

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

August 11, 2015

7:00 PM

Mayor David Genshaw called the Regular Meeting to order with the following present: Councilwoman Grace S. Peterson, Councilwoman Leanne Phillips-Lowe, Councilman Dan H Henderson, Councilman Orlando Holland and Councilman H. William Mulvaney III. Dolores J. Slatcher, City Manager, Charles Anderson, Assistant City Manager, Josh Littleton, Building Official and Trisha Newcomer, ED/ IT Manager were also present.

Councilman Mulvaney offered the opening prayer and Mayor Genshaw led those present in the Pledge of Allegiance.

Mayor Genshaw solicited changes to the agenda. City Manager Slatcher stated that there were none.

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

Mayor Genshaw called Charles Anderson, Assistant City Manager forward. Charles presented The Get Certified Award from Target to Josh Littleton, Building Official. Charles stated that the award came from Target after both Josh Littleton and Mike Bailey completed and received their ICC certification. He thanked them for their hard work and congratulated them on a job well done.

CORRESPONDENCE

There was none.

Mayor Genshaw presented New Business # 1, Delaware State Housing Authority to present new revisions to the Downtown Development District grant program. Ms. Susan Eliason came forward from the Delaware State Housing Authority. Ms. Penny Pierson was also present, who is the Program Manager, for DSHA-DDD program. Ms. Eliason stated that last year there was \$102,111 in funding allocated for the City of Seaford. There was an application received from Riverplace Apartments for the program. Ms. Eliason reviewed some information about the Downtown Development District program and how it worked. She stated that there are two pools of funds that are used for projects, a big pool and a small pool. A large project is considered to be more than \$250,000 and a small pool project would be less than \$250,000. In order to qualify for a large pool project and receive a reservation of funds, the owner would need to provide a description of their work, how much they plan to invest and the cost of the project and then a calculation would be done to see how much grant funds they would be eligible for. There is a one million dollar maximum amount which would need a minimum of a twenty million dollar investment to qualify for that amount. For a small pool project, homeowners and small business owners would qualify. There is a twenty percent grant up to a \$250,000 investment available for the small pool with a maximum grant of up to \$50,000. Ms. Eliason stated that there have been some changes in the

reservation process for the small project pool. These changes include that a building permit must be issued for the project and the work must start and finish within six months to qualify. The reservation of funds is held for six months so after the six month period is up the reservation is lost but the property owner can still come in to apply for the funds. They also reduced the minimum amount from \$25,000 to \$15,000 for investment in the project. The large pool minimum was left at the same amount of \$25,000. Ms. Eliason stated that the housing authority will start accepting the second round of applications starting on September 15th and applications will be accepted until December 1st. Ms. Eliason stated that there is an estimated \$195,000 set aside and each district is assured to have at least one project funded. She added that the program is taking feedback until August 28th if anyone has any concerns or questions.

Ms. Pierson added that small projects are accepted all year long if funding is available. She also added that the property owners need to come in 45 days from date of their Certificate of Occupancy or final building inspection in order to receive the funding. Councilman Henderson asked if any funds had been dispersed from the first round. Ms. Eliason said not as of yet, they are given 3 years to complete their project.

Mayor Genshaw presented New Business # 2, Present recommendation for the donation to the Nanticoke Health Services Foundation for the modernization and expansion of their Emergency Department. Mayor Genshaw called Steve Rose, CEO of Nanticoke Memorial Hospital forward.

Mr. Rose stated that the hospital is currently in need for more space in their emergency department. They currently have 23 bays in the emergency room but there are times that all of the bays are full and they are in need of more space to accommodate the need in our community. Recently, there have been immediate care facilities opened in the surrounding area; however, the number of patients coming into the ER has increased from last year.

Mr. Rose stated that the plan is to take out a wing in the hospital that is currently offices to make more space to accommodate the emergency department. He also spoke about the new CT scan machine that the hospital recently purchased which gives them their second CT scan machine at the hospital. Mr. Rose stated that all trauma patients that come into the emergency room require having a CT scan done upon their arrival. If there is not a CT scan machine available and working then the hospital is required to go on divert which means all of the patients have to go to another hospital.

The expansion would allow 10-12 more rooms that can be used for clinical decision rooms and cardiac assessment area for those patients that are waiting to either be admitted or discharged. The estimated cost for this project is 2.5 million and the hospital is trying to raise 5 million dollars to support the project. Mr. Rose stated that he is here tonight to ask for a donation of \$4,000 each year for five years for a total gift of \$20,000. Councilwoman Phillips-Lowe made a motion to approve a donation to the Nanticoke Health Service Foundation for the modernization and expansion of their Emergency Department in providing more efficient and effective services for the City of Seaford and greater area in the amount of \$20,000. The first payment of \$5,000 will be made September 15, 2016 with three additional payments of \$5,000 on September 17, 2017, 2018

and 2019. Councilman Holland seconded the motion; motion so passed with all present voting in favor.

Mayor Genshaw presented New Business #3, Present information and engagement letters from the Cohen Law Group for the purpose of negotiating franchise agreements with Fiber Tech and the renewal of the Comcast franchise agreement. Mr. Charles Anderson, Assistant City Manager came forward. Mr. Anderson stated that it is being worked on to bring more broadband down to the Seaford area. The Seaford staff has been working with Fiber Tech on a proposed pole attachment agreement using the one we have with Comcast as the platform. During the continual writing and re-writing of the draft agreement Fiber Tech's representative and attorney have challenged some of the revenues Seaford believes they are entitled to and the cost for the pole attachment based on Federal Law. Mr. Anderson reached out to the City of Dover to find out their means and methods of preparing the franchise agreement for this type of work. After discussions with them, they recommended the Cohen Law Group. The Cohen Law Group has represented over 400 municipalities both large and small. Mr. Anderson along with City Manager Slatcher has reached out to the Cohen Law Group to determine their ability to represent Seaford in both the Fiber Tech Agreement and our negotiations with Comcast for a new agreement since the current one expires May 2017. They do offer a ten percent discount for the Comcast renewal if we do both the audit and renewal work for the renewal of our franchise agreement.

Mayor Genshaw asked what the benefit was of hiring this group and bringing more broadband down to our area. Mr. Anderson stated that it would give another option for internet services and would increase the competition of the service in the area. It would also help businesses out especially larger ones like the hospital along with bringing revenue to the City. Mr. Anderson showed the first leg of the plan in which they are planning to provide service to the police department for the State of Delaware, and the new fiber would help with the 911 center connection. Councilman Henderson asked how the structural difference was from Comcast. Mr. Anderson said that there is a franchise agreement in place with Comcast with the City receives three percent on cable revenues only and the poles are counted with a fee for each pole attachment. We would own the pole and the right of way and they would just connect to the pole itself.

Councilman Mulvaney made a motion to approve hiring the Cohen Law Group at the rate of \$225 per hour for a maximum of 30 hours or a maximum cost of \$6,750.00 to review the Fiber Tech draft franchise agreement and to finalize negotiations for a final draft franchise agreement for presentation to Council for final approval. And to authorize the use of the Realty Transfer Tax Reserve for this non-budgeted expense. Councilwoman Phillips-Lowe seconded the motion; motion so passed with all voting in favor.

Councilman Mulvaney made a motion to approve hiring the Cohen Law Group to begin negotiations with Comcast for the renewal of their franchise agreement which expires May 2017 and to request an audit of the records on Seaford's behalf for a net cost of \$13,320. And to authorize the use of the Realty Transfer Tax Reserve for this non-budgeted expense. Councilwoman Peterson seconded the motion; motion so passed with all voting in favor.

