

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

May 12, 2015

7:00 PM

Mayor David Genshaw called the Regular Meeting to order with the following present: Councilwoman Grace S. Peterson, Councilman Dan H Henderson, Councilman Orlando Holland and Councilman H. William Mulvaney III. Dolores J. Slatcher, City Manager, and Charles Anderson, Assistant City Manager, were also present.

Councilman Henderson offered the opening prayer and led those present in the Pledge of Allegiance.

Mayor Genshaw solicited changes to the agenda. City Manager Slatcher stated that she did receive a letter from DNREC that she would like to read under Correspondence regarding the Waste Water Treatment Facility annual inspection.

Mayor Genshaw called for a motion to approve the minutes of the Regular Council Meeting of April 28, 2015. Councilman Mulvaney made a motion to approve the minutes of the Regular Council Meeting of April 28, 2015. Councilwoman Peterson seconded the motion, and the motion so passed with all present voting in favor.

Judge William Patrick Wood came forward to do the Oath of Offices for Councilwoman Grace S. Peterson and Councilman Orland Holland.

Mayor Genshaw stated that the vote for the Vice-Mayor position for the next year will be done at the next meeting due to Councilwoman Phillips-Lowe not being present tonight due to a death in the family.

Correspondence

City Manager Slatcher read a letter from DNREC in reference to their recent inspection of the Waste Water Treatment facility. The letter stated that the facility was in great condition and commended Bryant Tiff, Operations Coordinator on a great job of his knowledge of the facility.

Mayor Genshaw presented New Business # 1, Discuss a purchase of sale agreement with S C Cummings & Sons, Inc. for the Pine Street Substation Expansion. City Manager Slatcher stated that the City of Seaford Management and the electric committee have been discussing off and on the need to expand the Pine Street substation over the last five years. Staff has worked with Downes Associates in the past to explore the possibility of this expansion. Preliminary information suggested that the road serving the businesses off of Pine Street Extended (Maple Street – alley) could be impacted by the closure of a portion of the road, cutting off the north access adjacent to the Pine Street Substation. The reason for this closure was to utilize the existing lands owned by the City of Seaford just south of the substation. In addition, new storm water regulations were in the process of being adopted and would impact this project.

Pine Street Substation is our single-point of delivery to the 69KV line owned by Delmarva Power for supply of power to the City. If this substation fails then emergency measures would have to be

taken at a greater cost to serve the businesses and residents power in Seaford. The City had other major projects underway which has delayed further action and focus on this project. City Manager Slatcher explained that today there is an opportunity to purchase the S C Cummings lands and expand north without road closure, creating new access points that would trigger a Del DOT approval, and hopefully have more land area to work within the new storm water regulations. City Manager Slatcher stated that staff has prepared the necessary request for proposals to solicit a firm to perform the engineering to develop bid specifications and design. Staff has also explored the option of funding this through the Delaware Municipal Electric Corporation. If this option is chosen, then DEMEC would own the substation until we have paid off the debt service and repurchase at the end for one dollar. Staff was given approval to have the lands appraised by Carmean Appraisal Group. City Manager Slatcher stated that she along with Mayor Genshaw met with the Cummings family to determine their interest in selling the property and to advise the City would do an appraisal, which would be used as the City's offer for their property. Once the appraisal was completed, they met again and they determined that they were agreeable to this offer. City Solicitor Jim Fuqua was asked to prepare the Contract of Purchase and Sale which is being presented tonight for consideration.

