

*MILFORD CITY COUNCIL
MINUTES OF MEETING
December 22, 2009*

A Meeting of the Annexation Committee of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Tuesday, December 22, 2009.

PRESIDING: Chairwoman Katrina Wilson

IN ATTENDANCE: Committee Members Douglas Morrow, John Workman and Michael Spillane
Planning Commission Chairman Chuck Rini

City Manager David Baird & City Clerk/Recorder Terri Hudson

Chairwoman Wilson called the Annexation Committee Meeting to order at 6:34 p.m. to review the following request submitted by Beverly A. Thawley:

This letter will serve as an official request for annexation of property into the city limits of the town of Milford, Delaware by myself, Beverly Ann Thawley, as sole owner of the property in question.

The property is located on the north east corner of SR 1 and Cedar Neck Road (CR 206) in Sussex County and is across the highway from Matlinds Estates. Parcel #1 is 7.87 acres (+ or -) and tax map # 3301100007003 and parcel ##2 is 1.41 acres (+ or -) and tax map #33011000033300. These parcels are adjacent to each other.

I am requesting annexation of the property so that I may put it to better use by requesting zoning of C3.

I have submitted the necessary documents as required by you as well as the fee of \$7,140.00.

Ms. Wilson noted that City Planner Gary Norris was out of state on leave; City Manager Baird presented the application on his behalf.

Mr. Baird explained the site is located just east of Route 1, north of Cedar Neck Road. Though it is shown as two parcels, the entire rectangle is slated for annexation which consists of just over 9 acres. It complies with the city's land use plan and is part of the growth area and eligible for annexation.

He verified the plan of services has not yet been completed. When prepared, it will be sent with the annexation committee's recommendation. State planning will have twenty working days to respond. Upon receipt back by the city, it will be scheduled for a final vote by city council.

Mr. Baird noted the purpose of the annexation committee meeting, is to review the pros and cons of the annexation and to make a recommendation to city council. In the meantime, public hearings will be scheduled for planning commission and city council.

He then introduced Property Owner Beverly Thawley and her son, Brad Dugan. Mr. Baird noted the application is very straight forward and speaks for itself.

Ms. Wilson then opened the floor for committee members' comments, questions and/or concerns.

Chairman Rini confirmed there is one entrance at the property and asked its location. Ms. Thawley answered there is an entrance on Parcel B. She noted that the two parcels were combined and are now one tax map number on a separate deed as was requested by the city.

She also confirmed there is an entrance relatively close to the east boundary line. She explained she was also given another entrance close to the shaded parcel on the drawing. When asked if they both exit off Route 206, she stated yes noting the parcel has limited access on Route 1 with access only off Route 206.

In response to a question by Mr. Workman and whether the access is dirt or blacktop, Ms. Thawley said the original intent was for the access to be used as a driveway when Parcel B was being used as a residential lot.

Mr. Morrow said it is contiguous and he prefers that any land wishing to be annexed be approved in order to keep it under the control of the city instead of providing the county its benefits. He agrees it fits and is consistent with the comprehensive plan. It appears to be in order and he has no questions or issues.

Ms. Wilson explained the committee normally makes recommendations before the plan of services is presented to other city departments and state agencies. The city manager confirmed that has been done though the plan of services will be available to the full council prior to a final decision. He estimates it will be late February or March before it is scheduled for final action.

Ms. Thawley confirmed that DeIDOT has not been in touch with her in regard to the proposed overpass. She explained she has received a different answer each time she has spoken with them.

Mr. Baird reminded committee members that DeIDOT is proposing a new overpass at Wilkins Road heading over to Cedar Neck Road. According to the last presentation, most of their focus has been on the south side of Wilkins Road/Cedar Neck Road. However, some improvements will be added that do not currently exist in the area.

When asked about what is occurring on the Hall Farm, Mr. Baird explained they are proposing some access roads to and from Route 1 that will cut through the Hall property. However, those plans have not been finalized. They are currently working with the contractual owner. Ms. Thawley noted that DeIDOT informed the neighbors (Clarks) to the south that they will be closing the entrance in front of their horse farm.

Depending on the configuration of the overpass project, Ms. Wilson said it could potentially affect this property. Ms. Thawley explained that at each of the meetings she attended, a different representative would indicate they were unaware of what occurred at the previous meeting. Therefore, she was unable to get any concrete information though they confirmed there will be an overpass which will be dependent on available funding and how long it will take to build.

Mr. Baird noted that issue, along with the entrances, are more geared for the site plan process than the annexation review. He noted the question before this body is if this land should be brought into the city and should it be brought in under a C-3 classification.

Ms. Wilson asked for comments from Mr. Spillane. Mr. Spillane answered the questions he was going to ask have already been addressed. He did add that when he spoke to DeIDOT, they indicated the overpass would come down where the third home is. However, he is unsure what they are going to do though he is concerned where the ramp will end which might affect an entrance onto the parcel. He asked if another road could be done in the area of the farm; Ms. Thawley said yes that was possible. Mr. Spillane informed her the ramps will be on the south side of the parcel if they continue with those plans.

Mr. Workman said that regardless of the overpass, this committee needs to look at the property as it exists today noting the overpass may never happen. He has no problem with the C-3 zone but emphasized that DeIDOT encourages service roads and does not want an access off Route 1. It appears there is sufficient land for a service road because there could be no access from the development into the rear of this property. Ms. Thawley agreed.

Ms. Wilson feels those are issues will need to be addressed by the developer or purchaser once the land development application process begins.

Ms. Wilson asked if there were any more comments. No one responded. Mr. Morrow then moved to proceed with the Thawley annexation of 9 +/- acres with the C-3 zone, seconded by Mr. Workman. Motion carried by unanimous roll call vote.

Ms. Wilson adjourned the Annexation Committee Meeting at 6:53 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder