

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 9, 2019

A Meeting of the City of Milford Annexation Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, September 9, 2019.

PRESIDING: Chairperson Owen Brooks Jr.

IN ATTENDANCE: Mayor Arthur Campbell

Committee Members:
Councilmembers Daniel Marabello, Todd Culotta and Douglas Morrow

City Manager Eric Norenberg, Police Chief Kenneth Brown and
City Clerk Terri Hudson

Solicitor David Rutt

ABSENT: Planning Commission Chairman Marvin Sharp

The Annexation Committee was called to order by Chairman Owen Brooks Jr. at 6:45 p.m.

*Annexation/Lands belonging to Baltimore Aircoil Company, Incorporated
1162 Holly Hill Road
Milford, DE 19963
Tax Map MD-00-182.00-01-14.00-000
49.25 +/- Acres
Current Zone IL/Proposed Zone I-2*

The following request was received from Baltimore Aircoil Company (BAC):

*Property Address: 1162 Holly Hill Road, Milford, DE 19963 Owner: Baltimore Aircoil Company, Incorporated
Tax Parcel# MD-00- 182.00-01-14.00-000*

Please accept this letter as a formal request for annexation of the above referenced parcel located at 1162 Holly Hill Road, Milford, DE 19963 containing the existing Baltimore Aircoil Company, Incorporated (BAC) manufacturing facility and 49.6 +/- acres. BAC respectfully requests the property be zoned I-2 (General Industrial) which is consistent with the City's Comprehensive Plan future land use exhibit and the existing and proposed uses on the property.

Regarding the Annexation Fee we request deferment of the payment until Annexation is complete and agree to remit payment no more than 30 days from the date of annexation. In the unlikely event payment hasn't been made within 30 days we agree to have the fee added to our Tax Bill.

*Stephen Tsotsoros
Milford Plant Manager*

City Planning Director Rob Pierce referenced Resolution 2019-12 adopted by City Council on August 26, 2019 for this Committee to investigate the matter.

He explained this annexation of this property has been discussed for more than ten years, beginning when the City provided sanitary sewer to BAC. Part of the agreement was to annex into the City once they became contiguous with our municipal limits. This was delayed until recently when they agreed to sign petitions and complete the associated paperwork.

Mr. Pierce shared that he is working with them on the annexation fee of \$27,125. They have requested postponing payment until after October 1st, which is the beginning of their fiscal year.

He then reviewed the proposed report:

Property Owner: Baltimore Aircoil Company, Inc.
Location: 1162 Holly Hill Road
Size: 49.25 +/- acres
Existing Zoning: IL – Limited Industrial (Kent County)
Proposed Zoning: I-2 – General Industrial
Tax Map and Parcel Number: MD-00-182.00-01-14.00-000

APPLICANT

A petition by the property owners was submitted on August 15, 2019 to annex 49.25 +/- acres into the corporate limits of the City of Milford.

LOCATION

The property is identified as Sussex County tax parcel MD-16-182.00-01-14.00-000 and is located along the south side of Holly Hill Road approximately 3,000 feet south of the Milford-Harrington Highway (Route 14) intersection.

STREETS

The property contains an existing industrial site where all internal roadways and parking lots are privately owned and maintained. The site has access to an existing DelDOT road. Any modifications of the entrance would require approval from the State of Delaware.

DRAINAGE

The industrial site is already developed. Any future development and expansion of the manufacturing facility would be subject to DNREC storm-water regulations and the owner would be required to obtain any and all permits from the Kent Conservation District and State of Delaware.

ZONING

The area proposed to be annexed is currently zoned IL (Limited Industrial) in Kent County under the Kent County Levy Court zoning ordinance. The applicant requests the property be zoned I-2 (General Industrial District) under the City of Milford zoning ordinance.

SEWER

The property is currently served by the City of Milford with a small lift station and force main that discharges wastewater into the City's gravity collection system along Milford-Harrington Highway. Future planned improvements associated with the Hickory Glen project will allow the City to abandon this lift station and the wastewater will be conveyed to the new pumping station associated with the residential project.

