

The regular meeting of Mayor and Council was held on the above date with Councilmen Jim Reynolds, Jason Faulkner, Drew Chas, Rob Stout and Howard Young present, with Mayor Kenneth Branner presiding. Town Manager Morris Deputy and Town Solicitor Scott Chambers were also present. Councilman Robert McGhee was absent.

1. Call to Order**2. Pledge of Allegiance**

3. Minutes Approval: Moved by Mr. Faulkner and seconded by Mr. Reynolds to approve the Minutes for July 11, 2016 as prepared. Motion Carried Unanimously.

4. Treasurer's Report: Moved by Mr. Chas and seconded by Mr. Young to approve the Treasurer's Report as prepared. Motion Carried Unanimously.

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

6. Police Report: Chief Daniel Yeager

The MPD responded to 1,148 calls for service for the month of July.

- Drug Arrests: 3 - E. Main Street; Shallcross Place.
- Burglaries: E. Cochran Street; Silver Lake Drive; Spring Hollow Drive.
- Weapons Offense: E. Lockwood Street
- 153 traffic arrests; 68 criminal arrests; 34 warnings; 377 reports; 41 field service reports or crime prevention checks.

Moved by Mr. Young and seconded by Mr. Stout to accept Chief Yeager's Police Report as presented. Motion Carried Unanimously.

7. PUBLIC HEARINGS**7-A. Public Assembly Request for free music event in Silver Lake Park.**

Ted Sammons requested permission to hold a free, family-oriented, live music event at Silver Lake Park on August 19th from 6 to 8 p.m. This event will be all acoustic.

Mr. Reynolds asked where it will be located at the park. He suggested Mr. Sammons contact the Parks supervisor, Ryan Chambers, to coordinate set-up.

Mr. Sammons said they would set-up past the refreshment stand in the large grassy area. If another event is held in September, an additional permit will be requested.

Moved by Mr. Chas and seconded by Mr. Young to approve the request for the live music venue at Silver Lake Park on August 19th from 6 to 8 p.m. Motion Carried Unanimously.

7-B. Paint the Towns Teal Request from DE Ovarian Cancer Network.

Laura Wisnieski requested to display teal ribbons throughout the Town in September to bring awareness and support to women diagnosed with ovarian cancer and promote research for ovarian cancer.

Moved by Mr. Faulkner and seconded by Mr. Chas to grant approval for the DE Ovarian Cancer Network's request to paint the Town Teal. Motion Carried Unanimously.

8. Unfinished Business:

- A resident asked if the entrance/exit for the Lofts on Main was changed per the discussion at last month's meeting. Morris Deputy said the change was made to eliminate the exit on to N. Broad Street. An entrance/exit will be from Pennington Street.
- Patti McCuen:
 - ❖ Presented photos to Council showing effluent being sprayed onto the road from the spray facility. Mayor Branner said he and Wayne Kersey, Public Works Director, met with DNREC and the farmer regarding overspray onto the road. If the situation is not corrected, the farmer will not be allowed to spray.

- ❖ Reported that she also had overspray across from 1182 Levels Road. She asked if signs should be placed on Green Giant and Grears Corner Roads to indicate there is effluent spray. Mayor Branner said the Dept. of Ag does not require signs.
- ❖ Her father would like 2 irrigation pipe links shut down on his property. Mayor Branner said DNREC will be issuing a written report on the meeting from last Thursday and she is welcome to follow-up with Wayne Kersey.
- Resident from Lakeside requested an update on the Technology Center.
- Mayor Branner pointed out that the Tech Center isn't an agenda item. He announced that DNREC has a public information meeting scheduled on August 31st for the air quality permit, wherein public comments will be taken. An additional meeting will be held when DNREC votes on the permit. This information for the public meetings will be posted on the Town's web site middletownde.org. Mayor and Council will also schedule another public hearing after the DNREC hearings are held.
- Someone questioned the meaning of unfinished business. Mayor Branner explained that business that was previously an agenda item that has been voted on by Council is no longer unfinished business.
- Resident commented on the newspaper article stating the permit is for 62.5 MW units. Mayor Branner said there are 5, 10-megawatt units that are rotated and not used all at once. The same is for the 5, 2.5-megawatt units -- added together totals 62.5. The air quality permit submitted to DNREC is for 40-megawatts.
- Pete Sullivan alluded to the fact that information had been deleted on the copies of the CD's of the council minutes he received. *See note below.
- Anthony Jackson questioned the \$7.5 million of tax payer's money going into the project and asked who that money went to. He asked if the funds can be used elsewhere in the Town.
- Mayor Branner: If the project is approved, it will go to the Cirrus group, the developers of the project. All the upgrades have to be completed and paid for up-front. It's for future economic development for the upgrades. Members of the legislature, DEDO, Secretary of DelDOT vote and decide where the money goes. The grant is from Economic Development for the State of Delaware -- the Town would not get it just to be used elsewhere.
- Katie Capelli expressed concerns that the pollutants could be 95% of the daily limit and could cause health issues for her children.
- Resident from Lakeside asked Mayor Branner if he is the Director of Utilities and Government Coordination for Artesian Water. She also asked if Artesian is Middletown's water operator, and will the data center be supplied by Artesian Water. Mayor Branner responded that he is employed by Artesian. Artesian is not Middletown's water operator. Water will be provided by both Artesian and the Town -- the Town started buying bulk water from Artesian 15 years before his employment.
- Resident from St. Anne's asked if another builder could build the clubhouse instead of Capano. Mayor Branner said Capano bought St. Anne's from the bank. The clubhouse is 25% done. and should be done by September. The dead trees are being removed; the blacktopping has been finished in phases 1 through 4; the open space is being worked on now; and the contractor is starting the walkways around the community. The 4 members representing St. Anne's said they were forwarding updated information to the residents.
- Are permits still being held up? Mayor Branner: The understanding was if Eastern States was staying until the open space was completed, permits would be released for Phase 6.
- Resident from St. Anne's thanked the Town for posting the rec plan on the website and representing the interest of the residents. Expressed concern for releasing building permits for Phase 6. Expressed concern regarding Ash trees. Mayor Branner: The agreement with Capano, was once it was confirmed that the conditions (trees, walking trails, open space, moving dirt piles, etc.), were being met, permits would be released. If that changes, all work will be stopped and additional permits will not be issued. The new landscaping was not to include Ash trees. The Town was told Ash trees were quarantined and not available in Delaware. The Town will inspect the plantings and ensure no Ash trees are planted.
- Inaudible comments from audience.
- Resident, W. Kilts: Thanked all involved for addressing his concerns re the walking trail. Mayor Branner: The engineer will be at the pond and golf course tomorrow to check the landscaping and site grading, pond, etc., for accuracy before proceeding with the paths.

***Note:**

(1) Our recording device stops recording for several minutes each time a CD has to be changed.

(2) If participants do not speak directly into the microphone, their comments will not be captured.

9. **New Business:**

- Rob Stout shared that a group of moms, dads and kids took food and packages to the police department as a way of showing appreciation for what they do.
- Nick Manerchia, Middletown Main Street Coordinator, thanked the MPD for their help with the Everett's fundraiser over the weekend – over 500 people attended.
Music on Main will be held this weekend from 6 until 9 p.m. at Church on Main and Cochran Square, featuring food, games, music, etc.
The Peach Festival is scheduled for August 20th from 9 a.m. until 4 p.m.
- Mayor Branner announced Tuesday, August 2nd is National Night Out at Redding Middle School from 4 to 8 p.m. Vendors will be on hand with demonstrations, food, etc.
- Mayor Branner appointed Vesteria Garnett to the Middletown Action Network board, effectively immediately.
- Shelia Williams asked at what point could Council refuse to allow Cirrius to build the Data Center. Mayor Branner said the center hasn't received final approval yet; Council is waiting for DNREC's response from their hearings. The Town followed its procedure and the proposal has been presented to DNREC for their review and recommendation. It will then come back to Council for final approval. According to the Town's Zoning Code, the Tech Center is allowed as a matter of right.
Ms. Williams: So the Town doesn't have the discretion to turn down anybody?
Mayor Branner: If the business is zoned by right and all the procedures are followed, they can't be turned down. The laws and ordinances have to be followed; we can't act on our feelings or belief.
- Resident from Middletown Crossing reported the intersection of Silver Lake Road and the entrance into the development does not have a street light.
Mayor Branner said the Town will take care of it.
- Valerie Bradshaw, Administrator at the Appoquinimink State Service Center, asked if any thought has been given to help the number of homeless people in the area.
Mayor Branner said this is the first time it has been brought before Council. He suggested Ms. Bradshaw provide some ideas for Council to consider.
- Someone asked if St. Anne's Church Road will be widened to accommodate the additional traffic created by the new development and the sports center.
Mayor Branner answered that improvements were proposed based on the traffic counts for the Preserve at Deep Creek and the commercial/industrial property.
Morris Deputy commented that there are plans to widen the intersection at St. Anne's and S. Broad Street, and eventually a traffic light will be installed at the intersection.
- Sara Bailey, Relay for Life Team Mission Possible, thanked Mayor and Council for allowing a tagging event at Cochran Square -- \$490 was raised. She announced their kickball tournament is Saturday, September 24th at Silver Lake Park.

Moved by Mr. Reynolds and seconded by Mr. Faulkner to adjourn.