

**AGENDA**  
**REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**November 24, 2020**  
**SEAFORD CITY HALL - 414 HIGH STREET**

**The meeting will be streamed via live feed.**

To view a live meeting visit one of the links below:

- On our website: [www.seafordde.com/meetinglivefeed](http://www.seafordde.com/meetinglivefeed)
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- On YouTube:  
<http://www.youtube.com/c/CityofSeafordDe19973>

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Comments and questions may be emailed to:  
[Councilinfo@seafordde.com](mailto:Councilinfo@seafordde.com)

- 7:00 P.M.** - Mayor David Genshaw calls the Regular Meeting to order.
- Invocation
  - Pledge of Allegiance to the Flag of the United States of America.
  - Changes to agenda for this meeting.
  - Approval of minutes of the regular meeting on November 10, 2020.

**ALL ITEMS ON THIS AGENDA MAY OR MAY NOT BE VOTED ON.**

Introduce Mr. Robert Lynch who was recently hired as the Code Inspector in the Code Department.

**CORRESPONDENCE:**

- 1.

**7:05 PUBLIC HEARING:**

1. AUI Power is seeking a Final Site Plan review for the construction of a 29,400 sq. ft. commercial building with Stormwater Management to be located on Nesbitt Drive, Tax Map and Parcel # 531-10.00-236.18.

**NEW BUSINESS:**

**AGENDA**

REGULAR MEETING OF THE MAYOR AND COUNCIL

November 24, 2020

1. Present for consideration a recommendation from the Economic Development Committee for a potential fee reduction and tax abatement request from Liborio Seaford LLC development (SCTM# 331-5.00-11.00 & 331-5.00-11.01) known as Melanie's Ridge.
2. Present for approval Municipal Charter changes related to City Elections and voter registration.
3. Present for approval an agreement for the establishment of a coalition for cooperation on Stormwater Management and Municipal Separate Storm Sewer Systems (MS4) compliance.
4. Present for a first reading Ordinance #2020-04 to amend Chapter 4, of the Municipal Code of Seaford, Delaware relating to "Buildings", in the manner following, to wit: Chapter 4, Article 1, of the Municipal Code of Seaford, Delaware to amend §1612.4 and §R322.2.1.

**OLD BUSINESS:**

- 1.

**REMINDER OF MEETINGS & SETTING NEW MEETINGS:**

1. City of Seaford offices will be closed on November 26 and 27 in observance of the Thanksgiving Holiday.
2. Tree Lighting at Gateway Park, Monday November 30, 2020 at 7:00 p.m.; Rain Date December 4th at 7:00 p.m.
3. Seaford "**Reverse**" Christmas Parade, December 5, line up along High Street and Pennsylvania Avenue at 6:00 p.m. persons viewing parade must stay in their vehicle and drive thru from Nylon Blvd, event starts at 7:00 p.m.; rain date is December 6, same times.
4. Employee Christmas Party, December 11 at the SVFD Banquet Hall starting at 6:00 p.m.

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November 24, 2020

5. The Leaf Machine is currently in operation until December 31st. In rain events help us to help you by clearing a catch basin or calling Public Works to have the catch basin cleaned at 302-629-8307 or after hours 302-629-4550.

**LIAISON REPORTS:**

1. Police & Fire - Councilman Dan Henderson
2. Administration - Councilman Jose Santos
3. Code, Parks and Recreation - Councilman Orlando Holland
4. Public Works & WWTF - Councilman James King
5. Electric - Councilman Matt MacCoy

Mayor Genshaw solicits a motion to adjourn the regular Council meeting.

**NOTE:** Agenda shall be subject to change to include or delete additional items (including executive session) which arise at the time of the meeting. (29 Del. C. S1004 (e) (3))

Date Posted: 11/16/2020

Posted by: TNT

No;v



## Memorandum

To: Mayor & Council

From: Trisha Newcomer, Director of Economic Development & Community Relations



Date: November 17, 2020

RE: Liborio Seaford, LLC Request for Fee Reduction and Tax Abatement

On Friday, November 13, 2020, the Economic Development Committee met to review a request from Liborio Seaford, LLC for consideration of consider a potential 75% reduction of all fees and tax abatement for (SCTM# 331-5.00-11.00 & 331-5.00-11.01) the project known as Melanie's Ridge.

