

AGENDA
REGULAR MEETING OF THE MAYOR AND COUNCIL
October 23, 2018
SEAFORD CITY HALL - 414 HIGH STREET

- 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.
 - Executive Session - Negotiations
 - Approval of minutes of the regular meeting on October 9, 2018.

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

CORRESPONDENCE:

- 1.

7:05 P.M. PUBLIC HEARING:

1. **Our Lady of Lourdes Roman Catholic Church**, property owners of 532 E. Stein Hwy., Seaford, DE, identified as Tax Map and Parcel # 331-5.19-35.00, is seeking a Preliminary Site Plan review for proposed Church Office Building Addition, with associated parking and site improvements.
2. **Chick-fil-A Inc.**, property owners of 22932 Sussex Hwy., Seaford, DE, identified as Tax Map and Parcel # 331-5.00-50.12, is seeking a Final Site Plan review for proposed Chick-fil-A restaurant with associated parking and access driveways.
3. **Annexation request from Seaford Nylon Employees Council** 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.

NEW BUSINESS:

1. Bids - Zero turn mower for the Parks Department.
2. Present for approval a Comprehensive Plan Amendment to the Land Use Plan Map to include a commercial designation for selected areas along West Stein Highway.

OLD BUSINESS:

AGENDA

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October 23, 2018

1.

REMINDER OF MEETINGS & SETTING NEW MEETINGS:

1. Western Sussex Chamber of Commerce Recognition Dinner & Auction; October 25, 5:00 p.m., Seaford Fire Hall.
2. Trisha Newcomer, Director of Economic Development & Community Relations, will be acting City Manager from October 27 - 29 and June Merritt, Director of Finance/HR, will be acting City Manager from October 30 - November 4.
3. Sussex County Today and Tomorrow Conference, Delaware Technical and Community College; 8:00 a.m. - 3:00 p.m., October 31.
4. General Election, November 6; 7:00 a.m. - 7:00 p.m.; Seaford City Hall is a polling place.
5. Representative Danny Short's Coffee meeting November 7; Nanticoke Senior Center, 8:00 a.m.
6. Veteran's Day ceremony at Kiwanis Park; Sunday, November 11th at 11:00 am.

COMMITTEE REPORTS:

1. **Police & Fire - Councilman Dan Henderson**
2. **Administration - Councilman Orlando Holland**
3. **Code, Parks and Recreation - Councilman James King**
4. **Public Works & WWTF - Councilwoman Leanne Phillips-Lowe**
5. **Electric - Councilman William Mulvaney**

Mayor Genshaw solicits a motion to hold an Executive Session for the purpose of discussing Negotiations.

EXECUTIVE SESSION:

Negotiations.

Mayor Genshaw solicits a motion to adjourn the Executive Session.

Mayor Genshaw reopens the regular Council meeting.

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October 23, 2018

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: 10/16/18

Posted by: TNT

August 30, 2018

PH # 3
10-23-18

The Honorable David C. Genshaw
Mayor
City of Seaford
Seaford, DE 19973

Dear Mayor Genshaw,

We, a Committee appointed by you on August 14th, 2018 to investigate the possibility of annexing certain lands into the City of Seaford limits, would like to present the following report:

PETITIONER AND LOCATION OF LANDS:

Petitioner: Seaford Nylon Employees Council
P.O. Box 232
Seaford, DE 19973

Owner: Seaford Nylon Employees Council
P.O. Box 232
Seaford, DE 19973
Treasure: Mark Melson

Sussex County Tax Map Address: Parcel # 331-5.00-84.00 & 85.05
1380 Middleford Road
Seaford, DE 19973

Total Square Footage: 30,070 +/-

REASON FOR ANNEXATION

The submitted annexation paperwork dated May 14th, 2018 states that the property petitioner's reason for requesting annexation is to obtain City utilities.

STREETS AND ROADWAYS:

The property identified for annexation is located adjacent to Middleford Road and contains a commercial building and other ancillary facilities. The Department of Transportation must approve any new or revised entrances on the roadway listed above, as it is State maintained. Any proposed development has the potential of imposing additional traffic on the adjoining roads and intersections. Anyone planning to develop any project on this land is encouraged to contact the Delaware Department of Transportation prior to formulating their plans or purchases. The parcel proposed for annexation is shown on the attached Sussex County Tax Map. The City of Seaford does not expect to construct any new streets to accommodate development of this land.

