

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

April 24, 2018

7:00 PM

Mayor David Genshaw called the Regular Meeting at 7:00 p.m. to order with the following present: Councilwoman Leanne Phillips-Lowe, Councilwoman Grace Peterson, Councilman Orlando Holland, Councilman H. William Mulvaney, III and Councilman Dan Henderson. Charles Anderson, City Manager, June Merritt, Director of Finance/HR, Mike Bailey, Building Official, Trisha Newcomer, ED/IT Manager, and Bill Bennett, Director of Electric, were also present.

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

Mayor Genshaw solicited any changes to the agenda; there were none.

Mayor Genshaw called for a motion to approve the minutes of the regular meeting on April 10, 2018. Councilwoman Peterson made a motion to approve the minutes from the April 10, 2018 Council Meeting. Councilman Holland seconded the motion; the motion so passed with all present voting in favor.

Mayor Genshaw then read a tribute for Councilwoman Grace Peterson for her service to the City of Seaford.

**CORRESPONDENCE**

There was none.

**PUBLIC HEARING**

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

Mayor Genshaw asked Mr. Mike Bailey, Building Official to come forward and present the information.

Mr. Bailey presented Public Hearing Item #1, McDonald's, 300 N. Dual Highway (now known as 23500 Sussex Highway), TMP # 331-5.00-54.00 and 331-5.00-54.01, are seeking a preliminary site plan review for a proposed McDonald's restaurant with associated parking and access driveways.

Mr. Bailey stated that the plan is for a one story building that will be 5,823 square feet consisting of an occupant load of 107 seats. There will be 63 paved parking spaces provided and there are only 52 parking spaces required by the Code. He added that the zoning for the property is C-2 Highway Commercial. The two existing parcels will be combined to make one large parcel. There will be an onsite storm water management pond provided. Mr. Bailey stated that approvals are required from the State Fire Marshal, Sussex Conservation District and Delaware Department of Transportation.

Mr. Bailey stated that Lee May and Mike Meoli were present representing McDonald's and Ms. Cheri Hochstedler was present representing Bohler Engineering.

Mayor Genshaw solicited questions from Council. Councilwoman Peterson asked when they planned to start construction. Mr. May stated that they will not shut the restaurant down until all permits are in hand. He added that the goal is after Labor Day to have all of the permits and start construction. Councilwoman Phillips-Lowe asked the time frame of the project. Mr. May stated that from close to opening back up, typically about four months. Councilman Henderson asked if the design was an experimental store. Mr. Meoli stated that this design has been mostly used in the Florida stores and it does add about \$100,000 to the cost of the construction. He added that it mattered to him to be out of the box and have a different look at this store.

Mayor Genshaw solicited questions from the public. Mr. Downes asked if they will hire the same number of people that currently work there. Mr. Meoli stated that they currently employ about 70-80 people at this location. They will employ that many people, if not more, once the store reopens.

Mayor Genshaw closed the Public Hearing at 7:14 p.m.

Building Official Bailey presented the Findings of Facts:

Findings of Facts:

- Project: McDonalds Restaurant
- Owners: McDonalds Real Estate Company
- Property is located at 300 N. Dual Hwy. (23500 Sussex Hwy.)
- Tax Map & Parcel 331-5.00-54.00/54.01
- 2 existing parcels to be combined
- Zoning: C-2 Highway Commercial
- Preliminary site plan review for a 5,823 sf single story building with site improvements.
- On-site storm water management to be provided
- Parking spaces provided: 63 paved parking spaces
- Project requires approvals from:
  - Sussex Conservation District
  - Office of the State Fire Marshal
  - Delaware Department of Transportation

Planning and Zoning made a favorable recommendation to Council.

Mayor Genshaw then solicited a motion. Councilwoman Phillips-Lowe made a motion to approve the preliminary site plan as submitted for 300 N. Dual Highway (23500 Sussex Hwy.), TMP # 331-5.00-54.00 and 331-5.00-54.01, for a proposed McDonald's restaurant with associated parking and access driveways. Councilman Holland seconded the motion.