The developer, Mr. Lou Ramunno, reviewed his approved project with the committee. He explained his plan, which has received final approval, is to construct 280 market rate apartments on the approximately 50+/- acres on the east side of Bridgeville Hwy. He noted the project's similarity to their other apartments, Christina Apartments, in Smyrna, DE. They have found the increase in lumber and other material costs due pandemic production cuts, wildfires, demand surges etc, to put an extra strain on his project. He also found securing project subcontractors to be difficult, as they choose to work on the east side of the county, as those jobs pay more.

The committee discussed several options and the request at great length. Currently, based on a fee estimate of the entire project, a 75% fees reduction would be approximately \$1,511,431.50, which the committee was not in favor of. The committee also felt strongly that they have been working to incentivize single family homeownership, not necessarily multifamily. After much discussion, they felt relief on the water and sewer tap fees for phase I would be sufficient, with no tax abatement. Phase I consists of 7 buildings, with 8 units each. Based on the fees estimate for a single building, the value of the waiver would be approximately \$99,400. The committee also felt this consideration needed to have a deadline for completion, to ensure the project moves forward.

The Economic Development Committee is recommending to grant a waiver, for Liborio Seaford, LLC (SCTM# 331-5.00-11.00 & 331-5.00-11.01) known as Melanie's Ridge, of the water and sewer tap fees for Phase I only, with construction to be completed within two years of the issuance of the building permit.

## PROPOSED CHANGES TO CITY OF SEAFORD CHARTER

1. Amend **Section 6(c)** of the Charter of the City of Seaford by making the insertions as shown by underlining and deletions as shown by a strike through as follows:

(c) All such notifications of candidacy must be filed with the City Manager on or before the close of business on the Last Friday in February in the year of the annual election next ensuing; and thereupon, it shall be the duty of the City Manager to have a list of names of all candidates so filed with him/her printed in a newspaper published in the City of Seaford on the First Thursday in the month of April in the year of the said annual election next ensuing; or in the event that no newspaper is published in the said City, publication may be had in a newspaper having general circulation in the community.

### Synopsis

This legislation amends the City Charter to remove the option of allowing notification to the public of candidates for Mayor and City Council by posting the names of such candidates in at least five (5) public places in the City rather than having this information published in a newspaper of local and/or general circulation.

2. Amend **Section 7(B)** of the Charter of the City of Seaford by making the insertions as shown by underlining and deletions as shown by a strike through as follows:

At such Annual Election, every person, male or female who shall have attained the age for voting as established by the State of Delaware for voting in a General Election and who shall be a bona fide resident of the City of Seaford as of the day of final registration next preceding the Annual Election and each non-resident natural person of the City of Seaford who shall have obtained the age for voting established by the State of Delaware for voting in a General Election and who shall have been a freeholder of property in the City of Seaford for a period of six (6) months immediately preceding the date of the Annual Election shall have one (1) vote provided he or she is registered according to at least one (1) of the following methods:

- (i) Commencing with the 2022 municipal election, voter registration for residents residing inside the City of Seaford limits shall be done through the State of Delaware, Department of Elections and/or by electronic registration pursuant to the Online Registration System of the State of Delaware; and/or;
- (ii) Non-resident property owners shall be registered in the "Books of Registered Voters" of the City of Seaford. The City Council of the City of Seaford shall provide one (1) register to be known as the "Books of Registered Voters" which is to be kept at City Hall. The Book of Registered Voters shall contain the following information for each registrant: the name of the registered voter arranged in alphabetical order, the permanent address of the voter, the date the registrant became a resident of the City of Seaford, the date the registrant became a freeholder of the City of Seaford, the birth date of the voter and any other pertinent information. No person shall be registered upon the Books of Registered Voters unless such person will have acquired the qualifications to vote in the Annual Election for the year in which such person registers. A person shall be required to register only one (1) time; provided, however, that the name of a registered voter shall be removed from the Books of Registered Voters by the City Manager upon the death of the registered voter, removal from the City of a registered voter, or loss of any other qualification to vote as prescribed herein, and notice sent to said registered voter at his last known address by certified mail with return receipt requested advising such

