

Minutes of the Annexation Committee

February 10, 2021

7:00 p.m.

Annexation Committee Chairman Vice-Mayor Dan Henderson called to order the Annexation Committee Meeting at 7:00 p.m. Vice-Mayor Henderson stated that the information presented tonight is in regards to the possible annexation of TMP's 331-5.15-006.00 & 006.01 located on Ross Street.

The meeting was then turned over to City Manager Charles Anderson. City Manager Anderson presented New Business Item #1, Present petition for annexation request from Mr. Michael A. Reed & Mr. Robert F. Reed, Jr. for annexing TMP's 331-5.15-006.00 & 006.01. City Manager Anderson shared the formal request for annexation received from the property owners. He added that the reason for the annexation request is for City Utilities and City policing and the request is for R-3 zoning of the property. City Manager Anderson shared a Goggle Map picture of the location of the property. City Manager Anderson showed a picture of the Sussex County Tax Map of the property that shows it is about 3.201 +/- acres. City Manager Anderson showed the City current zoning map. The requested zoning of R-3 is consistent with the current zoning near the property. The property is also eligible for annexation due to City limits being located close the property which makes the property contiguous to City limits.

City Manager Anderson stated that staff has done some preliminary work in advance of this meeting; the plan of services has been completed and was submitted to the Office of State Planning. A letter was received back stating that they have reviewed the plan of services and there were no objections to the annexation.

City Manager Anderson asked if there were any questions. Councilman Henderson asked if this request would go before the Planning and Zoning Commission to have it zoned? City Manager Anderson replied that traditionally that has not been done that way, however, if that is the desire of the committee it can be done that way. He added that typically, a zoning recommendation is made as part of the annexation committee report. If the committee moves the recommendation forward for the zoning and the City Council agrees, then it would move forward with the zoning as approved.

City Manager Anderson then presented New Business Item #2, Present the draft committee report submitted for review and changes if needed.

City Manager Anderson then reviewed the draft committee report. In the report, it states the petitioner's name and location of lands. As stated earlier, the reason for annexation is to obtain City utilities and City policing and to allow Better Homes of Seaford, Inc., the contract purchaser to develop the property in to affordable elderly rental apartments. The report discusses streets and roadways which points out that the property is located adjacent to Ross Street and is currently vacant land. It adds that the City does not expect to construct any new streets to accommodate development of this land. The report discusses storm water drainage; there is not a storm water system in close proximity to these lands. Any storm water management system to serve these lands will have to be designed by the developer and approved by the Sussex Conservation District office. Zoning of the property is discussed in the report, which is desired to be R-3 High Density Residential. It adds that the City of Seaford Council may have to zone the land through the City's Municipal Code following

annexation, pending legal advice. The property currently receives no electric service, upon annexation of the property, the City will amend its service territory agreement with Delmarva Power to include the annexed lands. The City of Seaford currently has a gravity sewer main near the subject property. This facility currently services existing development to the north and west of the subject lands. The City of Seaford municipal sewer system is the only publicly owned system in the area. Once the lands are annexed, they would be eligible to be tied into the municipal sewer system. The extension of sewer mains and the construction of lift station (if required) are considered a part of the project development cost and the owner should give careful review and consideration for sewer connections. The City's wastewater treatment plant's capacity is 2.0 M gallons per day for secondary treatment and nutrient limitations; current average daily flows are approximately 1.1 MGD. The estimated daily flows from the site would have to be provided to the City. Planning of the service mains would have to be performed by the owner and approved by the City prior to any construction. The owner would be expected to pay all associated fees. The Building Official will develop a fee assessment for the project upon request with proper information provided. A final review will be made by the City to determine sewer concentrations of the proposed discharge to the municipal system. All final fees will be assessed and permits for connecting to the municipal sewer system will be issued by the City Building Official.

The plan notes that there is an existing water main near the subject property. A 10" water main is in the Bridgeville Highway right-of-way near the site. In addition, water mains exist to the west and north of the subject property serving the Better Homes of Seaford housing complex. The City's water supply is sufficient to support development. However, the necessary distribution system extension to include mains and the water tap serving the facility would have to be provided by the developer. Planning of the service connections would have to be performed by the owner of the lands and approved by the City prior to any connection. The owner would be expected to pay all associated construction and connection fees.

The report discusses easements that the owner would need to provide the City the necessary of easements prior to acceptance of any streets, water mains, sewer mains, and electric installations. Should the property be annexed, it will be subject to property taxes.

The Annexation plan designates the subject project in the Town Center District. The Land Use Plan identifies the area that the subject property is located in as residential. The requested zonings of R-3 per City Zoning regulations would be consistent with the objectives of the plan.

City Manager Anderson 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. 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.

City Manager Anderson 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 area roads 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 Anderson 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 Anderson 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 Anderson stated that the report was drafted in anticipation that the committee members unanimously agreed to proceed with the proposed annexation process for this property. It was added that a public hearing is required as stated in our City Charter.

Vice-Mayor Henderson asked for any questions from the committee. Councilman Holland asked if Nylon Ave would become a City Road if these parcels are annexed? City Manager Anderson replied that he does not believe so. If the four to five houses that are located on Nylon Ave desire to annex than that may occur. However, at this time, it would remain a state-maintained road.

Councilman Santos stated that he is in favor of the annexation of these parcels, however, he would like to defer to the Planning and Zoning Commission for the zoning. City Manager Anderson referenced the draft annexation committee report under the zoning section that states “The City of Seaford Council may have to zone the land through the City’s Municipal Code following annexation, pending legal advice.” He added that the Planning and Zoning Commission is a recommending body to the City Council; they only review projects and zoning and make a recommendation to City Council. The only body in the City that can determine zoning is the City Council. If input is desired from the Planning and Zoning Commission that can be done. City Manager Anderson pointed out that the City tries to avoid spot zoning. City Manager pointed out that if the desire is to run this through the Planning and Zoning Commission that could be done, however, he feels that the advice has been provided in the documents provided. Councilman Santos replied that as of right now, he does not see any issues with it; he does not want to skip over them. Councilman Henderson added that if there

is a concern that should be brought up at the Council meeting to defer it to the Planning and Zoning Commission or act on the recommendation.

With no other questions or comments, Vice-Mayor Henderson called for a motion. Councilman Holland made a motion to recommend approval of the Annexation Committee Report for the property owned by Mr. Michael A. Reed & Mr. Robert F. Reed, Jr., (SCTMP's 331-5.15-006.00 & 006.01), located on Ross Street and to submit the report to the City Council for their consideration and acceptance as presented. Councilman Santos seconded the motion. Vice-Mayor Henderson then asked for a Roll Call Vote:

Vice-Mayor Henderson voted yes;
Councilman Holland voted yes;
Councilman Santos voted yes.

Motion so passed.

With no other business, Vice-Mayor Henderson asked for a motion to adjourn. Councilman Santos so moved; Councilman Holland seconded; motion so passed with all present voting in favor.

Vice-Mayor Henderson closed the Annexation Committee Meeting at 7:28 p.m.

Charles Anderson, City Manager