

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

1. MINUTES APPROVAL: Moved by Mr. Pierce and seconded by Ms. Burgess to approve the minutes of September 10, 2012 as presented. Motion Carried Unanimously.

2. TREASURER'S REPORT: Moved by Mr. Pierce and seconded by Mr. Reynolds 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 and pay as funds become available. Motion Carried Unanimously.

4. POLICE REPORT: Chief Hank Tobin

The MPD answered 1,073 calls for service for the month of September.

- 364 calls were documented with a police or accident report.
- 57 incidents required arrest action totaling 216 criminal arrests.
- Calls for service: Zone 1 – 264; Zone 2 – 332; Zone 3 – 178; Zone 4 – 136
- 25 accidents: 13 property damage, 5 hit and runs, 6 personal injury, and 1 personal injury hit & run.
- Several drug arrests involving marijuana and drug paraphernalia.
- Several heroin arrests
- 1 shoplifting arrest
- Burglaries throughout Town: Holly Square, Dove Run, E. Main Street and Millbranch.
- Robberies: pedestrian on E. Main St.; customer in the parking lot of Food Lion; Valero on E. Main Street.
- Thefts: Walmart - 2; 3 vending machine incidents: Acme, Carl King and Food Lion.
- Calls for service: busiest days – Saturday 195; Sunday 163. Busiest hours: 8 p.m. to 9 p.m.
- Top 5 calls for service: 321 vehicle stops; 76 property checks; 62 public relations and 43 follow-up investigations; 43 alarms.

Mayor Branner asked if the thefts from vehicles are still from unlocked vehicles. Chief Tobin said yes. Mayor Branner asked if the heroin arrests are increasing. Chief Tobin said there have been about a dozen incidents since July, versus 10 or 11 in the last five years.

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

5. PUBLIC HEARINGS:

5-A. 5369 Summit Bridge Road – Record Major Land Development Plan – DelDOT Maintenance Yard NC-110 – Middletown Crew Quarters and Maintenance Shop Project – includes demolition of existing combined crew operations and maintenance building, and construction of two separate buildings. Tax Parcel No. 23-013.00-067.

Sean McEvilly, engineer representing DelDOT, presented the following changes as a result of the meeting last spring:

- Sprinklers have been added as requested. An additional fire service line will be installed from the hydrant into the building. The Fire Chief has approved the location and addition of the line.
- Additional landscaping has been added in response to area resident's concerns. Additional arborvitae will be added to the existing shrubs to provide a denser screening. Similar landscaping will be added to the future equipment shed and additional landscaping will be included behind the operation's building.

Moved by Mr. Faulkner and seconded by Mr. Pierce to approve the Record Major Land Development Plan for DelDOT Maintenance Yard NC-110 located at 5369 Summit Bridge Road. Motion Carried Unanimously.

5-B. Motion to approve Contract for the Pennington Street Water Main and Middletown Fire Hydrant Replacement Project

Morris Deputy reported bids were opened on September 26th. Based on review by KCI Technologies, Austin and Bednash is the low bidder at \$270,421. Their bid meets all requirements for Office of Drinking Water and the bid is 12% lower than the engineer's estimate. The project is being funded by Office of Drinking Water Grant Funding. Mr. Deputy recommended the low bid be accepted.

Moved by Mr. Pierce and seconded by Ms. Burges to approve the contract for Pennington Street Water Main and Middletown Fire Hydrant Replacement Project as recommended by KCI Technologies and Town Manager Morris Deputy. Motion Carried Unanimously. Jason Faulkner abstained from voting.

5-C. Introduce an Ordinance for the regulation of mobile food trucks/trailers/carts in the Town of Middletown

Mayor Branner stated the Ordinance will require vendors to obtain Conditional Use approval. A public hearing will be held on October 15th at 6 p.m. in the Council Chambers for public comments. The Ordinance will go before Planning and Zoning and back to Mayor and Council for approval.

5-D. Motion to consent to assignment of KL Golf Lease and subleases and related documents

Richard Forsten stated the Town owns the golf course property and leases it on a long term lease to the golf course operator, currently KL Golf. KL Golf is releasing its interest in the golf course and sub-leasing to Matt Richter, Turf Management Services. The property is being refinanced; after the refinancing is complete, Turf Management Services will be responsible for the golf course lease. Under the lease agreement, the Town is required to approve any assignments of the golf course lease.

Moved by Mr. Pierce and seconded by Mr. McGhee to approve the consent to assignment of KL Golf Lease and subleases and related documents. Motion Carried Unanimously.

6. Unfinished Business: None

7. New Business:

- Mr. Reynolds announced that effective the first week of November, Price Park on Levels Road will be opening at 7 a.m. and closing at 7 p.m.
- Tracy Skrobot announced the following:
 - > Rocktober Fest will be held October 5, 6 and 7;
 - >October 16th is Heroes Night Out for the Police Department and Fire Department.
 - >Ten percent of the merchants' proceeds that evening will be donated to the firefighters' burn camp and the police department.
 - >Trick or Treating on West Main Street will be held on October 25th.

8. Executive Session

- A. Discuss competency and ability of an individual employee pursuant to 29 Del. Code 10004(b)(5).
- B. Discuss lawful, charitable contribution to the Town of Middletown pursuant to 29 Del. Code 10004(b)(5).

Moved by Mr. Pierce and seconded by Ms. Burgess to enter into executive session. Motion Carried Unanimously.