

AGENDA
REGULAR MEETING OF THE MAYOR AND COUNCIL
July 14, 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
- On Facebook: www.Facebook.com/cityofseaford
- On YouTube: <https://www.youtube.com/channel/UCmTD6-NSvIMLwLSg3FUCzIA>

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Comments and questions may be mailed to:

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.
- Executive Session - Personnel & Negotiations
- Changes to agenda for this meeting.
- Approval of minutes of the regular meeting on June 23, 2020.

Mayor Genshaw to introduce Mr. James Thomas who would like to thank the first responders from the Seaford Police Department, Seaford Volunteer Fire Department and Seaford Call Center.

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

CORRESPONDENCE:

- 1.

NEW BUSINESS:

1. Mayor Genshaw to appoint an Annexation Committee to investigate the possibility of annexation of SCTM# 331-3.00-180.00; 22512 Sussex Highway (Sunrise Motel).
2. Mr. Berley Mears, Director of Public Works to make a recommendation regarding the installation of 15 MPH speed

AGENDA

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July 14, 2020

limit signs and “children at play” warning signs in the Mearfield Development (portions of Planters Drive and Pond View Lane).

3. Present for approval plan design changes as presented by Buck Consultants on June 9, 2020 to the General Employee Pension plan and authorize Buck Consultants to draft the pension plan amendment language for Council approval.

OLD BUSINESS:

- 1.

REMINDER OF MEETINGS & SETTING NEW MEETINGS:

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 hold an Executive Session for the purpose of discussing personnel and negotiations.

EXECUTIVE SESSION:

1. Personnel
2. Negotiations

Mayor Genshaw solicits a motion to adjourn the Executive Session.

Mayor Genshaw reopens the regular Council meeting.

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))

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AGENDA

REGULAR MEETING OF THE MAYOR AND COUNCIL

July 14, 2020

Date Posted: 7/6/2020

Posted by: TNT



414 High Street | PO BOX 1100
Seaford, DE 19973
302.629.9173
302.629.9307 fax
www.seafordde.com

Date: 06-15-2020

NE # 1
7-14-20

Name and address of applicant:

Sapan Shah
22512 Sussex Hwy, Seaford.

Phone Number: 628-0155

Mayor and City Council
Attn: City Manager
414 High Street
PO Box 1100
Seaford, DE 19973

To Whom It May Concern:

(I)/(We) the undersigned, do hereby petition the Mayor and City Council of the City of Seaford to request the annexation of the property(s) which (I)/(We) do own, to be zoned C-2, with the description and locations as follows:
Tax Map and Parcel: 331-3-00-180-00, located on 22512 Sussex Hwy, Seaford, DE 19973

(My) (Our) reason(s) for requesting annexation (is) (are) as follows:

- City Utilities
- City policing
- Other: _____

Respectfully submitted,

Sapan Shah 6-15-20

Annexation Of Territory.

Section 2.

The City may from time to time extend its boundaries through the process of annexation in accordance with the Delaware Code and the following procedures shall apply:

(A) Any owner of property located contiguous to the then existing corporate limits and territory of the City of Seaford, may, by written Petition, with the signature of each such Petitioner duly witnessed, request the City Council consider the annexation of the territory into the City.

(1) The petition shall be presented to the City Council shall include the tax parcel number(s), a description of the territory requested to be annexed in electronic format, a sealed survey (dated within 1 year of the petition), present and requested zoning, a statement of compliance with the Comprehensive Plan and the reasons for the requested annexation.

(2) If the City Manager deems the petition complete, the Mayor of the City of Seaford shall appoint a committee composed of not less than three (3) of the elected members of City Council ("Annexation Committee") to investigate the possibility of the annexation. Not later than 90 days following referral of the petition to the Annexation Committee, the Committee shall submit a written report containing its findings and conclusions to the Mayor and City Council of the City of Seaford. The report so submitted shall include the advantages and disadvantages of the proposed annexation, both to the City of Seaford and to the territory proposed to be annexed, and shall contain the recommendation of the Annexation Committee whether or not to proceed with the proposed annexation and the reasons therefor, as well as a recommendation of the proper zoning district for the property to be annexed.

(3) A Plan of Services for the property must be completed in accordance with Delaware Code. This Plan of Services must be completed for review and acceptance by all necessary agencies prior to final legislative action on the annexation.

(4) Within 60 days of the final recommendation by the Annexation Committee, City Council shall hold a public hearing to consider the annexation petition.

