

The regular meeting of Mayor and Council was held on the above date with Council members Jim Reynolds, Jason Faulkner, Robert McGhee, Bob Pierce, Robin Burgess and David Fisher present with Mayor Branner presiding. Town Manager Morris Deputy was also present. Town Solicitor Scott Chambers was absent.

1. Minutes Approval: Moved by Mr. Pierce and seconded by Ms. Burgess to approve the Minutes of April 1, 2013 as presented. Motion Carried Unanimously.

2. Treasurer's Report: Moved by Mr. Pierce and seconded by Mr. McGhee to approve the Treasurer's Report as presented. Motion Carried Unanimously.

3. Bills Payable: Moved by Mr. Reynolds and seconded by Mr. Pierce to approve the Bills Payable as presented and pay as funds become available. Motion Carried Unanimously.

4. Police Report: Chief Hank Tobin

Prior to the Police Report, Lt. Mike Kelly presented Certificates of Appreciation to Town employee Ryan Dashiell, and residents Derek Smith and Paul Keeley. The awards were presented to the individuals for their support that aided in the arrest of several suspects.

The MPD responded to 1,201 calls for service for the month of April.

- 412 calls required documentation.
- 71 incidents required arrest action, totaling 238 criminal charges placed.
- Calls for service: Zone 1 – 317; Zone 2 – 334; Zone 3 – 195; Zone 4 – 172.
- 41 accidents: 31 property damage; 6 property damage/hit & run; 2 personal injury/hit & run.
- 8 arrests for drug violations.
- Several burglary arrests.
- Call Volume Analysis: busiest days – Monday 198; Tuesday 204; peak times: 3 p.m. to 8 p.m.
- Top calls for service: 454 traffic enforcement; 79 property checks; 67 follow-up investigations; 51 alarms; 42 public relations.
- Vehicle thefts are on the rise.

Moved by Mr. Pierce and seconded by Ms. Burgess to approve the Police Report as presented by Chief Tobin. Motion Carried Unanimously.

5. Public Hearings

5-A. Motion to approve an Ordinance to Rezone 2.2 +/- acres of Bluegrass Investments lands located at the southwesterly corner of Levels Road and Patriot Drive, also known as Lot 2, Levels Business Park, from Manufacturing-Industrial (M-I) zoning to Regional Commercial (C-3) zoning. Tax Parcel 23-041.00-002.

Rick Woodin, representing Bluegrass Investments, presented the following:

- The request is to rezone a 2.2 acre parcel from Manufacturing-Industrial to Regional Commercial, located at the intersection of Patriot Drive and Levels Road. They believe the rezoning request is in keeping with the original plans for the area.
- The properties at the intersection are zoned C-3 – commercial use businesses.
- A 3-story building is proposed with retail on the first floor and 12 apartment units on each of the second and third floors.
- Two access locations are proposed: one on Patriot Drive, and a right-in/right-out on Levels Road. DelDOT requested the median be extended 20' for the right-out turn.
- Some of the rooftop run-off will be directed into a sub-surface infiltration facility.
- Mr. Woodin pointed out that some of the Westtown land was converted back to M-I that had been approved for apartments.
- The plan was presented to State Planning and PLUS comments have been received.
- Planning and Zoning recommended approval.

Bob Pierce commented that the Comp Plan was just recently finalized showing the property as M-I and he doesn't see any reason why it should be changed now.

Mayor Branner pointed out that the Town received several awards for the planning of Westtown and he feels the rezoning is inconsistent with the Comprehensive Plan. If the property is rezoned, the Town will be required to go back to State Planning because it will change the Comp Plan. Mayor Branner stated there are 921 approved apartments that are not built yet – 312 are in Westtown. State Planning commented that the rezoning is not consistent with the Comp Plan. Mayor Branner expressed his concern that the rezoning is inconsistent with what the Town has tried to develop with the Comprehensive Plan.

Jason Faulkner agreed with Mayor Branner's comments; the proposed plan is not consistent with the area – it's a Main Street-type project proposed in the Manufacturing-Industrial area.

Mayor Branner remarked that area was proposed for a Manufacturing-Industrial site when the Comprehensive Plan was prepared.

Mr. Woodin respectfully requested the vote to be tabled.

Mr. Pierce rescinded his motion and Mr. McGhee rescinded his second.

Moved by Mr. Pierce and seconded by Mr. McGhee to grant approval of the request to rezone 2.2 +/- acres of Bluegrass Investments lands from Manufacturing-Industrial to Regional Commercial (C-3). (Motion rescinded.)

Moved by Mr. Reynolds and seconded by Mr. Pierce to table the motion to a future date as requested by Mr. Woodin, representing the owner of the parcel. Motion Carried Unanimously.

5-B. 400 W. Main Street (Manhattan Bagel) – Request for an outdoor barbecue grill (seasonal) at the location.

Rishen Patel, owner of Manhattan Bagel, requested permission to set up a barbeque grill to expand their menu for evening hours. Their current hours are 6 a.m. until 3 p.m. Mayor Branner said the barbecue grill would not be allowed on the sidewalk, in the fire lane or to take up parking spaces. Mr. Patel said the barbecue grill can be placed in the back – customers will eat outside or be seated inside. He will contact the Board of Health for proper licensing. Cooking grease will be contained.

It was determined the use was a permitted use and no action was necessary by Council.

5-C. Motion to approve Construction Contract for the New Street Water Main Project

Morris Deputy recommended Mayor and Council award the contract to Greggo and Ferrara for their low bid of \$290,750. Mr. Deputy's recommendation is based on the review of the bids by the Town's consulting engineers, KCI Technologies, and their recommendation. The engineer's estimate for the project was \$312,083.

Moved by Mr. Faulkner and seconded by Ms. Burgess to accept the Town Manager's recommendation and approve the bid from Greggo and Ferrara in the amount of \$290,750 for the New Street Water Main Replacement Project. Motion Carried 5 to 0. Mr. Reynolds abstained from voting – Greggo & Ferrara is the parent company of his employer.

5-D. Motion to approve Electric Service Agreement with Johnson Controls Battery Group, Inc.

Tabled at the request of Johnson Controls.

5-E. Public Assembly Permit Request – Bucket Brigade fundraiser at Four Corners on June 2nd from 10 a.m. to 4 p.m.

Crystal Seuss, volunteer for a Relay for Life team, requested permission to hold a Bucket Brigade fundraiser for the American Cancer Society on June 2nd at the Four Corners.

Moved by Mr. Pierce and seconded by Mr. McGhee to approve the Public Assembly Permit request for June 2nd from 10 a.m. to 4 p.m. at the Four Corners. Volunteers are not allowed to stand in the street; they may approach vehicles for donations only when the light is red. Motion Carried Unanimously.

6. Old Business: None

7. New Business: None

8. Executive Session:

Moved by Mr. Reynolds and seconded by Mr. Faulkner to enter into Executive Session at 8 p.m. to discuss the competency and ability of various employees, pursuant to 29 Del. Code §10004(b)(9). Motion Carried Unanimously.

Moved by Jason Faulkner and seconded by Robert McGhee to exit the Executive Session and return to the public session in Council Chambers. Motion Carried Unanimously.

No action was required by Town Council.

9. Adjournment:

Moved by Robert Pierce and seconded by Robert McGhee to adjourn. Motion Carried Unanimously. The meeting was adjourned at 10:30 p.m.