

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

July 13, 2010

7:00PM

Mayor Edward H. Butler, Jr., called the Regular Meeting to order with the following present: Councilwoman Grace S. Peterson, Councilwoman Pat A. Jones, Councilwoman Leanne Phillips-Lowe, Councilman J. Rhea Shannon and Councilman William G. Bennett. Dolores J. Slatcher, City Manager, Charles Anderson, Assistant City Manager, Rick Garner, Director of Power, Sharon Drugash and Jeanne Sapp, members of the Electric Committee were also present.

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

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

Mayor Butler called for a motion to approve the Minutes of the Regular Meeting of June 22, 2010. Councilwoman Jones made the motion to approve the minutes of June 22, 2010. Councilman Bennett seconded the motion. The motion so passed with all present voting in favor.

Mayor Butler asked if there was any correspondence. City Manager Slatcher stated that there was none.

New Business # 2 – With Mr. Pat McCullar not yet present, City Manager Slatcher presented New Business # 2, Present for approval change order # 4 with Bunting and Murray to include new services and meter pits on Sussex Avenue as part of the Westview water project. City Manager Slatcher stated that the change order would include furnishing and installing: approximately 1250 linear feet of water service laterals, 3 one-inch corporation stops, 25 one-inch curb stops and boxes, and 26 single meter pits. The order would also include milling and resurfacing 2750 square yards of bituminous concrete and connecting 22 new water services to existing corporation stops. The total amount of the change order is \$78,987.00, approximately 52% of which would be funded by stimulus money through the ARRA project, with the remaining 48% being repaid through the existing loan for the project. Mayor Butler called for a motion. Councilwoman Peterson made the motion to approve Bunting and Murray's change order # 4 in the amount of \$78,987.00 to install new services and meter pits on Sussex Avenue as part of the Westview water project. Councilwoman Phillips-Lowe seconded the motion. The motion so passed with all present voting in favor.

New Business # 3 – City Manager Slatcher presented New Business # 3, Request from the Seaford Historical Society to use a portion of the city's land for a "Corn Maze" as part of the 150<sup>th</sup> Anniversary celebration for the Governor Ross Mansion. She presented a letter from President Scott Davidson which stated that the Historical Society wishes to use 5 acres of a 9 acre field in the northeast corner of the Ross Plantation for a corn maze as a fundraising activity. Local farmer Steve Yingling has agreed to plant the corn for the maze. The event will be held on weekends

from mid-September through mid-November, and parking will be on plantation property. Councilwoman Phillips-Lowe asked about insurance, and City Manager Slatcher said that the Historical Society would have to obtain event insurance. Councilman Bennett made a motion to approve Seaford Historical Society Inc.'s request to use a portion of the city's land located at the northeast corner of Ross Plantation for a "Corn Maze" as part of the 150<sup>th</sup> Anniversary celebration of the Governor Ross Mansion. Councilwoman Jones seconded the motion. The motion so passed with all present voting in favor.

New Business # 4 – City Manager Slatcher presented New Business # 4, Mayor's appointment of Annexation Committee, consisting of three council members, to review the request by the Loyal Order of the Moose to be annexed for the purpose of connecting to public water for fire protection. The southeast wall of the building blew out during the snowstorm which has prevented the facility from being used. The fire marshal is requiring that a sprinkler system be installed as part of the renovations that are being done. To avoid having to put a water tower on site, the Loyal Order of the Moose is requesting to be annexed into the city's water system. Mayor Butler appointed Councilman Bennett as chair, along with Councilwoman Peterson and Councilwoman Jones to the Annexation Committee.

New Business # 5 – City Manager Slatcher presented New Business # 5, Present for approval the agreement between the City of Seaford and Westchester Fire Insurance Company to have the final paving of Phase 1A of Mearfield completed and reduce the bond accordingly. She stated that the City of Seaford contacted Westchester Fire Insurance Company in January 2010 regarding the bond on Phase 1 of Mearfield. She said that there is an existing bond in the amount of \$104,160.00; this amount is insufficient to complete the entire paving project, but it is sufficient to complete paving of the area that has already been developed. She said that there is also an existing maintenance bond in the amount of \$5,028.00. City Manager Slatcher stated that Westchester Fire Insurance Company has contacted two contractors for the purpose of obtaining estimates for the paving. They are requesting that the bond be reduced by the amount it costs to complete the paving, and also that no new building permits be issued or work completed in the area without obtaining new bonds. Upon completion of the paving, a dedication agreement would be signed turning that portion of the roads back over to the City of Seaford. She said that it is important that this paving be done because the existing base coat is not sufficient, and the infrastructure has endured wear and tear. The roads have not been able to be serviced as part of the city, and trucks were not able to go into Mearfield to clear the snow. Mayor Butler called for a motion. Councilwoman Peterson made the motion to approve the agreement between the City of Seaford and Westchester Fire Insurance Company and to authorize staff to finalize such agreement to have the final paving of Phase 1A of Mearfield completed and reduce the bond accordingly. Councilman Bennett seconded the motion. The motion so passed with all present voting in favor.