City Manager Slatcher explained that the Council will need to decide the following: to expand the substation put in service in 1975 with switch gear updated in 1988, to upgrade the distribution circuits as identified to allow for the de-energizing of Central Substation and its removal and to view the removal of the 69KV transmission wires and poles which tie Pine and Central substations, to potentially create a second tie-point to the 69KV transmission lines via Delmarva Power's North Substation and Ross Substation, to purchase the S C Cummings property for the substation expansion, to evaluate the funding options: DEMEC (authorized by City Council), USDA, Issue City bonds, to authorize a request for proposals for engineering services to select a firm, to seek method of financing and release of bids for construction. Of these, the final two decisions to be made are to expand the Pine Street substation or not and if so, to purchase the S C Cummings property for the next step of designing the expansion. Councilman Henderson asked where would the money come from to purchase the property? City Manager Slatcher stated that it would be included in the FY16 budget and payment would not be made until after July 1, 2015. Councilman Henderson asked what the time frame for this project would be? City Manager Slatcher stated that it would take a approximately six months for the Request For Proposals for the design to select the engineering firm , design the substation expansion, bid the project, award bid, begin construction. However financing will have to be in place once the design is complete and prior to any construction start. Councilwoman Peterson made a motion to approve the purchase of sale agreement between S C Cummings & Sons. Inc.; June S. Cummings, and the City of Seaford in the amount of \$160,000 for lands to be purchased after July 1, 2015 and before November 1, 2015. Councilman Mulvaney seconded the motion; motion so passed with all present voting in favor.

Mayor Genshaw presented New Business #2, Request for Western Sussex Boys and Girls Club parking lot to be dedicated for public use to allow for the use of Community Transportation Funds for paving, curbing, and traffic control signage. City Manager Slatcher stated that this is the first step for the City of Seaford to assist with obtaining Community Transportation funds for the repaving and improvements on behalf of the Western Sussex Boys and Girls Club. The City of

Seaford can receive the funds on their behalf and it will be 100% funded when approved by the legislators. If approved then the City is expecting to see the improvements being requested so the estimate can be prepared for presentation to our State Elected representatives for allocation of CTF funds. City staff would be responsible for all phases of agreements, writing specs and bidding, and submitting reimbursement requests to the State of Delaware for the CTF funds. Upon completion of the project, the improvements the Western Sussex Boys and Girls Club would be responsible for the maintenance for the duration of the agreement for dedicating the parking lot to public use. Councilman Holland made a motion to approve the dedication agreement with the Boys and Girls Club of Delaware on behalf of the Western Sussex Boys and Girls Club authorizing their parking lot for public use. Councilwoman Peterson seconded the motion; motion so passed with all present voting in favor.

Mayor Genshaw presented New Business # 3, Discuss installing sidewalk and new fencing along Stein Highway from Market Street east to Family Dollar and moving parking in front of the Nanticoke Senior Center as an inset to free up the conflict with the Hooper's Landing walking/biking trail using Community Trust Funds and City funds. City Manager Slatcher stated that the Stein Highway project is being revisited at the request of Councilman Henderson following the decision on the Safe Routes to School to improve the pedestrian walkway from Market Street east to Family Dollar on the south side of Stein Highway in front of the Seaford Middle School. The City has received the necessary construction and permanent easements from the two adjoining property owners – Macedonia A.M.E. Church and Odd Fellows Cemetery. This was necessary to obtain Del DOT approval for the fence replacements required due to change in grade created by the installation of the sidewalk. The Del DOT approval has been given to include the fence in the project cost due to the changes in grades and impact on the fence in effect reducing the height for Odd Fellows, and condition of both fences and impact on removal and replacement during the construction. City Manager Slatcher stated that the cost of the project is \$84,480 with the cost sharing proposal being CTF - \$ 55,757 and City funds \$28,723. The City of Seaford would use Municipal Street Aid funds or Chesapeake Reserve funds dedicated to the public works projects. The Hooper's Landing Walking & Biking Trail is a staff project based on public complaints and observations. It is being recommended that the parking spaces directly in front of the Nanticoke Senior Center be moved in towards the Center to eliminate the conflict with parking and the walking and biking trail. This change would allow greater distance between parking and the trail improving public safety. In addition new curbing and sidewalk with handicap ramps at the entrance would be installed. The City owns the land so no easements would be acquired. City Manager Slatcher stated that the estimate for this project is \$65,808.75 with the cost sharing proposal being: CTF - \$43,433.78 and the City of Seaford - \$22,374.97. The City of Seaford would use Municipal Street Aid or the Chesapeake Reserve fund dedicated to public work projects.