(5) Following the public hearing on the annexation petition and subject to the acceptance of the Plan of Services, City Council may then adopt an ordinance annexing such territory into the City of Seaford. Such ordinance shall be passed by the affirmative vote of 2/3 of all the elected members of the City Council. If the ordinance fails to receive the affirmative vote of 2/3 of the elected members of the City Council, the territory proposed to be annexed shall not again be considered for annexation for a period of 1 year from the date that the ordinance failed to receive the required affirmative vote.

(6) The public notice of the annexation ordinance shall contain a description of the territory proposed to be annexed, requested zoning and shall fix a time and place for the public hearing on the subject of the proposed annexation and zoning. The public notice of the annexation ordinance shall be published in a newspaper having a general circulation in the City of Seaford at least 1 week prior to the date set for the public hearing, and, at the discretion of the City Council, the notice may be posted in 2 public places both in the City of Seaford and in the area near the property or territory proposed to be annexed and on the City website.

(7) If the ordinance is adopted by a 2/3 affirmative vote, the City Council shall cause a description and a plot of the territory annexed to be recorded in the Office of the Recorder of Deeds, in and for Sussex County, but in no event shall said recordation be completed more than ninety (90) days following the date of the adoption of the ordinance. The territory considered for annexation shall be considered to be a part of the City of Seaford from the time of recordation. The failure to record the description of the plot within a specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the 90 day period from the date of the favorable vote of the City Council.

(B) If 5 or more property owners, but less than all of the property owners of a territory contiguous to the then limits and territory of the City of Seaford, by written Petition with the signature of each such Petitioner duly witnessed, shall request the City Council to annex the territory in which they own property then the same procedures outlined in Section 2 (a)(1)-(a)(7) herein shall be followed.

(1) If an ordinance is adopted approving a petition for the annexation of 5 or more property under the procedures of Section 2 (a)(1)-(a)(7) herein it shall be subject to the approval of the property owners of the City of Seaford and the property owners in the territory to be annexed. This approval or disapproval shall be signified at a Special Election as set forth below.

(a) City Council shall order a Special Election to occur within 60 days after the adoption of the ordinance affirming the annexation.

(b) The notice of the time and place of the said Special Election shall be published within 30 days immediately preceding the date of this Special Election in at least 2 issues of a newspaper having a general circulation in the City of Seaford, and, at the discretion of the City Council, notice may also be posted in at least 2 public places within the City of Seaford, in the territory proposed to be annexed, and on the City website at least 15 days prior to the date set forth for the said Special Election.

(c) At the Special Election, every property owner, whether individual, partnership or corporation both in the City of Seaford and in the territory proposed to be annexed shall have one vote. Property held by a partnership or by a corporation shall vote only by a power of attorney, corporate resolution, or authorization affidavit duly executed. In the event that an individual holds a Power of Attorney or corporate resolution duly executed and acknowledged, specifically authorizing the said individual to vote on behalf of a partnership or by a corporation at the said Special Election, before that person votes, a duly witnessed Power of Attorney or corporate resolution, shall be filed in the Office of the City Manager of the City of Seaford. The Power of Attorney or corporate resolution so filed shall constitute conclusive evidence of the right of said person to vote in the Special Election for such partnership or for such corporation. Property owners, individuals, or entities in the area proposed to be annexed shall have only 1 vote regardless of the number of parcels owned.

(d) Every citizen of the City of Seaford or of the territory proposed to be annexed over the age of eighteen years who is a property owner shall have one vote. In the case of property owned by husband and wife jointly, the husband and wife shall each have one vote. In the event that a person owns property both in the City of Seaford and in the territory proposed to be annexed, the person shall only have one vote. The books and records of the City of Seaford in the case of property owners and citizens of the City and the books and records of the Board of Assessment of Sussex County in the case of

property and residents of the territory proposed to be annexed shall be conclusive evidence of the right of such property owners and citizens to vote at the Special Election.

(e) The City Council may cause either voting machines or paper ballots to be used in the Special Election, the form of the ballot to be printed as follows:

SPECIAL ELECTION TO CONSIDER THE ANNEXATION OF [PROPERTY ADDRESSES, TAX PARCEL NUMBERS AND GENERAL PROPERTY LOCATIONS] INTO THE CITY OF SEAFORD.

[] For the proposed annexation.

[] Against the proposed annexation.

(f) The City Council shall cause to be prepared, printed and have available a sufficient number of ballots not less than five (5) days prior to the date of the Special Election.