New Business # 6 – City Manager Slatcher presented New Business # 6, Present for approval the agreement with Adkins Management Company for Hooper's Landing Golf Course. The contract would begin on July 1, 2010 and end on June 30, 2012. The compensation for the first year would be \$730,000.00. The compensation for the second year would be raised by 4% to \$759,200.00. The contract states that Adkins would be responsible for the maintenance of the golf course and

adjacent facilities, including any food or concession areas, the Pro Shop, the Nanticoke Senior Center grounds, and the parking lot. The contract also states that Adkins would not be responsible for maintaining the swimming pool and its adjacent facility. Should any repairs or improvements be necessary to facilities or structures other than the golf course, they would be the responsibility of the City of Seaford. Adkins will be responsible for labor, supplies and materials for the maintenance of the golf course, trees, shrubs and irrigation systems, as well as adjacent buildings and structures, with the exception of the swimming pool. All personnel, except contractors and their employees, shall be the employees of Adkins. The contract states that Adkins would be responsible for providing any equipment or leases necessary, as well as the payment of any labor-related expenses. Adkins shall be responsible for any utility charges for the golf course, irrigation system and maintenance facility. All other utility charges shall be the responsibility of the City of Seaford. The City of Seaford shall be responsible for the cost of goods sold, and therefore shall receive any revenue from these sales. The City of Seaford shall also be responsible for the payment of all property and gross receipts taxes. Mayor Butler called for a motion. Councilman Shannon made the motion to approve the agreement with Adkins Management Company as presented for Hooper's Landing Golf Course. Councilman Bennett seconded the motion. The motion so passed with all present voting in favor.

New Business # 7 – City Manager Slatcher presented New Business # 7, First reading of Ordinance 11-09 Subdivision Exemption. She explained that the General Assembly approved the charter change for the exemption in excess of five acres for farming or non-profit recreational use. If the property was subdivided, additional lands would be exempt. The new ordinance states that the owner would have to make an application for the exemption, designating which lots within the subdivision are not to be offered for sale. Lots within the subdivision will be assessed on an individual basis once a permit is issued by the city for road or utility construction, or the lots are offered for sale or have been sold on an individual lot basis. If the property owner fails to retain subdivision approval, then the City of Seaford shall delete the subdivision from its records and notify Sussex County to delete from their records as well. The property is subject to a one-time reassessment fee in the year it occurs, or the annual maintenance of assessment fee for each subdivided parcel. City Manager Slatcher asked if there were any questions; there were none.

New Business # 8 – City Manager Slatcher presented New Business # 8, Advise the City received a Wastewater Matching Planning Grant Award planning for 3MGD WWTP Expansion. She stated that the grant was for \$25,000.00. The city would pay \$12,500.00 of this. The grant would be used for updating the facility to 3MGD, and must be used by June 30, 2011.

New Business # 9 – City Manager Slatcher presented New Business # 9, Present for approval the BYRNE Joint Agency grant to obtain a new patrol vehicle for the Police Department as presented. The vehicle would be fully equipped with screen partition, computer, printer, mount, and Mobile Vision System. The grant application is in the amount of \$20,204.00. Mayor Butler called for a motion. Councilman Bennett made the motion to approve the BYRNE Joint Agency grant to obtain a new patrol vehicle for the Police Department as presented. Councilman Shannon seconded the motion. The motion so passed with all present voting in favor.

