

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

December 9, 2014

7:00 PM

Mayor David C. Genshaw called the Regular Meeting to order with the following present: Councilwoman Grace S. Peterson, Councilman Dan H Henderson, Councilwoman Leanne Phillips-Lowe, Councilman Orlando Holland and Councilman H. William Mulvaney III. Dolores J. Slatcher, City Manager, Gary Morris, Chief of Police, June Merritt, Director of Finance/HR and Charles Anderson, Assistant City Manager, were also present.

Councilwoman Peterson offered the opening prayer and Mayor Genshaw led those present in the Pledge of Allegiance.

Mayor David Genshaw solicited changes to the agenda. City Manager Slatcher stated that there were no changes.

Mayor David Genshaw called for a motion to approve the minutes of the Regular Council Meeting of November 11, 2014. Councilwoman Peterson made a motion to approve the minutes from the November 11, 2014 Regular Council Meeting. Councilman Mulvaney seconded the motion; motion so passed with all present voting in favor.

Mayor Genshaw presented background information on the bookcase that houses the historical bible in the lobby at City Hall. He thanked the person who donated their time and talent to make the bookcase who did not wish to be recognized publicly.

Mayor Genshaw presented Correspondence – Read into the record a responding letter from the elected officials to Mr. Frank Daniel Cannon regarding his email memorandum requesting the City to form a Citizens Review Board for the Police Department. Mayor Genshaw explained that Mr. Cannon has submitted his request three times to present his ideas on forming a Civilian Review Board for the Seaford Police Department; to which City officials have responded. He stated that most of the council members were not in office three years ago when the civil rights claim was brought forward by Mr. Johnson, and later settled through mediation with the City's insurance company. Therefore, a request was made to hold a meeting with an attorney from the City's insurance carrier, Mr. Dan Griffith, City Solicitor Jim Fuqua, and the current elected officials to review the case and settlement. This meeting was held on November 11, 2014 at 1 p.m. in the Council Chambers as an Executive Session because the mediation was under seal, because only what Mr. Johnson has disclosed and the court records have shown are public. The matter was a negotiated settlement with Mr. Johnson which was handled by the City's insurance carrier. Mayor Genshaw added that Mr. Dan Griffith offered to talk to Mr. Cannon to provide the facts of the case and answer any questions. Mr. Cannon was given Mr. Griffith's contact information so that the two could discuss the case, which they did. After the Executive Session, City Council requested that staff and Mr. Fuqua prepare a response to Mr. Cannon, which was individually reviewed and signed by Mayor and Council and sent to Mr. Cannon on December 5, 2014. Mayor Genshaw then asked City Manager Slatcher to read the response into the records.

City Manager Slatcher read the responding letter from the elected officials which was sent to Mr. Frank Daniel Cannon on December 5, 2014. See attached.

Mr. Cannon then came forward to present Mayor and Council with a written response to their letter to him. Mayor Genshaw added that the Seaford Police Department is not perfect, nor is any department within the City; but he expressed confidence in them and continued support.

Mayor Genshaw presented New Business # 1, Mayor and Council to discuss Mr. Jay Dolby's request to de-annex his lands annexed on September 8, 2003. City Manager Slatcher explained that she, Mayor Genshaw and Assistant City Manager Charles Anderson met with Mr. Dolby after he contacted Mr. Anderson about his proposal to de-annex his lands. There is no de-annexation method outlined in the City Charter, so the request was sent to City Solicitor Jim Fuqua for review. After some research it was found that there was a 1953 law that provided for de-annexation which basically follows the same procedures as annexation; Council must first be in favor of the de-annexation and then it would go to a public vote. City Manager Slatcher explained that Mr. Dolby's lands consist of three parcels; one zoned C-2 commercial, one zoned R-1 single-family residential, and one zoned R-3 multi-family residential. She added that Mr. Dolby submitted a request in 2003 to have his lands annexed. A special election was held which resulted in his property being annexed into the City.