registered voter that his name has been removed from the Books of Registered Voters and that it will be necessary to register again in order to be eligible to vote in the Annual Election except that no notice be sent when removal is caused by the death of the registered voter, The Books of Registered Voters shall be maintained in the in the office of the City Manager and shall be conclusive evidence of the right of any person to vote in the Annual Election. A person may register at the City Hall during the regular business hours of such office until the close of business of such office on the Fourth Friday in the month of March by completing such forms as may be required by the City. For all purposes of this Charter, a freeholder shall be deemed to include any natural person who holds fee simple title to real property to his own name or who holds title to an undivided interest in real property, or who holds title to real estate as a joint tenant or as a tenant by the entirety.

### Synopsis

This legislation amends the City Charter to incorporate City Council's decision to move to the Delaware Department of Elections' voter registration system, effective for the 2022 municipal elections.

This legislation also amends the City Charter to incorporate City Council's decision to continue utilizing the "Book of Registered Voters" only for non-resident property owners.

3. Amend **Section 7(D)** of the Charter of the City of Seaford by making the insertions as shown by underlining and deletions as shown by a strike through as follows:

(D) The Mayor shall submit to the City Council, for its approval, the names of three (3) individuals to serve as the City's Board of Elections pursuant to 15 *Del. C.* §7551. The purpose of the Board of Elections shall be to oversee the municipal election in conformity with Chapter 75 of Title 15 of the Delaware Code. The Mayor shall also submit to the City Council, for its approval, the names of five (5) individuals to serve as the City's Election Officers pursuant to 15 *Del. C.* §7556. The Election Officers and the members of the Board of Elections shall serve for such term as determined by the City Council.

#### Synopsis

This legislation amends the City Charter by conforming the titles of the City's election officials to the titles used in Chapter 75 of Title 15 of the Delaware Code entitled "Municipal Elections."



4. Amend **Section 8** of the Charter of the City of Seaford by making the insertions as shown by underlining and deletions as shown by a strike through as follows:

Before entering upon the duties of their respective offices, the Mayor elect, and the Councilmen elect, shall be sworn by a Notary Public to faithfully and impartially perform the duties of their respective offices with fidelity. At 7:00 o'clock P. M. on the Second Tuesday in the Month of May following the annual election, the Mayor and City Council shall meet at the Council Chamber and the newly elected officers shall assume the duties of office, being first duly sworn or affirmed to perform their duties with fidelity as aforesaid.

(B)At this annual meeting, on the Second Tuesday in the month of May in each and every year, the City Council shall organize and elect, by ballot, Vice-Mayor, who shall hold office for the term of one year, or until his successor shall be duly elected.

### Synopsis

This legislation amends the City Charter by correcting the month during which the elected officials are sworn in and the Vice Mayor elected.

5. Amend **Section 15** of the Charter of the City of Seaford by making the insertions as shown by underlining and deletions as shown by a strike through as follows:

- (A) The City Council shall appoint, by a majority vote, Auditors, City Engineer, City Solicitor, Tax Assessor, and such other officers, employees and agents of the City. Any officer elected by a vote of the Council may be removed at any time by the Council at their pleasure.  
63 Del. Laws, c. 343

#### Synopsis

This legislation amends the City Charter by removing reference to a specific meeting during which appointments of non-elected City officials and staff are made.

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NB#3  
11/24/2020

**AGREEMENT FOR THE ESTABLISHMENT OF A COALITION FOR COOPERATION ON STORMWATER MANAGEMENT AND MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4) COMPLIANCE**

THIS AGREEMENT, by and between the City of Seaford, a municipal corporation of the State of Delaware

AND

The Town of Laurel, a municipal corporation of the State of Delaware

WHEREAS, certain municipalities have been notified they will be subject to Municipal Separate Storm Sewer System (MS4) Phase II Rule once a general permit is issued by the Delaware Department of Natural Resources and Environmental Control (DNREC); and,

WHEREAS, DNREC has placed for public notice a Phase II MS4 Tier II General Permit for certain municipalities, signaling that said Permit will become effective within the year; and,

WHEREAS, there are efficiencies that can be recognized in meeting the compliance requirements by the municipalities if they enter into an agreement to jointly address program development, implementation and reporting.

