

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

September 22, 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, Charles Anderson, Assistant City Manager and Josh Littleton, Building Official.

Councilwoman Phillips-Lowe offered the opening prayer and Mayor Genshaw led those present in the Pledge of Allegiance.

Mayor Genshaw solicited changes to the agenda. Assistant City Manager, Charles Anderson stated that there was one. New Business # 4 was deleted and New Business # 5 was added to the agenda.

Mayor Genshaw called for a motion to approve the minutes of the Regular Council Meeting of September 8, 2015. Councilwoman Peterson made a motion to approve the minutes of the Regular Council Meeting of September 8, 2015. Councilman Holland seconded the motion, and the motion so passed with all present voting in favor.

CORRESPONDENCE

Mayor Genshaw asked if there was any correspondence. Assistant City Manager, Charles Anderson, stated that there was one, a letter from Comcast in reference to channel changes for high definition. Mr. Anderson explained that on October 8th Comcast will be dropping the duplicate channels in the 200's to mitigate confusion for customers.

NEW BUSINESS

Mayor Genshaw presented New Business # 1, the addition of approximately 25.23 acres to the designated 49.41 acres in the Downtown Development District by expanding to approximately 74.64 acres. Charles Anderson, Assistant City Manager, explained the expansion of the acreage for the DDD will allow for opportunities for more participants to acquire funding and to improve additional residential and business properties appearances along one of the primary corridors through the City of Seaford. By approving the change, the City can then send the expansion of the limits of the Downtown Development District to the Office of State Planning Coordination to be presented to the Cabinet Committee for final approval. Mayor Genshaw called for a motion to approve the addition to the DDD. Councilwoman Phillips-Lowe made the motion to approve the addition of approximately 25.23 acres to the designated 49.41 acres in the Downtown Development District by expanding the DDD to approximately 74.64 acres. Councilman Mulvaney seconded the motion. Motion so passed with all present voting in favor.

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

PUBLIC HEARING

Mayor Genshaw called Josh Littleton, Building Official, to the podium to present Public Hearing # 1, Final site plan review to build a second greenhouse at the Seaford Senior High School located at 399 N. Market St., identified as Tax map and Parcel 331-5.00-6.00. The Greenhouse proposed will be approximately 2,160 sq. ft. +/- . Also included is expansion of the fenced area around the greenhouse, elimination of two parking spaces and construction of an accessory storage shed. The Board of Adjustment approved a special use exception on 9/2/15 for the project, and the State agency approvals have been received from the State Fire Marshal for the building and Site & DNREC Division of Watershed Stewardship for Stormwater management.

Josh Littleton, Building Official, asked if there were any question or comments from Council or the Public.

Councilman Mulvaney asked if the fencing around the current property will be higher. Mr. Littleton, explained that the fencing will remain the same height, but will run parallel with the school to enclose the new greenhouse.

Councilwoman Peterson asked how tall the current fencing was. Mr. Littleton stated that the fence is 6 feet in height.

Councilwoman Phillips-Lowe asked if the program brought a lot of interest from students. Mr. Whitaker, with the Seaford School District, stated that Yes, the program has been a great success and having the new greenhouse, will help with students being able to be more involved in the program.

Chase Milligan, asked if the program has grown since starting. Mr. Whitaker replied by saying Yes, in fact it has almost doubled and they may be hiring new instructors in the near future to help with the additional students that the program may bring with the addition of the new greenhouse.

With no further questions Mayor Genshaw closed the Public Hearing at 7:12 pm and reopened the Regular Meeting of Council.

Josh Littleton presented the finding of facts for Public Hearing item # 1, Second greenhouse at Seaford Senior High School; located at 399 N. Market St.:

- Tax Map and Parcel 331-5.00-6.00
- Existing greenhouse built in 2008, is +/- 1,440sf;
- New greenhouse will be +/- 2,160sf;
- Similar in design to the existing greenhouse;
- Expansion of the fenced area around the greenhouses.
- Accessory storage shed will also be constructed as part of the project;
- Elimination of 2 parking spaces;
- Board of Adjustment approved a special use exception on 9/2/15 for the project;

State agency approvals have been received from the State Fire Marshal for the building and site & DNREC Division of Watershed Stewardship for Storm water management.

