

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

November 22, 2016

7:00 PM

Mayor David Genshaw called the Regular Meeting to order with the following present: Councilwoman Grace Peterson, Councilman Orlando Holland, Councilman William Mulvaney and Councilman Dan Henderson. Josh Littleton, Building Official, Trisha Newcomer, ED/IT Manager, Bill Bennett, Supt. of Electric, Charles Anderson, Assistant City Manager, Berley Mears, Director of Public Works, and Dolores Slatcher, City Manager were 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 was one item to be added under correspondence. A thank you note from the Town of Blades.

Mayor Genshaw called for a motion to approve the minutes from of the Special FY18 Budget Workshop of October 18, 2016. Councilman Holland made a motion to approve the minutes of the Special FY18 Budget Workshop of October 18, 2016. Councilwoman Peterson seconded the motion; motion so passed with all present voting in favor.

Mayor Genshaw called for a motion to approve the minutes of the Regular Council Meeting of November 7, 2016. Councilman Mulvaney made a motion to approve the minutes from the November 7, 2016 Council Meeting. Councilman Henderson seconded the motion; motion so passed with all present voting in favor.

**CORRESPONDENCE**

City Manager Slatcher read a letter from Ms. Judith Lawson in reference to the World War 1 Monument Fund. They thanked the City of Seaford for the donation of \$250.00 and for their support.

City Manager Slatcher read a letter from Ms. Maria Heysel from the Seaford Historical Society, Inc. She thanked the City for their continued support and the donation of \$1,750.00.

City Manager Slatcher then read a letter from Vikki Prettyman, Town Manager from the Town of Blades. She thanked the City of Seaford's electric department for their help with the Christmas lights again this year.

Mayor Genshaw welcomed Alex Mohr from Georgetown Troop 95 who was working on his citizen in community badge.

Mayor Genshaw also welcomed Sierra Sniger who is the City's intern from the Seaford School District.

## **PUBLIC HEARING**

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

Assistant City Manager Charles Anderson came forward to present Public Hearing #1, request for annexation by the Bierman Family, LLC property owner and petitioner Cerwin Holdings, Inc.; 1602 Sussex Highway. Mr. Anderson showed a map of the location of the property which is located at the intersection of Sussex Highway and Middleford Road. Mr. Anderson then showed a survey on the proposed annexation location as provided by the petitioner. The parcel is currently occupied and has a structure on it. City Manager Slatcher added that the zoning requested for this annexation is C-2 Commercial Highway. The petitioner has requested that zoning based on obtaining City utilities.

Mayor Genshaw solicited any questions or comments from Council.

Mayor Genshaw asked for questions from the public. Mr. Dan Cannon from 411 Nylon Blvd came forward expressing concerns of the City's current debt and the cost of tying on the proposed property if annexated onto City utilities.

Mr. Frank Czerwinski who is the petitioner for the annexation of the lands came forward. He stated that he is planning to develop the property and make it into a restaurant which will create about 30 jobs. He understands that the plan for the extension of utilities will not only allow his property to tie on but also others on Sussex Highway.

Mayor Genshaw presented Public Hearing #2, Mr. Brad Whaley came forward to present the information for the State of Delaware Community Development Block Grant (CDBG) Program to provide residents decent housing, a suitable living environment, and expanding economic opportunities principally for persons of low and moderate income and to give a status report for FY16. This year they are expecting to receive about \$2.2 million dollars to help those that qualify. His office lists the guidelines of what is available for funding and what can be done to help those who did qualify. There is an income requirement that needs to be met to qualify which is 80% of the median income which is \$35,500 for a single person and then \$5,000 is added for each person additionally in the household. This is done to help keep the housing stock stable. Since 2010 the City of Seaford received \$424,000 in CBG funding and the program has helped 35 residents. In 2016, the City of Seaford is expected to receive \$70,000 which is expected to help 5-6 residents. There are currently 25 residents in the City of Seaford that are on the waiting list for the program.

Mayor Genshaw solicited any questions or comments from Council.

Councilman Henderson asked if the City of Seaford received a block of the money or is it approved by a group of individuals or organizations. Mr. Whaley stated that his office applies on behalf of 10-12 Cities and then a County wide allocation. So when the allocation comes down the City of Seaford is then listed as a recipient of this year's funding which is managed by their office. Mr. Whaley also added that they do all of the paperwork for the City and oversee the projects.