Mayor Genshaw solicited any questions or comments. Mr. Dolby commented that he pays taxes on more than 5 acres of land, contrary to the memorandum stating that any lands in excess of 5 acres are exempt from property taxes when being actively farmed. City Manager Slatcher said that she would have to check on that and get back to him. Councilman Henderson commented that if Mr. Dolby's main reason for requesting the de-annexation is his desire to participate in the Delaware Agricultural Lands Preservation Program, there is precedent that a piece of land can be a part of this program while still being located in city/town limits, which is the Passwaters farm in Bridgeville. Councilman Henderson referenced a point in Mr. Dolby's letter from November 3, 2014 in which he stated that he would be responsible for electric service cost and water and sewer construction costs from Walmart to his property. Councilman Henderson stated that this was not entirely true. If utility services were extended to Mr. Dolby's property, the City would bear the cost of the area in between and Mr. Dolby would only be responsible for the cost of the utilities connecting his property. City Manager Slatcher clarified that the developer would have to come up with what he needed to connect water and sewer, and if the City decided to upsize those services and extend them further north, the City would bear the difference in cost of that extension. She said that the electric extension would be treated similarly, and that currently electric service is extended to just past the Baynum property. Councilman Mulvaney asked if the de-annexation were to move forward, who would bear the cost of the special election. City Manager Slatcher said that she could not answer that question. Councilman Mulvaney said that he didn't think that the City should have to pay for the election if a property owner was petitioning for de-annexation. He also stated that granting de-annexation to one property owner could set a precedent and lead to other property owners who live in the middle of town requesting de-annexation for various reasons. Councilman Henderson said that with Mr. Dolby's initial request to have his property annexed in 2003, all parties benefitted; the City, its residents and Mr. Dolby. However, with the de-annexation request, only Mr. Dolby will benefit, while the decision could negatively impact the City and its stakeholders. Mr. Dolby said that because of some wetlands and a creek that are on the property, sewer services would have to be run under these which is not feasible. City Manager Slatcher said that lift stations have been used to extend services across similar areas in City limits. She said that the City would

not want to bear the cost and end up overextending utility services just to have those projects abandoned. Councilman Mulvaney asked Mr. Dolby if he knew that there were wetlands on the property when he requested to have it annexed in 2003. Mr. Dolby said that he did, but that the economic situation at the time made the development more feasible. He said that economics have changed so much that he doesn't think the property would see development for at least 20 years, and therefore having the lands annexed is not beneficial to the City. City Manager Slatcher said that the City looks at the long-term impact and how such decisions will be beneficial years down the road. She said that both the Dutton and Davis lands did not see development until a couple of decades after being annexed, but then they took off.

Mayor Genshaw solicited any further questions or comments. There being none, he called for a motion. Councilman Henderson made the motion to table the item for further consideration at the January 13, 2015 regular Council Meeting to allow time to find facts and iron out any discrepancies between Mr. Dolby and the City. Councilwoman Peterson seconded the motion. The motion so passed with all present voting in favor.

Mayor Genshaw presented New Business # 2, Mr. Kevin Gilmore is present to discuss Sussex County Habitat for Humanity proposal for the Strong Neighborhood Housing Fund Pilot Program. City Manager Slatcher gave some background information on the project. The Department of Housing has received some Chase money to establish the Strong Neighborhoods Housing Funds, a revolving fund for the acquisition, renovation, and sale of vacant, abandoned, foreclosed, or blighted property throughout the State of Delaware. City Manager Slatcher explained that Seaford and Laurel qualify in Sussex County for the program. Since then, there have been two vendors to come forward with one being, Mr. Gilmore from Sussex County Habitat for Humanity, however, the constraint is that the application has to be in by January 2, 2015. Mr. Gilmore came forward stating that there is a quick turnaround needed to make the project happen. Mr. Gilmore stated that the funds are targeted for efforts that support community development and neighborhood revitalization in areas challenged by blight or other forms of neighborhood distress, including high crime. The minimum award for the pilot program is \$500,000. The key dates for the program are November 21, 2014 request for proposals were released, January 2, 2015 proposals will be due to DSHA, January 30, 2015 DSHA awards will be announced and the project must be completed within two years. Mr. Gilmore explained that because of existing movement around the idea of becoming a Downtown Development District, the proposal would be favored for aligning with an existing development plan for the City. SCHFH is currently in the process of obtaining two vacant properties in the City that could serve as a catalyst to jumpstart the project. He added that SCHFH has rehabbed two homes and built one home in the City and all three of their experiences were positive. They would like to use the funds to eliminate at least five vacant or abandoned single family homes and improve them or replace them with new single family homes. Mr. Gilmore stated that they plan to promote the project to residents of Seaford encouraging them to apply to become homeowners in this project. City Manager Slatcher asked Mr. Gilmore if it could be on a case by case basis in forgiving back property taxes on properties. He stated that they are aware and understanding of the issue. Councilman Holland made a motion to approve the City's participation with vendors who may file applications for funding from the Strong Neighborhood Housing Fund Pilot Program with a case by case decision for any incentives to be approved. Councilwoman Phillips-Lowe seconded the motion; motion so passed with all present voting in favor.

Mayor Genshaw presented New Business # 3, Present 2015 Schedule of Fees and Rates to be effective January 2, 2015. City Manager Slatcher stated that there were some changes made in the fees and rates

schedule that include Park Rental Fees for Soroptimist Park, changing the fee incentive from the first 14 to the first 15 for the water tap and sewer fee and the Sports Complex and special event permit fee. Councilwoman Phillips-Lowe made a motion to approve the 2015 Schedule of Fees and Rates to be effective January 2, 2015 as presented. Councilman Mulvaney seconded the motion; motion so passed with all present voting in favor.