Mayor Genshaw then called for a motion to approve the final site plan review for a second greenhouse. Councilwoman Phillips-Lowe made the motion to approve the final site plan review for the second greenhouse for the Seaford Senior High School, located at 399 N. Market St., identified as Tax Map and Parcel 331-5.00-6.00. Councilman Henderson seconded the motion. Motion so passed with all present voting in favor.

Mayor Genshaw then called for a Roll Call Vote:

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

Mayor Genshaw presented New Business # 2, First Amendment to Nitrogen- Phosphorus Trading Agreement with INVISTA. Charles Anderson, Assistant City Manager, stated that the agreement amendment with INVISTA incorporates date changes, from the first agreement, to coincide with NPDES Permit Renewals for both the City of Seaford and INVISTA. The agreement is to trade Phosphorus limits to INVISTA and Nitrogen to the City.

Mayor Genshaw asked if there were any questions or comments.

Councilman Henderson stated that he did not have the information in his packet to review. Mayor Genshaw then asked if he would like to table the approval until the next meeting, to allow him to review the information. Councilman Henderson and Councilman Mulvaney both agreed that would be best.

Mayor Genshaw called for a motion to table the Amendment until the next Council Meeting. Councilman Mulvaney made the motion to table the approval until the next Council Meeting. Councilman Henderson seconded the motion. Motion so passed with all present voting in favor.

Mayor Genshaw presented New Business #3, Letter of Limited/ Temporary Authority for Fiber Technologies Networks, LLC d/b/a Lighttower, to be in Seaford's right-of-way and attach to its poles for the limited service for public safety. Assistant City Manager, Charles Anderson stated that Fiber Technologies Networks LLC has reported to the City that it has a contract to provide fiber-optic connections to buildings in the City to serve the State of Delaware. Lighttower must reach a franchise agreement with the City consistent with City ordinances. The City has offered to permit the installation to serve the State, on a limited basis until a final agreement can be reached. The license will run until the earlier of the expiration of six months from September 15th or the final execution of the franchise agreement. Lighttower LLC will be required to comply with all requirements related to the performance of work within City rights-of-way with which franchised telecommunications service providers must comply, including insurance coverage, securing traffic

control, mandated police services, if any, and obtain work permits from appropriate authorities having jurisdiction.

Mayor Genshaw asked if there were any question or comments.

Councilwoman Peterson asked if any new utility poles would have to be installed/ replaced for the project. Mr. Anderson stated that there are possibly 2 or 3 that would need to be installed behind Ross Substation.

Councilman Henderson asked what happens if the work is in process or nearing completion and we cannot come to a franchise agreement. Mr. Anderson replied, the City can have them remove the lines. But under FCC laws, we cannot deny them occupancy.

Councilman Mulvaney asked if the intention of the new lines was to help with the Seaford 911 center. Mr. Anderson stated yes; the letter of occupancy will allow them to make a redundant connection to the 911 center, and have better emergency services available to the community.

With no further questions or comments Mayor Genshaw called for a motion. Councilwoman Peterson made the motion to approve Fiber Technologies Networks LLC("Lighttower") limited approval to provide fiber-optic connections to buildings in the City to serve the State of Delaware for a period expiring in six months and if final franchise agreements are not completed and executed then Council will review for an extension based on extenuating circumstances. Councilman Holland seconded the motion. Motion so passed with all present voting in favor.

Mayor Genshaw presented New Business #5, Request authorization of the City Manager to sign the grant application for funding through Delaware Hazardous Substance Cleanup Act Brownfield Certification. Assistant City Manager, Charles Anderson, explained that the request would allow the City to apply for a \$35,000 grant for the remedial investigation of the Power Plant Site. By applying it does not confirm that the City will receive the grant but it is a possibility and if received the grant will help cover expenses. Mayor Genshaw solicited any questions or comments. There were none. Mayor Genshaw then called for a motion. Councilman Henderson made the motion to authorize the City Manager to sign the grant application for funding through the Delaware Hazardous Substance Cleanup Act Brownfield Certification to apply for \$35,000 from EPA to further the remedial investigation and to obtain additional information to develop a work plan for the site cleanup. Councilwoman Phillips- Lowe seconded the motion. Motion so passed with all present voting in favor.

