

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

June 27, 2017

7:00 PM

Mayor David Genshaw called the Regular Meeting to order with the following present: Councilwoman Leanne Phillips-Lowe, Councilwoman Grace Peterson, Councilman Orlando Holland, and Councilman Dan Henderson. City Manager, Dolores Slatcher, Assistant City Manager, Charles Anderson, and Bill Bennett, Supt. 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 FY18 Budget Workshop on May 30, 2017. Councilman Holland made a motion to approve the minutes from the May 30, 2017 FY18 Budget Workshop; Councilwoman Peterson seconded the motion; motion so passed with all present voting in favor.

Mayor Genshaw called for a motion to approve the minutes of the FY18 Budget Workshop on June 6, 2017. Councilman Henderson made a motion to approve the minutes from the June 6, 2017 FY18 Budget Workshop; Councilman Holland seconded the motion; motion so passed with all present voting in favor.

Mayor Genshaw called for a motion to approve the minutes of the Regular Council Meeting of June 13, 2017. Councilwoman Peterson made a motion to approve the minutes from the June 13, 2017 Council Meeting. Councilman Henderson seconded the motion; motion so passed with all present voting in favor.

CORRESPONDENCE

Mayor Genshaw asked if there was any Correspondence. City Manager Slatcher stated that a Thank You note was received from Sierra Sniger who recently received the Mayor's Right Choice Award.

PUBLIC HEARING

Mayor Genshaw closed the Regular Meeting at 7:03 p.m. and opened the Public Hearing.

Mayor Genshaw presented Public Hearing #1, ACTS Retirement-Life Communities, Inc., property owners of 1001 Middleford Road, Tax Map and Parcel 3-31-7.00-17.00, are seeking a final plan review/approval for site improvements. Mr. Charles Anderson, Assistant City Manager came forward introducing Mr. George Clemes and Mr. Mike Sqnczyszyn from ACTS and Mr. Cliff Mitchell who is the design engineer for the project.

Mr. Anderson stated that the property is zoned R-4 Residential Institutional and that approvals have been given from Sussex Conservation District and they are still waiting on approval from State Fire Marshal Office. Mr. Anderson showed a picture of the proposed plan which includes a

guard station that will be maned 24 hours a day which will be their welcome house. The project will also include additional fencing around the property. Mr. Anderson added that the plan has been done to accommodate fire trucks that will be coming in and out.

Mayor Genshaw asked for any questions from Council. Councilman Henderson asked if the entrance at Sussex Court and Memorial Drive would be sealed off as well. Mr. Clemes stated that it is proposed to put a fence there and he added that staff and residents would have access to them so that they won't always have to go through the guards. Mr. Synczyszyn added that there will be some crash gates installed which means that they will go down with the impact from an emergency vehicle and they also allow proper turning radius for anyone that needs to turn around if they are lost. All traffic should be coming in and out off of Middleford Road unless they are staff or residents.

Mayor Genshaw asked for any questions from the Public. Mr. James Bell asked if an ambulance would be able to take down the crash gate as well. Mr. Synczyszyn stated that he believes so; however, the ambulance entrance is on the back side of the building or they are able to use the regular entrance off of Middleford Road.

Mayor Genshaw presented Public Hearing #2, Present the Ordinance of the City of Seaford Authorizing Execution of a Cable Franchise Agreement between the City of Seaford and Comcast of Delmarva, LLC. City Manager Slatcher came forward to present the information for the ordinance. She stated that the purpose of this hearing tonight was to share the parameters of the new Cable Franchise Agreement with Comcast. Council will be asked to approve an Ordinance of the City of Seaford Authorizing Execution of a Cable Franchise Agreement between the City and Comcast of Delmarva, LLC. As a step in the Ordinance approval the City wants to afford the public an opportunity for comment. The City is reviewing the cable operator's past performance and is to identify future cable-related community needs. The City of Seaford hired the Cohen Law Group to review and recommend a new agreement with Comcast of Delmarva, LLC. This firm did similar work for the City of Dover, DE in the past. They performed an audit of the Comcast services and fees in the corporate limits of the City and recovered \$15,473.43 as a settlement with Comcast. They recommended changes in the contract and have obtained the one-time community grant based on other Agreements they have prepared for other communities. City Manager Slatcher added that they are our experts in this area.