Mayor Genshaw presented New Business # 4, Present the utility dedication agreement for the water and sanitary sewer at the Burris Commercial site. City Manager Slatcher stated that this is the dedication for the Burris Commercial Development which is where the Duck-In Car Wash is located. Councilwoman Peterson made a motion to approve the Burris Commercial site utility dedication agreement with DELMARVA REAL ESTATE HOLDING, LLC as presented. Councilman Holland seconded the motion; motion so passed with all present voting in favor.

Mayor Genshaw presented Old Business # 1, Present for 2nd reading – Amendments to Chapter 4 regarding freeboard requirements in the Building Code. Councilman Mulvaney made a motion to adopt the amendments to Chapter 4, of the Municipal Code of Seaford, Delaware relating to “Buildings” as presented to be effective March 16, 2015 following the required advertisement. Councilwoman Peterson seconded the motion; motion so passed with all present voting in favor.

Mayor Genshaw presented Old Business #2, Present for 2nd reading – Amendments to Chapter 15 regarding the Flood Hazard Ordinance. Councilman Henderson made a motion to adopt the amendments to Chapter 15, of the Municipal Code of Seaford, Delaware relating to “Zoning” as presented to be effective March 16, 2015 following the required advertisement. Councilman Holland seconded the motion; motion so passed with all present voting in favor.

REMINDER OF MEETINGS & SETTING NEW MEETINGS

- Closeout of the Branding on December 11, 2014 at 4 p.m. in the Council Chambers
- The Mayor and City Council will not meet on December 23, 2014 due to the Christmas holidays.
- City Offices will be closed on December 25 and 26 for the Christmas holidays.
- Police Department breakfast on December 10th at 8 a.m.
- Nylon World Pound Day, on December 12th @ 1 p.m. at City Hall.
- Employee Christmas Dinner on December 13th at 6 p.m. at SVFD
- DSA dinner on December 15th at 6:30 p.m.
- Staff breakfast on December 16th at 8:30 a.m.
- City Offices will be closed on January 1st for the New Year's Day holiday.

COMMITTEE REPORTS

Councilwoman Phillips-Lowe reported that the Seaford Police 911 Center has submitted its application for reaccreditation with the National Academy of Emergency Medical Dispatch. The Police Department is assigning additional patrols in shopping areas for the holiday shopping season. They are also preparing for the annual Awards Ceremony which will be held on January 15th. They will be hosting a Lower Eastern

Shore Law Enforcement Association meeting to discuss current trends in criminal activity. She reported that the SVFD responded to over 3,000 calls in 2013. She added that it costs the department over \$11,000 to safely outfit one firefighter.

Councilman Mulvaney reported that Director of Finance June Merritt has been busy working on payroll and attended a webinar on cyber security. Disconnects were done on December 8th and utility bills will be sent out this week. All other business is routine. Assistant City Manager Charles Anderson has been busy attending various meetings and events.

Councilman Holland reported that the Parks and Recreation Department assisted with Caroling in the Park. They recently held basketball tryouts and have over 140 kids signed up for the basketball programs. They will be gearing up for practices in the coming weeks.

Councilman Henderson reported that Trisha Newcomer, ED/IT Manager has attended various meetings and has been working with focus groups for the City's branding initiative. She recently attended a training conference in Pennsylvania. She has also been working on preparations for the Nylon World Pound Day and the employee Christmas party. He reported that in the Public Works Department the leaf machine is still out and running and that repairs to the salt shed have been completed. WWTF operations are routine and compost sales have been steady. Josh Littleton, Building Official coordinated with Sussex County Habitat for Humanity on the Partnership Concept for the Strong Neighborhood Housing Fund Pilot Program.

Councilwoman Peterson reported that Rick Garner, Electrical Engineer attended an engineer webinar and has been working on the SCADA system. He also continues to work on the engineering software database. The Electric Department finished putting up the Christmas lights and completed the monthly meter reading. They also removed old wire along Bridgeville Highway. All other work is routine.

Mayor Genshaw reported that they claimed 2nd Place for Motorized Non-Profit in the Christmas Parade. He thanked everyone for a great year and wished them a Merry Christmas.

Councilman Henderson thanked the Electric Department for a smooth transition of electrical service at his business on New Street.

With no further comments, Mayor Genshaw called for a motion to close the Regular Meeting of Mayor and Council. Councilwoman Phillips-Lowe made the motion to close the Regular Meeting of Mayor and Council. Councilwoman Peterson seconded the motion and the motion so passed, with all present voting in favor. Mayor Genshaw closed the Regular Meeting at 8:04 p.m.

Dolores J. Slatcher, City Manager

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