

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 October 1, 2012 as presented. Motion Carried Unanimously.

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

Bob Gouge, Longmeadow, suggested the heading of the Investment Report include the time period represented in the report.

Mr. Gouge asked for an explanation of the \$451,000 expense. Tyler Reynolds, acting Finance Manager, replied it was a bond payment for the A & B Bonds.

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

4. Police Report: Mayor Branner announced that Chief Tobin would present the Police Report if he returns in time. If not, the report will be available on the web site.

PUBLIC HEARINGS:

5-A. Introduce an Ordinance (12-10-01) for the regulation of mobile food trucks/trailers/carts in the Town of Middletown.

Mayor Branner reported a public hearing was held on October 15, 2012 to accept comments on the Ordinance. The following changes have been made to the Ordinance presented in October:

- Removal of the sentence, "And because vendors from such temporary vehicles and structures do not pay Town property taxes and are not otherwise invested in the Town and its long-term success."
- Added to the Ordinance: "Food vendors shall provide approved permit by the State of Delaware Division of Public Health, per Title 16, Delaware Code §122, Plan Review and Approval for Mobile Food units."

Mayor Branner re-introduced the Ordinance with changes. It will be acted upon at the December meeting.

5-B. 819 Middletown-Warwick Road – Record Minor Land Development Plan. Tax parcel 23-065.00-004.

Roger Brickley from Clifton L. Bakhsh, Inc., represented Marc and Felix Rutkoske, owners of the property. The 22-acre parcel was annexed in 2007 with C-3 zoning.

- The purpose of the plan is to show proposed improvements for code and Fire Marshal compliance for Building "E" only.
- The other buildings will remain agriculture at this time.

- Building “E” is 14,000 sq. feet; 7,000 sq. ft. is leased to Ruan, a truck maintenance service for Johnson Controls.
- An Internet Auto Sales office is proposed for the second half of the building.
- All cars will be stored inside; no outside storage is involved.
- A 2400’ water line extension will be installed to provide fire suppression for the building.
- The fire lane will be paved and marked.
- Planning and Zoning recommended approval of the plan.
- The Rutkoske’s will enter into the Rt. 301 Recoupment Agreement for road infrastructure.
- KCI’s comments will be addressed.

Mr. Brickley said he’s aware sidewalk will have to be installed along the Rt. 301 frontage. He asked if the sidewalk would have to be extended to the back of Building E at this time. Council said it could be installed later. Morris Deputy said there are plans to make a connection from Levels Road Extension thru to Merrimac and it could be installed at that time.

Moved by Mr. Pierce and seconded by Mr. Reynolds to approve the Record Minor Land Development Plan for 819 Middletown-Warwick Road, Tax parcel 23-065.00-004, with the conditions the building will be sprinklered per Fire Marshal’s request; the fire lane will be paved and marked; KCI’s comments will be addressed, and the Rutkoske’s will enter into the Recoupment Agreement for road improvements with DelDOT. Motion Carried Unanimously.

5-C. 305 N. Scott Street – Conditional Use Permit Request CU-07-12 for a roofing contractor office in an R-1A zoning district. Tax parcel 23-005.00-014.

Paul Farrell from Farrell Roofing is seeking Conditional Use approval to use the O’Grady residence at 305 N. Scott Street for their office. Some vehicles and equipment will be stored on the adjoining commercial parcel. Mr. Farrell said his business will relocate from the Wood Street (Rausch) property.

Mayor Branner said Planning and Zoning recommended approval.

Mr. Reynolds said that the house is located on W. Lake Street even though it has a Scott Street address.

Moved by Mr. Pierce and seconded by Mr. McGhee to grant approval for Conditional Use Permit CU-07-12 for a roofing contractor’s office in an R-1A zoning district, located at 305 N. Scott Street. Motion Carried Unanimously.

5-D. Motion to approve right-of-way landscape planting agreement between Town of Middletown and Longmeadow Homeowners Association.

Morris Deputy explained that this agreement will allow the Longmeadow Homeowners Association to install some landscaping in the island on Willow Grove Mill Drive , as long as the Association maintains the landscaping and assumes liability. The Town will continue to maintain the grass.

Mr. Dixon pointed out that paragraph 7 should read “the Association shall notify the Town....prior to beginning the work.” It currently reads “the Town shall notify the Association.”

Bob Gouge asked if the liability would be transferred to the homeowners association. Mr. Deputy said the Town's insurance company wants the Town to be listed as an additional insured.

Moved by Mr. Faulkner and seconded by Ms. Burgess to enter into a right-of-way landscape planting agreement between the Town of Middletown and Longmeadow Homeowners Association. Motion Carried Unanimously.

5-E. Motion to approve right-of-way landscape planting agreement between Town of Middletown and Delaware Department of Transportation.

As a community service, Duke Realty wants to install landscaping in the Levels Road round-about. Morris Deputy said DelDOT requires this agreement because it's in their right-of-way.

Moved by Mr. Faulkner and seconded by Mr. Pierce to enter into a landscape planting agreement between the Town of Middletown and the Delaware Department of Transportation. Motion Carried Unanimously.

5-F. Motion to approve ground lease agreement between Town of Middletown and North Lake Village, L.P.

Morris Deputy reported North Lake Village received a grant for improvements. They plan to add a sidewalk, fitness trail and a community garden in the Town's right-of-way behind their buildings. This agreement covers the Town's liability and allows them to make those improvements. The length of the lease will be 30 years.

Moved by Mr. Faulkner and seconded by Mr. Reynolds to approve the ground lease agreement between the Town of Middletown and North Lake Village, L.P. Motion Carried Unanimously.

6. Unfinished Business: None

7. New Business:

- Kate Rokosz on behalf of the Big Ball Marathon Committee presented Mayor and Council with a plaque in appreciation for their continued support of the event.
- Jim Young, Coordinator for the Salvation Army's Red Kettle Drive, said their campaign will start on November 20th and run through Christmas Eve. Last year's campaign raised \$25,000. He thanked Mayor and Council and the Town employees for their continued support. Sign-up sheets and flyers will be available at Town Hall. The information will also appear on the Town's web site and he may be contacted at jimmybacon@yahoo.com.

Moved by Mr. Reynolds and seconded by Mr. Faulkner to adjourn. Motion Carried Unanimously.