

**MINUTES OF THE MILLVILLE
ANNEXATION COMMITTEE MEETING
June 28, 2017 @ 7:00 p.m.**

In attendance were Deputy Mayor Steve Maneri; Committee Member Peter Michel; Town Solicitor Seth Thompson; and Town Manager Debbie Botchie. Committee Member Valerie Faden was absent.

1. CALL MEETING TO ORDER

Deputy Mayor Steve Maneri called the meeting to order at 7:00 p.m.

2. ROLL CALL

Mr. Maneri stated everyone was present except for Committee Member Valerie Faden, but there is a quorum.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. APPOINTMENT OF CHAIRPERSON

Deputy Mayor Steve Maneri motioned to appoint Committee Member Peter Michel as Chairperson of the Committee. Committee Member Peter Michel seconded the motion. Motion carried 2-0.

5. NEW BUSINESS

A. Discuss and possible recommendation to the Town Council on a Petition for Annexation submitted by Howard Robert Hickman Revocable Trust and Dr. James W. Schiff. The property consists of 31.32 acres located at 32525 Dukes Drive, Millville, DE. The proposed use is a 94 single family home development. The location is consistent with the Millville Comprehensive Plan and is contiguous with the Millville boundary line. **Background- Town Manager Debbie Botchie**

Town Manager Debbie Botchie stated the property is currently zoned "AR-1" (agricultural) in the County, and the developer is requesting a "R" (residential) zoning, which is consistent with the Town's comprehensive plan. Ms. Botchie stated the applicants must also fill out a preliminary land use service application and file with the Delaware State Planning Office, regarding their proposed development. Ms. Botchie stated Mr. Philip Tolliver did so and met with the State agency planners on February 22, 2017, to discuss the proposed plans; and the State Planning Office's comment letter was received by Ms. Botchie on March 22, 2017, which had the following comment: "While the property is under Sussex County jurisdiction, it is adjacent to both the Town of Ocean View and the Town of Millville. In addition, the Town of Millville is proposing a municipal park adjacent to this property. The owner should consider annexation of this property into the Town." Ms. Botchie stated on March 30, 2017, Mr. Tolliver submitted a request for annexation on behalf of Robert Hickman and Dr. James Schiff. Ms. Botchie stated next will be an annexation municipal plan of services was completed, along with letters to service providers such as Tidewater Utilities, Delmarva Power, Sussex County Planning & Zoning, Sussex County Engineering, the Millville Volunteer Fire Company (MVFC), and the

Delaware State Police (DSP); and all utilities and emergency services stated they can serve this property. Ms. Botchie stated all of these documents were sent to the State Planning Office and all were approved on May 25, 2017. Ms. Botchie stated on June 13, 2017, Town Council approved Resolution 18-02, which officially assigned the Annexation Committee to investigate the possibility of annexing this property into Millville. Ms. Botchie further stated on June 14, 2017, certified letters – requesting return receipts – were mailed to twenty-two (22) property owners included in the one-hundred (100)-foot radius of the proposed property to be annexed, to inform the property owners of tonight’s meeting; and Ms. Botchie received fifteen (15) return receipts out of the twenty-two (22) sent.

Mr. Phillip Tolliver, of Morris & Ritchie Associates Inc., stated his company started on this project a while back and their initial intentions were to do this as a County project and it was to be exactly like this presented tonight. Mr. Tolliver stated this project is consistent with the Town’s comprehensive plan and it will be contiguous to the Town’s park. Mr. Tolliver stated from a planning and land use standpoint, this makes a lot of sense to be within the Town. Mr. Tolliver stated the developer tries to incorporate buffers wherever they can throughout the project, and as seen on the mock-up there aren’t really a lot of the backs of lots which abut each other. Mr. Tolliver stated there was some discussion about how many trees would be saved and when they have a project like this, it’s extremely important to them to try and preserve as many trees as possible because it lends a sense of maturation to the project, particularly around the entrance at Windmill Drive and all the way along Dukes Drive. Mr. Tolliver stated the project will have a walking trail going through it and one neat feature is “the inviteability factor,” so when you come into a project, you’re not looking into someone’s someone’s front door or living room, but the first thing you see is a clubhouse facility. Mr. Tolliver stated the clubhouse will be centrally located and it won’t be a huge, lavish clubhouse because you will need a clubhouse which is in proportion with the ninety-two (92) or ninety-four (94) lots, but they are including a pool. Mr. Tolliver further stated, from a public service standpoint, they met with Sussex County engineer Hans Medlarz, and there is a large regional pump station positioned just a few hundred (100) feet from the project; and capacity was built into that pump station for about one-hundred-fifty (150) lots, coming from this property. Mr. Tolliver stated because he is proposing at most ninety-four (94) lots, the capacity is under the allotted number of lots for service from the pump station. Mr. Tolliver stated there is a line his company can cut into nearby so they will have public sewer, and Tidewater has a high-pressure water main on the east side of Windmill Drive, so public water is there, public sewer is there. Mr. Tolliver stated, from an environmental standpoint, they have met with the Army Corps of Engineers, and there are no wetlands on site. Mr. Tolliver stated there are a couple of tax ditches on site but they are outside of the boundaries. Mr. Tolliver stated the roads will be maintained by the homeowners’ association (HOA), but they will be built by DeIDOT standards. Mr. Tolliver stated, on the plan, there are yellow spaces which represent lots but the plan is not indicative of how many trees they plan on keeping; they plan on keeping more than shown. Mr. Tolliver stated currently there are plans to build more upscale houses in the price range of four-hundred-fifty-thousand dollars (\$450,000.00) to five-hundred-thousand dollars (\$500,000.00), and a lot of that will be market driven so there’s no set number yet.