Mayor Genshaw presented New Business #4. Present information on the purchase of LED street lights to replace cobra lighting on City maintained streets and the use of the green energy funds for the purchase. Bill Bennett, Supt. of Electric came forward to present the information. He stated that the information was put out by DEMEC for all of the Municipals for these lights. The plan is to replace the cobra lights with the lower energy LED street lights to save money.

Mr. Bennett stated that if this is approved by Council, the first phase of lights which includes 201 lights with a cost of \$52,408 are planned to be installed by the end of January 2016. Later in 2016, phase 2 will include 210 lights with an estimated cost of \$47,880 and in 2017; the remaining 134 lights will be installed with an estimated cost of \$30,552. The funds for the project will be used from the green energy fund that DEMEC has established for Seaford's green energy charge billed to our customers monthly mandated by State Law. Once all of the lights are installed, there is an estimated savings of \$880,072.38 over 20 years.

Mr. Bennett showed the streets that they plan to start with which are on the east side of the City and work their way westward. They plan to do one street at a time so that all of the lights are the same rather than different lights throughout the street. Councilman Henderson asked if they would still plan to do North Street and Water Street area after the recent meeting that showed a lot of development may be occurring in that area. Mr. Bennett stated that they could take the light down and relocate it to another location where needed if the project moves along as planned. He also added that they would put it up since they would like the entire street to have the same light rather than varying street light colors. Councilman Henderson asked what the life span of the bulbs was. Mr. Bennett stated that there is a ten year guarantee and they do have the option if one of the strips goes bad that they can replace just that strip and it will still be good. Councilman Holland made a motion to approve the 201 LED street lights in the amount of \$52,408 and to use the Seaford green energy account funds held by DEMEC for this non-budgeted expense. Councilwoman Peterson seconded the motion; motion so passed with all present voting in favor.

Mayor Genshaw presented New Business #5. Present letter from the Delaware Department of Transportation seeking feedback on the Corridor Capacity Preservation Program. City Manager Slatcher stated that this is just for information primarily what affects Seaford is the Route 13 project. She added that the program does have four goals that include: Minimize the need to building an entirely new road on new alignment, minimize the transportation impacts of increased development growth, maintain an existing road's ability to handle traffic safely and efficiently and preserve the ability to make future transportation-related improvements within the existing corridor, if needed.

Mayor Genshaw presented New Business #6, Discuss the public comment period which the trial period concludes on August 28, 2015. Mayor Genshaw asked for Council's thoughts on keeping the public comment period on the agenda or if they would like to see it taken off of the agenda. Councilman Henderson stated that he feels that the public comment period has been informative and he is in favor of keeping it on the agenda. Councilman Holland said that he has no problems keeping it on the agenda. Councilwoman Phillips-Lowe stated that she would like to see the trial period be extended for a longer period. Councilwoman Peterson stated that she would also like to see it come back later for review. Councilman Mulvaney stated that he would like to look at it again

in 6 months or whatever time frame is acceptable by Council and see at that time if it should stay on the agenda or not. Mayor Genshaw thanked everyone for their thoughts and stated that he would put it on the agenda for the first meeting in December for it to be reviewed again to see what everyone's thoughts are at that time.

Mayor Genshaw presented Old Business #1, Reminder of the resolution proposing the issuance of up to \$1,658,300 in general obligation bonds through the State Revolving fund for the renewable energy generating system (solar array for WWTF) and holding the public hearing for August 25, 2015 at 7:05 p.m. in Council Chambers. City Manager Slatcher stated that this is just a reminder that the public hearing will be held at the next meeting.

PUBLIC COMMENTS

Mr. Dan Cannon from 411 Nylon Blvd came forward. Mr. Cannon stated:

Over the last 3 years I have had numerous personal contacts with my elected representatives and unelected City employees here in Seaford.