She then reviewed the customer service standards which included: telephone answering time limits for CSRs including the duty to measure compliance standards after receiving subscriber complaints, time limits for installation; service interruption; repair work; and cancellations of appointments, a four hour appointment window for service calls, notices to subscriber, prohibition against late fees being assessed less than 30 days after last billing date and customer complaint procedures including not imposing late fees on a disputed bill in good faith until investigation is completed.

The current franchise fee for the City of Seaford is 3% and the new rate effective July 1, 2017 is 4% which Council agreed upon; she added that the Federal Communications Communications authorized limit is 5%. A community interest grant - \$5,000 (a one-time payment in lieu of having active PEG channel). Free services to the community include municipally owned facilities –

standard level, educational and governmental channel, cable system specifications and technical requirement and right-of-way protection – giving notice of tree trimming; relocation of service.

The reporting requirements include detailed franchise fee report, quarterly franchise fee payments (currently paid annually), by request a customer complaint report, City may request information on service repair requests and service interruptions, liquidated damage for violations, a pre-determined financial compensation, \$100/day for each violation in the agreement and a performance bond is required. The length of franchise term will be for 10 years.

City Manager Slatcher explained the competitive equity provision which means the cable Franchise agreements may not be exclusive. Therefore the competitive equity provision is to have a “Level Playing Field”. The next steps include allowing public comments and have Council approve the “Ordinance” which approves the agreement in regular meeting.

Mayor Genshaw asked for any questions from Council. Councilwoman Peterson asked if there would still be a pole attachment fee. City Manager Slatcher stated that was not included in this agreement; however, that would continue.

Mayor Genshaw asked for any questions from the Public. Mr. Frank Cannon from 411 Nylon Blvd asked if this was a non-exclusive agreement and that anyone else can come in. City Manager Slatcher stated that was correct. He then spoke of the rates and fees that Comcast charges and about how they misled their customers. Mayor Genshaw stated that if there are concerns of how a customer is being treated by Comcast that they can bring that forward to the City.

Ms. Joan Bennett came forward stating that times have changed and there are not as many subscribers as there used to be. She asked if there was a minimum number of subscribers that were required as part of the agreement. City Manager Slatcher stated that there is not a minimum number of subscribers stated in this particular agreement.

Mayor Genshaw presented Public Hearing #3, Present a proposal for a rental license obtaining public input for an ordinance to create a Rental License under Chapter 5- Businesses. Mr. Charles Anderson, Assistant City Manager came forward to present the information. Mr. Anderson stated that Mayor Genshaw appointed a committee in December of 2016 consisting of Mayor David Genshaw, Chairman, Mr. Harry Daisey, Councilman Dan Henderson, Mr. George Farnell, Mr. Frank Parks, Mr. Mark Hardesty, Mr. James King, Mr. Deric Parker, Mrs. Vergonda Thomason, Mr. Tim Elder, Mr. Craig Aleman and Charles Anderson, Assistant City Manager.

The committee held five meetings starting in January of 2017 and the committee provided valuable input and suggestions to the City. Mr. Anderson stated that a bi-lingual Code fact sheet was created which was suggested by a committee member to use for the Hispanic community. Suggestions were made related to incentives for investors to purchase and rehab properties. Some of these suggestions included: Incentivize investors to purchase and invest in condemned and substandard properties to produce affordable, sustainable housing opportunities, provide interest free loan program to investors for qualified improvements – similar to the City sidewalk loan program. Work with Sussex County, DSHA & banks to move foreclosed properties out of “limbo”

and into ownership. Incentivize investors to purchase and invest in condemned and substandard properties to produce affordable, sustainable housing opportunities.

