

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

1. **Minutes Approval:** Moved by Ms. Burgess and seconded by Mr. Pierce to accept the minutes for January 3, 2011 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. Faulkner to approve the Bills Payable and pay as funds become available. Motion Carried Unanimously.
4. **Police Report:** Chief Hank Tobin

The MPD responded to 882 calls for service for the month of January.

- 272 incidents were documented.
- 44 incidents required arrest, totaling 114 criminal arrests for the month.
- Zone 1: 205 vehicle stops; 17 alarms; 14 public relations complaints; 8 domestics; 8 miscellaneous investigations
- Zone 2: 102 vehicle stops; 19 alarms; 19 domestics; 12 property checks; 11 follow-ups
- Zone 3: 33 vehicle stops; 11 alarms; 10 miscellaneous investigations; 7 property checks; 6 follow-ups
- Zone 4: 111 vehicle stops; 6 alarms; 6 property checks; 6 suspicious persons; 3 domestics
- 27 accidents in January: 16 property damage; 7 property damage hit/run, and 4 personal injury
- Chief Tobin presented a nationwide comparison study for cleared cases. The results of the study indicated that the MPD is clearing cases well above the national average.

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

5. **Public Hearings:**

5-A. **Presentation by Appoquinimink Pre-School Coalition**

Dr. Sandra Cohee explained that the purpose of the Coalition is to provide professional development for child care providers and quality early care and education for the youngest citizens in the community. Over 16 child care centers and home daycare providers are currently served by the Coalition. The Coalition is sponsoring the "National Week of the Young Child" April 10th to 16th.

Jim Young asked Dr. Cohee how the Coalition is funded and if they have a budget. Dr. Cohee said they are still too new to have a formal budget; the staff has been providing services at no charge.

5-B. Kohl Prop South LLC – Final Record Major Subdivision/Land Development Plan for 34 +/- acres of land, located along the southerly side of Patriot Drive in the Westown Business Park, for the development of a 415,000 square foot office/manufacturing facility for the formation, filling and distribution of battery systems, in a Manufacturing/Industrial area. Tax parcels 23-041.00-031, 23-041.00-032, 23-042.00-008, 23-042.00-009 and 23-042.00-010.

Rick Woodin said final plan approval was received in January; however, the proposed user has requested an increase to the building size. The revised plan still has the same perimeter buffers including a 50' wide landscape buffer to the south; the building setback is still 100' from the rear property line. The 24' wide paved fire lane goes completely around the perimeter. The truck parking is still on the north side of the building, 75' back from the property line. The new plan shows a 50' x 300' "bump out" in the front of the building for offices. The building is still 32' high – the second floor will be used for training purposes. All technical issues were addressed on the previous plans.

Mayor Branner added that the revised plan increases the building size from 358,000 square feet to 415,000 square feet.

Fire Chief Frank Bailey questioned the installation of fire hydrants. Rick Woodin said they would meet the Town's Code of 400' spacing around the perimeter of the site.

Moved by Mr. Faulkner and seconded by Mr. Reynolds to grant approval for the final Record Major Subdivision/Land Development Plan for Kohl Prop South LLC for a 415,000 square foot office/manufacturing facility located in Westown Business Park. Motion Carried Unanimously.

5-C. Delaware State Housing Authority request to have Chesapeake Utilities provide natural gas service to Holly Square Apartments

Vince Fiorelli from Chesapeake Utilities presented the new route for the installation of gas lines based on questions raised at last month's meeting. The new gas line will tie in to the existing gas main on N. Broad Street. The line will be installed under the sidewalk in the right of way, run south on North Broad Street and turn West on Lockwood Street on Holly Square property. The line will cross Shallcross Place to Holly Square. Service lines will be run from Broad Street. No residents will be disturbed on Shallcross Place.

Jim Reynolds noted that Chesapeake will make a directional bore under Shallcross Place. Chesapeake's request is to provide gas service to only Holly Square. Any additional areas for service must be approved by Mayor and Council.

Moved by Mr. Faulkner and seconded by Ms. Burgess to grant approval for the Delaware State Housing Authority's request to have Chesapeake Utilities provide natural gas service to Holly Square Apartments. Motion Carried Unanimously.

5-D. 128 Patriot Drive, Unit 5 – Conditional Use Permit Request for a church and food pantry in a Manufacturing/Industrial area. CU-01-11. Tax parcel 23-041.00-015.