OLD BUSINESS

Mayor Genshaw presented Old Business # 1, Reminder of the proposed Special Election. Assistant City Manager, Charles Anderson, stated the Special Election is proposing the issuance by the City of Seaford, Delaware, of up to \$1,658,300 maximum aggregate principal amount of a general obligation bond to finance the installation and operation of a renewable energy generating system by the City of Seaford to be held on September 28, 2015 (Monday) from 2 p.m. until 6 p.m. at City Hall in Council Chambers.

Mayor Genshaw presented Old Business # 2, City- wide power outages. Assistant City Manager, Charles Anderson, Announced the City of Seaford will have two City-wide power outages one on September 28th and one on October 5th (date change) as a result of upgrades to the transmission line serving our single point of delivery at Pine Street Substation. Dates may change subject to weather.

PUBLIC COMMENTS

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

First let me offer congratulations to Chief Morris upon his retirement. The choice of his replacement is a critical one for our City. Clearly there have been/ are some problems with the Seaford Police Department (SPD) which need correcting by the new Chief. Of course, the new Chief should be highly qualified and experienced in law enforcement. But beyond technical qualifications, he/she should share some common belief in and show public commitment to make needed changes in SPD/SPD operations. The new Chief of SPD should voice public commitment for and be expected to:

1. Enact an SPD enforcement philosophy having officers on the side of caution as opposed to aggression while carrying out their responsibilities;
2. Equip SPD officers with body cameras and share the resulting videos with the public upon request;
3. Obtain legally sanctioned warrants for any SPD use of private cell phones/ other personal information of citizens;
4. Review serious and/ or controversial SPD charges proposed against citizens to ensure charges likely sustainable in and bound for a court of law before the actual filing;
5. Recognize the serious financial difficulty for a city the size of Seaford to continue to maintain a uniformed staff of 27 officers (when per capita PD staffing as in Milford would result in 22 officers, in Dover only 18 officers and in Smyrna only 15 officers; Put aside SPD "turf" / other considerations and reduce SPD uniformed staff levels to the average (per capita) combined levels of Milford, Dover, and Smyrna;
6. Facilitate the establishment of a civilian Police Review Board (cPRB) to address citizen concerns/ complaints about SPD operations and/ or staff.

It is time for change. The Mayor and City Council should look for "new blood" and require a commitment to enact the above recommendations from the future Chief of SPD in order to improve the "health" and well being of our community.

P.S. We citizens need to know approximately how long the planned power outages on 9/28 and 10/5 will last. This is a matter of public safety.

REMINDER OF MEETINGS & SETTING NEW MEETINGS

- DEMEC Annual Dinner meeting, Dover Downes on September 23rd at 5:30 p.m.
- Seaford Police Department Night Out at Seaford Police Department on September 24th from 5 p.m. until 8 p.m.

- Delaware League of Local Governments, Duncan Center, Dover on September 24th at 6 p.m.
- 1st Saturday, lands behind City Hall, October 3rd, 12 noon- 5 p.m.
- Cancer Walk, gathering at 7:30 p.m. October 5th, with ceremonies following.
- Residences at Riverplace groundbreaking, 10 a.m. on October 6th.

COMMITTEE REPORTS

Councilwoman Phillips-Lowe reported that the Police Department is preparing for Seaford's Night Out, September 24th. The department will also have more patrolmen on duty for the City-wide outages on September 28th and October 5th and will be advertising the current vacancy for a police position. There is no fire report at this time.

Councilman Mulvaney reported that Finance Director June Merritt attended a DEMEC meeting in Dover and continued work on the FOP negotiations. She also began wrapping up details regarding the annual audit as she now awaits the actuarial reports to finalize information for the auditors. The financial management, payroll, benefits, customer service and purchasing, have been routine and utility bills are due on September 24th and disconnects are scheduled for October 6th. Both City Manager, Dolores Slatcher, and Assistant City Manager, Charles Anderson, participated in the design conference call for the SVFD tribute in Kiwanis Park, attended the coordination meeting with Delmarva Power at the Pine Street Substation and responded to the DP & L contractor crane incident. Mr. Anderson also attended the monthly Economic Development working group meeting, the Riverview Park review meeting with DNREC and participated in the Parks Building final inspection with the contractor which generated a one week project punch list. City Manager Slatcher reported attendance at the following meetings, Seaford Economic Development, City Manager's in Rehoboth, the SCAT Steering Committee and the Downtown Development District Conference in Dewey Beach. She also worked on the hiring process with candidates for Chief of Police and on the Fiber Tech ("Lighttower") Agreements.