My interactions with regular employees have been almost universally positive and productive; I cannot say the same for the "upper echelon" employees and elected officials. Instead, I have encountered a pattern of denial, bad manners and/or lack of candor from top City leaders. This began about 3 years when I questioned the improper billing of utility late fees ("they-the-City-did nothing wrong"); continued when I questioned right-of-way enforcement practices being conducted without legal basis/authority; intensified when I sought changes (a Civilian Police Review Board) in the Seaford Police Department (SPD) operations after a \$270,000 legal settlement against our City; and became more adversarial during and after questioning FY15 spending/the FY16 budget, especially high (>7 million) employee costs including an overstaffed SPD.

In October, 2014 City Council rejected my proposal for a Civilian Police Review Board in my absence and without notification. Seven times our elected leaders have denied my requests for placement on their agendas for no good reason. My efforts to request information about 2015 employee costs resulted, in part, in a series of half-truths/misleading statements along with the withholding of crucial information. Top City employees willfully withheld other information about the proposed \$1.6583 million DNREC loan voted by City Council in March. Quite recently, my attempts to gather information about the disposition of an IRS judgment (a \$1000 fine and unpaid back taxes) against our City have garnered me nothing but stony silence – another form of denial.

All in all, such behaviors are clearly inappropriate and, at times, border on being unethical. But our City has virtually no policies/procedures/practices in place to provide guidance for acceptable behaviors and/or prohibit such unacceptable behaviors. At this point, apparently almost anything goes.

Citizens of Seaford deserve a City policy which clearly outlines the parameters of acceptable and ethical behaviors when dealing with citizens, specially prohibits some unethical behaviors (i.e. willfully withholding public information, presenting misleading/false information, violating policies

regarding the private use of City vehicles, etc.) and specific penalties up to and including termination, pension reduction(s), etc. for violations.

The Mayor and City Council should establish a clear and effective policy setting and mandating a high level of acceptable ethical behavior(s) from both elected officials and City employees.

REMINDER OF MEETINGS & SETTING NEW MEETINGS

- Mayor's Challenge Symposium Del Tech, August 13th at 9 a.m.
- Nanticoke Arts Council fundraiser at the Darby's, August 15th from 3 p.m. until 7 p.m.
- Downtown Seaford Association Picnic, Blades Marina Pavilion, August 17th at 6:30 p.m.

COMMITTEE REPORTS

Councilwoman Phillips- Lowe reported that the police department, conducted interviews recently for the open police officer position and is now in the background phase of the hiring process. They recently conducted patrols at the AFRAM festival and everything went smoothly. They are preparing for the annual Community Night Out which is scheduled for September 24th. The fire department is evaluating its last seven months of day time alarms to see if running mutual aid with surrounding departments would better utilize it resources and better serve the public. The department is still in the process of equipping Engine/Tanker 87-9 and hope to have it in full operation condition in 3-4 weeks. They are also in the process of equipping hydrants with GPS and updating Knox Boxes to be completed by January 1, 2016. Plans are underway for the 34th Annual Softball Tournament, August 21-23 at the Jay's Nest Complex. Twenty-one fire departments throughout the state are expected to participate; proceeds will go to the Delaware Burn Camp. There have been 452 fire incidents to date. SVFD had the pleasure to welcome home Senior Airman Logan Wolf from his recent deployment to the Middle East in support of Coalition Operations. Senior Airman Wolf was deployed January 15- July 25, 2015. The department is ecstatic and grateful to have one of its own return safely and back in action with the department.

Councilman Mulvaney reported that Dolores Slatcher, City Manager conducted interviews for the Customer Services Representative and Police Officer positions. She attended the planning and zoning hearing for Seaford Towne Center, the AFRAM opening ceremonies, the USDA for grant & funding opportunities, the Downtown Development District regarding potential program changes and a call out for Circuit 310 power outage during a recent storm. She also researched information for Mayor Genshaw and handled the punch list items for the Police Department generator in the Assistant City Manager's absence. She also took her vehicle to Georgetown for repairs and a recall and handled a few disconnect customers. Assistant City Manager Charles Anderson sat in on the Customer Service Representative position interviews. He also participated in a conference call with DNREC, attended a Downtown Development District meeting with the Delaware State Housing Authority and spoke with a potential consultant regarding pole attachment and franchise agreement. Finance Director June Merritt is continuing preparing for the annual audit

