

The regular meeting of Mayor and Council was held on the above date with Council members Reynolds, Faulkner, McGhee, Pierce, Dixon and Burgess present with Mayor Kenneth L. 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. McGhee to approve the Minutes for November 7, 2011 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.

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

4. Police Report: Chief Hank Tobin

- The MPD responded to 933 calls for service for November.
- 252 calls required documentation with an accident or incident report.
- 44 incidents required arrest action; 119 criminal charges were placed.
- Calls for service: Zone 1 – 224; Zone 2 – 314; Zone 3 – 122; Zone 4 – 148.
- 50 accidents: 34 property damage; 9 property damage/hit & run; 4 personal injury; 1 unclassified
- 1 Robbery
- 2 Burglaries
- Busiest days for calls for service: Tuesdays and Wednesdays; busiest hours 7 p.m. and 8 p.m.
- Top 5 calls for service: 325 traffic enforcement; 62 alarms; 45 public relations; 40 property checks; 34 property damage.

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

5. Public Hearings:

5-A. Water Quality Presentation by the Delaware Nature Society – Madeliene Russell

Madeliene Russell, representing the Delaware Nature Society, reported that Delaware is being asked to help reduce pollution going into the Chesapeake Bay Watershed. She presented suggestions on how to help reduce the amount of nitrogen, phosphorous and sediment going into the bay.

5-B. 225 W. Main Street – Request for permission to operate a roadside BBQ food trailer in the parking lot of Farrell Roofing, Inc.

Clint Johnson requested permission to operate his BBQ food trailer in the parking lot of Farrell Roofing located on the corner of Wood and W. Main Street. He was previously located at Central Tractor.

Mr. Reynolds said that the MPD expressed concern over the truck being parked too close to the intersection and blocking traffic visibility. Mr. Johnson said he will position the truck to make it safer. Chief Tobin commented it is a very busy intersection and the truck creates a hazard – there isn't much parking and it blocks visibility. It also creates a lot of smoke.

Moved by Mr. Faulkner and seconded by Mr. McGhee to grant approval to Mr. Clint Johnson to operate the BBQ food truck at 225 W. Main Street. Motion Carried Unanimously.

5-C. 401 Classic Drive – Conditional Use Permit Request – CU-06-11 – To allow a warehouse facility in a Manufacturing-Industrial area. Tax parcel number 23-042.00-003 and a portion of 23-004.00-001.

Randy Duplechain requested permission to present items 5-C and 5-D together. Mayor Branner said the items could be presented together; however, the items will be voted on individually.

5-D. 401 Classic Drive – Preliminary Major Subdivision/Land Development Plan for development of a 1 million square-foot warehouse facility on 70 +/- acres in a Manufacturing-Industrial area. Tax parcel number 23-042.00-003 and a portion of 23-040.00-001.

Mr. Duplechain, representing Duke Realty, said they are seeking approval to allow a warehouse facility in a Manufacturing-Industrial district. The Preliminary Major Subdivision and Land Development Plan proposes a warehouse facility approximately 1 million +/- square feet, which includes a 237,000 mezzanine for a total of approximately 1,250,000 square feet.

- The proposed site is on the south side of Rt. 301 across from Walmart.
- Several access points are proposed:
 - (a) Merrimac Avenue will be extended south to intersect with Industrial Drive (Industrial Drive will be extended for this connection).
 - (b) Vintage Drive has a right-in/right-out on Rt. 301.
 - (c) Patriot Drive connects to Levels Road to Rt. 301.

(d) Classic Drive will be relocated to the north.

- The total project site is approximately 76 acres which includes 51 acres owned by Mautom LLC; 15 acres from the Cochran property; about 1.8 acres from the relocation of Classic Drive, and a 7.7 acre parcel from the auto mall to be used for parking.
- The building measures 1,280 feet x 570 feet.
- Approximately 2,000 parking spaces are provided on the perimeter of the building.
- Several entrances are proposed to the parking lot: 2 off Classic Drive, 3 off Merrimac Drive and 1 off Industrial Drive extended.
- Truck traffic will enter from Industrial Drive. Trucks will pass through a gatehouse to enter the loading dock area. The loading dock area will be fenced.
- 64 loading docks are proposed; 126 trailer parking spaces are proposed.
- An emergency exit will be provided.
- The majority of truck traffic will enter from Merrimac Avenue to Industrial Drive and leave by the same route.
- The 7.7 acre parcel will provide 525 additional parking spaces. A separate stormwater management pond will be constructed on this parcel.
- The main stormwater pond will be relocated. Infiltration basins will be placed along the westerly perimeter of the parking lot. An additional smaller pond will also be located on the parcel.
- The water connection will be made on Industrial Drive.
- A fire loop will be provided around the entire building.
- Sewer will connect to the existing sewer line on the east side of the property.
- Proposed Timeline: Planning and Zoning Approval: November 17, 2011
Mayor and Council Preliminary Approval: December 5, 2011
Mayor and Council Final Approval: January 9, 2012
Begin Construction Mid-January/early February
Occupancy in September 2012

Bob Gouge asked how many truck shipments were expected. Mr. Duplechain said no projections have been made but based on the size of the facility it would be fairly significant. It should be adequately handled with the number of access points provided.

Mayor Branner said entrances and exits off Levels Road and other access points were all considered when Westown went before DelDOT and the PLUS process for approval.

Mayor Branner stated Planning and Zoning recommended approval for the Conditional Use Permit and the Preliminary Major Subdivision/Land Development Plan on November 17, 2011.