STORM WATER DRAINAGE:

There is no municipal 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. As in all projects, the regulations require the site to discharge the same quantity of storm water post-development as the property discharges pre-development. The prevailing regulations of the Sussex County Soil Conservation District will be imposed on this project.

ZONING:

The proposed areas of annexation are zoned as listed:

TMP#: 331-5.00-84.00

Current Sussex County Zoning: General Business

Requested City of Seaford Zoning: C-2 Highway Commercial District.

TMP#: 331-5.00-85.05

Current Sussex County Zoning: General Business

Requested City of Seaford Zoning: C-2 Highway Commercial District

The City of Seaford Council may have to zone the land through the City's Municipal Code following annexation, pending legal advice.

ELECTRIC:

Currently the subject parcel receives electrical service 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. Any development after the amendment of that agreement would be serviced by the City of Seaford. Current City policy is to plan for effective growth by working out phasing plans with developers that accommodate development in the most cost-effective manner possible. All electrical design will be completed at the cost of the developer in accordance with City rules and regulations.

SEWER:

The City of Seaford currently has a gravity sewer main near the subject property. This facility services the Herring Run Park Professional Center located west of the subject lands (1320-1350 Middleford Road). The City of Seaford municipal sewer system is the only publicly owned system in the area. Once annexed these lands would be eligible to be tied into the municipal sewer system. The extension of sewer mains and the construction of lift stations (if required) are considered a part of the project development cost and the owner should give careful review and consideration for sewer connections. Connection of any new buildings located on the site will be contingent on approved connection plans and available capacity of the wastewater treatment system. The City of Seaford'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.

The owners and/or developers should prepare professional engineering studies to confirm the cost of extending sewer collector mains, and if needed the installation of a sewage lift station on the basis of inadequate fall for gravity mains. The system should be studied from the point of discharge into the system to the point of treatment at the plant. All improved properties are expected to be served by the municipal sewer system within one year of annexation, or as soon as development occurs.

The City of Seaford's current practice is for the developer or owner to extend mains that are sized for the project needs. The City reserves the right to review plans and oversize mains and/or lift stations at their cost to extend sewer service to other areas they designate.

A final review will be made by the City to determine sewer concentrations of the proposed discharge to the municipal system. In some cases, pretreatment may be required prior to discharge. This will be determined once the use of the lands are identified. All final fees will be assessed and permits for connecting to the municipal sewer system will be issued by the City Building Official.

WATER:

The City of Seaford has an existing water main near the subject property. A 10" water main is located in the Middleford Road right-of-way adjacent to the site. The City's water supply is sufficient to support development. However, the necessary distribution system extension (water tap) to the new development 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.

EASEMENTS:

The owner will need to provide the City the necessary easements prior to acceptance of streets, water mains, sewer mains, and electric installations (if applicable). These should include a survey sealed by a licensed Delaware surveyor with a written legal description of lands being given. The easement document must stipulate that no permanent structures can be built within the easement area(s).

PROPERTY TAX:

The lands will be taxed based on the City assessment following the annexation. The assessment would be based on the value of the land and improvements as per City zoning. The current designated land use by the Sussex County Tax Assessment office are as follows:

TMP#: 331-5.00-84.00
Commercial

TMP#: 331-5.00-85.05
Residential, Vacant Lot, No Improvement

No real estate property taxes can be determined until City assessment occurs. The City hires a professional assessor to determine the value of assessment on lands. Therefore, staff cannot advise as to any potential tax billings for the subject lands. These will be based on improvements and land values that are subject to change per improvements and changes in zoning. The City's current real estate property tax rate is \$0.31 per \$100.00 of 100% assessment based on 2008 market values. There is an exemption for non-profit entities. A final review and approval must be granted by the Tax Assessor of the City of Seaford

COMPREHENSIVE PLANS REVIEW

The City of Seaford Comprehensive Plan

The Annexation Plan designates the subject property in the Town Center District. The proposed revision to the Land Use Plan identifies the area that the subject property is located in as commercial. The requested zonings of C-2 per City Zoning regulations would be consistent with the objectives of the plan.