Ms. Dorothy Rader, of Dukes Drive, asked the size of a lot. Mr. Tolliver stated a lot is about a little more than seventy-five-hundred (7500) square feet.

6. CITIZENS' PRIVILEGE

Ms. Karen Lucas, of Windmill Drive, asked if the entrance off Windmill Drive will have a turning lane and how Mr. Tolliver may envision the entrance. Mr. Tolliver stated they will go through DelDOT, and what is being proposed – and looks like what will be accepted – will be a bypass lane and two (2) through lanes. Ms. Lucas stated it should be taken under consideration that, with the summer months, there needs to be easy access for emergency vehicles. Town Solicitor Seth Thompson stated if the land is annexed into Town, the subdivision will go through the Town's usual process of appropriate Town approvals under Town Code, but entrances are really left up to DelDOT.

Mr. Todd Vickers, of Windmill Drive, asked if there is any projection about how much fill will be brought into the project. Mr. Tolliver stated they are not exactly at that stage as far as grading goes, but they have looked at it and they're thinking they can get it to balance independently so they're hoping there won't be a need to import dirt for the project.

Ms. Carolyn Hickman Townsend, of Windmill Drive, asked what will happen to the old cemetery located in the area. Mr. Tolliver stated he knew there are two (2) plots there and they have hired an archeologist to go out and survey the entire project to make sure it was just the two plots, which is all the archeologist found, and those plots will remain undisturbed, with a new fence placed around the plots, and a buffer, even though it's around unused property. Mr. Tolliver stated visitors to these cemetery plots will still have access to visit them, and it will be made easier by the fact of a pathway being provided. Ms. Townsend stated it's wonderful Mr. Tolliver will be refurbishing the fence and providing the space.

Mr. Dennis Jacobs, of Winchester Drive, asked what the buffer for the Deep Hole tax ditch will be in terms of length. Mr. Tolliver stated the Deep Hole tax ditch has an eighty (80)-foot maintenance right-of-way which basically runs from the outside edge of the easterly side of the ditch. Mr. Jacobs asked Mr. Tolliver if he's clearing any of the 80 feet out. Mr. Tolliver stated no, not on the side to which Mr. Jacobs is referring.

Ms. Rader stated she would like to hear the "pros and cons" of the property annexing into Town. Mr. Thompson asked Mr. Tolliver if he had any advantages from a development or engineering standpoint. Mr. Tolliver stated just from a development standpoint, there is significant benefit to annexing into Millville mostly due to turnaround times, because County has about a year backlog just to get on their agenda to be heard for a preliminary plan. Mr. Tolliver stated working with the Town and working with Ms. Botchie has been a delight, very responsive and very professional. Mr. Tolliver stated his company is eager to get jobs going as this will create jobs for local contractors and builders. Mr. Thompson stated another thing people hear is that, as being a part of a town, property owners get to have a say in town elections and in town projects; and the Town contracts with the DSP so there is police coverage per the Town's agreement of coverage with the DSP. Ms. Botchie stated because she has to think of the Town budget, and because this

development will either be in County or be in Town, why should it not be in Town? Ms. Botchie stated by bringing the development into Town, and since residents of the development will be using the Town's park, it's best to have those residents paying Town taxes to help pay for maintenance of the park, and the money will go toward the Town's transfer taxes, which in turn, go toward paying the DSP for police protection. Ms. Botchie stated another perk to the development being in the Town is it would be controlled growth, and the development would have to follow the Town's rules and regulations and the developer would have to deal with DelDOT either way.

Mr. Ken Wolfe, of Dukes Drive, asked if there's been any projected numbers on how this project may boost the current budget for the Town. Ms. Botchie stated she hasn't exactly figured that out yet, but if those houses sell from four-hundred-fifty-thousand dollars (\$450,000.00) to five-hundred-thousand dollars (\$500,000.00), the Town gets about four-hundred-fifty dollars (\$450.00) of that per lot, due to the Town of Millville's tax is still the third lowest tax rate in the state of Delaware; but with transfer tax, the Town gets one-and-a-half percent (1 ½%). Mr. Vickers asked if the Town will require certain amenities, such as sidewalks, because the County does require a buffer. Ms. Botchie stated County does require a buffer but Ms. Botchie thinks the Town's buffer and requirements are more restrictive than County, and yes, the Town does require the development to have sidewalks. Mr. Tolliver stated there will be sidewalks on both sides of the road. Ms. Botchie stated this will be a walkable community and the Town is looking for connectivity so the Town has requested the community connect into the park. Ms. Botchie stated the Town has tried to get sidewalks along Windmill Drive, but residents would have to speak with DelDOT. Ms. Rader asked what the next stage of this will be. Ms. Botchie stated the next stage is if the Committee tonight decides to recommend this annexation to Council, the Town will have a public hearing Council meeting, and if they annex in, it's up to the developer to bring in their preliminary site plan, which will be reviewed by the Town Planning & Zoning (P&Z) Committee before the plan goes to final, but the developer will have a lot of work to do because before the final, they need to get all of their State agency approvals. Mr. Tolliver stated the best case scenario if everything went well is the development construction would start in the first quarter of 2019.

Mr. Vickers asked if the residents will be notified anymore. Ms. Botchie stated no, the residents in the vicinity will not be notified via letter, but the meetings will be advertised on the Town website, and the public hearing will be advertised fifteen (15) days prior to the meeting in the *Coastal Point* newspaper. Mr. Thompson stated he thinks maybe the Committee should adjourn and wait for the absent Committee member to be present and be "brought up to speed" on the process before the Committee makes any decision. The Committee agreed to wait.

8. ADJOURNMENT

Mr. Maneri motioned to adjourn the meeting at 7:44 p.m. Mr. Michel seconded the motion. Motion carried 2-0.

Respectfully submitted,
Matt Amerling, Town Clerk