New Business # 1 – City Manager Slatcher presented New Business # 1. She introduced Mr. Pat McCullar, President of DEMEC, who came forward to discuss energy related legislation passed by the 145<sup>th</sup> General Assembly and their effects on Municipal Electric Companies. Mr. McCullar presented a slide show on this matter – see attached. Mr. McCullar asked if there were any questions regarding the presented modifications. Mayor Butler asked how the state reacted to having no penalties, and leaving all regulation to local authority. Mr. McCullar explained that the state knew that there would not be enough support to get the bill passed without having local regulatory authority. City Manager Slatcher added that under the new legislation the city will need to move more quickly toward unbundling rates. Mr. Richard Thek asked if DEMEC would provide guidance to communities for regulating the new legislation. Mr. McCullar stated that DEMEC would be prepared to do that. He explained that when the original RPS bill was passed in 2006, DEMEC designed policies that were widely accepted by municipalities and that with the passing of the new legislation, DEMEC was already in the process of adapting those policies. City Manager Slatcher added that there would be a boiler plate language, which each municipality would customize based on its specific needs and green energy drive. Mr. Thek asked when the changes would come into effect. Mr. McCullar stated that the legislation would be discussed at the next board meeting on July 21, and that DEMEC would proceed with the drafting process after that, with the first documents being released around September. City Manager Slatcher suggested it be later, taking into consideration other things that are going on. Councilman Bennett asked if communities would be allowed to combine their green energy funds to do a larger joint project and split the credits. Mr. McCullar said that this was allowable. City Manager Slatcher stated that the city does have green energy in its portfolio, owning a piece of the Dover Solar Park, having wind coming from other sources and with other green energy components that have been bought into the portfolio. She added that this would help the city in moving toward the policies that will be brought about with the new legislation. Councilwoman Jones asked if the new policies would lead to a lower electric bill. Mr. McCullar said that there would not be a decrease in the near future, and that is why there is a 3% cap on the implementation cost. He explained that the new technologies are expensive, and they didn't want to give customers a rate shock. He added that over the course of the next 10 years and beyond, the green energy sources will mature and costs will start to come down. City Manager Slatcher said that without the grants and incentives that are available, people would not be investing in green energy, because there is currently no return on that investment. Mayor Butler thanked Mr. McCullar for coming.

### Reminder of Meetings

- AFRAM in Nutter Park on August 13 and 14.
- SCAT meeting tentatively moved to October 13.

### COMMITTEE REPORTS

Councilwoman Jones invited the Mayor and Council to participate in the parade for the upcoming Eastern Shore AFRAM Festival, which will be August 14 at 9 a.m. She added that she was already praying for good weather for next year's Riverfest. She said that she

was very disappointed to see most of Saturday's events canceled, but thought that Thursday and Friday's events were successful, despite the rain. She commended the Riverfest committee on their hard work and preparation.

Councilwoman Phillips-Lowe had nothing new to report.

Councilwoman Peterson thanked everyone for their participation in Riverfest. She thanked the Fire Department for hosting the Riverfest entertainment at their banquet hall. She reported that the Waste Water Treatment Plant hosted a training session. She added that the rain had washed away some of the embankment along the river, but that it had been repaired. She reported that the Code department has been busy with violations.

Councilman Shannon read a letter from the Maryland State Police commending officers for their assistance with a recent homicide investigation. City Manager Slatcher added that the Police Department had hired Will Saylor to fill the officer position, and that he is currently attending the Delaware State Police Academy.

Councilman Bennett thanked everyone for their participation in Riverfest. He reported that the Riverfest entertainment that was held at the Fire Hall was well attended. He said that the electric department has been busy with preventive maintenance to keep fans running and has avoided any major heat-related problems. He added that Wayne English is retiring after 30 years of service. His last day is Friday.

City Manager Slatcher said that everyone was working hard to get the golf course opened. The Grand Opening of Hooper's Landing is July 30, with the first tee-off at 8 a.m. The driving range is currently open, but the golf course remains closed until the official opening in order to get more greens in playable condition. She stated that there is a lot of city time invested in preparing for Riverfest, with city employees in all departments working hard to get everything ready. She thanked outside volunteers for their help, as well as private property owners who allow use of their properties for Riverfest events.

With no further comments, Mayor Butler called for a motion to adjourn the Regular Meeting of Mayor and Council. Councilman Bennett so moved. Councilwoman Jones seconded the motion and the motion so carried with all present voting in favor. Mayor Butler closed the Regular Meeting at 8:07 p.m.

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Dolores Slatcher, City Manager

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