Mayor Genshaw then asked for a Roll Call Vote:

Councilman Henderson voted yes based on the findings of facts;

Councilwoman Phillips-Lowe voted yes based on the findings of facts;  
Councilwoman Peterson voted yes based on the findings of facts;  
Councilman Mulvaney voted yes based on the findings of facts;  
Councilman Holland voted yes based on the findings of facts.

The motion so passed with all present voting in favor.

### **NEW BUSINESS**

Mayor Genshaw presented New Business Item #1, Introductions of new employees: Rob Kracyla, Chief of Police; Walt Fa't, Code; Nick Smart, Public Works; and Nick Moore, Electric.

Mayor Genshaw presented New Business Item #2, Bids – Electric Bucket Truck. Director of Electric, Bill Bennett came forward and stated that there were three bids received. All of the bids met the requirements of the bid specifications. After reviewing the bids, he is recommending that the bid be awarded to the second lowest bidder, Altec, in the amount of \$211,109.00.

He added that this recommendation is based on the fact that the Altec unit has a horizontal reach of 43.1' and the Vesalift unit has a horizontal reach of 36'2". This 7' difference in horizontal reach is very important to the electric department when they have to reach across ditches, fence lines and in the substations. Mr. Bennett also recommended putting the old truck out for bid before the scheduled date of delivery for the new truck with a minimum bid of \$8,500. If no bids are received, then he recommends trading in the old truck when the new truck is delivered.

Mayor Genshaw called for any questions or comments from Council. Councilman Henderson asked about the five year warranty that is noted on the bid tabulation sheet and if that was included in the price or an additional cost. Mr. Bennett stated that it is an additional cost; the truck does come with a one year warranty. Councilman Henderson asked if this would be included in the FY '19 budget. Mr. Bennett stated that it would be included in the FY '19 budget and paid for with loan proceeds.

Mayor Genshaw then called for a motion. Councilman Henderson made a motion to award the 2019 Electric Bucket Truck Bid to the second low bidder, Altec, in the amount of \$211,109; with funding to be obtained in the FY '19 budget thru loan proceeds. Councilwoman Peterson seconded the motion; the motion so passed with all present voting in favor.

Mayor Genshaw presented New Business Item #3, Bids – Nutter Park Swing Set. Ms. Katie Hickey, Supt. of Parks and Recreation stated that one bid was received. She is recommending to award the bid to Liberty Parks in the amount of \$8,012. She added that the swing set will be a 3 ½ arch swing with slash-proof seats and the base will be recycled Miracle timbers. This project will be funded by the ORPT Grant with a 50% City match.

Mayor Genshaw asked for any questions or comments from Council. Councilman Henderson asked if this was approved, when the work would start. Ms. Hickey said that the vendor stated that it will take about six weeks to get the equipment in, and the bid states that the work has to be

completed within thirty days. Councilman Henderson asked if the bid includes demolition or just installation of the new set. Ms. Hickey stated that the swings were taken out due to them not complying with ADA standards. Therefore, currently just the structure is there now and they will be removed as part of the bid.

With no other questions or comments, Mayor Genshaw called for a motion. Councilwoman Peterson made a motion to award the Nutter Park Swing Set Bid to Liberty Parks in the amount of \$8,012; with one half of the funding to be provided from the FY '18 Parks Capital Budget, and the remaining funding to be provided by the ORPT Grant 17-17. Councilman Mulvaney seconded the motion; the motion so passed with all present voting in favor.

Mayor Genshaw presented New Business Item #4, Bids – Nutter Park Basketball Court Resurfacing. Ms. Katie Hickey, Supt. of Parks and Recreation stated that there was one bid received in the amount of \$22,000 from Nickolaus Construction Company. She is recommending to reject the bid due to insufficient budgetary funds.

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

Mayor Genshaw then called for a motion. Councilman Holland made a motion to reject the bid received for the Nutter Park Court Resurfacing project due to insufficient budgetary funding. Councilman Mulvaney seconded the motion; the motion so passed with all present voting in favor.

Mayor Genshaw presented New Business Item #5, Bids – Cleaning Services. City Manager Charles Anderson stated that three bids were received. The low bidder was R-N-R Enterprises who is the current vendor. Mr. Anderson is recommending to award the bid to R-N-R Enterprises in the amount of \$33,800 for the first year. He added that this is for the first year and the bid is written such that after the first year, the City has the option to extend the contract for another two years if performance is satisfactory.

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

With no further questions or comments, Mayor Genshaw called for a motion. Councilwoman Phillips-Lowe made a motion to award the Cleaning Services Bid to the low bidder, R-N-R Enterprises, in the amount of \$33,800 for FY '19 Janitorial Service, to be funded from the line item budgets for the various departments receiving services. Councilwoman Peterson seconded the motion; the motion so passed with all present voting in favor.

Mayor Genshaw presented New Business Item #6, David Downes, Downes Associates, to present the 2018 PCAC budget re-levelization beginning with May 2018 bills. Mr. Downes stated that this is reviewed every year when budget work is completed. Mr. Downes shared the PCAC rate calculation history; during the months of April 2017 to December 2017 it was (\$0.00257), from January 2018 through March 2018 it was (\$0.01002), and it is being recommended that the PCAC rate be adjusted to (\$0.00827) during the month of April 2018..

Mr. Downes stated that all of this information will be reviewed again at the end of the year. He added that the power supply cost will be provided by DEMEC and there will be an adjustment based on that rate and other factors that are evaluated by the City. Mr. Downes is recommending for these rates to be effective immediately; for the April consumptions beginning with May billings.

Mayor Genshaw asked for any questions or comments from Council; there were none. He then called for a motion. Councilman Henderson made a motion to set the power cost adjustment clause (PCAC), to be decreased from a credit of (\$0.01002) /kWh to a smaller credit of (\$0.00827) /kWh beginning with May 2018 bills; to be reflected on the Fee and Rate Schedule. Councilman Holland seconded the motion; the motion so passed with all present voting in favor.

Mayor Genshaw presented New Business #7, Present the 2018 City Election results. City Manager Anderson stated that the election was held on Saturday, April 21<sup>st</sup> with 466 ballots being cast, including 36 absentee ballots. For the Mayor position, a two year term, Alfred L. Cannon received 63 votes and David Genshaw received 375 votes. For the position of City Council member, a three year term, Shane F. Beard received 99 votes, Orlando A. Holland received 195 votes, Pat A. Jones received 99 votes, James King received 233 votes and Matt MacCoy received 185 votes. Therefore, David Genshaw will serve as the Mayor for the next two years and Orlando A. Holland and James King will serve as Councilman for the next three years. The three candidates will be sworn in at the next Council Meeting. The Certificate of Election was signed by the Election Committee and was notarized.

Mayor Genshaw presented New Business Item # 8, Presentation by Kathy Anger, Credit Manager, regarding the potential Sheriff's sale of certain City properties. Mrs. Anger stated that the City of Seaford Charter states that should the City Manager so elect, he is empowered to sell the lands and tenements of the delinquent taxpayer, or the lands and tenements of a delinquent taxpayer alienated subsequent to the levy of the tax under Chapter 27, Section E. Mrs. Anger then discussed the current delinquencies. She stated that there are currently 70 accounts with 3 years or more of delinquent taxes that equal \$233,666.81. She added that over \$31,200 is due on inactive utility accounts that are over 90 days delinquent. It was noted that a lot of this money is owed on abandoned or condemned properties. Mrs. Anger stated that over \$790,000 is currently due in property management fees, which include grass cutting, cleaning and boarding up, and demolitions.

Mrs. Anger then gave information about the amount that was billed out in 2017. During that year, there was \$24,775.11 billed out for grass cutting, \$4,953.11 for securing/cleaning up, and \$16,800.00 for demolitions.

Mrs. Anger then explained the process of doing a Sheriff sale. A file is sent for action to place a lien. Then, a motion is filed with the courts and the Sheriff posts the property for sale. She added that a property owner has 20 days to challenge the motion. A file vendex requesting the sale of property, which will likely be set two months out, is then completed. The property is then sold and the City of Seaford has 20 days to rescind the sale. Mrs. Anger added that 106 days from the sale of property, the owner has the right to reclaim the property for 120% of the sale price.

Mrs. Anger then discussed the potential cost to the City of Seaford. She stated that attorney fees would be 20% of sale or \$600, whichever is greater. She added that the Sussex County Sheriff charges \$1,025 in filing fees plus 4% of total sale price. She then gave an example:

If a vacant lot sells for \$5,000.00, the following charges would apply:

\$1,000.00 Attorney Fees

\$1,025.00 Filing Fees

\$ 200.00 (4% of Sale)

\$ 2,225.00 Total Fees

\$2,775.00 Amount Paid to the City of Seaford

Mrs. Anger then gave some examples of some vacant lots in the City of Seaford, and the amount that was owed on each property. Mrs. Anger stated that the sale of these properties will give a new property owner the opportunity to develop the location, remove an eyesore, alleviate the need for Seaford to provide property maintenance, and will help in neighborhood stabilization and revitalization.

She added that she is not attempting to make someone move out of their house, she is focusing on vacant lots at this time. She added that if we move this forward, the existing property owners that have delinquent bills may take this serious and step up to make payments on their bills. Most of these lots had houses on them that were demolished by the City of Seaford, therefore, they have water and sewer connections and are able to be developed. She would like to request permission to move forward with the sale of two or three delinquent properties per month as outlined in the City Charter. She has spoken with the City Solicitor about this process and they are on board. City Manager Anderson added that when discussing this with the City Solicitor, he recommended to start slow. It was agreed by the Mayor and City Council to move forward with this process as presented.

### **OLD BUSINESS:**

Mayor Genshaw presented Old Business Item #1, Presentation by Katie Hickey, Superintendent of Parks and Recreation, regarding Parks policy related to alcohol in City parks. Ms. Hickey stated that the City of Seaford's current policy states that the sale, consumption, or possession of intoxicating liquors or beverages and dangerous or narcotic drugs, or gambling of any kind is prohibited in any park. She added that this is listed in the Parks Rules and Regulations for the City of Seaford. Ms. Hickey then shared some other municipalities' policies on alcohol in their parks.

The Town of Smyrna's policy states that beer or alcoholic beverages are not permitted on park premises, which is also stated in Chapter 46, section 28 of the Smyrna Code of Ordinances. The application & permit also states: for organizations utilizing the park, a Certificate of Liability insurance is required in advance naming the Town of Smyrna as insured with a minimum of \$1,000,000 liability coverage. A certificate of liability insurance is not required for personal use.

The Town of Milton states that alcoholic beverages are prohibited. It also states in the Milton Code of Ordinances, Chapter 59, Section 4: Consumption in public: No person shall drink any intoxicating liquor or possess any open container containing an alcoholic beverage in any public place other than on the premises licensed to sell intoxicating liquors for consumption on the premises. She added that the park request form includes a section for insurance carrier/policy number and later states: I further agree to indemnify and hold the Town harmless for any damages, injury or accident related to the use of the park during the event.

The City of Milford states on their application that if you will have alcohol, wine or liquor present at your event, you must fill out an additional application. You must also have general liability insurance listing the City of Milford as an additional insured if alcoholic beverages are served at the event. The policy must include an endorsement for liquor liability in an amount not less than one million dollars (\$1,000,000). In addition, under the Code of Ordinances, Part II – General Legislation, Chapter 77 – Alcoholic Beverages, under Special Events, it states that alcoholic beverages may be sold and consumed at special events or gatherings in public places, upon application to and approval of the City Council. In Chapter 165 – Parks & Recreation, it states: No alcoholic beverages permitted. They also list exceptions & regulations to this.

Ms. Hickey is recommending to add the following statement to our current policy: the sale, consumption, or possession of intoxicating liquors or beverages and dangerous or narcotic drugs, or gambling of any kind is prohibited in any Park. Intoxicating liquors or beverages may be sold and consumed at special events or gatherings in public places, upon application to and approval of the City Council.

Chief Kracyla pointed out that in order to sell alcohol you must be licensed. He added that many organizations obtain a gathering license which is exclusive to non-profit organizations. He stated that you can apply for an EIN number and then be issued a gathering license. Many people do this just to be able to sell alcohol at events. He added that this needs to be evaluated if someone wants permission to sell alcohol at any of the City Parks. It was suggested for Ms. Hickey and Chief Kracyla to review the draft proposal together prior to approval to ensure that the proposed policy meets the needs of the City.