Councilman Henderson asked why there was difference in the two projects with one having a ten percent contingency and the other one having a twenty percent contingency. Assistant City Manager Anderson came forward and stated that on the Stein Highway project GMB did the estimate based on an advanced set of plans. The Hooper's Landing project was done in house with no survey work done and the cost of hot mix can rise and drop so he used a higher contingency which was twenty percent. City Manager also added that neither of these projects will go without money coming from the CTF funds. Councilman Henderson made a motion to approve

the Stein Highway Sidewalk project as presented contingent upon the Community Trust Funds being given as proposed. And to authorize the use of Municipal Street Aid funds or Chesapeake Reserve Funds for the City's share of the project. Councilman Holland seconded the motion; motion so passed with all present voting in favor.

Councilman Mulvaney made a motion to approve the Hooper's Landing Walking and Biking Trail improvements by the relocation of the parking area more towards the front of the Nanticoke Senior Center adjacent to the trail, the new curbing, sidewalk, and handicap ramps as part of the project to improve pedestrian and bike safety along this section of the trail. And to authorize the use of Municipal Street Aid funds or Chesapeake Reserve funds for the City's share of the project. Councilwoman Peterson seconded the motion; motion so passed with all present voting in favor.

Mayor Genshaw presented Old Business #1, Mr. Bamdad Bahar to present the status of his ownership and the proof of insurance coverage to Council so they can make a decision on the delayed Notice to Proceed order for the demolition of 114 High Street. Mayor Genshaw stated that a list of requirements was given to Mr. Bahar to get done prior to this meeting to make a decision about 114 High Street. These requirements including getting insurance coverage on the property, getting ownership transferred into his name and come up with a plan to at least have the exterior brought up to code requirements.

City Manager Slatcher stated at this point, a sale agreement/transfer of ownership has been recorded at the Recorder of Deeds, however there is no deed at this time. There was a work plan submitted to Josh Littleton, Building Official and was sent on to the Council. The insurance for the property has been secured. Councilwoman Peterson asked if all of the three items were completed as required? City Manager Slatcher stated that the ownership is still in question since he does not have a deed to the property. Mr. Bahar's attorney advised that the sale agreement being recorded is not the transfer of ownership and that if the owner had a change of heart they could still come back and take the property back and sell it to someone else.

It was asked about the status of the payment of the back taxes. City Manager Slatcher stated that what she was given today for all of his properties was in the amount of \$5,633.98 for electric, water and sewer. The total amount due currently on all of his properties that he owns not just 114 High Street is \$12,611.25 for property taxes and penalty. She added that he has made a good effort and has been coming in making payments on the properties.

Mr. Bahar came forward to answer any questions from Council. Councilman Henderson asked about a time estimate for him to complete the rest of the repairs. Mr. Bahar said that he has also had a meeting with Bank of Delmarva and he received an email from them on Friday that stated that they were favorable to his request for funds. The loan application is for the \$80,000 to buy the property and \$236,000 balance of the loan would be to make the repairs to the property. Their loan approval is all subject to approval from the City Council. He believes that once the funds are made available to him that he would be able to make the repairs rather quickly. Mr. Bahar stated that securing the front porch and the pillars would be his first plan of action for public safety. The back building which is the closet to being functional will be repaired and rented out to produce cash flow and then he plans to go into the main building.

Mr. Bahar stated that he had a visit from the electrical inspector and it looks like the boiler is one of the biggest concerns. It is going to take a lot of work and investigation for the boiler to figure out which is the best way to go. Mr. Bahar said that he feels that he can get the front porch secured within a six month time frame once the funding is received. It was added that the balance on the taxes would need to be paid first before any permits are issued and he feels that he can get all of that paid by the first week of June. Mr. Bahar also stated that there was a large balance at Sussex County for their taxes that needed to be cleared up which he did this week.

Councilman Henderson stated that after he reviewed the work plan submitted by Mr. Bahar it stated in there that securing the front porch was within 90 days; earlier it was stated that he could complete it within 3 months. Mr. Bahar stated that securing the front porch would be his first and main concern. Councilman Henderson asked what is the process of suspending the demolition of this property. City Manager Slatcher stated that the Council asked the contractor to hold his price until this meeting and we would need to give him notice tomorrow whether the demolition will go forward or be withdrawn. The City would then need to pay the bond that he has already secured for this property which would be our cost to withdraw the notice to proceed that was issued. If this project came back within thirty days then the Council would have to refund it and rebid it and if it is not by the June 30th deadline then we would be in a new budget year.

Councilman Mulvaney made a motion to approve to withdraw the bid award for the demolition of 114 High Street as submitted by Sunnyfield Contractors with the City paying the bond to them; with the stipulation that Mr. Bahar will have all of his balances paid up by June 15, 2015 with a timeline of 120 days from that date to repair the front porch as required to allow for safe public passage. In addition all the bills are paid and a permit has been issued. Councilman Henderson seconded the motion; motion so passed with all present voting in favor.

Mayor Genshaw presented Old Business #2, Councilman Mulvaney's presentation of his public comment policy for having a public comment time on the regular meeting of the Mayor and Council agenda. Councilman Mulvaney stated that he put together a proposed policy for public comments at meetings for the Council's approval. The public comment placement on the Council agenda will be between Old Business and Reminder of Meetings and Setting New Meetings. The commentary is limited to a controlled duration of three minutes with a maximum of five speakers per Council Meeting. Written commentary pertaining to the Speaker's presentation is permitted for Council review and not to become part of the permanent record. The speakers must be registered on the registration sheet posted at the entrance to Council Chambers 15 minutes (6:45 p.m.) prior to the Mayor calling the Regular Meeting to order.

Councilman Mulvaney also presented information for items for inclusion for website instruction for public comments. The comments may be on any governmental issue pertaining to or within the jurisdiction of the City of Seaford that a member of the public feels may be of concern to the residents of Seaford. Comments are not debatable and shall be addressed to the Council as a whole and not any individual thereof. Comments are limited to three minutes in duration and written comments pertaining to the speaker's presentation may be submitted for Council review. The person attending and/or speaking at Council shall be appropriately dressed and exhibit standards

of conduct of courtesy, decorum and good taste. The sign in registration is required no later than 15 minutes prior to the presiding officer calling the Council Meeting to order. Registration includes the speaker's name, address and the subject matter of the commentary for the accuracy of the Council minutes. The presiding officer shall have the discretion to stop a speaker from further comment if the speaker digresses from the restrictions as to time or matters within the City's business or jurisdiction.

Mayor Genshaw asked if there were any questions from Council; with no questions he asked for a motion. He added that this can be changed at any time and he would like to review this to evaluate how it is doing in three months and this will start at the next Council Meeting. Councilman Holland made a motion to approve the public comment policy and guidelines as presented. Councilwoman Peterson seconded the motion; motion so passed with all present voting in favor.

Mayor Genshaw presented Old Business #3, Present charter change related to the candidate filing deadline and time of the Municipal Election. City Manager Slatcher stated that this would change the candidate filing from the last Friday in March to the last Friday in February. It would also change the hours from 10 a.m. until 6 p.m. to be 7 a.m. until 3 p.m. Councilman Henderson made a motion to approve the charter change for the municipal elections for the candidate filing deadline to be the last Friday in February and the hours of the Municipal Election to be 7 a.m. until 3 p.m. Councilwoman Peterson seconded the motion; motion so passed with all present voting in favor.

REMINDER OF MEETINGS & SETTING NEW MEETINGS

- Clean Up Week, May 11th – 15th (in progress) for City of Seaford residents only
- DEMEC Joint Community Briefing Session, May 14th; 4 p.m. Dover Downs
- FY16 Budget Workshop, May 19th; City Hall, 5 p.m.
- 150th City Anniversary celebration and Towne & Country Fair to be held May 22, 23 & 24 at City Hall on the 22nd; Ross Mansion 23rd and 24th
- After Business Hours Mixer, May 21st at City Hall from 5 p.m. to 7 p.m.