Mr. Dixon asked if the proposal to move the utility easement line on Industrial Drive would interfere with the utilities currently on that road. Mayor Branner said the 100' easement would be the extension of Industrial Drive; the guy wires in the easement will be relocated. The easement originally part of Silicato's property has been shifted to Industrial Drive down to Merrimac Drive in order to provide another access to the facility.

Moved by Mr. Reynolds and seconded by Ms. Burgess to approve the Conditional Use Permit CU-06-11 for 401 Classic Drive to allow a warehouse facility in a Manufacturing-Industrial area. Tax parcel 23-042.00-003 and a portion of 23-040.00-001. Motion Carried Unanimously.

Moved by Mr. Faulkner and seconded by Mr. Pierce to grant approval for the Preliminary Major Subdivision/Land Development Plan for 401 Classic Drive, for the development of a 1 million square-foot warehouse facility on 70 +/- acres, in a Manufacturing-Industrial area. Tax parcel 23-042.00-003 and a portion of 23-040.00-001. Motion Carried Unanimously.

5-E. 401 Classic Drive – Record Major Subdivision/Land Development Plan for development of a 1 million square-foot warehouse facility on 70 +/- acres in a Manufacturing-Industrial area.

Tabled by developer until January 2012.

5-F. Adopt a Resolution authorizing the remitting of the levying of taxes against Duke Realty Limited Partnership.

Mayor Branner said this Resolution authorizes the remitting of the levying of taxes against Duke Realty Limited Partnership regarding a manufacturing-distribution plant proposed in the Town of Middletown for a 10-year period.

Jim Young, Cricklewood, asked what the tax abatement would amount to. Mayor Branner said over a ten-year period it would be about \$1 million. The number of jobs it will bring out-weighs not doing it.

John Mitchell, Springmill, asked for an explanation on the DelDOT study. Mayor Branner said a major traffic impact study was done with the Governor's office, DelDOT, Westown developers, State offices, etc., for Westown, which includes the area from Lowe's west to the truck stop. Recoupment agreements were executed with all the developers stating they would pay for the necessary road improvements. The widening of 301, upgrades to Levels Road, the traffic circle, Wiggins Mill Road upgrade and the railroad bridge were all part of that agreement. The study was done based on the area being zoned a manufacturing-industrial and commercial area.

Resident Dave Rich asked why the Town would consider remitting the taxes. Mayor Branner said the \$110,000,000 project will provide 849 permanent jobs and 2500 seasonal jobs twice a year. A long term commitment is being made to the Town of Middletown and the Town is glad to accommodate the project.

Moved by Mr. Pierce and seconded by Mr. Reynolds to Adopt a Resolution authorizing the remitting of the levying of taxes against Duke Realty Limited Partnership for a period of ten years. Motion Carried Unanimously.

5-G. Middletown Manor, 17 Wood Street (Peach Tree Station) – Record Major Land Development Plan Renovation of existing space for commercial rentals to include a gym, restaurant and other shops. Tax parcel number 23-005.00-038.

Grant Gregor, Merestone Consultants, presented the plan on behalf of the owner. Mr. Gregor said the plan received Preliminary Plan approval in November. A parking lot variance was granted by the Board of Adjustment. KCI's comments will be addressed. The plan proposes a restaurant, gym, office and retail space. Chuck Dixon asked if the dumpster location on Scott Street is just for the dumpster or if that area will also be used for deliveries. Mr. Gregor confirmed that the dumpster would be picked up from Scott Street. The dumpster will be screened and gated. A separate area is provided in the courtyard for deliveries.

Moved by Mr. Faulkner and seconded by Mr. Reynolds to grant approval for the Record Major Land Development Plan for Peach Tree Station at 17 Wood Street consisting of renovating the existing space for commercial rentals to include a gym, restaurant and other shops. Motion Carried Unanimously.

5-H. 116 E. Main Street – Bethesda United Methodist Church request for connection to Chesapeake Utilities Natural Gas service

Reverend Schuler from Bethesda Methodist Church requested permission to connect to Chesapeake Utilities Natural Gas line in order to heat the church with gas. Vince Fiorelli from Chesapeake Utilities presented a plan proposing a connection to an existing 2" gas main located on South Catherine Street via a road bore. The line will follow the church property line across the parking lot. The line will continue south to East Green Street and again follow the property line to the church's driveway and connect to the hall. About a 4-foot road patch will be necessary on the east side of Catherine Street where the connection will be made.

Moved by Mr. Faulkner and seconded by Ms. Burgess to approve the request for 116 East Main Street, Bethesda United Methodist Church to connect to Chesapeake Utilities Natural Gas service. Motion Carried Unanimously.

5-I. Approve design services contract for Merrimac Avenue and Industrial Drive

Tabled until next month.

6. Unfinished Business: None

7. New Business:

- Jan Money asked if the Town would clean up the graffiti in the park at Greenlawn.
- Mayor Branner reported that Jerry Heisler will be starting construction of the Highlands soon and at that time full improvements will be made to the interconnection between Greenlawn and Cleaver Farm Road. The Lake Street Extension will also be improved.
- Resident Jim Young, Coordinator for the Salvation Army's Kettle Drive stated they still have openings for bell ringers and invited the public to participate. Mr. Young thanked Mayor and Council and Town employees for all their effort and participation. Last year \$22,000 was raised.
- John Mitchell said he wanted to bring to Council's attention that Pettinaro's shopping center (Middletown Square) is losing tenants. Mayor Branner said the Town is aware of the vacancies. According to conversations with Mr. Pettinaro, he is trying to fill the vacancies.

Moved by Mr. Reynolds and seconded by Faulkner to enter into Executive Session to discuss legal and personnel matters. Motion Carried Unanimously.