

Minutes of the Annexation Committee

October 7, 2016

11:00 a.m.

Annexation Chair Councilman Dan Henderson called to order the Annexation Committee Meeting at 11:00 a.m.

He stated that the item of discussion today is a petition for annexation request from Cerwin Holdings, Inc. for annexing TMP 3-31-5.00-101.00; lands on the Northwest corner of Middleford Road and Sussex Highway (Route 13).

The meeting was then turned over to Assistant City Manager Charles Anderson. Assistant City Manager Anderson showed a google map shot of the location of the property. He added that the property is currently developed; was formerly a gas station and is currently Tom and Jerry's Auto Repair.

Assistant City Manager Anderson distributed a copy of the Sussex County tax map that showed the parcel being discussed. A survey was completed on the property showing the acreage being slightly under an acre. He explained that the comprehensive plan for the City of Seaford includes many maps in it. Assistant City Manager Anderson showed the annexation map of the comprehensive plan for the City of Seaford and located the parcel being discussed. The parcel is shown in the Annexation Township which means that when the annexation plan was laid out; this property was included in that being approved. Mr. Anderson pointed out that this property is contiguous to the City limits by virtue of the two properties across from Route 13 being Popeye's and Dairy Queen.

The zoning for the existing parcel is C-2 which is Highway Commercial and the zoning for the existing parcel in the County is C-1. Mr. Anderson stated that the request stated in the petition is C-2 which would be consistent with our zoning map and our annexation plan.

City Manager Slatcher added that the reason for their request to annex is to gain City utilities in particular sanitary sewer. As part of the annexation streets and roads were addressed; for this property both roads are DelDOT owned and maintained. Therefore, there will be no new roads to be considered for construction. She added that there is no stormwater in the immediate area and it would be the developer's responsibility to retain it on site and to work with Sussex County Conservation District. They are looking for the extension of electric to the site; they are currently served by Delmarva Power. The power is across the street at Popeye's now and the electric department is currently reviewing the cost of extending it to this site. There is a sanitary sewer lift station north side of the Popeye's location. The City will look at varying ways of servicing this property. The minimum amount would be to allow them to put in a force main and connect across the road at their cost. The other would be to potentially extend sewer up Middleford Road which would give the City the ability to service additional properties that are along the River there and to extend to businesses further south on Sussex Highway. Those options will be given back to the City Council at a future date to make a decision. There is water in the immediate area including a 12 inch main that runs by this property and up Middleford Road. If there are any easements required they will need to provide them to the City for any extensions. It is unknown at this time what the property taxes will be and there has not been an assessment done on the property yet; that will take place once the annexation process has been completed.

City Manager Slatcher stated the advantages to the City for the proposed annexation. The City would benefit from an increased tax base. There is the 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 municipality 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 a parcel of unannexed land in the County that fronts an entrance to the City off of Sussex Highway (Route 13).

City Manager Slatcher then stated the disadvantages to the City for the proposed annexation. 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. In addition, it will increase the area for City departments to serve. Traffic may increase on Route 13 Sussex Highway and Middleford Road in the event a redevelopment 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.

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

City Manager Slatcher then read the disadvantages to the area proposed for annexation. They will have to adhere to local code 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 property.

City Manager Slatcher stated that the committee would need to make a recommendation whether to move the proposed annexation process forward or not. The City Council would then need to approve the report. A resolution would then be made to hold a public hearing.

City Manager Slatcher read a disclaimer about the proposed annexation. The annexation committee reviews solely the annexation of lands into the territorial limits of the City of Seaford. They do not review projects for any endorsement as part of the annexation process.

Any projects that may be presented for the land once they are annexed into the City of Seaford will follow the normal process for development, including Planning and Zoning and City Council Public Hearings to allow the public the opportunity to comment on the project proposal.

Councilman Henderson asked for any comments or questions from the committee. Councilman Henderson asked Assistant City Manager Anderson to state for the record why it is contiguous because of the right of way. Assistant City Manager Anderson stated that with annexations; to be contiguous it has to be directly across a roadway. City Manager Slatcher stated that roads are maintained and owned by DelDOT and are considered silent. Therefore, you consider the land straight across and the ponds straight across you consider them silent. You are not able to use the road only to annex land there has to be land in the City for it to be contiguous.

Councilman Henderson asked if anyone would like to visit the site. It was decided that site visit was not required.

Councilman Mulvaney asked if the proposed annexation included just where the building is located. Assistant City Manager Anderson stated that is correct it is just the one parcel that is referenced. There are two parcels located on each side of the proposed annexation parcel. It was stated that it does not include the parcel where the mulch pile is located. It was also stated that the only access to the mulch pile is through this parcel. There is possibly a cross/access easement that is present but with this annexation that could be taken away.

Councilman Mulvaney made a motion to agree to proceed with the proposed annexation process for this property. It is recommended that all adjoining property owners receive written notice of the proposed annexation so they may attend the public hearing or submit written comments to be included in the public hearing record. This annexation will expand the territory of the City. The City will benefit from an increased tax base. Councilwoman Phillips-Lowe seconded the motion; motion so passed with all present voting in favor.

City Manager Slatcher stated that it will be on the agenda on October 11th for the City Council for approval of the report. It will also be on the October 25th with a resolution setting the Public Hearing for this proposed annexation.

With no other business, Councilman Henderson asked for a motion to adjourn. Councilwoman Phillips-Lowe so moved; Councilman Mulvaney seconded; motion so passed with all present voting in favor.

Councilman Henderson closed the Annexation Committee Meeting at 11:18.a.m.
