

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.

Mayor Branner announced the election will be held on March 1, 2010 from noon until 8 p.m.

- Three Council positions are up for election; all are 2 year terms.
- Anyone interested in running for Council must reside within the incorporated limits of the Town and be 21 years old. