

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

January 8, 2019

7:00 P.M.

Vice-Mayor Dan Henderson called the Regular Meeting to order at 7:00 p.m. with the following present: Councilwoman Leanne Phillips-Lowe, Councilman James King, Councilman Orlando Holland, and Councilman H. William Mulvaney, III. City Manager, Charles Anderson, Director of Electric, Bill Bennett, and Credit Representative, Kathy Anger, were also present.

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

Vice-Mayor Henderson solicited any changes to the agenda; there were none.

Vice-Mayor Henderson called for a motion to approve the minutes of the regular meeting on November 27th, 2018. Councilman King made a motion to approve the minutes from the November 27th, 2018 Council Meeting. Councilman Holland seconded the motion; the motion so passed with all present voting in favor.

Vice-Mayor Henderson called for a motion to approve the minutes of the regular meeting on December 11th, 2018. Councilman Mulvaney made a motion to approve the minutes from the December 11th, 2018 Council Meeting. Councilwoman Phillips-Lowe seconded the motion; the motion so passed with all present voting in favor.

Vice-Mayor Henderson announced and called forward the winners of the Christmas decorating contest. Third place was awarded to Ms. Sandra Bowland, who was present. Second place was awarded to Mr. Jose Gonzalez, who was not present. First place was awarded to Mr. and Mrs. David Melson, who were both present. Vice-Mayor Henderson thanked those who participated in bringing Christmas cheer to Seaford.

Vice-Mayor Henderson called forward Mr. Jack Riddle and Mr. Phil Burtelle to present the City with a donation to defray the cost of installing new lighting on three tennis courts located on School Lane. Mr. Jack Riddle stated that The Rotary Fund was generous and provided us with some of the funds as well as assisting with the project. Mr. Jack Riddle called forward others who have assisted in the raising of the funds for the lighting project; Mr. Rich Graves, past Rotary District Governor, Pete Booker, current Rotary District Governor, Charlie Towers, and Susan Riddle. There was a check presented to the City for \$15,339.31 to fund the installation of new lighting at the tennis courts in order to ensure that they can be used at night.

PUBLIC HEARING

Vice-Mayor Henderson closed the Regular Meeting at 7:12 p.m. and opened the Public Hearing.

Vice-Mayor Henderson asked City Manager, Charles Anderson, to present the information.

Mr. Anderson presented Public Hearing Item #1, Annexation request from Wheaton's Incorporated for annexing TMP 531-12.00-40.00; located at 24960 Dairy Lane, Seaford, De 19973.

Mr. Anderson stated that the request for annexation was in order to obtain City utilities and City policing. He went on to provide a visual of the property. He stated that the property is located on Route 20 West, across the street from PENCO Warehousing and west of Hooper's Inc. The area that is requesting annexation is 8.34+/- acres and is prior developed, having what was formerly a farm and most recently a retail space. He stated that this parcel is contiguous to the current City limits across Route 20 and also to the East side of the property which does make it eligible for annexation. Mr. Anderson did remind Council that several meetings ago the land use plan was modified in the comprehensive plan to show this parcel as commercial. The petitioner is requesting that this parcel be annexed with a C-2 Highway Commercial zone making it consistent with our land use map and comprehensive plan. He stated that that map amendment was also approved by the Office of State Planning.

Vice-Mayor Henderson solicited any questions from Council; there were none.

Vice-Mayor Henderson solicited any additional questions from the public; there were none

Vice-Mayor Henderson closed the Public Hearing at 7:13 p.m. and reopened the Regular Meeting.

CORRESPONDENCE

There was none.

New Business

Vice-Mayor Henderson presented New Business Item #1: Present for approval, Ordinance 2019-A1; An Ordinance Annexing an 8.34+/- acre Parcel located at 24960 Dairy Lane, Seaford, De 19973, owned by Wheaton's Incorporated Tax Map 531-12.00-40.00.

City Manager, Charles Anderson stated that this Ordinance has been advertised and the annexation, as stated, does comply with the comprehensive future land use map. He further stated that it has also had a Plan of Services submitted to the Office of State Planning in accordance with Delaware Code and accepted by all necessary agencies. The requested zoning is C-2 Highway Commercial District. He stated that should the Council decide to adopt this ordinance, with a two-thirds majority vote, the annexation would be complete and the City would then record this ordinance with Sussex County.

Vice-Mayor Henderson solicited any questions from Council. Vice-Mayor Henderson asked Mr. Anderson to confirm that none of the documents presented during this meeting had been altered in any way from any previous presentation; Mr. Anderson confirmed that was correct.

Vice-Mayor Henderson solicited any additional questions from Council; there were none.

Vice-Mayor Henderson then solicited a motion. Councilman Mulvaney made a motion to approve Ordinance 2019-A1, An Ordinance annexing an 8.34+/- acre Parcel located at 24960 Dairy Lane,

Seaford, DE 19973, owned by Wheaton's Incorporated; Tax Map 531-12.00-40.00, as presented. Councilman Holland seconded the motion.

Vice-Mayor Henderson solicited any questions from Council regarding the motion; there were none.

Vice-Mayor Henderson then asked for a Roll Call Vote:

Councilwoman Phillips-Lowe voted yes;
Councilman Henderson voted yes;
Councilman Mulvaney voted yes;
Councilman Holland voted yes;
Councilman King voted yes.

The motion so passed with all voting in favor.

Vice-Mayor Henderson presented New Business Item #2: Mr. Chris Simms and Mr. David Downes with Smart Utility Management, LLC to discuss a proposal to provide the City with 2019 PCAC Levelization and Monitoring, Fiscal Year 2020 Electric Budget Forecasting and Retail Rate Maintenance services.

Mr. Anderson welcomed Mr. Chris Simms to the podium and provided some background to the Council. Mr. Anderson reminded Council of the letter received from Downes Associates during a previous meeting. The City has had a 40+ year relationship with Downes Associates as our Electrical Engineers and Downes Associates had informed us that they were going to have a cessation of services at the end of the year 2018. Mr. Anderson stated that our electrical business is very reliant on those professional services that were provided by Downes Associates and during conversations with them the City was informed that a long-term employee, Chris Simms, would be starting his own company, Smart Utility Management, LLC. The City did request a proposal from Mr. Simms for our typical budget forecasting services. Mr. David Downes has also agreed to assist Mr. Simms during this transition period. Mr. Anderson asked Mr. Simms to expand on the services that he would be providing as part of this proposal.

Mr. Chris Simms stated that he graduated in 2006 and started working with Downes Associates. For the past 12+ years, Mr. Simms has worked directly with David Downes and has performed work for the City of Seaford during his tenor with Downes Associates. Mr. Simms is proposing to continue his work for the City of Seaford, essentially only changing the name of the company with which we do business. He went on to explain some of the services he provides including Retail Rate Maintenance and the Levelization of the PCAC each year. He also stated that they provide services to assist with forecasting electric budgeting in terms of revenues, sales, and retail rates as well as the wholesale power supply cost to the City in order to determine what revenues are remaining to cover the other operating expense portions of the electric department. He stated that over the past 10 years he has been intimately involved in the Retail Rate Maintenance and they have been able to eliminate the seasonality in the rates as well as instituting a customer charge as opposed to relying solely on the minimum bill to ensure that the City is collecting the margins from

all customers necessary to run the utility in a healthy financial manner. He stated that he has been involved with the design and modernization of the rates to ensure that the City of Seaford's rates are competitive with neighboring utilities. These activities are performed on a routine basis and he has provided these services to other DEMEC members and municipal utilities.

Mr. Anderson then reviewed the proposal provided by Smart Utility Management, LLC, to provide the services that have been outlined. Mr. Anderson noted that the Levelization of the PCAC, which is done every year based on the rate changes that DEMEC gives us signals for, would have a fixed fee of \$8,500. There is a fixed fee to perform the Retail Rate Maintenance & Updates of \$18,500. There would also be a fixed fee to prepare the Fiscal Year Ending June 30, 2020 Electric Budget Forecast of \$14,500. Mr. Anderson informed Council that the Director of Finance, along with staff, will be starting to prepare the budget and complete the capital improvement plan within the next month. Smart Utility Management, LLC, has assured the City that they can meet the budget timeline with this very pertinent information. Mr. Simms is very familiar with the City and looking forward to a very smooth transition should Council decide to move forward. Smart Utility Management, LLC did provide additional cost information for additional requests outside of the above scope of services and provided a price of \$185 per hour as well as materials at cost if we were to require any additional services be provided by this company, such as when we recently had to look in depth for a commercial solar customer; these additional services and associated costs would need to be authorized by the Director of Electric or the City Manager.

Vice-Mayor Henderson solicited any questions from Council. Councilman King stated that it is his understanding that the company that previously provided these services is dissolved. Mr. Simms explained that the partners are entering retirement so yes, the business has dissolved. Councilman King verified that Mr. Simms is essentially creating a new company with Smart Utility Management, LLC to provide these services. Councilman King thanked Mr. Simms for providing the background about his work with Downes Associates and the City and inquired about what experience he has as a business owner. Mr. Simms assured the Council that his degrees are in Business Administration, Mathematics, and Economics from Western Maryland College. Mr. Simms stated that his father is a business owner and he worked with his father from a young age up until around the age of 20, as a result of this he is very familiar with the background of how to run a business and David Downes has also agreed to assist Mr. Simms during the next 5-6-month transition period. Mr. Simms assured Council that he does feel confident in his ability to manage and run his business successfully on his own.

Councilman King followed up with a second question for Mr. Anderson in regards to if any other organization or business has expressed interest in performing this service for the City. Mr. Anderson explained that as of this time, Smart Utility Management, LLC is the only company that the City has reached out to in regards to this line of work, but he is aware that there is at least one other firm in the area who provides these types of services for DEMEC members. Mr. Anderson stated that State Law requires the city to go out for an RFP (request for proposals) if the cost is over a certain threshold, of either \$50,000 or \$100,000. Mr. Anderson stated that this scope of services is below \$50,000 so the City is not required to go out for an RFP. Mr. Anderson stated that with the time constraints of starting to prepare the budget within the next few weeks and the

familiarity of working with Mr. Simms the City did not reach out to any other organizations, however we may if Council desires that path.

Councilman Holland inquired if the fees are in line with what we have paid in the past while receiving the services from Downes Associates. Mr. Anderson stated that in anticipation of that question June Merritt, Director of Finance and HR, did ask Erica Colegrove, Accounting Representative, to pull FY 17, 18, and 19 figures of what was spent with Downes Associates. Mr. Anderson assured Council that these projected fees are in line or less than what was paid out in FY 17 and 18, with no prices rising tremendously.

Vice-Mayor Henderson inquired about the length of time of the contract set forth between the City and Smart Utility Management, LLC. Mr. Anderson responded that a length of time for the contract had not been settled upon but typically a contract for a City Engineer is a long term, multi-year contract. Mr. Anderson stated that as of this time the City has not yet made a decision to enter a long-term contract with Smart Utility Management, LLC, but instead this contract is an a-la-carte pay as you go style contract arrangement at this time. Mr. Anderson stated that during conversations with Mr. Simms, Smart Utility Management, LLC would work with the City with these services as long as the City desires their services. Mr. Anderson stated that on the engineering side of the business, the Director of Electric needs to compose a list for the City to go out for an RFP, and at that point the City can decide to move forward with this company. It is recommended at this time with the time constraints and the familiarity with the individuals and the process, for the City to work with Smart Utility Management, LLC.

Mr. Anderson believes that our customer service and responsiveness would greatly suffer if each time we have to go out and pull in an engineer and ensure that they are qualified. Councilman Mulvaney and Mr. Anderson agreed that having access to engineering services in the past has been a very valuable asset.

Vice-Mayor Henderson solicited any further questions; there were none.

Vice-Mayor Henderson called for a motion. Councilman Holland made a motion to authorize Mr. Chris Simms and Mr. David Downes with Smart Utility Management, LLC to provide the City with 2019 PCAC Levelization and Monitoring, Fiscal Year 2020 Electric Budget Forecasting and Retail Rate Maintenance services as presented. Councilwoman Phillips-Lowe seconded the motion; motion so passed with all voting in favor.

Vice-Mayor Henderson presented New Business Item #3: Present for approval a letter of agreement with the City Engineer George, Miles, & Buhr, LLC, for professional engineering services for the design of a sewer extension along Middleford Road and Sussex Highway.

Mr. Anderson reviewed the letter of agreement submitted by George, Miles, & Buhr LLC, the City Engineer, for professional engineering services for the septic elimination project located along Middleford Road and Sussex Highway. Mr. Anderson stated that the City has been trying to extend our sewer services to that area for the last two years. The proposal that has been submitted to Berley Mears, Director of Public Works, to complete this scope of services is priced

at \$46,200. Mr. Mears also submitted, and had approved by Council, a 50% matching planning grant with the State of Delaware Revolving Fund. The City was awarded \$23,100, half the design, at no cost to us. If Council agrees, and working with the Director of Finance, there is a funding plan for the remaining part of this cost through our impact fee reserves. We do have ample funds in those reserves to cover the remaining portion. The recommendation from staff is to proceed with this agreement.

Vice-Mayor Henderson solicited any questions from Council. Vice-Mayor Henderson inquired about the certificate of liability insurance that we provided to DNREC as part of our application. He inquired about our liability protection in working with George, Miles, & Buhr LLC. Mr. Anderson stated that GMB carries errors and omissions insurance with an umbrella liability policy of at least 3 million dollars for their portion of the scope of service. He also stated that the City of Seaford has insurance that would cover us in the event that if we build something and it collapses. He also stated that we would get Builder's Risk insurance if we complete an addition or a building, depending upon the project that we complete. Mr. Anderson also stated that the City also carries indemnity insurance on electric officials and staff. Mr. Anderson assured Council that both entities, GMB and the City, are well insured for the scope of work that is to be performed. As part of the due diligence process for any and all projects, the City requires that the insurance is carried by the entity completing the scope of work.

Vice-Mayor Henderson solicited any additional questions from Council; there were none.

Vice-Mayor Henderson called for a motion. Councilman King made a motion to approve the letter of agreement with the City Engineer George, Miles, & Buhr, LLC, for professional engineering services for the design of a sewer extension along Middleford Road and Sussex Highway with funding coming from the State of Delaware matching planning grant for \$23,100 and the sewer impact fee reserves for the additional \$23,100, as presented. Councilman Holland seconded the motion; motion so passed with all voting in favor.

Vice-Mayor Henderson presented New Business Item #4: Present for approval proposed amendment to the City Charter to include a provision for a Lodging (Hotel and Motel) Tax of no more than three percent by adding language to Section 27 (F).

Mr. Anderson stated that the City attorney, Scott Wilcox of Whiteford Taylor Preston, emailed suggested changes to the City Charter. Mr. Anderson stated that during the legislative session last year, 2018, Milford and Newark incorporated a Hotel Motel Tax into their City Charters. At that time Seaford Council expressed a desire to do the same however did not have it prepared in time at the close of legislative session. Since that time we did move forward with that desire and spoken with our local legislators, who are willing to support the incorporation of the Hotel Motel Tax into our City Charter. The legislative session started today and we have asked the City Attorney to prepare a Charter change similar to what Newark and Milford recently adopted, the proposed amendment in Section 27 (F) is completed and submitted to Council for approval. Mr. Anderson stated that the only new language added to the proposed amendment is the inclusion of the Hotel Motel Tax. While working on this amendment our City Attorney suggested some

realignment of the chapters in Section 27 in regards to their organization. He also included that re-organization of the chapters in the proposed amendment copy. It is the recommendation of our City Attorney to realign the chapters in Section 27 to be easier to read and apply. Mr. Anderson stated that the only new language that has been added is as follows: “the City of Seaford shall also be authorized to impose a lodging tax of no more than 3 percent of the rent, in addition to the amount imposed by the State, for any room or rooms in a hotel, motel, or tourist home, as defined in §6101 of Title 30, which is located within the boundaries of the City of Seaford.” Mr. Anderson stated that should Council adopt this Charter change, the City Attorney would then put it in the form that the Legislature needs. Our Legislators would then work to approve this Charter change; after that approval City Council would then have the ability to charge a lodging tax by making an action to impose the tax and set the rate at which it is taxed. At that time, code language would also need to be implemented such as who is responsible for collecting the taxes and when do we collect the taxes. Mr. Anderson stated that he has collected some suggested language from some other municipalities in regards to the Hotel Motel Tax.

Mr. Anderson stated that Councilwoman Phillips-Lowe has been integral in working on this Charter change for the last 5-7 years. Councilwoman Phillips-Lowe stated that she feels very strongly about imposing this tax for the reason that the businesses and individuals that would be affected by this tax use our City services on a larger scale than some others, particularly the Seaford Police Department. Councilwoman Phillips-Lowe states that this tax would help account for the use of said services and our ability to provide them; she has been a longtime advocate of imposing a Hotel Motel Tax.

Vice-Mayor Henderson solicited any questions from Council. Vice-Mayor Henderson inquired for clarity that the marked up copy is showing the sections that have been rearranged or reworded for the benefit of flow and ease of understanding but no deletions or additions to the Charter other than paragraph F pertaining to the Hotel Motel Tax. Mr. Anderson agreed and referred to the City Attorney’s email that states “the changes are noted in bold and underlined for new language or language moved and crossed through for language we are suggesting to delete or moving – and a clean version. Our changes are focused in Chapter 27”. Mr. Anderson stated that the only new language included is paragraph F, related to the Hotel Motel Tax. Vice-Mayor Henderson stated that he wanted to make clear that in addition to voting to add the amendment for the Hotel Motel Tax that Council would also be approving the realignment of the paragraphs of Section 27.

Councilman King asked that Mr. Anderson speak more about what is specifically being changed. Councilwoman Phillips-Lowe and Mr. Anderson agreed that there are no other changes just clearer language in the remaining part of Section 27. Mr. Anderson referred again to the City Attorney’s email stating “generally speaking we moved around various sections so the Chapter is as organized as follows...” Mr. Anderson further explained that the changes are made to further organize and clean-up the Section while making it flow better. Mr. Anderson stated that during his discussions with the Attorney the organization of the Charter is in line with how other Charters read and are organized. Mr. Anderson stated that our Charter is antiquated and other amendments have pieced things on at the end as they are added which caused the Charter to not flow well and making it difficult to hunt for sections. The Attorney recommended the realignment

as the way it was written didn't make sense when reading through and the realignment would allow it to flow better. Mr. Anderson assured Council that there isn't a change in the language, just how it is presented. Mr. Anderson stated that should Council decide to, they should adopt the clean version as written and re-organized by the Attorney including the new language in regards to the Hotel Motel Tax.

Councilwoman Phillips-Lowe stated that the percent cap that is being proposed for the tax is a very fair assessment in regards to her personal experience travelling and the similar taxes that are paid to other communities. Councilman King inquired about the time frame and how soon the City thinks it will be imposed. Mr. Anderson stated that the time frame for the Charter change is out of the City's hands. First the Attorney has to prepare it in a form for the Legislature to accept and traditionally with sending Charter changes to Legislature it can take anywhere from the next month to June 30th at the latest until it is approved and we receive it back. Mr. Anderson suggests that for planning purposes we should look at June 30th for when we receive the approval. Mr. Anderson also stated that once that approval comes back from Legislature, the City has meetings to complete and decisions to make in regards to adopting a timeline for implementing the tax. Vice-Mayor Henderson stated that we may be able to implement the tax to take effect for FY 20, but it is unlikely because of the amount of work that has to be completed and there are other entities involved such as the Legislature. Vice-Mayor Henderson also pointed out that 3% is the cap or maximum that is being placed, the tax itself may not necessarily be at 3%; that would be part of the decision-making process once the Charter change approval comes back from the Legislature.

Vice-Mayor Henderson solicited any additional questions from Council; there were none.

Vice-Mayor Henderson called for a motion. Councilman Mulvaney made a motion to approve the proposed amendments to the City Charter to include a provision for a Lodging (Hotel and Motel) Tax of no more than three percent by adding language to Section 27 (F) as well as the realignment of the entire Section 27, as presented. Councilwoman Phillips-Lowe seconded the motion; motion so passed with all voting in favor.

Vice-Mayor Henderson presented New Business Item #5: Kathy Anger, Credit Representative to provide the City Council an update regarding the Sheriff Sale of certain properties in the City.

Kathy Anger came forward to provide Council with an update on the Sheriff Sale process. She stated that as of end of December 2018, 6 properties in the City limits have been taken to Sheriff Sale and of those six, one of the property owners, 734 Clarence St, paid the balance due as well as all legal fees to prevent the sale of the property. Another of those properties, 808 E Third St, did not receive any bids at the sale; as a result the property owner is still in possession of that property. The other four properties sold as follows: 208 Harrington St sold at \$3,000 with legal fees incurred of \$1,984.75; 121 E King St sold at \$11,000 with legal fees incurred of \$2,041.75; 343 N Arch St sold at \$2,900; and 215 N Arch St sold at \$7,000. At this time the legal fees incurred for 343 N Arch St and 215 N Arch St are unknown as we have not yet received the bill from the lawyers.

Vice-Mayor Henderson solicited any questions from Council. Councilman King inquired about how the City communicates that a property is going to sale, i.e. how far out is it advertised and where is the information posted. Mrs. Anger stated that the property owner is given multiple notifications about the impending sale through certified mail. She also stated that there is a posting on the physical location of the property, as well as a posting in the Seaford Star for the two weeks leading up to the sale, and there are five different locations around town where it is posted (the Post Office, Shipley State Service Center, City Hall, the pawn shop, and Pizza King; the library will not allow the posting of Sheriff's Sale at their location) as well as on the City website.

Vice-Mayor Henderson inquired about the property at 808 Third St that did not sell; he inquired if it will go back into the rotation to go to sale again or not. Mrs. Anger stated that in discussion with Mr. Anderson and when looking at the legal fees incurred even with no sale there are a couple different options with a property that doesn't sell at Sheriff Sale. The first option is to repeat the process and incur more legal fees to take it to sale again. After speaking with the City lawyer another option is for the City to claim the property as right of first bidder with a bid of \$500 and claim the property, and then the City would be responsible to pay whatever is due to Sussex County. After claiming the property we could accept sealed bids for purchase of the property or list it with a Real Estate Agency; however the City decided to sell the property.

Vice-Mayor Henderson inquired about the overall outcome of the Sheriff Sale properties in regards to liabilities versus revenue. Mrs. Anger stated that this is the first time in over 20 years that the City has taken a property to Sheriff Sale, as a result some of these properties have been accruing 10-20 years of demolitions or Code actions and large balances of liabilities due to the City, i.e. \$40-\$80,000. Mr. Anderson stated that in this round the City is trying to move the property into new ownership, not so much cover the costs that we have incurred. Mr. Anderson stated that once the process is moved along and these older properties have been sold we will be able to shorten down the schedule to 3-5 years and not keep the properties in this constant loop of incurring balances and costs due, which may in turn show better numbers in reference to liabilities versus revenues.

Mr. King inquired if it is feasible or possible for the City to claim right of first bidder with a property such as 808 E Third St and then donate that property to an organization such as Habitat for Humanity. Mrs. Anger did confirm that that is an option on the table and she also confirmed that the property that sold on King St was actually purchased by Habitat for Humanity. Mrs. Anger stated that she has another property on her rotation for Sheriff Sale, she believes near Third St that sits between multiple properties owned by the same entity; her hope is that maybe that company will purchase the property that is sitting in the middle of the others that they own.

Mr. Anderson stated that the main push behind the Sheriff Sale process is to in some way move a property that is a liability into the hands of someone that is going to put the property to use and properly maintain it. He also stated that the situation around each property is going to be conditional. Mr. Anderson commended Mrs. Anger in taking on the responsibility of handling the Sheriff Sale process along with her other projects and position responsibilities. Mr. Anderson stated that we now know that each Sheriff Sale incurs costs to the City at an average of \$2,000

and he is encouraged by the one property where the owner stepped up and paid the balances and legal fees due in order to avoid the sale of the property. The hope is that as these properties go to Sheriff Sale property owners step up to avoid this happening and the properties that are sold then have life brought back to them again. Mr. Anderson stated that not only does the City take on debt with these properties but also a large amount of time and resources used for Code actions (such as grass cutting and trash clean-up). Mr. Anderson stated that the time needed to complete these Code actions and notify the property owner is lengthy and the property then becomes a nuisance to the community and the property owners nearby.

Mrs. Anger stated that her goal is to get the cycle down for Sheriff Sale to a property that has an outstanding balance of approximately 3 years' worth of City taxes due. Vice-Mayor Henderson commended Mrs. Anger on the importance of the work she is completing in regards to the Sheriff Sales and stated that from another point of view this process sends a message to some of the other property owners that the City will not tolerate a property owner being delinquent for an extended period of time and accruing large tax balances with the City. He also stated that the stakeholders and residents of the City are the ones who ultimately suffer from a property owner who does not properly maintain their property.

OLD BUSINESS:

None

REMINDER OF MEETINGS & SETTING NEW MEETINGS:

SCAT dinner, January 9, 2019, 6:00 p.m., at Bear Trap Dunes in Ocean View. **Municipal Election – April 20, 2019**

The City of Seaford Municipal Election will be held on Saturday, April 20, 2019 in the City Council Chambers, City Hall, 414 High Street, between the hours of 7:00 a.m. E.S.T. and 3:00 p.m. E.S.T.

One (1) Council Member will be elected for a (3) year term.

All candidates must have filed by 5:00 p.m., E.S.T., February 22, 2019. Registration can be completed at City Hall, 414 High Street, Seaford, DE. Registration hours are Monday through Friday, 8 a.m. until 5:00 p.m. or by appointment if you cannot register during these normal business hours. Any candidate who withdraws his/her name must do so in writing. Any candidate who withdraws his/her name after 5:00 p.m., E.S.T., February 22, 2019 will still appear on the official ballot for election.

Anyone eighteen (18) years of age or older who is a bona fide resident to be eligible to vote **must have been registered at the Seaford City Hall by 5:00 p.m., E.S.T., March 22, 2019.** A nonresident property owner to be eligible to vote must be owner of record for a period of six (6) months immediately preceding the date of the Annual Municipal Election (October 20, 2018) and

shall have one vote **provided he or she is registered on the “Books of Registered Voters” maintained at the City Hall. Registration hours are Monday through Friday, 8 a.m. until 5 p.m. or by appointment if you cannot register during these normal business hours.**

The City of Seaford has independent registration procedures for the Annual Municipal Election. To vote, you must meet the eligibility requirements and be registered on the “Books of Registered Voters” maintained at City Hall.

A person shall be required to register only one time. You are urged to check your registration if you did not vote in the last municipal election. If you have moved out of the City after your original registration, you will need to check your registry to assure you are an eligible voter.

All voters will need to show proof of residency which may be a State of Delaware driver's license, a State of Delaware identification card, a federal or state tax return with address, a City of Seaford utility bill or real estate property tax bill, or other acceptable proof of residency or ownership.

CANDIDATES FILED AS OF 12/27/18:

Matthew McCoy has filed for City Council

COMMITTEE REPORTS

Councilwoman Phillips-Lowe reported in Public Works.

PUBLIC WORKS:

- AMI water meter deployment is from 01/02 – 01/22 for January
- Continued assisting GMB with opening and cleaning catch basins for the asset management project
- Continued assisting with AMI meter locations and issues
- Leaf machine completed on 1/4/19.
- Still working through Verizon's installation on our towers
- Worked on all plows
- Performed equipment maintenance
- Attended multiple meetings
- I have been working on easement acquisitions for Rt. 13 and Middleford Rd. projects
- Performed all routine tasks; swept, L & L, read meters, disconnects, hung pink tags, collected State water samples, supplied barricades for various events, etc.

WWTF & COMPOST

- Plant performance is good.
- We do have compost to sell.
- Plant received regular Proximity waste
- Leachate treatment is going well.

Councilman Henderson reported on Fire, Police and EMS.

Seaford Volunteer Fire Department, Inc.

Report from President Rick Stewart:

Swearing in of new officers will occur at the Annual Meeting on January 9, 2019.

The Executive Board met on January 7, 2019.

Congratulate David Hayman when you see him. He was recently promoted to Lieutenant in the EMS Department.

The Annual Banquet will be held on February 2, 2019.

The officers of the Department will be attending a Fire Officer's Seminar on January 26, 2019.

Report from Chief John Wilson:

No report for this period.

Tom Lecates reports:

Monthly EMS Report

December 2018

Total Number of EMS Runs- **287**

Total Number of "Alpha" Calls- **70**

Total Number of "Bravo" Calls- **60**

Total Number of "Charlie" Calls- **65**

Total Number of "Delta" Calls- **84**

Total Number of "Echo" Calls- **7**

Total Number of "Omega" Calls- 1

Total Number of Non-EMS Calls- 0

(Alpha calls are the least severe with a non-emergency response. Echo calls are the most severe. Omega Calls are a service call.)

Additional information from the month:

New C-87 is now in service.

No reported injuries.

SVFD in the Community:

12/01/2018 – City of Seaford Christmas Parade.

Attended several Christmas Parades throughout the Eastern Shore.

Monthly Fire Report

December 2018

Total number of alarms- 49

Number of alarms within the City- 22

Number of alarms outside the City- 22

Number of assist/stand-bys at other fire companies- 5/0

Types and number of Alarms

MVC- 13

Powerlines - 1

EMS Assist- 10

Structure Fire- 1

AFA- 5

Appliance Fire-1

Assist other FD- 5

Brush/Field Fire- 1

Structure- 3

Vehicle Fire- 1

Gas Leak- 1

HazMat- 1

violations. Searcey then attempted to turn left onto Rust St., but his vehicle collided with a large tree located on the southeast corner of Bradford and Rust Streets. Searcey then exited the vehicle and started to flee on foot toward the deep cut and railroad tracks. Pfc. Jones called out to Searcey and ordered him to stop running, but he ignored Pfc. Jones. Searcey eventually made his way onto the railroad tracks and began running s/b toward the High Street railroad bridge. Searcey attempted to hide in the cove located underneath the bridge on the east side of the tracks. Lt. Flood and Pfc. Jones located Searcey in said cove. Lt. Flood started giving Searcey commands to lie on the ground and to stop running. Searcey then laid on his stomach and Lt. Flood attempted to handcuff Searcey, but Searcey was refusing to put his right hand behind his back, so Pfc. Jones applied a burst of pepper spray to his face and gained compliance. Searcey was taken into custody without further incident. Searcey was charged with tampering with physical evidence, disregarding a police officer signal, unlawful imprisonment, resisting arrest, reckless endangering, possession of drug paraphernalia, and multiple traffic offenses. He was committed to SCI for lack of \$5,515.00 secured on these charges and lack of \$5,000.00 cash for the Superior Court capias.

On December 13, 2018, officers from the Patrol and Criminal Investigations Divisions responded to a business in the 1900 block of Bridgeville Highway for a report of a bomb threat received by the business via e-mail. The investigation quickly revealed that this was part of a nationwide hoax. However, as a precaution, officers conducted a sweep of the building and its grounds for any suspicious devices. No suspicious devices were located and the scene was deemed safe.

On December 14, 2018, Seaford Police received a tip that Key Shon Lake, who was wanted out of this Department on Firearm charges and Reckless Endangering charges, was at his mother's residence located on Hurley Park Drive. Officers set up a perimeter around the residence and asked for him when the door was answered. Lake exited the residence and was taken into custody. He was turned over to Criminal Investigations Division and later committed to Stephenson House by Family Court.

On December 15, 2018, units responded to the parking lot of Royal Farms to assist with a possible overdose. Upon arrival Pfc. Justice attempted to wake up operator whom was unresponsive. Sgt. Rapa used a window punch on passenger side window to gain access to the vehicle locks. Sgt. Rapa removed the keys from the ignition and the operator began to regain conscience. It was determined that the suspect had not overdosed but was under the influence of alcoholic beverages. The suspect was taken into custody and arrested for DUI.

On December 16, 2018, Ptlm. Palm conducted a vehicle stop for a traffic violation. Both occupants attempted to exit the vehicle and walk away. Ptlm. Palm detained both suspects. Sgt. Miller arrived to assist Ptlm. Palm and patted down William Torres. Torres reeked of raw marijuana and was found to have a large amount of cash in his pants pocket. Ptlm. Palm placed Tywand Jenkins in the back of his vehicle. Sgt. Miller opened the door and in plain view on the center console located loose marijuana. More bagged marijuana was found in the vehicle for a total of 51 grams. Additionally, both suspects were found to be in possession of over \$500 in counterfeit money. Due to the nature of the possession with intent to deliver, all counterfeit and non-counterfeit (\$322) was seized.

On December 18, 2018, Officers were dispatched to a reported hit and run accident which occurred on Stein Highway in the area of Market Street. Officers were provided with vehicle information: silver Jeep Grand Cherokee DE reg. PC51390. While searching the area, officers were dispatched to a reported overdose which was occurring behind the Hardee's restaurant on Stein Highway. Pfc. James was the first officer on scene and located the above described vehicle in the drive-thru area of the parking lot. The driver was unconscious. S-1's large dog was in the rear of the vehicle. Pfc. James was unable to move the driver from the driver's seat on his own, so he gave chest compressions while the driver was still seated in the vehicle until the arrival of EMS. The driver was then moved to the ground where Pfc. James continued to provide chest compressions until the arrival of paramedics. The driver's breathing and pulse were restored and Narcan was then administered by paramedics. The driver was transported to Nanticoke where he was admitted overnight for observation. Three baggies containing heroin were located inside the vehicle. It was determined that the driver was under the influence of a controlled substance. A legal blood draw was then obtained. Warrants are currently being obtained for driver's arrest and will be held on file at the station until he is released from the hospital. He is being charged with D.U.I. and collision-related offenses and for possession of heroin.

On December 19, 2018, Pfc. Justice responded to the area of Locust Street and Nylon Blvd. in reference to found property believed to be drugs. Upon arrival Pfc. Justice located several bags of heroin along driveways on Nylon Blvd. Pfc. Justice collected 13 bundles of heroin all stamped with "Blaze" in blue ink. Pfc. Justice gathered information on scene and submitted the heroin into evidence.

Staff from NAMI (a residential facility that assists people with mental and physical disabilities) contacted Seaford PD regarding a resident who was becoming aggressive towards staff. The resident refused to take his medicine. Pfc. Justice spoke to the resident and gained his trust by being compassionate and courteous and was able to transport him to Nanticoke Memorial Hospital for evaluation.