(g) The Mayor of the City of Seaford shall appoint 3 persons to act as a Board of Special Election, at least one of whom must reside and own property within the City of Seaford and at least one whom owns property in the territory proposed to be annexed. One of the said persons so appointed shall be designated as the Presiding Officer. Voting shall be conducted in the Municipal Building and the Board of Election from 7 a.m. prevailing time, until 3:00 p.m. prevailing time, on the date set for the special election.

(h) Immediately after the closing of the polling place, the Board of Special Election shall count the ballots for and against the proposed annexation and shall announce the result. The Board of Special Election shall then certify the votes cast for and against the proposed annexation and the number of void votes and shall file and deliver the certification to the City Council.

(i) In order for the territory to be considered annexed, a majority of the votes cast both from the residents and property owners of the City of Seaford and from the owners of the territory proposed to be annexed must have been cast in favor of the proposed annexation. If a favorable vote for annexation shall have been cast, the City Council of the City of Seaford shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds, in and for Sussex County, within ninety (90) days following the favorable vote. The territory considered for annexation shall be considered to be a part of the City of Seaford from the time of recordation. The failure of the City of Seaford to record the description and plot within ninety (90) days shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period.

(j) In the event that the vote results in an unfavorable vote for the annexation, all or any part of the territory considered at the Special Election for annexation shall not again be considered for annexation for a period of one year from the date of the referendum.

(2) In the event the ordinance for annexation does not receive an affirmative vote by 2/3 of all the elected members of City Council, no Special Election shall be held and the territory previously proposed to be annexed shall not again be considered for annexation for a period of one (1) year from the date the ordinance was denied.

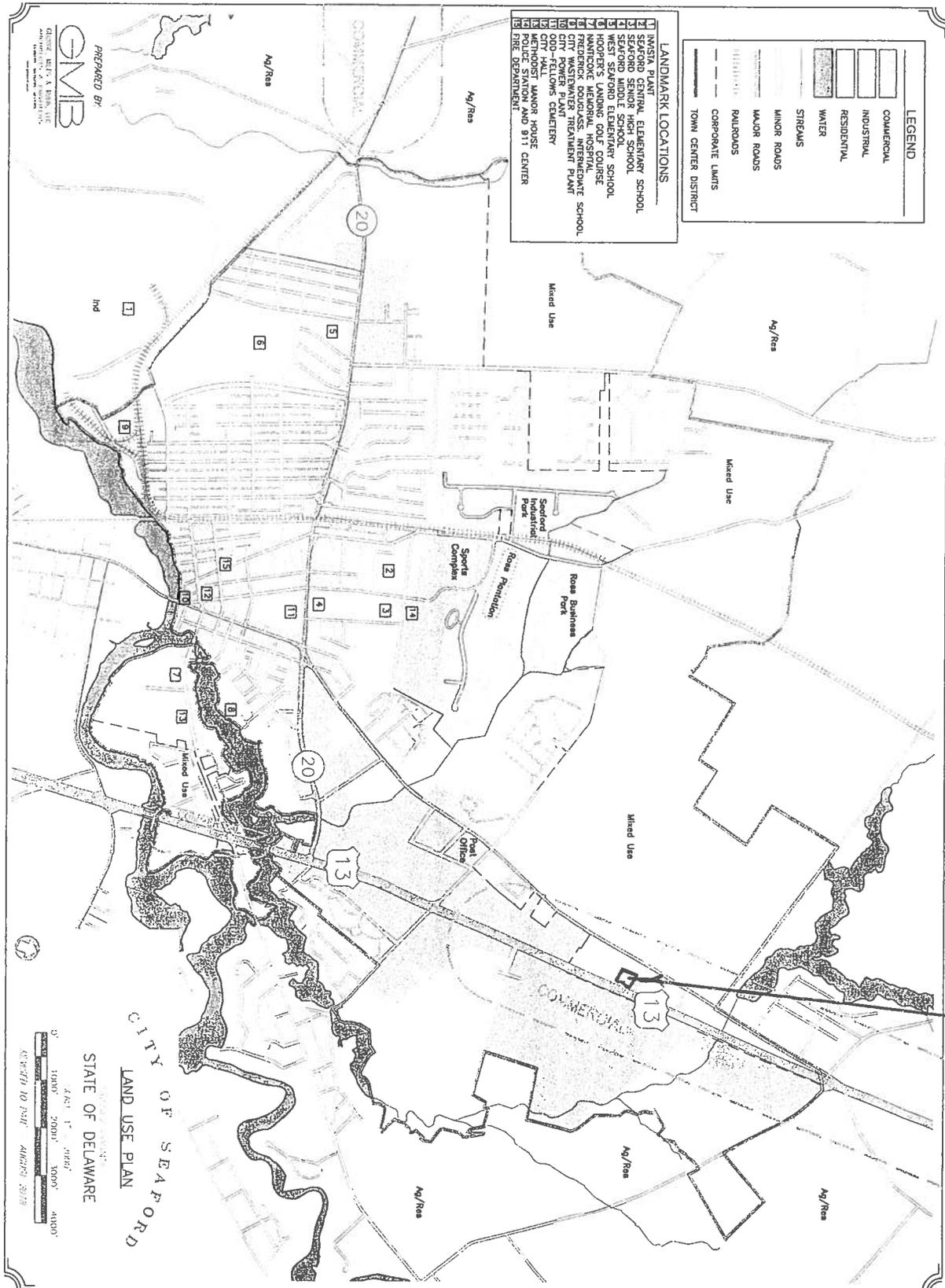
(C) Annexation Agreement.

