

MINUTES OF THE MEETING OF THE
ANNEXATION COMMITTEE

August 30, 2018

9:00 a.m.

Chairman Vice-Mayor Dan Henderson called the meeting to order with the following people present: Councilman H. William Mulvaney, Councilwoman Leanne Phillips-Lowe, Charles Anderson, City Manager, Trisha Newcomer, Director of Economic Development and Community Relations and Mike Bailey, Building Official.

The first item on the agenda was to present a petition for an annexation request from Seaford Nylon Employees Council (SNEC) for annexing TMP 331-5.00-84.00 (with building) and TMP 331-5.00-85.05; located at 1380 Middleford Road, Seaford, DE 19973. The petition was reviewed by the committee which was submitted on May 14, 2018. The property petitioner's reason for requesting annexation is to obtain City utilities.

The second item on the agenda was to discuss the annexation committee report. City Manager Anderson reviewed the draft report that was prepared. The property identified for annexation is located adjacent to Middleford Road and contains a commercial building and other ancillary facilities. There is no municipal storm water system in close proximity to these lands. The proposed areas of annexation are zoned as follows:

TMP# 331-5.00-84.00, current Sussex County zoning is General Business and the requested City of Seaford zoning is C-2 Highway Commercial district.

TMP 3-31-5.0085.05, current Sussex County zoning is General Business and the requested City of Seaford zoning is C-2 Highway Commercial district.

The subject parcel receives electrical services from Delmarva Power. Upon annexation the City will amend its service territory agreement with Delmarva Power through the Public Service Commission to include the annexed lands. The City of Seaford currently has a gravity sewer main and water main near the subject property. The owner will need to provide the City the necessary easements prior to acceptance of streets, water main, sewer mains, and electric installations. The land will be taxed based on the City assessment following the annexation.

The advantages to the City for this proposed annexation were then discussed. The City may benefit from an increased tax base, there is an opportunity to provide utility services (electricity, water and sewer) to the parcel and spread the cost of service over a larger user base. It will allow the City to be positioned to serve additional lands adjacent but not in the City by the extension of the utilities to this property. There is local control of development at the local municipal level by having authority over it; being able to implement the municipal codes to maintain the property based on complaints received. This area would be served by the Municipal Police force, which will reduce property owner confusion and minimize

dispatcher time (currently the area is serviced by the State Police, which is confusing to the property owners who have a Seaford address but are not within the City limits). The governing body that will be the most impacted by the land use decisions will be making those decisions. This is in keeping with Livable Delaware and minimizing sprawl. The incorporation of this property into the City limits would eliminate an “enclave” of non-annexed County land surrounded (on two sides) by Municipal land.

The disadvantages to the City were then discussed for the proposed parcel. With continued growth, the City will have to expand personnel to provide all of the expected services. The expansion may increase the operating and capital budgets and will increase the area for City departments to serve. Traffic may increase on Middleford Road in the event that redevelopment of the property occurs. If the property redevelops, accidents could increase without improvements to the adjoining roads and intersections. A traffic plan should be prepared if development is planned. There will be an added number of requests to the City for reviews of plans, service extensions, Code, and Police services.

The advantages to the area proposed for annexation were then discussed. The area will receive all utility services from one owner so coordination of service will be less complicated. They will be provided local police protection with anticipated shorter response times. All permitting will be coordinated through the City. Support will be provided in obtaining other agency permits. A checklist will be provided for development, local government will do the zoning of the lands and snow removal on all City owned public streets, leaf and limb pickup at the curb and maintenance such as paving, pavement markings, etc. All complaints will be made to the City and the property owners will receive local representation for concerns through the elected officials who have to live in the community. They will benefit from municipal water and sewer services, once extended by the owner.

The disadvantages to the area proposed for annexation were discussed. They will have to adhere to local codes and ordinances, in building and maintaining facilities, which may be perceived as additional paperwork and more restrictive. They will have only one vendor for utilities – water, sewer and electric. They will have to adhere to more restrictive codes in placement of outside storage and appearance of the property.

City Manager Anderson stated that the request is scheduled to go through the Office of State Planning; Preliminary Land Use Service review. A meeting is scheduled in September to go in front of that committee with this request. It is expected to have the decision back from the committee in time to do the next step of the annexation process.

Vice-Mayor Henderson asked for any questions from the committee. Councilwoman Phillips-Lowe asked where the parking was located and how much was available. City Manager Anderson stated that there is no paved parking on the site; they use the gravel driveway and the grass lot. Vice-Mayor Henderson asked if a cost analysis has been done to see what it would be to serve them. City Manager Anderson stated that the sewer extension would be done by the property owner. There is preliminary engineering being completed on Middleford Road for a sewer extension and a 10” water main currently exists. He added that they could come to the City and ask for help for the fees associated with connection. If the property is annexed, the City would send a request to DP&L to do a buyout for the property to service

their electric. We would provide the infrastructure to them; the Director of Electric would do a plan of how we would change them over to a City electric service.

Councilwoman Phillips-Lowe asked if it was known if there was a potential buyer for the property since it is listed for sale. City Manager Anderson stated that a public meeting was held in reference to the sewer project on Middleford Road a few months ago. The realtor that has the property listed did attend the meeting, however, no potential buyer has been mentioned.

Vice-Mayor Henderson asked if a corporate resolution from the SNEC could be received rather than just from an officer to request the annexation. City Manager Anderson stated that he did check Sussex County records and it also references Mark Melson who serves as the treasurer. City Manager Anderson will follow up with them to request documentation to show that Mr. Melson is authorized to make this request.

Vice-Mayor Henderson stated that the advantages outweigh the disadvantages, however, he would like to see something official from their board. He would like to see something in writing that states that the board is giving authority to Mr. Melson to request the annexation for these parcels.

Vice-Mayor Henderson asked how the lot was zoned? City Manager Anderson stated that Sussex County currently has both lots as general business. The City of Seaford proposed zoning would be C-1 or C-2. He added that C-2 is adjacent to the parcel and we would not want to spot zone the location.

After a brief discussion, it was decided that staff will follow up with Mr. Melson to get documentation from the organization about the request.

It was decided that site visit was not needed by the committee.

City Manager Anderson pointed out that we have new requirements for our annexation process. Due to a charter change, there is now 60 days to report to Mayor and City Council. A plan of services will need to be completed as well. He then discussed a tentative time frame for the annexation request. He outlined that the committee could present the annexation committee report to the Mayor and City Council on September 25, 2018, hold a Public Hearing on October 23 as well as a plan of services. Following the Public Hearing, the City Council may adopt an ordinance to accept the annexation if there is an affirmative 2/3 vote of the City Council. He added that since this is our first annexation with this Charter change, he plans to ask the City Solicitor to draft the ordinance. It was added that if they are not able to produce the documents as requested, the annexation will not move forward.

With no further questions or comments, Vice-Mayor Henderson asked for a motion. Councilman Mulvaney made a motion to table the consideration of the annexation request from Seaford Nylon Employees Council until documentation is received as requested. Councilwoman Phillips-Lowe seconded the motion; motion so passed with all present voting in favor.

Vice-Mayor Henderson adjourned the meeting at 9:44 a.m.

Charles Anderson, City Manager