On December 24, 2018, a domestic incident was reported at 205 N Conwell St. Suspect had stolen victim's motor vehicle and fled scene prior to officers' arrival. Suspect passed Pfc. Justice on Poplar St as he was responding. Suspect fled N/B on Cedar Ln. Pfc. Justice observed suspect vehicle proceed under Stein Hwy bridge. As Pfc. Justice was attempting to catch up to suspect vehicle, he observed suspect vehicle crashed into fencing belonging to Tri State Roofing. Suspect had fled on foot prior to Pfc. Justice's arrival to crash site. Units searched area for suspect with negative results. Victim told Ptlm. Ruark that suspect had pushed her around and taken her cell phone. When a child called police, suspect fled. A warrant was obtained for suspect's arrest.

On December 25, 2018, officers from the Seaford Police Department responded to an apartment on Kimbrough Court in the Chandler Heights Apartment Complex for an unconscious person. The victim, a 30-year-old female, was taken to Nanticoke Memorial Hospital and later transferred to Christiana Hospital in critical condition. On December 26, 2018, the victim passed away and her body was turned over to the Division of Forensic Science for an autopsy. At the conclusion of the

autopsy it was determined that the injuries to the victim were caused by a fall and the cause of death is a drug overdose.

On Saturday, December 29, 2018, Seaford Police Department attempted to stop a vehicle on Norman Eskridge Highway. The vehicle proceeded into a parking lot where the driver stopped and fled on foot. The passenger was observed throwing a box out of the vehicle. The box contained 6 bags of heroin, .8 grams of crack cocaine, and drug paraphernalia. The passenger has been identified as Mark Jones who was arrested for Tampering with Evidence, Possession of Heroin, Cocaine, and Paraphernalia. He is wanted on two court capiases. He was incarcerated in Sussex Correctional Institute in lieu of \$3,700.00 secured bond. Warrants have been obtained for the operator William Smallwood.

On December 30, 2018, at approximately 1844 hours, Seaford units responded to an armed robbery at Shore Stop located on W. Stein Hwy. Upon unit's arrival they received another report of an armed robbery at The Great Wall Chinese Restaurant located in the Nylon Capital Shopping Center. It was determined the same suspect committed both robberies with the assistance of another unknown subject driving a vehicle from both scenes. A black male displayed a handgun in both robberies demanding money from victims. The black male was wearing a ski mask, black hooded sweatshirt, dark jeans, and black shoes. Suspect vehicle was a dark gray SUV with unknown registration. Suspect vehicle is possibly a Mitsubishi Outlander.

Admin:

December 11, 2018 –

Chief attended the Delaware Police Chiefs Council meeting/luncheon.

Chief attended the City Council meeting addressing several items on agenda.

December 12, 2018 –

Chief attended the City Christmas breakfast at Eagle Diner.

Chief met with U.S. Marshall's Service regarding working together in the near future.

Chief travelled to Dover to attend National Liquor Law Enforcement meeting.

December 13, 2018 –

Seaford Police Department hosted their annual Christmas breakfast at Pizza King.

Chief attended the Business and Economic Development Forum Meeting at Stargate.

Chief interviewed on a Spanish radio station regarding cultural issues within the Hispanic community and the Citizen's Police Academy.

December 14, 2018 –

Chief met with Awards Committee.

Chief met with owners of new coffee shop, Every Fiber Coffee, regarding security concerns.

Chief met with a Del Tech student regarding our upcoming police officer testing.

December 17, 2018 –

Chief met with Pastor Larry Davis and Dr. Bob Douglas regarding the new GOM on Police Chaplains and possible future training for our officers.

Chief met with Lynn Parks regarding a story on the upcoming Citizens Police Academy.

December 18, 2018 –

Chief held an internal meeting regarding hiring two new recruits.

Chief attended the Sussex County Police Chiefs' meeting/Christmas luncheon at Seaford High School, prepared by the culinary students. Following this, Chief hosted another meeting at the Department with the Chiefs regarding an Opioid Prevention Task Force.

Chief travelled to Dover for a meeting with personnel of the Office of Highway Safety regarding promoting pedestrian safety.

December 19, 2018 –

Chief travelled to Dover to meet with an applicant interested in testing with us.

Chief attended a meeting at City Hall with HUD Director from Wilmington and Philadelphia, ATF.

December 20, 2018 –

Chief met with Cpl. Bradley to review Citizen's Police Academy applications. The applicants have been notified and the Department is excited about this new endeavor.

December 21, 2018 –

Chief met with Mayor and Charles.

Chief also met with Charles Kistler regarding the Lights On program and the Citizen's Police Academy.

Officers raised \$132 for a needy family (mother and three children) currently in Division of Family Services protection. Sgt. Miller heads this up every year and then joins forces with the Sussex County Attorney General's office to provide a nice Christmas for a family in crisis.

Chief and B Squad played Santa on December 21, 2018, delivering gifts to Central Elementary School.

December 27, 2018 –

Local Pastors met with Chief and staff for monthly prayer and concerns.

Chief attended autopsy with Detective Sgt. Horn on the overdose victim from December 25, 2018.

December 28, 2018 –

Chief and Awards Committee Members met to finalize the recipients.

Chief met with Dispatch Administrator Bell and Kathy Anger regarding new procedures regarding utility cutoffs and payment.

December 31, 2018 –

Chief met with the media regarding two armed robberies that occurred in Seaford and the heroin thrown from vehicle.

January 2, 2019 –

Chief and Karen met with City officials to be anointed by Pastor Isaac Ross.

Chief met with Mayor and Charles Anderson regarding personnel issues.

January 3, 2019 –

Chief met with Chief Danny Wright of Laurel.

January 4, 2019 –

Chief held Sergeant's meeting regarding personnel changes within the Department and new duty responsibilities due to the loss of two Lieutenants.

Chief met with Jim Hill regarding enhancing photos of suspects on security cameras.

Chief and Sr. Cpl. Chambers met with Advantech regarding updating surveillance cameras in our interview room.

Training:

No report for this period

Councilman Mulvaney Reported on the electric department

Since the last report

Crew

Continued renumbering the poles for the circuit changes.

Finished installing the LED lights in the truck bay.

Blake updated the SCADA map from the switching we did for power factor.

Started working on the separation of electric service for the Allen Hiram corporate offices.

Worked with Compliance Environmental on the Infrared scan.

Took the trucks and trailers through inspection.

Did monthly substation checks.

Did the infrared scan with Compliance Environmental, they found 6 items that need attention.

Changed a bad transformer on Virginia Ave, due to age.

Read meters.

Installed 5 LED lights on Sussex Hwy.

Director

Had the bi-weekly conference call for AMI.

Worked on the FY20 budget & 3-year CIP.

Sent out the bids for street lights on Sussex Highway.

Had a meeting with an electrical engineer to fill the void for the City until we send out the RFP for a new one.

Took my vehicle through inspection.

Attended the DPPA meeting in Newark at DP&L.

Had a conference call about utility size solar installations.

Ordered some pole mount and pad mount transformers.

Got prices on the new floor coating in the utility building and got the PO.

Acting City Manager 12-31-18.

Upcoming Weeks.

Help take down the Christmas tree in Gateway Park

Help down Blade's Christmas lights.

Nick Smart will be taking the first week of lineman training.

Work with NextGen changing out the AMI meters whenever they have a problem.

Continue remarking poles from the distribution circuit changes.

Continue working on the new circuit 330.

Pull in the wire on the last two segments of SVSC.

There was discussion between Council and Director of Electric, Bill Bennett, about the infrared scan that was completed with Compliance Environmental in December 2018. Councilman

Mulvaney stated that this scan is completed every 3 years and they scan everything involved with the electric service to find issues in order to fix them before they cause a bigger problem. He stated that there were 6 issues found and repaired or replaced throughout the City. He stated that this infrared scan process costs the electric department about \$3,100. Vice-Mayor Henderson inquired if there were any repeat offenders found during the infrared scan; there were none. Councilwoman Phillips-Lowe commented that it is a testament to the quality of the work and the equipment that there were only 6 issues found after the 3 years since the last scan. Mr. Anderson stated that the City does purchase utility grade equipment which is why the expense up front can be so high. He stated that one of the arrestors that was replaced as a result of the infrared scan would have been purchased with the intent of being a 50-year facility. Councilman Mulvaney stated that three of the six issues were surge arrestors. Councilman King inquired what the total area was that was inspected. Mr. Anderson and Mr. Bennett stated that every line of electric wire and every switch cabinet as well as the remaining electric equipment in the City is scanned. Mr. Bennett stated that there are over 80 miles of overhead electric lines in operation throughout the City. Mr. Anderson stated that one of the issues found during the scan was at the hospital which could cause a lot of issues and a large amount of damage to sensitive equipment etc., this infrared scan helps the City to reduce the liability that may be caused by an outage. Mr. Bennett stated that the main goal of the infrared scan is to prevent an outage and point out liabilities before something happens in order to maximize the reaction of the electric department and minimize the liability to the customer. In the case of an outage the electric department would have to start at the source and find the issue whereas this scan points out the cause right away.

Councilman Holland reported on Administration.

PROJECT UPDATES:

MEETINGS:

- ✓ Attended Danny Short's coffee meeting at the Senior Center.
- ✓ Attended the BOA meeting.
- ✓ Attended a meeting with DP&L regarding project updates.

OTHER WORK:

- ✓ Prepared the Council agenda.

Information Technology Report:

- Working with AMP to Clean up VPN issues
- Train users and Setup Laptop for New Disconnect Procedure
- Install and Run Wire for TV @ Utility Building
- Worked on Major Update and other Software Issues
- Working on Desi and Phone Extension Updates

Administration Report for Council –

- Preparing for 1st remote disconnect for non-payment – January 8th
- Continue working on AMI deployment & attend training on uCentra system.
- All other business is routine – financial management, payroll & benefits, purchasing, billing, customer service, etc.

Councilman King reported on Code and Parks and Recreation.

Code Department Report:

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 Department has issued 252 permits and 230 Rental Licenses in 2018.

Large Project Status Updates:

- The Ross Station Event Center construction is progressing on schedule.
- Demolition of the McDonald's restaurant is scheduled to begin after the first of the year.
- Riverplace Phase 2 site work has started.
- The new construction on the Chick-Fil-A is slated to start in early 2019. The plans are in the office for review.

Parks & Recreation:

Superintendent of Parks and Recreation Katie Hickey reports that the Parks Department has completed routine jobs of weekly trash pick-up and also the removal of the trash totes from Soroptimist Park. The Parks Department cleaned up the hospital bridge and trash along King Street as well as trash in the Industrial Park. They worked on staining and painting the High Street benches as well as installed anti-wrap hangers on the swing set at Nutter Park. . The grills in Soroptimist Park have been cleaned.

The Recreation Department is working on practice and game schedules for Youth Basketball with games starting 1/7/19. The Little Wrestlers are back from the holiday break with practice on 1/3/19.

Parks and Recreation Departments are working on projects/updates for the CIP as well as prepping for the first Riverfest meeting scheduled for January 10, 2019.

Vice-Mayor Henderson called for a motion to close the Regular Council Meeting and go into Executive Session to discuss personnel. Councilwoman Phillips-Lowe made a motion to close the

regular Council Meeting. Councilman Holland seconded the motion; the motion so passed with all present voting in favor. The Regular Meeting was closed at 8:20 p.m.

Vice-Mayor Henderson reopened the regular Council Meeting at 9:11 P.M.

Councilman Mulvaney made a motion to close the Regular Meeting. Councilwoman Phillips-Lowe seconded the motion; motion so passed with all voting in favor. Meeting was adjourned at 9:12 P.M.

Charles D. Anderson, City Manager

/JLJ