There is also a maximum amount of \$25,000 that can be spent on one project and with that amount of funding if it cannot be brought up to code then they will have to pass on the project. The program is focused on owner occupied homes.

Mayor Genshaw closed the Public Hearing at 7:20 p.m. and reopened the Regular Council Meeting.

Mayor Genshaw presented New Business #1, Berley Mears, Director of Public Works to present information for the non-budgeted repair of the 30" cmp storm water pipe on E. Ivy Drive which failed during a heavy rain in October. Mr. Mears stated that the storm water pipe collapsed and the road collapsed during a heavy storm. After finding the issue, it was found that the pipe was in bad shape and the underside had rusted out. Mr. Mears stated that it is 355 linear feet of 30" corrugated metal pipe which was installed in 1984. This is the third CMP to fail over the last five years that was installed as part of the Industrial Park project. It is being proposed to replace it with High-density polyethylene (HDPE) pipe in lieu of Reinforced Concrete Pipe (RCP) for cost savings which equal approximately \$8,500. There is a tree line that will have to be removed and the Public Works department will dispose of it for an additional \$7,500 in savings. Mr. Mears did receive a quote to line this section of pipe to eliminate the removal of the tree line but this added approximately another \$25,000 to the project. He has submitted this to DEMA for possible reimbursement for the fact that this failure was caused by the October 20th rain event that was submitted as a Federal Disaster Declaration request to the President. Mr. Mears then showed three quotes that he received to do the work. The low bid was A.P. Croll & Son with a base bid of \$45,284.50; alternate #1 \$17,890 with a total bid of \$63,174.50. The other bids were Kent Construction base bid of \$50,475.00; alternate #1 \$31,871.00 with a total bid of \$82,346.00. and On Site Construction with a base bid of \$68,620.00; alternate #1 \$22,940.00 with a total bid of \$91,560.00. Mr. Mears stated that he did it in this format because he was unsure if pipe collapsed on Ivy Drive would qualify for FEMA funding to be replaced and the tree line. Or if the City would have to budget for the tree line segment.

Mayor Genshaw asked for questions from Council. Councilman Henderson asked what depth the pipe will be buried at. Mr. Mears said about two feet or so.

City Manager Slatcher stated that the funding for this will come out of the sewer reserves at this time. However, if FEMA money becomes available then the account will be reimbursed which will be 75% if it is received and the City would be responsible for the 25%.

With no other questions; Mayor Genshaw called for a motion. Councilman Mulvaney made a motion to approve the low quote of A P Croll in the amount of \$63,174.50 for the repairs to the damaged 355 Linear feet of 30" Corrugated metal pipe (CMP) on East Ivy Drive and the pipe at the tree line in the Seaford Industrial Park with funds to be from the sewer reserve as a non-budgeted cost. Councilman Henderson seconded the motion; motion so passed with all present voting in favor.

Mayor Genshaw presented New Business #2, Charles Anderson, ACM to present draft amendments to Chapter 6, Article 22 "Renewable Energy". Mr. Anderson said that the City has

been dealing with solar arrays for several years. As we have been working with our customers new regulations have been implemented so it was decided to update our regulations to reflect these changes.

The first one is to add some language for the Power Purchased Agreements. The City of Seaford would like to regulate third party electricity providers. This gives us the language to regulate them and we can ask for verification of their agreements. The next one states that the unit can produce no more than 100% of the customers expected electrical consumption. The law allows for no more than 110%. In the past there have been some units that have produced greater than 110% production. The next one addresses the issue if the customer exceeds the 110% and if they become non-compliant. It also states that the City will only pay back 10% above the average annual consumption. The next point addresses the 5% cap on renewable energy based on the system peak. When the renewable energy reaches the 5% cap on the system and the City closes it to new customers then we will still accept applications and keep them on file for a two year period.

The next item addresses if there is a rented or leased property where the landlord is the owner or lessor of the generator system. The tenant will receive any kWh credits applied to the subsequent billing. Payment for any kWh credits remaining at the end of the Annualized Billing Period or at the time the account is terminated by the tenant, will be made to the landlord. The next topic is that in no case will payment be made for excess kWh credits exceeding 110% of the customer's average annual consumption.

The last topic states that the City will require a revenue quality watt-hour meter ("generator meter") to be installed on the customer generator output prior to the customer's load. The meter shall be capable of measuring the total AC watt-hour energy output of the customer generator and shall be used by the City to determine the actual energy output of the generator system and to monitor the status of the customer's load. The generator meter shall be unidirectional and shall be equipped with detents to prevent it from running backward. The customer shall provide and install the meter pan and wiring in accordance with City specifications. The City shall provide, install and maintain the generator meter. Each meter installed at any location shall be clearly labeled as to its function. Labeling shall be in accordance with City of Seaford requirements.

Mayor Genshaw asked for questions from Council; there were none.

Mayor Genshaw presented New Business #3, Mayor Genshaw to request Stacie Spicer be appointed to the Planning and Zoning Commission. Mayor Genshaw stated that this is to build depth to the committee.

Mayor Genshaw solicited any questions or comments from Council. Councilman Henderson asked for the current population of the committee. Mr. Littleton stated he thinks there are currently six members. Councilman Henderson asked if all the commissioners vote. Mayor Genshaw stated only in the situation when there is a tie vote.

Mayor Genshaw called for a motion. Councilman Holland made a motion to accept Mayor Genshaw's appointment of Stacie Spicer as the newest member of the Planning and Zoning Commission expanding the number of members on this Commission. Councilwoman Peterson seconded the motion; motion so passed with all present voting in favor.

Mayor Genshaw presented New Business #4, Present options for sanitary sewer extension to serve the Bierman lands at 1602 Sussex Highway once annexed into the City. Mrs. Judy Schwartz from George, Miles, and Buhr came forward. She stated that in 1998, a study by GMB was done to serve parcels along Route 13 with City utilities. This masterplan is what was used when the lift station was built at Popeye's and the plan has been followed as parcels have been annexed into the City. The sewer is currently on Route 13 (Sussex Highway) on the east side and terminates at the south entrance to the Dairy Queen. This plan also proposed a crossing of gravity sewer across Route 13 (Sussex Highway) in order to serve parcels on the west side.

This plan was taken into account and expanded upon to serve the proposed annexation site. Mrs. Schwartz then showed a few options that were costed out. One option was to cross Route 13 (Sussex Highway) and then extend sewer north crossing Middleford Road to the site which was estimated to cost \$510,522.38. The next option would be to cross Route 13 (Sussex Highway) with a shortened crossing which was priced out at \$477,316.13. She added that the first option is the better option due to the location both of ease of construction and for service in the future to connect to other parcels. Mrs. Schwartz then discussed a third option would be to cross at a location further to the north. This would be a pressure line which would be associated with a grinder pump and would be a single service lateral. This would not be able to extend in the future and has no future benefits. This option was priced out at \$74,635.

Mrs. Schwartz stated that those options were presented to the Economic Development committee back in early November and it was asked for another option to be costed out. This would be the same orientation as the others would be a gravity sewer installed at the maximum possible depth installed in front of Popeye's. The sewer lateral would be only for this parcel which was estimated at \$429,657.00.

Mrs. Schwartz stated that of all of the options that option B would be the best to serve more for future development. Mayor Genshaw added that many towns are setting up to grow and the towns that are growing are doing this type of thing. City Manager Slatcher added that some funds are collected when new users come online.

Mayor Genshaw solicited any questions or comments from Council.

With there being no further questions or comments, Mayor Genshaw stated this would come back at a later date for consideration.

Mayor Genshaw presented New Business #5, Present the proposal from George, Miles & Buhr for Porter Street Storm Drain Modifications. City Manager Slatcher stated that there was funding received for this and the proposal is for modifications. Mrs. Judy Schwartz from GMB came forward stating that based on observation of the storms in July and September GMB has come back and recommended some improvements to combat the trapping of debris and leaves that seem to be causing the problems.

Additional catch basins known as flanking catch basins are being proposed. They pair up with existing catch basins in the area. You install the flanking catch basin on each side of the sump making a total of four being installed; two on the north and two on the south sides. This will triple the capacity of the grate to take in the water even when the leaves and trash are in the way. Additionally, a combination inlet is being recommended to be installed. These allow the water to enter curb if the other grates are full. She added that this allows for more water to flow, however, they do allow the trash and leaves to go in as well.

Mayor Genshaw solicited any questions or comments from Council. Councilman Henderson asked how high they will be. Mrs. Schwartz said about 3-4 inches high.

City Manager Slatcher stated that 2/3 of the money will be CTF funds (1/3 from Senator Richardson and 1/3 from Representative Short) and 1/3 will come from the City.

Mayor Genshaw called for a motion. Councilman Henderson made a motion to approve the proposal from George, Miles & Buhr for the Porter Street Storm Drain Modifications as presented. Councilman Holland seconded the motion; motion so passed with all present voting in favor.

### **OLD BUSINESS**

Mayor Genshaw presented Old Business #1, requesting from Council any follow-up questions or comments regarding the General Pension Benefit Plan presentation by Buck Consultants. Councilman Henderson said that he would like to see the data from where the problem started. He would like to see the rate of recovery. He added that looking at the data presented it looked like the return of the funds was better than the 30 years predicted. The data that was shown did not go back to 2009 which was when the change was made. He would like for a price to be given from Buck Consultants to provide the additional information. City Manager Slatcher added that the unfunded liability of the plan does depend on the ages, membership, life expectancy and sex of the employee.

Mayor Genshaw presented Old Business #2, requesting from Council any follow-up questions or comments regarding the annual Audit for the year ending June 30, 2016 as presented by Mr. William Seymour, S B & Company, LLC. There were no additional questions or comments from Council.

### **SPECIAL PRESENTATION**

Mayor Genshaw presented the special presentation, Abby Hager to do an on-line presentation for their See-Click-Fix as an added communication tool for the Seaford Community.

City Manager Slatcher stated that this is a program being offered for community enhancement. It is an opportunity for the public to take a picture with their smart phone of an issue such as a pot hole and send it directly to Berley rather than call the office. Berley is then able to respond back to the resident to let them know that it is fixed with the time and date. A short video was shown of the program and how it works.

Ms. Hager then joined the meeting via phone conference along with Mr. Andrew Johnson. Mr. Johnson stated that this program can be placed on a government website or by a smart phone app. He added that if a citizen sees an issue or problem they are able to take a picture of it and send it to the City. It can also be set up for the system to ask questions so that the location can be included. Ms. Hager then showed how the process works and some examples of some apps that have been created by their company.

Mr. Johnson went through some more examples and showed how the process works. He also showed how the public can view the requests and how the program will follow up with the residents to let them know when the issue is fixed.

It was asked what the cost of this program would be. Ms. Hager stated that the cost of the generic app, the website data that could be added to the City's website and facebook page and the tools in the back ends that will be in depth with more City's members at a later date. This will include the listed issues and the users of the different departments with the City. With all of those features included the cost was around \$7,500 annually. She added that if a dedicated app was included that would be an additional \$3,000. There would be an annual fee for the app and if there are adjustments that need to be made such as add or delete users, etc. there would be an additional cost about a five percent annual increase. Trisha thanked them for showing all of the features of the program and added that this will be in discussion for the next budget year.

#### **REMINDER OF MEETINGS & SETTING NEW MEETINGS**

- City offices will be closed for Thanksgiving Holiday on November 24<sup>th</sup> and 25<sup>th</sup>.
- Caroling in Gateway Park, Monday- November 28<sup>th</sup> at 7 p.m. and please bring a canned good with current date for the Community Food Closet. Rain date is Friday – December 2<sup>nd</sup>.
- 2016 Christmas Parade, "Candy Cane Christmas" Saturday, December 3<sup>rd</sup> at 7:00 p.m. Rain date is Saturday, December 4<sup>th</sup> at 7:00 p.m.
- 1<sup>st</sup> Saturday, on December 3<sup>rd</sup> from 12:00 noon until Christmas parade on High Street
- 2016 Employee Christmas dinner, SVFD banquet hall, Saturday, December 10<sup>th</sup> at 5:30 p.m.

**LEAF MACHINE WILL BE IN OPERATION STARTING OCTOBER 1<sup>ST</sup> THROUGH DECEMBER 31<sup>ST</sup>. 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**

City Manager Slatcher read the police and fire report due to Councilwoman Phillips-Lowe absence. Chief Flood reported that the testing of police applicants has been completed; two applicants are advancing to the next phase. CPR/AED recertification has been completed by all SPD employees. The applicants for the 911 dispatcher positions are undergoing background reviews; the process is going well. Sgts. Miller and Little attended a supervisory class which is the first of three LEEDA classes. The SDP award ceremony is

confirmed for January 19, 2017 at 6 p.m. The Delaware State Police Academy graduation is confirmed for February 10, 2017; additional information will follow. Currently, there are four SPD recruits in the program.

Councilman Mulvaney reported that the Public Works Department with the arrival of shotgun season for deer affects the personnel who take vacation at this time of year. With the leaf machine going full tilt and the assistance given to the police department cleaning out the storage building, items such as the second manhole frame and cover on Water Street were delayed. Routine tasks of street sweeping, limbs and equipment maintenance were performed as well as all other weekly tasks.

In WWTF the plant performance remains good with leachate and dewatering are reported as also doing well. Additional "fog" inspections were done and no major maintenance issues have occurred since the last reporting period.

Finally Council should be aware beginning with the Thanksgiving holiday and throughout the holiday season residents expecting company may contact any of us requesting leaf removal either immediately dependent on the demand of the leaf machine. City Administration receives these types of calls every year so Council should be aware also. The Public Works personnel will do their best tomorrow the 23<sup>rd</sup> prior to the Thanksgiving holiday to get around the City.

Councilwoman Peterson reported Parks and Recreation Superintendent, Katie Hickey reported another week of regular grass cutting and some tree trimming, edging is finished at Hooper's Landing. The Christmas tree in Gateway Park has been put up and all irrigation systems have been winterized. In recreation, basketball and wrestling sign-ups are open until Nov. 30.

Building Official, Josh Littleton reported he attended staff, Board of Adjustment and residential developer meetings. Also, he met with the City Engineer regarding Mearfield 2 subdivision sitework. He and the Mike Bailey attended a code training seminar in Dover. Josh has completed building and site plan for Melanie's Ridge.

Councilman Henderson reported that Electrical Engineer Rick Garner provided engineering & technical support for the Pine St. Substation and the Solar Array projects. He developed breaker wiring diagrams for the new circuit breaker 330 in Ross substation, and Rick coordinated with vendor regarding fiber optic network documentation. Key meetings Rick attended were: DPPA (Delmarva Peninsula Planning Assoc.) annual meeting in Salisbury, Nov. 9, DPL/DEMEC Annual Administrative meeting in Salisbury, Nov. 9, Electric Committee, Nov. 14, Electrical Improvements progress meeting, Nov. 15 and quarterly Safety Committee meeting, Nov. 16.

Superintendent Bill Bennett reports that personnel engaged in the following construction activities: set the transformer and ran the primary wire for the solar array. Worked at Residence at Riverplace where they pulled in the primary wire, set 2 transformers, and

made up some of the elbows. Spliced the primary wire straight through on Harrington St. eliminating the switch that created an outage for part of Westview on Nov 1. Pulled wire across Middleford Rd to the new GOABS at Poplar St. Maintenance activities included: performed monthly substation checks, hung the Christmas lights and checked the star on top of the water tower with the help of the SVFD aerial truck. An outage on circuit 310 Sunday Nov. 20 was due to a tree limb blowing on the primary wire behind WSFS. It affected 335 customers for 43 minutes. Significant meetings included Bill attended a progress meeting for the Pine Street Substation and Electrical Improvements project, and he attended an Electric Committee meeting. He attended a meeting for the DPPA and DEMEC/DPL administrative committee meeting.

Councilman Holland reported that DEMEC is working on the proposal for the Pine Street Substation project with Downes Associates, Inc. George, Miles and Buhr will be doing design work on the Porter Street Storm drain modifications. Our Lady of Lourdes storm water plantings has been completed. There were various meetings attended including land use amendments for Melanie's Ridge on Bridgeville Highway, Chamber Board Meeting, Delmarva Power meeting for regional power improvements, Veteran's Day ceremony, Ribbon cutting in OA Newton, electrical improvements meeting and met with Kevin Carson in reference to stormwater problems at Seaford school.

In IT department it was reported that they completed various calls for service. A presentation was made to the safety committee in reference to cyber security and assisted with Gateway Park tree construction.

June Merritt, Director of Finance/HR reported that the annual audit was posted on the website. She attended a AEP and accounting finance webinar and worked with Jane Drace on finalizing long term disability plan.

Mayor Genshaw thanked everyone that came out and donated to the turkey drive. The Seaford community gave the most turkeys again this year.

With no further comments Mayor Genshaw called for a motion to adjourn the Regular Meeting of Mayor and Council. Councilman Henderson made a motion to adjourn the Regular Meeting of Mayor and Council. Councilwoman Peterson seconded the motion. Motion so passed with all present voting in favor. The Regular Council Meeting was closed at 8:48 p.m.

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Dolores J. Slatcher, City Manager