Copies of the above referenced maps are attached hereto.

ADVANTAGES TO THE CITY:

These are not listed in any particular order of priority:

1. The City may benefit from an increased tax base.

2. 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.
3. 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.
4. 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).
5. The governing body that will be the most impacted by the land use decisions will be making those decisions.
6. This is in keeping with Livable Delaware and minimizing sprawl.
7. 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.

DISADVANTAGES TO THE CITY:

These are not listed in any particular order of importance:

1. With continued growth, the City will have to expand personnel to provide all of the expected services.
2. The expansion may increase the operating and capital budgets. In addition, it will increase the area for City departments to serve.
3. Traffic may increase on Middleford Road in the event that a redevelopment of the property occurs.
4. 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.
5. There will be an added number of requests to the City for reviews of plans, service extensions, Code, and Police services.

ADVANTAGES TO THE AREA PROPOSED FOR ANNEXATION:

This is not intended to be inclusive of all of the advantages, but to be a represented sampling of some of the advantages to the area proposed for annexation.

1. The area will receive all utility services from one owner so coordination of services will be less complicated.
2. They will be provided local police protection with anticipated shorter response time.
3. All permitting will be coordinated through the City.
4. Support will be provided in obtaining other agency permits.

If you have any additional questions, feel free to contact me.

Respectfully Submitted,
THE CITY OF SEAFORD


Councilman Dan Henderson, Chairperson


Councilwoman Leanne Phillips-Lowe


Councilman H. William Mulvaney



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

October 4, 2018

Mr. Charles Anderson
Town of Seaford
414 High Street
Seaford, DE 19973

RE: PLUS review 2018-09-05; Seaford Comprehensive Plan Amendment

Dear Charles,

Thank you for meeting with State agency planners on September 26, 2018 to discuss the proposed comprehensive Plan Amendment for the Town of Seaford. This amendment will change the land use map to include designation of areas adjacent to the existing City limits as proposed for annexation with commercial zoning.

Please note that changes to the plan could result in additional comments from the State. Additionally, the comments below reflect only issues that are the responsibility of the agencies that were represented at the meeting.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact Dorothy Morris 739-3090

- The Office of State Planning has no objections to this comprehensive plan amendment.

Department of Transportation – Contact Bill Brockenbrough 760-2109

DelDOT has no requirements with regard to the proposed Comprehensive Plan amendment but, noting the general lack of pedestrian facilities in the High Street corridor, DelDOT offers the following language from the Sussex County Comprehensive Plan for the City's consideration as part of their next Plan update:

Chapter 13: Mobility Element

Objective 13.6.2 Encourage non-motorized transportation planning along low-speed roadways.

Strategy 13.6.2.1 Incorporate bike and pedestrian facilities into community master plans where appropriate and consider allowing the use of motor-assisted bicycles along bicycle facilities and trails.

Strategy 13.6.2.2 Support the development and implementation of the statewide bicycle plan, a Blueprint for a Bicycle-Friendly Delaware, and continue to support the creation of recreational trails and shared-use pathways to connect communities to employment, commercial services, recreational opportunities, and to provide safe alternatives to car travel.

Strategy 13.6.2.3 Partner with Delaware's Pedestrian Coordinator to complete sidewalk connectivity projects in conjunction with new development.

Additionally, DelDOT recommends that the City contact Ms. Jennifer Cinelli, a planner in DelDOT's Statewide and Regional Planning Section, for assistance in obtaining funds for pedestrian and bicycle studies and projects. Ms. Cinelli may be reached at Jennifer.Cinelli@state.de.us or (302) 760-2549.

Once a decision has been reached on this proposed comprehensive plan amendment, please forward a copy of the adopting ordinance and the final plan amendment to the Office of State Planning Coordination for our records. The plan amendment must include a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan.

Thank you for the opportunity to review this Comprehensive Plan amendment. If you have any questions, please contact me at 302-739-3090.

