel storage tanks to Gardner Gibson. City Manager Slatcher stated that during the decommissioning of the power plant the two 29,000 +/- gallon fuel storage tanks were recently cleaned and taken out of service to meet DNREC requirements. The plant manager of Gardner Gibson has offered the City \$2,000 for each tank. It was added that the offer is good conditioned on Gardner Gibson pays for all further dismantling, transporting and any other associated cost related to moving from City property, and for Gardner Gibson personnel to inspect the inside of the tanks to verify that they have had all fuel oil and sludge properly removed (inspection is scheduled for 1/16/13). Councilman Shannon made a motion to approve the sale of two 29,000 +/- fuel tanks in the

amount of \$2,000 each to Gardner Gibson as salvage in the decommissioning of the power plant. Councilman Genshaw seconded the motion; motion so passed with all present voting in favor.

City Manager Slatcher presented New Business #9, Bids – FY13 Demo for Code. There were five bids received for the project with John Macklin & Sons being the low bidder. It is being recommended by staff to accept their bid in the total amount of \$18,158. There is asbestos abatement that needs to be taken care of at 218 High Street and a price is still being obtained. Staff is planning to postpone moving forward with 502 E Poplar Street garage until the total cost of High Street demolition is known. Councilwoman Peterson made a motion to approve the low bidder, John Macklin & Sons, the demo bid in the amount of \$18,158 for the demolition of 218 High Street and 502 E Poplar Street garage. Councilwoman Phillips-Lowe seconded the motion; motion so passed with all present voting in favor.

REMINDER OF MEETINGS & SETTING NEW MEETINGS

- Police Award Ceremony on January 24th at 6:00 p.m. at Nanticoke Senior Center
- Staff Planning Session, January 31st from 8:30 a.m. until 3:30 p.m. at City Hall
- Elected Officials, Management, and Directors Planning Session, February 8th from 8:30 a.m. until 3:30 p.m. at City Hall
- SVFD Banquet on February 2nd at 5:30 p.m. at Seaford Fire Hall
- Rise N Shine Breakfast, Wednesday, January 30th at 7:30 a.m. at Pizza King

Annual Municipal Election Information

Election date is Saturday, April 20th, 2013 from 10:00 a.m. until 6:00 p.m.

Candidate filing deadline and Voter Registration deadline is March 22, 2013 by 5:00 p.m.

All interested candidates must file with the City Manager before the filing deadline.

Only one Council Member's position is up for election. The position is currently held by Councilwoman Leanne Phillips-Lowe.

To date only Councilwoman Phillips-Lowe has filed.

COMMITTEE REPORTS

Councilwoman Peterson reported that the Electric Department will have a contractor in to do some tree trimming in Martin Farms. There are two poles that are being replaced on Route 13 that were damaged in an accident. The directional boring has been completed at Seaford Meadows which was the final phase. There was an upgrade of service completed at Gardner Asphalt. There were a total of nine people including City staff, electric committee members and council members who attend a training session on PMJ operation last week.

Councilwoman Phillips-Lowe reported Riverfest plans are underway. The code department has sent out 22 violations, has written 2 work orders and has issued 2 building permits. The 7-11 on Stein Highway should be opening soon. The leaf machine has completed work for the year and leaves must be bagged now for pick-up. The Arbutus and Delaney wells are back online and the Public Works department is working on the hedge at Hooper's Landing. The street paving bid has been advertised and there are currently 2 jobs available, one in Public Works and the other in Wastewater Water Treatment Facility.

Councilman Genshaw reported that basketball season is underway and co-ed volleyball will be starting soon. He added that the Parks committee recently held a meeting discussing walking trails and had a good turnout.

Councilwoman Jones reported that the utility bills were sent out on February 11th. The water meters will be read January 23-25 and electric meters will be read January 30 and 31. The health insurance is still under open enrollment until the end of the month due to the new network that is being added. W-2s have been issued and FY'14 budget preparations have started.

Councilman Shannon reported that everything is routine in the Police Department.

With no further comments, Mayor Bennett called for a motion to close the Regular Meeting of Mayor and Council. Councilwoman Jones so moved. Councilwoman Peterson seconded the motion and the motion so passed with all present voting in favor. Mayor Bennett closed the Regular Meeting at 8:10 p.m.

Dolores Slatcher, City Manager

/tnt