Example Incentive #1:

Existing Home Assessment = \$51,000 = City Tax Revenue = \$158.10

New Home Constructed; Assessment = \$126,600 = City Tax Revenue = \$392.46

Difference in Tax Revenue (old vs. new) = 234.36/yr.

Apply a ten year incentive for the increased tax revenue = **\$2,343.60 Upfront Cash Payment**

Mr. Anderson added that restrictions are attached to the Reinvestment Incentive Ordinance: no appeals permitted during the 10 year period and the City would stipulate minimum improvements required to property to qualify for the incentive, insulation, upgraded HVAC, roofing, plumbing and cosmetic improvements.

There was also ideas of incentives to encourage the conversion of rental property to owner occupied housing which included: qualifying housing must be located in City limits, residence has to have been used exclusively as a rental property for at least three years immediately prior to conversion, new owner must occupy the property within one year of the date of closing. The City will not charge City taxes for the first five years of occupancy by the owner. The City will charge graduated taxes for the next five years – Yr. 6 20%, Yr. 7 40%; Yr. 8 60%; Yr. 9 80% ad Yr. 10 100%.

Mr. Anderson then gave an estimated amount of rental units in the City which included:

Single Family Dwelling Units	413
Duplex Dwellings (90)	180
Apartment Dwelling Units (non-subsidized)	302
Apartment Dwelling Units (subsidized)	<u>671</u>
Total Estimated Rental units =	1,566±

He added that if we rely on outside agency inspections for the subsidized units, City staff may only need to inspect about 895 each year.

The proposed fee schedule was then discussed Landlords would be charged a fee as established by City Council. An annual fee of \$50.00 per unit could be established for license processing & 1 annual inspection. All paperwork could be accessed by the Landlord via the website and returned to the City. When inspections are required due to a Code violation, an additional \$50 fee would be charged for each additional inspection.

The estimated costs of the program was broken down into two different options. The first option was Total estimate of rental units within the City =

1,566 x \$50 per unit license = \$78,300 per year.

Assume Additional inspections per year =

30 x \$50 per unit license = \$1,500 per year.

Total estimated revenues =

\$79,800 per year.

Utilization of existing staff to process licenses and perform inspections to start, but with consideration for additional staff once the program is up and running.

The second option was as follows:

Total estimate of rental units within the City =

1,566 x \$25 (all 1 bedroom license) = \$39,150 per year.

1,566 x \$75 (all 3 bedroom licenses) = \$117,450 per year.

Utilization of existing staff to process licenses and perform inspections to start, but with consideration for additional staff once the program is up and running.

Mr. Anderson stated that the licensing provision would be created in Chapter 5; Article #4 of the Municipal Code that would require licensing and regulation of rental units.

The proposed draft language for the ordinance was given, however, Mr. Anderson stated that after review by the committee that some of the members have requested some minor changes. A draft inspection sheet was also shown which will be given to the homeowners to be able to prepare for the inspections.

Mayor Genshaw added that this ordinance is not being created to make revenue for the City; the costs are done to be able to cover the costs of doing it. He is hopeful that this will clean up some of the properties in the City.

Mayor Genshaw called for any questions from Council. Councilwoman Phillips-Lowe asked if an incentive would need to be decided. Mr. Anderson stated that an ordinance would need to be adopted first and then if Council would like to adopt an incentive that they would need to let Staff know so that they can work on it to be presented back to Council for approval. City Manager Slatcher added that a budget may have to be established for this like what was done with the sidewalk loan depending on what is agreed upon.

Mayor Genshaw asked for any questions from the Public. Mr. Bill Bennett from Locust Street came forward and asked if this was for commercial rentals. Mr. Anderson stated that it was not, it is just a residential license at this time.

Mayor Genshaw closed the Public Hearing at 7:37 and reopened the Regular Council Meeting.