(1) Notwithstanding any provision herein to the contrary, where, pursuant to §2(a) or (b) of this Charter, annexation proceedings are initiated by a property owner(s) holding record title to real property in territory contiguous to the then existing corporate limits of the City, such petition may be made contingent upon an annexation agreement with the City which agreement may address any matters which would be relevant to the subject lands, if annexed. By way of example and not in limitation, such agreement may address zoning, subdivision approval, tax relief, public utilities and public improvements. In the event the City Council approves such an agreement and votes to accept a petition under this §2 of this Charter, such Annexation Agreement shall be deemed a material part of the annexation and shall be included in all subsequent steps of the annexation procedure. City Council may vote to require the Annexation Agreement at any time before adoption of the ordinance annexing the territory into the city.

(2) The ordinances and notices adopted by the City Council shall recite that the proposed annexation includes and is subject to an annexation agreement. The ordinances and ballots, if an election is required, annexing the territory shall recite that the annexation is subject to an annexation agreement which shall be made available in the Town Hall at least seven (7) days prior to any vote to approve the petition. An annexation agreement may be modified or amended by mutual agreement of the petitioner and the City Council at any time prior to the ordinance adopted by City Council annexing the land into the City of Seaford. In any event, the Annexation Agreement shall run with the land and be recorded with the annexation ordinance.

(D) Property shall be designated to a territory of the City of Seaford pursuant to Section 1 of this Charter when annexed into the City. 62 Del. Laws, c. 290; 66 Del. Laws, c. 327; 81 Del. Laws, c. 330, §3;