Sincerely,



Constance C. Holland, AICP
Director, Office of State Planning Coordination



**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION**

October 16, 2018

Mr. Charles Anderson
City of Seaford
415 High Street
Seaford, DE 19973

**RE: Seaford Nylon Employee Council Annexation application update
Annex ID 2018-15
Tax Parcel # 331-5.00-84.00 & 331-5.00-85.05**

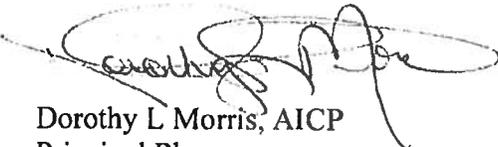
Dear Mr. Anderson:

This letter is to confirm that we have received Plan of Services for the above referenced annexation. I first responded to your Plan of Services on September 11, 2018. In that letter, it was noted that the Plan of Services could not be accepted at that time because a comprehensive plan amendment was required to change the Future Land Use Map within the comprehensive plan the proposed use of this parcel. The City has been working through the plan amendment process and it is my understanding that the plan amendment will go before council on October 23, 2018. As noted in my September 11, 2018 letter, the comprehensive plan amendment must be adopted prior to the annexation of the property. Provided the comprehensive plan amendment is adopted first, the Office of State Planning would have no objections to the annexation of the above referenced parcel.

Once both items are considered, the City should forward notification to this office regarding the actions taken on both the comprehensive plan amendment and the annexation.

If you have any questions, please feel free to contact me regarding the needed information.

Sincerely,


Dorothy L. Morris, AICP
Principal Planner

NE#1
10-23-18

Bid Cancellation Notice

Dear City of Seaford,

It has come to my attention that while submitting a bid for "2018 Zero Turn Mower" I mistakenly sent your office a bid that was meant to go out the same day to another city. The two bids were seemingly close and other than drive system and fuel capacity; there were no differences. I realize that this is a difficult matter to cope with, but I can assure you that this will never happen again. I am new to procurement and learning every day what can be done to make sure we are as efficient and accurate as all other OEM's. Please call me if you would like to dive into the matter on a deeper level.

My Apologies,

Jacob Hughey
Government Acquisition, Dixie Chopper
(757)-947-8176



31415 John Deere Drive
Salisbury, MD 21804
410-860-0676

October 10, 2018

Charles Anderson, City Manager
City of Seaford
414 High St
Seaford, Delaware 19973

I'm writing this letter to inform you that Atlantic Tractor LLC will honor our bid price of the John Deere Z930M for \$9,320.08, for another 30 days from today. As stated in the bid form, an extra set of blades will come with the machine as well.

We greatly appreciate this opportunity to earn your business. If you have any questions or concerns you may contact me at 410-860-0676 ext 1923.

Sincerely,
Eddie Frantum
Sales Representative



MEMORANDUM

TO: Charles Anderson, City Manager

FR: Katie Hickey, Supt. of Parks and Recreation

RE: **2018 Zero-Turn Mower for the Parks Department**

DT: October 15th, 2018

The City received five bids from two vendors in response to our bid advertisement for the above referenced equipment on September 19th, 2018. Please see the tabulation of the bids received below:

Bidder	Bid Price	Striping Kit	Trade In	Base Bid	Bid w/o Striping Kit	Notes for Bid
Textron, OPE	\$7,379.00	N/A	N/A	\$7,379.00	\$7,379.00	Dixie Chopper Eagle 2760KW
Atlantic Tractor	\$9,973.81	\$439.77	\$1,250.00	\$9,163.58	\$8,723.81	(Z930M model with Tweel Turf tires)
Atlantic Tractor	\$9,320.08	\$439.77	\$1,250.00	\$8,509.85	\$8,070.08	(Z930M model)
Atlantic Tractor	\$9,643.48	\$439.77	\$1,250.00	\$8,833.25	\$8,393.48	(Z950M model)
Atlantic Tractor	\$10,297.21	\$439.77	\$1,250.00	\$9,486.98	\$9,047.21	(Z950M model with Tweel Turf tires)

We were notified on October 10, 2018; that the lowest bidder retracted their bid. Upon notification of this bid withdraw we reached out to Atlantic Tractor and they have agreed to extend their bid price an additional 30 days.

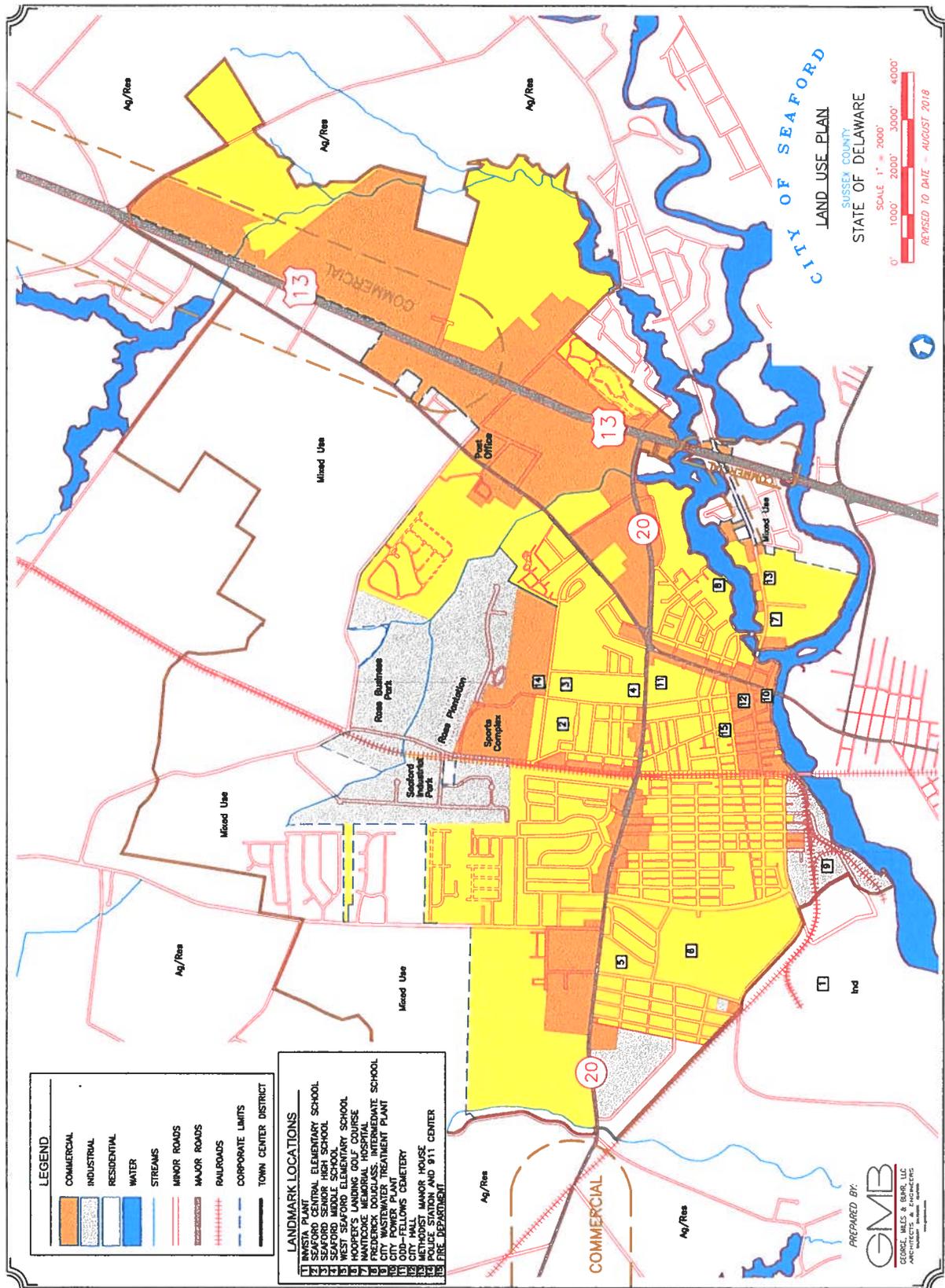
It is my recommendation that the bid be awarded to Atlantic Tractor, located in Salisbury, MD; for the Z930M model without the trade in and striping kit in the amount of \$9,320.08.

This purchase was authorized in the FY18 Parks Capital Budget. The budgeted amount for this purchase was \$9,500.

Should you have any questions, please contact me.

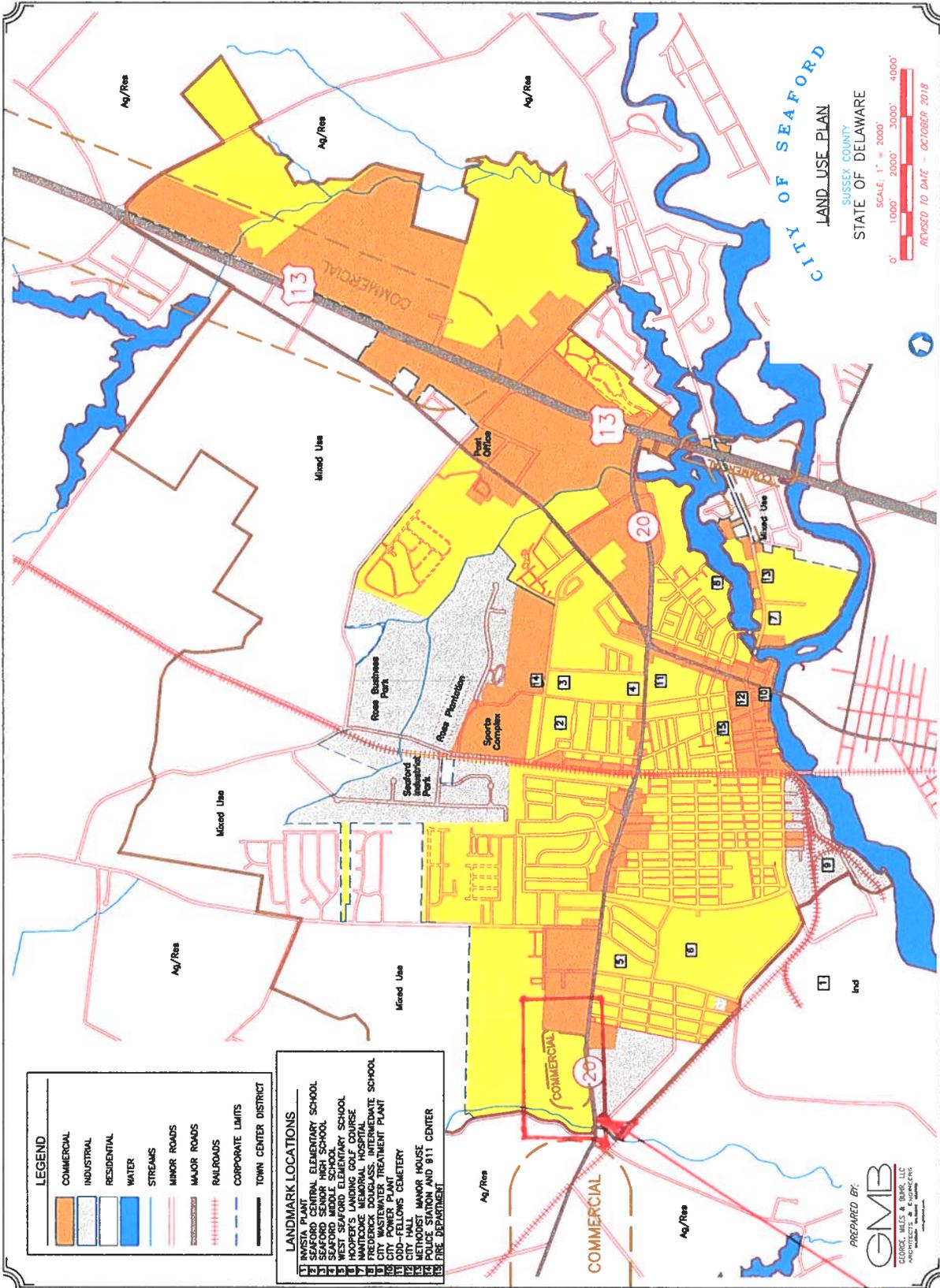
Thank you.

NB#Z
10-22-18



EXISTING

PREPARED BY:
GMB
GEORGE MILES & BARR, LLC
ARCHITECTS & ENGINEERS
1000 MARKET STREET, SUITE 200
SEAFORD, DE 19983



Proposed

AREA of REVISION