Mr. Anderson presented the Findings of the Facts for Public Hearing #1:

- Property Owners: ACTS Retirement Communities, Inc.
- Final Plan Review – Welcome House Addition
- Located along Middleford Road and is identified as TMP# 331-7.00-17.00
- Zoned:
 - R-4 High Institutional Residential
- State agency approvals will be required from:
 - State Fire Marshal,
 - Sussex Conservation District, - Complete
- The project will comply with the area and bulk requirements of the district.
- Planning and Zoning made a recommendation to Council to approve the project.

Mayor Genshaw then called for a motion. Councilwoman Phillips-Lowe made a motion to approve the site plans for ACTS Retirement-Life Communities, Inc., property owners of 1001 Middleford Road, TMP # 331-7.00-17.00 as presented contingent upon their receiving State of DE Fire Marshall approval. Councilman Holland seconded the motion; motion so passed with all present voting in favor.

NEW BUSINESS

Mayor Genshaw presented New Business #1, Mrs. Bev Blades and Mr. James Bell to request an approval for a family event in Downtown Seaford on Sunday, New Year's Eve. Mrs. Blades said that she came up with the idea to have a family event in Downtown Seaford to have a ball drop to go along with Seaford, U.K. who is five hours ahead of our time. The idea is to have a ball drop with a chicken on top at 7:00 p.m. which would be midnight in Seaford, U.K.

The event would be for two hours from 5:00 p.m. to 7:00 p.m. in and around the parking lot of Mt. Olivet Church on High Street and would have food trucks, a band, face painting, etc. This would be a family event with things for children and families to do.

Mrs. Blades stated that she has been in touch with the Superintendent of Seaford School Districts and he is also on board. It has been discussed to incorporate this in the school system by having pen pals and including it in history lessons. She also contacted Mt. Olivet Church and she recently received a letter from the Board of Trustees giving permission for them to use the parking lot for the event.

Mrs. Blades then discussed the logistics of the event which would include needing additional police force and barricades. She also stated that the church stated that they do not want anything set up for this until after their church service on Sunday which would be after 1:30 p.m.. She has spoken to some about event insurance.

A proposed layout of the event was then shown. The vendor area will be on the front side of the parking lot closest to High Street. The ladder truck will be positioned along South Cannon Street

with the ball; there will be a movie screen in the corner of the parking lot by South Cannon Street and the parklet would be in the back side of the parking lot in the center for the bands.

Mr. James Bell stated that sponsors will be needed for the event; he was thinking of Pepsi or Nanticoke Memorial Hospital. They were waiting for permission from Council prior to moving forward asking for sponsors. He is thinking that the amount of money needed for the event would be around \$8,000. He added that The Duck radio would be doing a live broadcast.

Mayor Genshaw asked if someone wanted to make a donation how they would do that. Mrs. Blades said that Downtown Association will help them collect donations. Councilwoman Peterson asked how the vendor would get electricity. Mr. Anderson stated that there is a pole along Church Street that has a power location that is used for Riverfest. Councilman Henderson asked if they have spoken and confirmed with Bon Appetite that they will not be serving dinner that night since it is their biggest night of the year. Mr. Bell stated that he called and asked to make reservations and was told they will not be open because they do not have a liquor license to serve on Sundays.

Mayor Genshaw then called for a motion. Councilman Holland made a motion to approve the request from Mrs. Bev Blades and Mr. James Bell to hold a family event in Downtown Seaford on New Year's Eve, December 31, 2017 as presented. Councilwoman Peterson seconded the motion; motion so passed with all present voting in favor.

Mayor Genshaw presented New Business #2, Request by Mr. Arlie Wooters, 110 E. Spruce Street to obtain lands to be divided equally with his neighbor on the east side which is identified as a 10 foot wide alley terminating along the rear property line without access to Fourth Street. Mr. Anderson stated that Mr. Wooters recently had a survey done of his property located at 110 E. Spruce Street and this area was found. There are no utilities there and it does not go anywhere. He has spoken to the neighbor and they have agreed to split the area in half. Before they move forward and spend the money to get it completed, they wanted to get it approved by the Mayor and Council. There would be no cost to the City as the homeowners would bear the cost.

With no questions or comments, Mayor Genshaw called for a motion. Councilman Henderson made a motion to approve the request by Mr. Arlie Wooters, 110 E Spruce Street to obtain a Quit Claim Deed for lands to be equally divided with his neighbor, Befun Amble, LLC to the east for a 10 foot alley which terminates along their rear property lines and is not a through alley for access to Fourth Street. All legal, survey and recordation costs are to be paid for by Mr. Wooters and his neighbor, Befun Amble, LLC. Councilwoman Phillips-Lowe seconded the motion; motion so passed with all present voting in favor.

Mayor Genshaw presented New Business #3, Present an ordinance of the City of Seaford Authorizing Execution of a Cable Franchise Agreement between the City of Seaford and Comcast of Delmarva, LLC. Councilman Henderson a motion to defer to the July 11, 2017 Council Meeting. Councilwoman Phillips-Lowe asked for his reason to wait on approving. Councilman Henderson stated that he would like the public more time to review the ordinance prior to approving it. Councilman Holland seconded the motion; motion so passed with all present voting in favor.

Mayor Genshaw presented New Business #4, Bill Bennett, Supt. of Electric to present progress report on the Pine Street Substation project and Distribution upgrades. Mr. Bennett stated that about three years ago the property was purchased to expand the Pine Street Ext. Substation. In January, 2017 the tenant that was occupying the building moved out and the building was then demolished. AUJ was given the contract to be the contractor for the job and has now mobilized on site to begin work. He showed some pictures of the job site from a drone that AUJ recently took. It was asked if the project is on schedule. Mr. Bennett stated that as of now, they are currently on schedule.

Mayor Genshaw solicited any questions or comments from Council. There were none.

OLD BUSINESS

There was none.

REMINDER OF MEETINGS & SETTING NEW MEETINGS

- RIVERFEST, July 8th, Downtown Seaford 9 a.m. until 9 p.m. – One Day Only. Float-In beings at 7:30 a.m.
- City Offices other than the Police Department will be closed on July 4th for the holiday.
- First Saturday in Downtown Seaford is July 1st from 4 p.m. until 8 p.m.

COMMITTEE REPORTS

Councilwoman Phillips-Lowe reported that the City of Seaford Police Department, conducted a Prostitution Operation on June 15, 2017 in the Market and Front Street areas of Seaford with the assistance of Laurel PD, Georgetown PD, and Ocean View PD arresting six (6) individuals on various prostitution and drug charges. Squad Officers arrested another individual and recovered 35 bags of heroin. Last week officers completed the Taser Re-Certification as required by COPT. Sgt. Miller and Sgt. Little attending the last FBI-LEEDA class of Executive Leadership which will qualify them for the FBI Trilogy Award. She added that they attended 40 hours at the Dover PD. Ptl. James and Ptl. Wyatt attended the Officer Involved Shooting class at the DSP Academy on June 19, 2017. Sgt. Little, Sgt. Sterner, S/Cpl. Chambers, Cpl. Linville, PFC. Justice and Chief Flood attended the funeral of PFC. Sean Hudson of Milford PD on Saturday June 24, 2017. Sgt. Sterner was asked by Captain Sapp of the Delaware State Police to participate in the opening ceremonies at the Blue Rocks baseball game at Frawley Stadium as a member of the Honor Guard for Law Enforcement Appreciation Night on July 2 at 4:00 p.m. Lt. Bohn and Chief Flood met with Jim Martin and Beverly Hitch of the ACE center on Bradford Street, in reference to activity under the Stein Hwy Bridge. It was a very good meeting and the SPD will step up patrols in that area. CID is still working on drug investigations along with other cases.

For the fire department, she reported that in the month of May they had 292 total EMS runs.

Total Number of EMS Runs-**292**

Total Number of "Alpha" Calls-**74**

Total Number of "Bravo" Calls-**68**

Total Number of "Charlie" Calls-**68**

Total Number of "Delta" Calls-**75**

Total Number of "Echo" Calls-**5**

Total Number of "Omega" Calls-**0**

Total Number of Non-EMS Calls-**14**

(Alpha calls are the least severe with a non-emergency response. Echo calls are the most severe. Omega Calls are a service call.)