Mayor Genshaw asked for any questions or comments from Council. Councilwoman Phillips-Lowe asked if the City Solicitor has reviewed the application. City Manager Anderson said that he has not, but if that is desired he can have him review and comment on the draft application and policy prior to approval. Councilwoman Phillips-Lowe asked if each time a group is requesting to have alcohol at one of the parks if they would come before Council for approval. Ms. Hickey stated that all of leadership will review, sign off and approve the application prior to it coming to City Council for review. Councilman Holland asked if this would be for all of the City parks. Ms. Hickey stated that it would be for any of the seven parks that are in the City of Seaford.

With no further questions or comments, Mayor Genshaw called for a motion. Councilman Holland made a motion to table the approval of the permit to a later meeting. Councilwoman Peterson seconded the motion; the motion so passed with all present voting in favor.

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

- May 1, 2018, City budget meeting, Council Chambers, 6:00 p.m.
- May 2, 2018, Coffee with Representative Danny Short, Nanticoke Senior Center, 8:00 a.m.

- National Day of Prayer, May 3, 2018, City Hall front lawn, 12:20 p.m.
- May 4, 2018, Live for Chocolate, Downtown Seaford, 5:00 p.m.
- May 5, 2018, Nanticoke Little League Opening Day, Williams Pond Park, 8:00 a.m.
- City of Seaford Clean Up Week is May 14 - 18

### COMMITTEE REPORTS

Councilwoman Phillips-Lowe reported that in the Police Department, the swearing in of Police Chief Kracyla was held on April 16, 2018. The Chief held an introductory meeting with all departmental employees discussing goals, direction, and leadership. All employees were asked for feedback, both positive and negative. The Chief qualified at firearms range and attended the Sussex County Chiefs meeting in Georgetown. The Chief met with Lieutenants, Sergeants on duty, Dispatch Administrator and Administrative Assistant. He also attended Community Advisory Showcase dinner meeting with Mayor Genshaw at Seaford High School.

The Chief met with FOP officers Sgt. Miller and Sr. Cpl. Mills. Seaford Police Department launched its Facebook page. Chief Kracyla, Det. Sgt. Horn and Det. Sr. Cpl. Chambers attended a Remembrance Service for Victims of High School Gun Violence. Chief Kracyla also addressed the Principal's Advisory group afterwards. All SPD officers were available at the High School and Middle School for scheduled Walk Out. Delaware State Police K-9 Unit was brought in to conduct random drug search at schools. Patrol officers walked High Street meeting business owners and the community.

The criminal report included .4 grams of MADA (Date Rape Drug) and .1 gram of marijuana were confiscated after a traffic stop by Sr. Cpl. Mills. Sgt. Horn conducted a CAC interview with a felony juvenile victim together with a CAC Advocate on April 17, 2018. Equipment violation motor vehicle stop by Pfc. Short and Ptlm. Ruark and subsequent violation interview led to a consent search which resulted in a seizure of 56 grams of marijuana and 1 gram of cocaine. Suspect arrested on drug charges for Possession of Cocaine and released. During the period of April 11-19, 2018, "A" Shift also seized 2 bags of heroin, .3 grams of crack cocaine, and 5.5 grams of marijuana. On Friday afternoon, April 20, 2018, a vehicle was stopped for a tint violation. This stop escalated into a foot pursuit when the passenger ran from officers. After a lengthy pursuit and deployment of a taser, the subject was taken into custody. EMS was dispatched to transport subject to Nanticoke. .2 grams of marijuana and pipe were recovered from subject's jacket. This subject was found to have multiple capias and two parole violations.

The traffic report included: two traffic initiatives conducted during April 10-18, 2018, both of which were fully funded by the Office of Highway Safety. April 10-16, 2018: Pedestrian Safety in area of schools and US 13; Patrols totaled 28 man-hours and yielded 47 contacts with students improperly crossing Stein Highway, resulting in 3 pedestrian traffic arrests and 2 other traffic arrests. April 16-18, 2018: Distracted Driver (cellphone/texting) Initiative; Patrols totaled 12 man-hours and resulted in 14 traffic arrests.

The training report included: Ptlm. McKinnon and Ptlm. Palm attended Highway Interdiction/Tobacco Trafficking Training on April 5 and 6 at Dover PD. Cpl. Wingate went to

Veterans Response Training for our Military Persons on April 11 and 12, 2018. This program is a Peer Counseling Program for Veterans in Crisis in which Corporal Wingate can assist his law enforcement peers. CID attended LESLEA (Lower Eastern Shore Law Enforcement Association) meeting at Wor-Wic Community College.

Councilman Henderson reported that Director Bill Bennett performed the punch list walk through of the Pine Street Substation with Downes Associates, Inc. A punch list is a review by the owner and its representative to review a project for deficiencies before final acceptance. Crews removed and rerouted the fiber-optic cable from the former power plant to a new rack in the basement of City Hall. Tree trimming continues. Worked on the demolition of Central Substation. The director attended the annual DP&L/DEMEC Administrative Committee meeting. He also reviewed bids for the new bucket truck, and he put together estimates for several projects. There were no outages to report during this period.

Councilwoman Peterson reported that Building Official, Mike Bailey reported that the Code Department is doing routine inspections for on-going projects, violation inspections and performing plan reviews for new permits. The demolitions on Arch and Market Streets are scheduled to start May 7, 2018. The Code Dept. has issued 81 permits as of April 23, 2018. Walmart has started the construction of the addition for their Order Online project.

Superintendent of Parks and Recreation, Katie Hickey reported that the Parks Dept. completed routine jobs of prepping the soccer, football and softball fields and trash pick-up. The Adult Flag Football league games are on Wednesdays and Sundays, and the Men's Softball league is on its fourth week of games. She is working on the "Live for Chocolate" event happening on May 4th. Also, she is updating the Special Events Permit Application.

Councilman Mulvaney reported that in Public Works, Director Berley Mears finalized the draft agreement to service Bridgeville and Greenwood Wastewater and sent it to Sussex County for review. Projects ongoing and/or completed include: Replacement of a broken hydrant on Park Avenue and repair of a hydrant near Little Caesars. Porter Street Storm Drain project is nearly complete only requiring the asphalt patch. Patching completed on Phillips Street and Locust Streets. Two inch line work completed on Lincoln and Chandler Streets and repaired a sewer lateral at 111 Sixth Street. Disconnected water service at two more homes scheduled for demolition. Removed large pile of limbs from the Golf Course Maintenance Shop. They also replaced the 12 inch main at the 534 treatment building.

In Wastewater treatment, plant performance remains good with no major maintenance issues. Leachate treatment is performing well and there was no wastewater from Proximity the last two weeks.

Councilman Mulvaney added that final asphalt patch on the Porter Street drainage project will be done soon, along with curb painting to include yellow markings at City Hall.

Councilman Holland reported that the City manager attended meetings including: Nanticoke Memorial Hospital regarding relocation of the fiber optic network; Met with DNREC official about

our copper discharge limits at the WWTF; Attended the Board of Adjustment meeting and the construction coordination meeting. Other work included preparing the Council agenda, working on draft budget presentation, attending the bid opening for the bucket truck and Nutter Park improvements. Also met with the SVFD Chief and President regarding various items and budget requests.

In Information Technology, work was completed with Nanticoke Hospital regarding the fiber network and Under/Comm regarding fiber removal and relocation project. Working was done on a RFP for the website redesign. Routine IT assistance was completed and a Facebook page was set up for Seaford PD.

In Administration, work was completed on the FY'19 budget. Attended the DEMEC board meeting and the new Chief's swearing-in ceremony. Met with Chief Kracyla regarding police budget and finances. Attended the City election as an alternate, FOP negotiation meeting and customer service training at DEMEC. All other business is routine, financial management, payroll and benefits, purchasing, billing, customer service, etc.

Mayor Genshaw thanked all of the employees and the Police Department for their assistance with the March that was held today.

Councilwoman Peterson thanked all of the employees that she has worked with over the years. She added that they are all very dedicated and appreciated for the work that they do for the City of Seaford.

With no further comments, Mayor Genshaw called for a motion to close the regular Council Meeting. Councilwoman Phillips-Lowe made a motion to close the regular Council Meeting. Councilwoman Peterson seconded the motion; the motion so passed with all present voting in favor. The meeting was adjourned at 8:27 p.m.

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Charles D. Anderson, City Manager

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