COMMITTEE REPORTS

Councilman Mulvaney reported that June Merritt, Director of Finance/HR continued work on the FY16 budget and attended the Council budget workshop and assisted with additional FIOA requests. She attended the National Day of Prayer, the Edmunds Client Advisory Board meeting and the Love, Inc. meeting regarding assistance to the homeless and poverty-stricken. June also assisted Assistant City Manager Anderson in gathering information for the FOP negotiations. All other business is reported as being routine in customer service, financial management, purchasing, billing and payroll and benefits. The due date for the utility bills is May 22, 2015 and disconnects are scheduled to occur on June 8, 2015.

Assistant City Manager Charles Anderson reported that he attended Representative Short's morning informational meeting, the DDD ceremony with Governor Markell in

addition to the meeting with Mrs. Merritt with Love, Inc. He also met with DNREC regarding potential upgrades at Riverview Park.

City Manager Dolores Slatcher reported that she attended the Solar array meeting, the DDD Governor's presentation and meeting immediately following with developers, meeting with DNREC regarding Riverfront project, meeting with SVFD, the 2015 Water Borrower's Conference, meeting with A.P. Croll for the Route 20 sewer extension, the Board of Adjustment meeting, the budget workshop with City Council, National Day of Prayer and the SCAT Steering Committee meeting.

Councilman Holland reported that many meetings were attended including the Middle School book fair, Healthy Kids Day at Trap Pond and SEHP quarterly meeting. Gary Andrews and Bobby Holston attended fuel management training at Wilmington Parks and Rec. Planning for Seaford 150th Anniversary is underway along with a bus trip to the Orioles/Yankees game on June 14th. The department is also working on getting the pool facility up and running.

Councilman Henderson reported that Trisha Newcomer, ED/IT Manager, attended the Live for Chocolate event on May 1st. There were approximately 600 people in attendance for the event. The Mayor's Right Choice essays have been received and sent out to the committee for evaluation. She is planning for the Chamber Mixer at City Hall on May 21st and preparing for Riverfest. She also assisted with the DDD grant announcement by Governor Markell on April 29th.

Berley Mears, Director of Public Works reported that the Route 20 sewer extension project is in progress. They repaired a water leak on Pennsylvania Ave and installed a water service for the High Street bridge irrigation system. The office of drinking water performed their tri-annual sanitary survey and all went well. The department also replaced a sewer lateral at the Nanticoke Senior Center. There were two water services replaced on Tulip Place prior to paving. They are continuing with weed spraying and doing some water leak detection on Market Street. They are preparing for Clean Up Week which is currently underway. In the WWTF, the plan performance is reported as excellent. Their annual DNREC inspection was performed on April 27th and went well. They are performing routine maintenance and the FOG program inspections are ongoing.

The Code department has sent out approximately 47 code related letters most regarding high grass. There have been 14 building permits issued. Josh Littleton, Building Official did a presentation to Mayor and City Council at the Public Hearing on April 28th, attended a Riverfest meeting on May 5th and attended a Board of Adjustment meeting on May 6th.

Councilwoman Peterson reported that Rick Garner, Electrical Engineer, reviewed the Parks Building drawings, has been working on the solar project. He also has received two net meter applications. Repairs were made to Pine Street Substation and breaker 7240.

Bill Bennett, Supt. of Electric reported the outside lighting at the Utility Building was replaced with 17 watt LED lights. They ran conduit in Mearfield running primary and secondary for Phase 2A. They did preparation to change the transformers at Seaford Meadows. There was some failed underground wire at Seaford Village that was replaced and they hooked up the generator there to run the lift station. She added that the Old Seaford Block Watch will be holding their clean-up day this Saturday, May 16th starting at 9 a.m. at City Hall.

Mayor Genshaw thanked all of those that came out to National Day of Prayer.

With no further comments, Mayor Genshaw called for a motion to close the Regular Meeting of Mayor and Council. Councilman Mulvaney made the motion to close the Regular Meeting of Mayor and Council at 8:10 p.m. Councilman Holland seconded the motion; motion so passed with all present voting in favor.



Dolores J. Slatcher, City Manager

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