Total EMS runs to Lifecare at Lofland-**10**

Total EMS runs to Seaford Genesis-**8**

Total EMS runs to Methodist Manor-**15**

Total EMS runs to Meadowbridge-**8**

Total EMS runs to Chandler Heights-**15**

Total EMS runs to Seaford Meadows-**5**

Total EMS runs to Woodland Mills-**6**

Councilwoman Peterson reported that Building Inspector, Michael Bailey reported that 145 permits have been issued as of June 26th. He attended AMI kickoff meeting and Wendy is preparing for the Riverfest vendors. The Code Dept. is preparing for the July P & Z ad B.O.A. meetings. The Big Lots Shopping Center is completely paving the parking lot, except for the bank area and Redbull has finished their move to the Industrial Park.

Superintendent of Parks and Recreation, Katie Hickey reported that routine grass cutting and trash pick-up was completed. The Adult Soccer League is still going strong and she is prepping for 1st Saturday and Riverfest She added that irrigation was fixed at Kiwanis Park and High Street.

Councilman Henderson reported that Electrical Engineer, Rick Garner reported that he continued work on issues with the SDADA upgrade, and he worked on the engineering software database. The AutoCad drawings for Breaker 330, and the system drawings for Circuit 330 have been completed. Rick was involved with the final inspection of the solar array at 69 N. Pine Street Extended. He applied new current transformer ratios and relay settings to optimize the performance of Breaker 350 at Ross Substation.

Superintendent Bill Bennett reports that the tree trimming contractor continues work with areas already complete in the Martin Farms, Woodside Manor, and Westview areas. He attended a kickoff meeting for the AMI Project. Crews repaired damage caused by a contractor at the Perdue Farms project and de-energized the old transformer at Perdue, and they began removing the overhead primary wire and poles. Crews unloaded freight at the Pine Street Sub-Station site. Other activities of the department are routine. There are 3 outages to report: Woodside Manor lost power due to a loosened splice, storm damage from a fallen limb caused an outage in the Martin Farms, Nylon Boulevard, Locust Street, North Phillips Street and North Willey Street areas and a fallen limb caused an outage on Chandler Street and the Frederick Douglass Elementary School.

Councilman Holland reported that the Substation groundbreaking was held on June 13th. The following meetings were attended: Substation progress meeting, AUI pre-construction stormwater ponds at Substation with SCD, Chamber Board meeting, pre-audit meeting with Auditors SB & Co., meeting with Maria Hyssel on Ross Station Community Building. There was 1.5 days of meetings for AMI kick-off with numerous staff & AMI. The following event were attended Sussex County Prayer breakfast and two days of AMI meetings with project vendors.

Assisted IT with moving the files from vault to CM Office getting ready for construction to install HVAC for new IT racks and servers and made inspection of Your Sisters Closet location on High Street with potential new purchaser.

In Information Technology, a meeting was held with project team regarding AMI, prep work for conversion of Server Room was completed. They continued work with L3 regarding Mobile Vision, assisted with relocation of files from Vault and all other routine IT Assistance.

In Administration, they had AMI meetings and several phone conferences with ElectSolve and Edmunds to prepare for project implementation. Met with auditors to prepare for FY'17 audit and all other business is routine – financial management, payroll & benefits, purchasing, billing, customer service, etc.

With no further comments, Mayor Genshaw called for a motion to adjourn the meeting to move into an executive session. Councilwoman Phillips-Lowe made a motion to adjourn the meeting and move into executive session. Councilwoman Peterson seconded the motion; motion so passed with all present voting in favor. The Mayor and Council moved into executive session at 7:44 p.m.

Mayor Genshaw reopened the regular meeting at 9:27 p.m. Mayor Genshaw called for a motion to close the regular meeting. Councilman Henderson made a motion to close the regular meeting. Councilman Holland seconded the motion with all present voting in favor.

Dolores J. Slatcher, City Manager

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