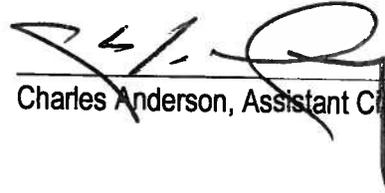
Councilman Holland reported that the Parks and Recreation Department has attended various meetings including DNREC meeting on Riverview Park, GSCC Annual Member Workshop, and assisted GSCC with FAM tour. Adult and youth football has started as well as co-ed volleyball. The department had their final walk through of the new Parks building, and all other work in preparations for fall has been routine including weed spraying, tree trimming on High Street, Gateway and Kiwanis Parks.

Councilman Henderson reported that in Economic Development, Trisha Newcomer, assisted with the photograph of the winner of the Weather Radio Raffle, Patricia Speight. Mrs. Newcomer provided information in packets for a Travel Writers tour and also attended the tour on September 11th, and met with the Superintendent of Electric on site at Residences at Riverplace to obtain electric for the upcoming ground breaking ceremony. She also attended several meetings including Seaford Economic Development Workgroup meeting, a GSCC Economic Development Forum, and was a speaker and panelist at a

Delaware Chapter of the National Association of Housing and Redevelopment Officials meeting as well as worked with Nanticoke Memorial Hospital on their Ladies Golf Tournament. In Information Technology, Trisha Newcomer updated all afterhour's recordings for winter hours, and worked with the Desktop Consultant and Edmunds to prepare for server migration. The City's server migration was completed during the weekend of September 12th- 13th without disruption to customers or staff and Mrs. Newcomer worked through miscellaneous punch list items due to the conversion. She also reports that the CGI Videos went live on the website. In Public Works Superintendent, Berley Mears, reported the department has cleaned up a property for the Code Department, repaired a sidewalk on Poplar Street, test pitted a 6' water main on South Hall Street for the Harrington Street project, and also verified the size and type of pipe. Department personnel performed some equipment maintenance, completed other routine tasks including pumping station maintenance, leaf and limb pickup, street sweeping, state sampling, meter readings, pink tagging (pre-disconnect courtesy notice), and disconnects. Mr. Mears attended several routine meetings, and the department is currently overcoming a personnel shortage. In the Waste Water Treatment Facility they are still experiencing problems with the intermittent sand filter PLC; overall the total system performance is reported as good. The Leachate treatment program is going well, compost sales continue to be steady, and the screening of material is ongoing. Bulk sales of compost are moving product, and there have been some loader maintenance issues that are being addressed. Facility personnel report that other operations and maintenance are routine. In the code department, Josh Littleton, Building Official, attended a meeting on 09/15/15 with the owner of Seaford Village Shopping Center. Mr. Littleton reports that permit and violation inspections were routine. The department worked on several plan reviews, and Mr. Littleton also worked on Flood Insurance Community Rating System recertification as well as preparing to issue a site work permit for Residences at Riverplace phase 1 & 2.

Councilwoman Peterson reported that Rick Garner, Electrical Engineer, has processed net metering applications, worked on software issues, and attended the final walk through for the new Parks building. Bill Bennett, Superintendent of Electric department, attended the SPX transformer spec class, and the department worked on disconnects, tree trimming in preparations for LED street lights and have been preparing for the City-wide outages for September 28th and October 5th. The city experienced a 30 second city wide outage due to a problem with the DPL contractor's equipment failure and Circuit 290 had an outage due to a squirrel; the breaker was reset.

With no further comments, Mayor Genshaw called for a motion to close the Regular Meeting of Mayor and Council. Councilwoman Phillips-Lowe made the motion to close the Regular Meeting of Mayor and Council. Councilwoman Peterson seconded the motion, and the motion so passed with all present voting in favor. Mayor Genshaw closed the Regular Meeting at 7:52 p.m.



Charles Anderson, Assistant City Manager

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