WATER

City water is not currently available to the site and the closest connection point is 3,000 feet to the east along Milford-Harrington Highway. The property is currently served by a State approved drinking well. The City requests that the owner connect to the water system if and when water service becomes technically available at a connection point located along Holly Hill Road, within the BAC property. The City will require the applicant sign an annexation agreement where CPCN rights will be assigned to the City.

ELECTRIC

The property is currently served by the Delaware Electric Cooperative and the City will not be providing electric service to the property unless mutually agreed upon by BAC, the City and DEC.

TRAFFIC

The existing site has an internal network of parking lots and driveways that are privately maintained. The existing entrances located along Holly Hill Road are permitted by DelDOT and any alteration of the entrances or use of the property would need to be approved by the State of Delaware.

ENVIRONMENTAL ISSUES

The U.S. Army Corp of Engineers will control provisions under Section 404 of wetlands on the parcel. According to the DNREC Navigator website, the property contains state mapped wetlands. The property is not located within the 100-year floodplain according to the most recent FEMA Flood Insurance Rate Maps (FIRMs). However, the property contains areas of excellent groundwater recharge and would be subject to the City's source water protection ordinance.

AREA LAND USES

The properties to the north and west of the subject parcel are currently used for agricultural purposes. The property to the east is located within the City of Milford and is being developed by Nutrien Ag Solutions as an industrial site. The property to the northeast, known as the proposed Hickory Glen subdivision, is currently used for agricultural purposes but is in the final subdivision and site plan review process for 399 residential units. The subject parcel is bound on the south by an active railroad. The property to the south of the railroad, known as the Draper Farm, is annexed into the City as R-2 but is currently undeveloped and used for agricultural purposes.

FIRE AND POLICE

The subject parcel is located within the Carlisle Fire Company district area according to Kent County's online mapping application. Carlisle Fire Dept. already provides fire and EMS coverage to this area. EMS is also currently provided by Kent County Levy Court. Milford Police Department will provide police service.

COMPREHENSIVE LAND USE PLAN

The annexation is consistent with the 2018 Comprehensive Plan Future Land Use Plan and is designated as Proposed Industrial.

PROPERTY TAXES AND OTHER ECONOMIC CONSIDERATIONS

The proposed annexation will generate new property tax revenue to the City along with revenues for any future expansion of the facility.

ADVANTAGES TO THE CITY

1. The property is within the planning area of the City of Milford.
2. The City would receive revenues (property tax, building permits, etc.) for activity on the property.
3. Potential for additional water.
4. The annexation would satisfy the requirement to annex as stated in the 2006 Sewer Collection Agreement signed by both the City and BAC.
5. Identified within the Urban Growth Boundary of the 2018 Comprehensive Plan.
6. Consistent with the Comprehensive Plan Future Land Use exhibits.

DISADVANTAGES TO THE CITY

1. None.

RECOMMENDATION

Based on the issues and comments discussed in this report, the Annexation Committee of the City of Milford recommends approval of the application, following a unanimous vote, with the following comments:

1. Annexation is consistent with the "Comprehensive Land Use Plan."
2. Property is contiguous to existing City Limits.
3. Any changes to the property are subject to review by the City of Milford Planning Commission and/or City Council.
4. Property is already served by City Sewer and should be served by City Water in the future.
5. The annexation will benefit the City through additional revenues, including property taxes.
6. An executed Annexation Agreement is required prior to final City Council approval.
7. Upon approval of the annexation committee report, a Municipal Annexation Plan of Services

will be submitted to the Office of State Planning for their approval.

The property should be annexed with the following zoning classification: I-2 (General Industrial)

Chairman Brooks moved to approve the report as presented and proceed with the annexation of Baltimore Aircoil, seconded by Councilmember Marabello. Motion carried.

Adjourn

There being no further business, Councilmember Morrow moved to adjourn the Committee meeting, seconded by Councilmember Culotta. Motion carried.

Solicitor Rutt announced there will be future public hearings scheduled on the matter.

Chairman Brooks adjourned the Annexation Committee meeting at 6:56 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder