

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 Ms. Burgess and seconded by Mr. Reynolds to approve the Minutes of November 5, 2012 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:** Captain Dan Yeager

The MPD responded to 1,038 calls for the month of November.

- 346 calls were documented with a police or accident report.
- 61 incidents required arrest action.
- 157 criminal arrests.
- Calls for service: Zone 1 – 278; Zone 2 – 260; Zone 3 – 139; Zone 4 – 199.
- 56 accidents: 36 property damage; 12 hit & run/property damage; 8 personal injury
- November 5<sup>th</sup> the MPD SWAT assisted the Delaware State Police by executing a search warrant on New Street. Lamar Womack and Moritta Charleston were arrested for possession of cocaine, tier 5, which is 25 grams or greater, possession with attempt to deliver, endangering the welfare of a child and possession of drug paraphernalia. Both were committed in default of \$318,750 in bail.
- 4 heroin arrests
- 2 burglaries: Sleepy Hollow Drive and Haley Street
- 2 robberies: N. Broad Street and Crawford Street
- 4 reported thefts of packages taken from front steps from residents in Parkside and the Legends.
- Calls for service: busiest days – Sunday/147 and Friday/183; peak hours: between 2 and 3 p.m.
- Top 5 calls for service: 399 vehicle stops; 59 public relations; 46 property checks; 42 alarms and 37 follow-up investigations.

**5. PUBLIC HEARINGS:**

**5-A. 10 West Green Street – CU-06-12 - Conditional Use Permit Request for an electrical contractor's office in an R-1A zoning district. Tax parcel 23-008.00-041.**

Bob Lawson, electrical contractor, requested Conditional Use approval to use 10 W. Green Street for an office. He has an office in Galena and would like to open an office in Middletown.

- Planning and Zoning recommended approval.
- Proposed office hours are 7 a.m. to 6 p.m.
- Mr. Lawson would like to use the side yard for parking.

Ms. Burgess said the building has apartments and tenants need access to the back. She said the previous tenant parked delivery trucks in the side yard and blocked the tenant's vehicles parked in the back.

Mr. Lawson said most of the parking will be on the street and his employees usually take their trucks home; he will not block the driveway.

***Moved by Mr. Faulkner and seconded by Mr. Dixon to approve Conditional Use #CU-06-12 to allow an electrical contractor's office at 10 W. Green Street. Motion Carried Unanimously.***

**5-B. 128 Patriot Drive, Units 6 and 7 – CU-08-12 - Conditional Use Permit Request for a cheerleading academy and general office (M.O.T. Youth Football and Cheerleading League, Inc.) in an M-I zoning district. Tax parcel 23-041.00-015.**

April Elias, cheer director for MOT Youth Football and Cheerleading League, requested to use the facility for general office and instructional cheerleading.

Mayor Branner reported Planning and Zoning recommended approval unanimously. Proposed hours of operation are Monday thru Friday 5:30 p.m. to 8 p.m.; weekends - a few hours in the morning. No competitions will be held. The building is sprinklered.

***Moved by Mr. Faulkner and seconded by Ms. Burgess to approve Conditional Use #CU-08-12 for MOT Youth Football and Cheerleading at 128 Patriot Drive, Units 6 and 7. Motion Carried Unanimously.***

**5-C. 150 Gloucester Blvd. CU-09-12 – Conditional Use Permit Request for a home health care agency in an R-1A zoning district. Tax parcel 23-036.00-056.**

Richard Obinwankwo is requesting Conditional Use approval to allow a temporary home health care agency to operate from his home at 150 Gloucester Blvd. Their purpose is to provide health care service to clients in their homes. The home office will provide administrative service. He will hire certified independent professional care providers who will be dispatched to clients' homes. His plan is to relocate the business in a year to a permanent facility.

Planning and Zoning recommended approval.

Mr. Reynolds asked if the Conditional Use would only be for one year. Mr. Obinwankwo said he plans to relocate to a permanent facility within a year depending on how successful the business is.

***Moved by Mr. Faulkner and seconded by Mr. Pierce to grant approval to CU-09-12 Conditional Use Permit Request for a home health care agency in an R-1A zoning district. Tax parcel 23-036.00-056. Motion Carried Unanimously.***

**5-D. 851 N. Broad Street – Ocean Petroleum, LLC, request for an LED sign at gas station**

Jeff Erskine, representing Ocean Petroleum, LLC, requested permission to use an LED price sign for the gas station located in Middletown Square Shopping Center. The price is the only part of the sign that will change. After approval has been received he will proceed with obtaining the permit.

***Moved by Mr. Pierce and seconded by Ms. Burgess to approve the request for an LED sign at 851 N. Broad Street for Ocean Petroleum. Motion Carried Unanimously.***

**5-E. Motion to Approve an Ordinance (12-10-01) for the regulation of mobile food trucks/trailer/carts in the Town of Middletown**

Morris Deputy said the tax purpose section was removed and Conditional Use approval will be required to receive a permit for vending in the Town. Vendors must also comply with State requirements for mobile vending.

Mr. Reynolds questioned why ice cream trucks were excluded from the ordinance. Mr. Dixon said the ice cream trucks travel a daily route. Mr. Faulkner said the mobile vendor ordinance restricts the vendors to off-street private property. Ice Cream trucks would have to be regulated by a separate ordinance.

After general discussion regarding the ice cream trucks and non-profits, it was decided to contact the leagues and non-profits to see if there is an issue and address it accordingly.

***Moved by Ms. Burgess and seconded by Mr. Pierce to approve Ordinance 12-10-01 An act to amend the section of the Town of Middletown Zoning Code relating to mobile food vendors. Motion Carried Unanimously.***

**5-F. Motion to Ratify a Right-of-Way Agreement with the Delaware Department of Transportation (DelDOT) in connection with the proposed U.S. 301 Project**

Morris Deputy said the right-of-way agreement, required by DelDOT, outlines DelDOT's responsibility for maintenance, including snow and ice removal from existing 301 to the interchange at Levels Road.

***Moved by Mr. Reynolds and seconded by Mr. Faulkner to ratify a Right-of-Way Agreement with the Department of Transportation in connection with the proposed U.S. 301 Project. Motion Carried Unanimously.***

**6. Unfinished Business:** None

**7. New Business:**

- Ms. Vicky Keatts from Townsend expressed concern about the traffic devices at the intersection of Levels Road and Rt. 301. The intersection has 2 traffic signals that display solid green lights, and a "Stop" sign has replaced the "Yield" sign in the right turn lane. Mayor Branner said the "Yield" sign was replaced when the intersection was constructed by DelDOT. The complaint will be forwarded to DelDOT for consideration.

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