Subject Parcel

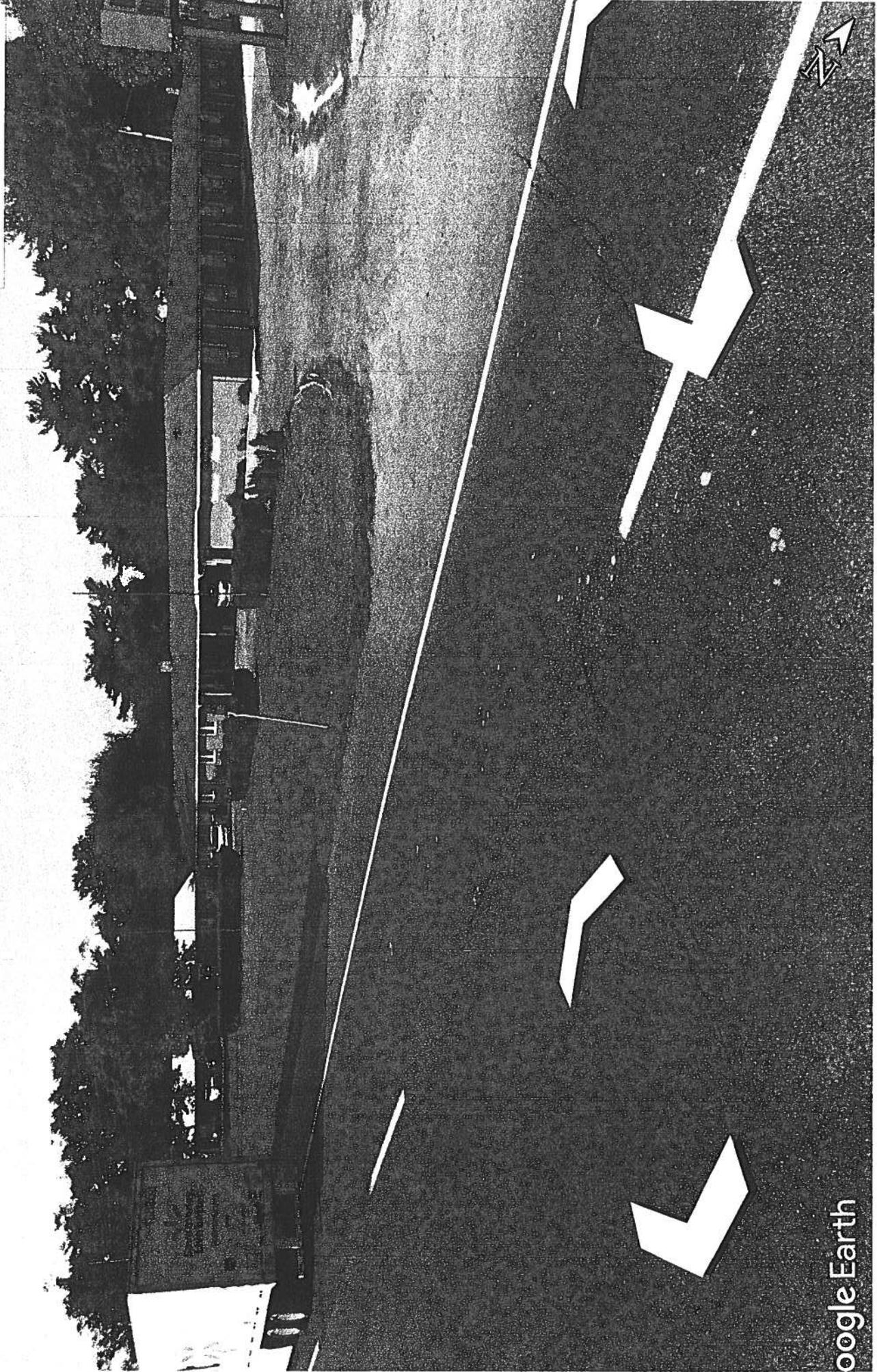


Untitled Map

Write a description for your map.