Pastor Bonnie Peebles of The Bridge Church requested approval to operate a food pantry and church at Unit 5, 128 Patriot Drive. Approximately 40 families are served each month. All food is donated from Walmart, Food Lion, Super G, etc. No food is prepared on-site.

Mayor Branner said Planning and Zoning requested an agreement be reached between the owner and the two churches renting Unit 5, and Units 6 & 7, to define parking areas, operating times, etc. The Town has a copy of that agreement.

Planning and Zoning's recommendation was 4 to 1 to approve the Conditional Use request for Unit 5.

Mr. Reynolds asked if this is the location where the question came up regarding bathrooms. Morris Deputy said bathrooms have to be installed in Unit 5, and Units 6 & 7 per code. Mr. Williams said he would install them.

Moved by Mr. Faulkner and seconded by Mr. McGhee to grant approval for Conditional Use CU-01-11 for 128 Patriot Drive, Unit 5 to allow a church and food pantry to occupy Unit 5 with the condition the bathroom will be installed. Motion Carried Unanimously.

5-E. 128 Patriot Drive, Units 6 and 7 – Conditional Use Permit Request for a church in a Manufacturing/Industrial area. CU-02-11. Tax parcel 23-041.00-015.

Item will be continued until next month – no representative attended.

5-F. Adopt a Resolution authorizing the remitting of the levying of taxes against Johnson Controls

Moved by Mr. Faulkner and seconded by Mr. Reynolds to adopt a Resolution authorizing the remitting of the levying of taxes against Johnson Controls. Motion Carried Unanimously.

Mayor Branner commented that construction is scheduled to start the middle of March; the facility is slated to be finished by the end of August. Johnson Controls has been part of Middletown for 60 years. The building will cost approximately \$70 million; 200 +/- jobs will be created.

5-G. Adopt a Resolution to amend the Rules and Regulations, including the Electric Tariff for the Town of Middletown, regarding Middletown's interconnection policy and green energy grant guidelines

Lou Vitola, Finance Manager, stated the green energy grant program has a 24-month backlog. Some cities are eliminating the program or reducing the limit. He said their recommendation is to reduce the limit to help clear out the backlog. Secondly, the tariff should state that any party wishing to interconnect with the Town's system is responsible to conduct system impact and other engineering studies at their cost, and that any infrastructure improvements are the responsibility of the installer. The State law no longer exempts the Town from the renewal portfolio standard that Delmarva and the co-ops are subject to. The voluntary block sale program will no longer be available. The changes to the Town's tariff will coincide with State guidelines.

Moved by Mr. Pierce and seconded by Ms. Burgess to adopt a Resolution to amend the Rules and Regulations, including the Electric Tariff for the Town of Middletown, regarding Middletown's interconnection policy and green energy grant guidelines. Motion Carried Unanimously.

6. Unfinished Business: None

7. New Business:

Election

- Mayor Branner announced the annual Mayor and Council election will be held on Monday, March 7th in the Council Chambers, from noon until 8:00 p.m. The regular Council meeting will be held on Monday, March 14th. If there is not an election the regular meeting will be held on March 7th.
- Three Council seats and one Mayoral position are open.

- The following are appointed to work the election:

Inspector: Kelly Fletcher

Election Officers:	Catherine Keller	Megan Smith
	Tracy Skrobot	Katie Neaves
	Greta Stewart	Rae Yingling
	Kristen Krenzer	

- Absentee ballots may be picked up at Town Hall as well as downloaded from the website.
- Residents must be at least 18 years old to be eligible to vote.
- Town of Middletown's Board of Election members are:
David Rich
Sonya Comstock
Lorraine Reeves

Recycling

- A new State law was passed requiring municipalities to start recycling programs by September 2011. The Town's bid is out for recycling and trash collection. Bid results will be reported at the March meeting. The Town will purchase recycling bins for all residents – about 7,000 containers for approximately \$300,000. The Town is expected to be reimbursed for most of the \$300,000 through a grant. The bid includes the delivery of the containers to the residents. The recycling program will start in July if the details can be worked out. Any additional information regarding recycling will be included on the monthly utility bills, as well as posted on the Town's website. The proposed collection days are Tuesday for trash pickup and Friday for recycle material.

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