NOW THEREFORE, in consideration of the promises and mutual covenants herein contained, the parties hereto agree as follows:

1. There is hereby established the Sussex County MS4 Coalition.
2. To authorize the work of the Sussex County MS4 Coalition whose purpose it is to identify and analyze options for sharing resources to:
  - A. Meet the Phase II Federal Stormwater Rule that are anticipated to be required of the parties to this agreement in 2020.
  - B. Protect and/or improve the water quality of local waterways in accordance with State and local water quality planning goals and policies.
  - C. To foster cooperation and for the provision of joint services related to compliance with the requirements of the MS4 program established under federal and state law specifically and for matters related to the management of stormwater, more generally.
3. Membership shall consist of the following:
  - A. Full members of the coalition shall be municipalities and other parties required to comply with the MS4 regulations and currently include:
    - Town of Laurel
    - City of Seaford

- B. Associate membership of the coalition shall be open to county, municipal and other interested parties and may include:
    - Sussex County
    - DeIDOT
  - C. Prospective full members interested in joining the coalition shall meet with the coalition members to discuss cost sharing and timelines as new MS4's are declared within Sussex County. This agreement will be amended, and prospective members shall become full members by ratifying the amended agreement and contributing to the cost share.
4. The term of this agreement shall be from November 1, 2020 through October 31, 2022. At such time, this agreement may be renewed, amended or terminated. Any party may terminate this agreement upon 60 days written notice to the other parties.
  5. Each municipality will designate an official representative to serve on the Sussex County MS4 Coalition. The designee shall be responsible to attend and participate in regularly scheduled meetings of the Coalition and to share stormwater/MS4 policy issue questions to their respective municipality. The designee shall also be responsible to obtain opinions on stormwater/MS4 policy issues from the municipality and share such opinions with the membership of the Coalition. Each municipality may also designate additional representatives to participate in the work of the Coalition in cooperation and coordination with the official representative.
  6. The Sussex Conservation District (SCD) will be responsible to provide staffing services to the Sussex County MS4 Coalition. This support will generally consist of services as detailed in the budgetary cost estimate attached to this AGREEMENT as "Attachment B", and as modified from time to time. Services include preparation of meeting notices, agendas and minutes. In addition, SCD will work with members of the coalition to develop a co-permittee, Notice of Intent (NOI), Storm Water Pollution Prevention Plan (SWPPP), and a strategy for implementation of required Minimum Control Measures which exception of the Illicit Discharge, Detection and Elimination Program (IDDE) MCM which will fall to the municipalities to complete, with SCD providing support as needed. SCD will begin to provide these services upon promulgation of the MS4 permit.
  7. The costs associated with the delivery of the services contained in this agreement that are not covered by specific funding sources shall be shared by all of the full members of the coalition. The cost to each member shall be based on the population and square miles of the member municipality as contained in the most recent decennial census data, census data to be updated upon release of new data. The allocation shall be determined by calculating the percentage of individual full member population as compared to the combined population of all of the full members. The same calculation shall be used as it relates to square miles. The percentage of population and square miles for each full member community shall then be averaged to determine the full members' allocation. (See Attachment A)

- 8. This agreement may be modified or amended only in writing duly executed by all parties, which shall be attached to and become part of this Agreement.
- 9. Each party shall indemnify and hold harmless the other, it officers, agents, or assigns for all liability rising out of its activities under this Agreement.
- 10. The parties have incorporated in this Agreement their entire understanding and this shall supersede any and all prior Agreements between the parties hereto for the services herein to be provided.

IN WITNESS WHEREOF, each of the parties hereto have caused this agreement to be executed by their proper officers and their respective corporate seals to be affixed, the day and year first written.