Legend

-  22512 Sussex Hwy
-  Seaford Pet Emporium
-  Sunrise Motel

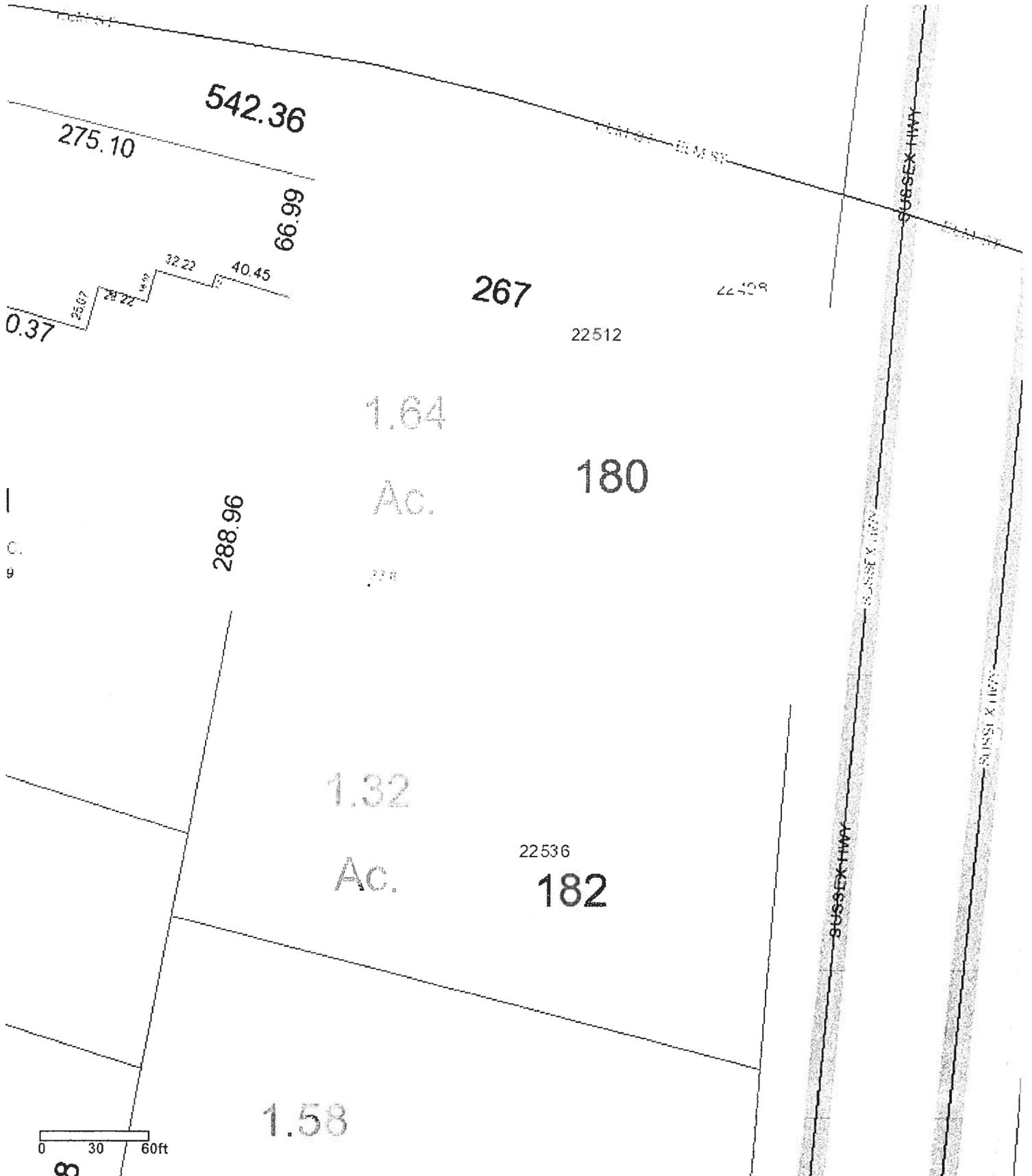


SUSSEX COUNTY

© 2019

8:58

Layers Search Settings Select Area Search Results



Search results

Clear Selected

Selected Features:

Parcels (1)



<i>Book</i>	4533
<i>Page</i>	282
<i>Owner Name</i>	SAS DE LLC
<i>Mailing Address</i>	22512 SUSSEX HWY
<i>City</i>	SEAFORD
<i>State</i>	DE
<i>Description</i>	W/RT 13
<i>Description 2</i>	S/ELM ST
<i>Land Code</i>	CO
<i>Town Code</i>	00
<i>CAP</i>	0
<i>BLDG Improvement</i>	111800
<i>LND Improvement</i>	9000
<i>PIN with Unit</i>	331-3.00-180.00
<i>PIN</i>	331-3.00-180.00
<i>Zipcode</i>	19973
<i>Frontage</i>	0
<i>Depth</i>	0
<i>Fire District</i>	87
<i>Council District</i>	1

Selected Features (1)



Linda and Wayne Apgar
121 Pond View Lane
Seaford, DE 19973

NB#2
7-14-20

June 17, 2020

Charles D. Anderson
City Manager
City of Seaford
414 High Street
Seaford, DE 19973

Re: Safety in Mearfield

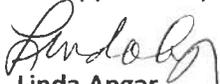
Mr. Anderson

First, kudos to your organization. We are fairly recent transplants to the area and are amazed at the level of service we've received from your department. Our streetlights have gone out several times over the past two years and your staff repaired the lights within 24 hours of reporting the outage. Amazing! And thank you.

The Mearfield development off Herring Run Road is experiencing fairly rapid growth. Over the past six months the development has seen a fifty percent population uptick with short term potential for ending the year at a one hundred percent increase. The population in the development is roughly fifty percent families with school age children. As residents we see a few existing problems which will only increase as the homes under construction are fully occupied (and they are selling rapidly).

- Traffic patterns in the development are problematic.
 - Speed Limit
 - There is an increasing number of children residing in the development, many play in the street.
 - There are no speed limit signs in the development. Sadly, some seem to take this as a license to drive at any speed far exceeding what would normally be the limit in such a development.
 - Ideally, we request the placement of 15 mph speed limit and 'children at play' warning signs.
 - On street parking
 - Currently, on street is allowed on both sides of the street.
 - It's impossible for vehicles to travel in opposing directions.
 - It's difficult (if not impossible) for emergency vehicles to travel on the roads.
 - You can see where this is leading. Could you consider changing the parking in the development from both sides to only one side of the street?

We appreciate your consideration and thank you for your time.