scheduled to start the week of August 31st and also continuing her work with the FOP negotiations and assisted in the testing of the Demand Ratchet software calculations. She interviewed candidates for the Customer Service Representative position and a conditional job offer was made and accepted by Claudia Galvez who will start on August 17th. All other business is reported as routine. Utility bills for July consumption will be mailed out around August 12th with a due date of August 24th.

Councilman Holland reported that the recent Movie Night in the Park was a success with approximately 100 people in attendance. Fall softball and flag football signups have been completed and registration is up for both programs. The swings have been installed at the Jay's Nest and Soroptimist Park which now meet the safety standards. The recreation department is also preparing for fall football and has an upcoming meeting for the Parks and Recreation Committee.

Councilman Henderson reported that Trisha Newcomer, ED/IT Manager, attended a meeting with the Delaware State Housing Authority in reference to the Downtown Development District changes in the grant. She also performed computer and other IT work at the Seaford Police Department and configured and ordered the new server for citywide use. Director of Public Works, Berley Mears reported the department personnel performed some routine equipment and pumping station maintenance. Street sweeping is an ongoing task and they also cleared overgrowth on No Name Road. The department also performed some water service disconnects. They installed the new soda ash control board and brought the 534 wells back on line. A fire hydrant was replaced at the Spruce and Hall Street intersection. Old concrete and asphalt was cleaned up at the Shop Yard. He also reported that notifications are being sent out for the department's hydrant flushing program that starts September 7th. The WWTF plant performance is reported as excellent. The leachate treatment program is going well but is seasonally down to 5 loads per day. Plant personnel continued to have intermittent sand filter PLC problems. The secondary clarifier was taken off-line to replace approximately 6 plug valves. They switched to a temporary chlorine tote while cleaning the bulk storage tank. Compost sales continue to be steady, and the screening of material is ongoing. Plant personnel report that their other operations and maintenance are routine. Josh Littleton, Building Official reported that on July 28th he attended a City Council meeting where he presented 3 agenda items which are listed in the Council Meeting minutes. On 8/5 he attended a Board of Adjustment meeting where he presented a side yard setback variance requested. On 8/6 he attended a Planning & Zoning meeting and presented Seaford Towne Center for a Sketch/Preliminary Site Plan approval. He worked on an easement for SVSC and obtained owner's approval. He also worked on a dedication agreement and deed for the Governor's Grant Phase 2 streets. Josh also worked on preliminary fee calculations for the Seaford Towne Center. He congratulated Josh and Mike on their recent award.

Councilwoman Peterson reported that Rick Garner, Electrical Engineer is working on layouts for the LED lights and doing work with the engineering software database. Bill Bennett, Superintendent of Electric, reported that the Electric Department has been working in Governor's Grant on phase 3. They also set a new transformer at the new Food

Lion location. They had an outage on August 5th on circuit 310 that affected about 170 customers for about an hour and a half.

With no further comments, Mayor Genshaw called for a motion to close the Regular Meeting of Mayor and Council and move into an executive session to discuss personnel. Councilwoman Phillips-Lowe made the motion to close the Regular Meeting of Mayor and Council and move into an executive session. Councilwoman Peterson seconded the motion, and the motion so passed with all present voting in favor. Mayor Genshaw closed the Regular Meeting and moved into an executive session at 8:07 p.m.

Following the executive session Mayor Genshaw reopened the regular council meeting and called for a motion to adjourn. Councilwoman Leanne Phillips-Lowe made the motion to adjourn. Councilwoman Grace Peterson seconded the motion with all present voting in favor.

Mayor Genshaw adjourned the meeting at 8:45 p.m.


Dolores J. Slatcher, City Manager

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