TOWN OF LAUREL

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

CITY OF SEAFORD

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

ATTACHMENT "A"

	Population (2010 Census)	%	Sq. Miles	%	Total Allocation
Laurel	3,708	34.86%	2.98	36.08%	35.47%
Seaford	6,928	65.14%	5.28	63.92%	64.53%
Total	10,636		8.26		



October 29, 2020

Town of Laurel  
Attn: Jamie Smith  
201 Mechanic Street  
Laurel, DE 19956

City of Seaford  
Attn: Charles Anderson  
414 High Street  
Seaford, DE 19973

Dear Jamie and Charles:

On behalf of the Sussex Conservation District (SCD), I would like to thank you for the opportunity to work with the Town of Laurel and the City of Seaford on the development of your Municipal Separate Storm Sewer System (MS4) program. As requested, I have prepared the following proposal outlining the scope of work and estimated fees for our services associated with this project.

As you are aware, SCD believes it is in a unique position to assist your communities with this effort due to the fact we currently provide construction and post construction stormwater services for you as part of our delegated agency responsibilities to administer the State's Sediment and Stormwater regulations in Sussex County. In addition to our stormwater program personnel, our staff resources include professionals engaged in outreach, education and public relations, financial and grant management, development and implementation of public policies and programmatic reporting. We view our role as one that will support the Town and City and allow it to meet the requirements of the MS4 permit without having to expand its internal operations.

Please note that at this time this proposal should be considered a draft that is subject to further conversations regarding specific details and scope of work. SCD is prepared to continue to work with the Town and City to develop a final proposal that will enable you to meet your desired outcomes.

Thanks again for this opportunity to work with you and please feel free to let me know should you have any further questions or comments.

Sincerely,

David W. Baird  
District Coordinator

**Compliance with Phase II Tier II MS4 General Permit  
for  
Town of Laurel and City of Seaford**

**Preliminary Cost Estimate**

**Notice of Intent (NOI) and Development of Storm Water Management Plan**

SCD will work with representatives from both Town's (elected officials, staff and consulting engineers) to prepare and submit the Notice of Intent (NOI) to DNREC no later than sixty (60) days of the permit effective date. Furthermore, SCD will prepare a draft Storm Water Management Plan (SWMP) in accordance with the permit requirements. SCD will serve as the clearinghouse for all data associated with the MS4 program and develop procedures for data collection and reporting information to SCD. The District work with the Town and the City to prepare and submit annual reports documenting the progress of the SWMP on an annual basis by July 1.

Estimated Fee: \$21,600

**Public Education Program—MCM 1**

Within ninety (90) days of the permit effective date, SCD will work with the Town and City to implement a 24-hour hotline for the public to report water quality complaints. This could be completed using existing municipal or state resources, or a new option could be developed to meet this requirement.

Within six months of the permit effective date, SCD will develop and implement an in person or virtual employee training program and host (annual, biannual, quarterly) events. Since DNREC has indicated they will be providing the first training event, it is expected SCD will take the lead on all subsequent training events. Expected topics include a basic overview of the MS4 program, identification of stormwater discharges and potential trouble points, daily workplace activity to minimize discharges and how to report MS4 activity.

Within one year of the permit effective date, SCD will conduct one public outreach and education event in each community. SCD intends to develop and distribute bilingual educational materials via the Nanticoke Riverfest and the Laurel 4<sup>th</sup> of July event on the benefits of a properly operate and managed stormwater system and what they as residents can do to be a part of the solution.

Estimated Fee: \$25,050

## **Public Participation—MCM 2**

Within one year of the permit effective date, SCD will organize and perform two public participation activities as defined in the permit. We will develop, implement and maintain a written plan for public involvement and participation. Involvement may include storm drain marking, tree plantings, litter removal, stream clean up days, and Earth Day events to name a few. Other activities for identified segments of the community to engage in such as water conservation, proper recycling of hazardous and pet waste material, trash pick-up, recycling, lawn and landscape chemical applications and environmentally friendly car wash procedures. Targeted audiences will include residents, property owners and businesses within the Town and City. Additionally, community and civic organizations will be solicited for participation in these events. SCD will continually monitor the progress and ask for feedback from event participants. A follow-up survey will be conducted to evaluate the effectiveness of the public participation campaign.

Estimated Fee: \$5,850

## **Illicit Discharge, Detection and Elimination Program—MCM 3**

The Town, City and its engineers will take the lead on this program element and SCD will provide support as needed. SCD will incorporate data and activity collected in this element into the annual reporting for the MS4 program.

Estimated Fee: TBD

## **Construction and Post Construction Activities—MCM 4 & MCM 5**

SCD will continue to provide Construction and Post-Construction Stormwater services as a part of its delegated agency responsibilities from DNREC to administer the State's Sediment and Stormwater Regulations in Sussex County. The cost for these services will continue to be covered by the District through revenues received from Sediment and Stormwater application fees.

To comply with the permit requirements, within one year of the permit effective date, SCD will prepare an agreement between the Town, City and District to memorialize the role SCD has in providing oversight of construction and post construction activities within the Town and City. Within two years of the permit effective date, SCD will work with the City and Town to develop, draft and adopt a sediment and stormwater ordinance to provide authority for inspections and enforcement of the State's Sediment and Stormwater regulations.

Estimated Fee: \$6,100

## **Pollution Prevention & Good Housekeeping—MCM 6**

Within two years of the permit effective date, SCD will work with the Town and City to identify all municipal properties that may contribute pollutants to impacted water bodies. Additionally, SCD will prepare and submit a Notice of Intent (NOI) for all such facilities that are subject to industrial stormwater regulations.

Within two years of the permit effective date, SCD will work with the permittees to develop a good housekeeping plan for Town and City owned or operated facilities.

Within three years of the permit effective date, SCD will work with the Town and City to develop procedures and implement a good housekeeping programs to include street sweeping, inlet catch basin cleaning, snow and ice removal, pesticide, herbicides and fertilizers and litter control. Additional activities may be added based on the needs of each community.

Estimated Fee: \$31,500

DRAFT



MBH  
11/24/2020

ORDINANCE #2020-04

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SEAFORD, an ordinance to amend Chapter 4, of the Municipal Code of Seaford, Delaware relating to "Buildings", in the manner following, to wit:

Chapter 4, Article 1, of the Municipal Code of Seaford, Delaware is hereby amended by amending §1612.4 and §R322.2.1 as shown on the following pages.

	Date of First Reading
	Date of Second Reading & Adoption
	Date of Advertisement
	Date the Ordinance is Effective

CITY OF SEAFORD

By: \_\_\_\_\_  
Mayor

Witness: \_\_\_\_\_

Attest: \_\_\_\_\_  
City Manager

22. § 1612.4 Insert after § 1612.4:

**1612.4.1 Elevation requirements.**

The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus eighteen inches (18”), whichever is higher **and also include electrical systems, equipment and components; heating, ventilating, air-conditioning; plumbing appliances and plumbing fixtures; duct systems; and other service equipment.**

24. §R322.2.1

Delete:

~~1. Buildings and structures in flood hazard areas, including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or the design flood elevation, whichever is higher.~~

~~2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated to a height above the highest adjacent grade of not less than the depth number specified in feet (mm) on the FIRM plus 1 foot (305 mm), or not less than 3 feet (915 mm) if a depth number is not specified.~~

~~3. Basement floors that are below grade on all sides shall be elevated to or above base flood elevation plus 1 foot (305 mm), or the design flood elevation, whichever is higher.~~

Insert:

1. Buildings and structures in flood hazard areas, including flood hazard areas designated as Coastal A Zones, shall have the lowest floors, **electrical systems, equipment and components; heating, ventilating, air-conditioning; plumbing appliances and plumbing fixtures; duct systems; and other service equipment** elevated to or above the base flood elevation plus eighteen inches (18”), or the design flood elevation, whichever is higher.

2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including *basement*), **electrical systems, equipment and components; heating, ventilating, air-conditioning; plumbing appliances and plumbing fixtures; duct systems; and other service equipment** elevated at least as high above the highest adjacent *grade* as the depth number specified in feet on the FIRM, plus eighteen inches (18”), or at least 3 feet 6 inches if a depth number is not specified.

3. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus eighteen inches (18”), or the design flood elevation, whichever is higher.