Linda Apgar

Wayne Apgar

CC: Brooke Dolby
Tracy Sparks

NB# 2
7-14-20

MEMORANDUM

TO: Charles Anderson, City Manager

FR: Berley Mears, Public Works Director

RE: Mearfield "Speed Limit & Children at Play" signage request

DT: 7/7/20

You received a requested dated June 17, 2020 requesting the installation of speed limit and children at play signs in Mearfield. You assigned this to me for evaluation and a recommendation.

This request also asked the City to change the parking in the neighborhood to one side of the street only. When this development occurred, the developer requested narrower streets to maximize lot coverage and doing this eliminated on street parking. There is not supposed to be any on street parking. Because this was never signed or enforced by the developer for years prior to the streets being dedicated to the City a precedent was set. I am currently engaged with the current developer who oversees the HOA about having the developer make the desired changes and notify the property owners of this possible change. I will bring this back to Mayor and Council at a later date should the need arise.

My review of the neighborhood revealed that there are no speed limit signs currently posted on these streets. There are also no existing posts to add signs to. It could benefit having children at play signs as there are now multiple kids in the neighborhood.

Based on the above information I would like to recommend the following for City Council's consideration:

1. The installation of four post, four 15 MPH speed limit, and four children at play signs be installed. These signs will be placed at each end of both Pond View Lane and Planters Drive, which are the two streets currently dedicated to the City. These sign post will have to go on the backside of the sidewalk in the grass of the property as the sidewalk and curb are together not leaving a space for a post.

Please contact me if you have any questions.

MEMORANDUM

11B H 2.
7-14-20

TO: Mayor & Council
FROM: June Merritt, Director of Finance & HR 
Cc: Charles D. Anderson, City Manager
DATE: July 6, 2020
RE: General Employee Pension Plan Design Changes

On June 9, 2020, the City's actuary, Buck Consultants, presented the impact of plan design changes that would apply to employees hired on or after January 1, 2021. The actuary's power point presentation is attached for your reference. The elements of the plan design changes are as follows:

- Change the final-averaging period from 3 to 5 years
- Cap service at 30 years (currently no cap on service)
- Increase the employee contribution from 5% to 7%

The elements may be approved as a whole or may be approved on an ala carte basis. Any plan changes would need to be approved and adopted by council before October 1, 2020 to give the actuaries ample time to produce the required documents needed for the effective date of January 1, 2021.

Staff is seeking council's approval of the three plan design changes listed above and authorization for the actuary to prepare the required documents to amend the General Employee Pension Plan for the effective date January 1, 2021.

The City of Seaford, Delaware Pension Plan for General Employees

Council Meeting
Plan Design Impacts

June 9, 2020

BUCK

Potential Plan Design Changes

We were asked to address the following potential changes that would apply to employees hired on or after January 1, 2021:

- Change the final-averaging period from 3 to 5 years
- Cap service at 30 years (currently no cap on service)
- Increase the employee contribution from 5% to 7%

Other potential plan changes are possible

Assumptions Used for New Hires after January 1, 2021

- 70% male and 30% female
- Entry Age: 22 years old
- Salary at hire: \$30,000
- No additional gain/loss is expected to emerge over the entire projection period
- All other assumptions are the same as those used in the July 1, 2019 Valuation

Estimated Financial Impact of Potential Plan Design Changes* (rounded for display purposes)

Estimated Impact on Annual Employer Normal Cost**	7/1/2021	7/1/2026	7/1/2031	7/1/2041
Change Final-Averaging Period from 3 to 5 Years	\$ (500)	\$ (2,000)	\$ (4,000)	\$ (6,000)
Cap Service at 30 Years	\$ (4,000)	\$ (20,000)	\$ (38,000)	\$ (66,000)
Increase EE Contribution Rate from 5% to 7%	\$ (3,000)	\$ (13,000)	\$ (27,000)	\$ (62,000)

* All proposed changes would only impact post-1/1/21 hires.

** These results are provided assuming no future gain or losses and the full actuarially determined contributions are paid each year. Under those assumptions no unfunded liabilities would be expected for future members. To the extent future gains or losses are incurred, there may also be an impact of these design changes on the unfunded liabilities and its amortization amount. The impact on projected unfunded liabilities would take several years to become significant because the changes apply only to those hired on or after January 1, 2021. The impact under various gain or losses is beyond the scope of this report.

Estimated Financial Impact of Potential Plan Design Changes* (as a Percentage of Payroll)

Estimated Impact on Annual Employer Normal Cost Rate**	7/1/2021	7/1/2026	7/1/2031	7/1/2041
Change Final-Averaging Period from 3 to 5 Years	(0.01)%	(0.06)%	(0.11)%	(0.13)%
Cap Service at 30 Years	(0.14)%	(0.61)%	(1.06)%	(1.49)%
Increase EE Contribution Rate from 5% to 7%	(0.09)%	(0.41)%	(0.74)%	(1.40)%

* All proposed changes would only impact post-1/1/21 hires.

** These results are provided assuming no future gain or losses and the full actuarially determined contributions are paid each year. Under those assumptions no unfunded liabilities would be expected for future members. To the extent future gains or losses are incurred, there may also be an impact of these design changes on the unfunded liabilities and its amortization amount. The impact on projected unfunded liabilities would take several years to become significant because the changes apply only to those hired on or after January 1, 2021. The impact under various gain or losses is beyond the scope of this report.

Estimated Financial Impact of Potential Plan Design Changes* (rounded for display purposes)

Estimated Cumulative Impact on Employer Normal Cost Beginning 7/1/2021**	5 Years	10 Years	20 Years
Change Final-Averaging Period from 3 to 5 Years	\$ (5,000)	\$ (19,000)	\$ (69,000)
Cap Service at 30 Years	\$ (51,000)	\$ (188,000)	\$ (703,000)
Increase EE Contribution Rate from 5% to 7%	\$ (33,000)	\$ (125,000)	\$ (540,000)

* All proposed changes would only impact post-1/1/21 hires.

** These results are provided assuming no future gain or losses and the full actuarially determined contributions are paid each year. Under those assumptions no unfunded liabilities would be expected for future members. To the extent future gains or losses are incurred, there may also be an impact of these design changes on the unfunded liabilities and its amortization amount. The impact on projected unfunded liabilities would take several years to become significant because the changes apply only to those hired on or after January 1, 2021. The impact under various gain or losses is beyond the scope of this report.

ASOP 51 - Risk Considerations

- Please see the July 1, 2019 actuarial valuation report and 2019 valuation results presentation for information on the plan's significant risks under Actuarial Standard of Practice No. 51 ("ASOP 51"). In particular, Investment Risk, Contribution Risk, Long-Term Return on Investment Risk, Longevity Risk, Salary Increase and Other Demographic Risk.
- Changing the Final Averaging Period or changing the service cap reduces total plan liabilities resulting in lower required contributions. Both of these design options will generally reduce the risks to the plan.
- Increasing employee contribution percentages has minimal impact on total plan liabilities and no impact on total required contributions (ie, employee and employer contributions), but reduces the employer required contributions. Lower employer required contributions decreases contribution risk.
- Increasing employee contribution percentages for new hires on or after January 1, 2021 will not impact demographic risks of current members. However, it may impact future termination assumptions as members may have higher termination rates if they have higher contribution rates. It also may increase risks outside the plan in attracting new employees if the rate is higher than competitor municipalities.

Questions?

Qualification Statement and Disclosures

The results in this presentation were developed for the City of Seaford, Delaware Pension Plan for General Employees by Buck Global, LLC (“Buck”) using generally accepted actuarial principles and techniques in accordance with all applicable Actuarial Standards of Practice (ASOPs). The results are based on member and financial data, actuarial assumptions and methods, and plan provisions summarized in the July 1, 2019 actuarial valuation report, unless otherwise disclosed.

The purpose of these results is to estimate the Normal Cost effects of potential changes to the plan for those hired on or after January 1, 2021 by estimating the change to the employer normal cost over the measurement period. Use of these results for any other purpose may not be appropriate and may result in mistaken conclusions due to failure to understand applicable assumptions, methodologies, or inapplicability of the results for that purpose. Because of the risk of misinterpretation of actuarial results, you should ask Buck to review any statement you wish to make on the results contained in this presentation. Buck will accept no liability for any such statements made without prior review by Buck.

This analysis is provided for informational purposes only and is not intended to imply favor nor opposition to the proposed changes.

Future actuarial measurements may differ significantly from the current measurements presented in this report due to such factors as: plan experience different from that anticipated by the economic and demographic assumptions; increases or decreases expected as part of the natural operation of the methodology used for these measurements; and changes in plan provisions or applicable law. Due to the limited scope of this report, an analysis of the potential range of such future measurements has not been performed.

David Kershner and Jeffrey Walton are Fellows of the Society of Actuaries, Enrolled Actuaries, and Members of the American Academy of Actuaries. They meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinions contained in this report.



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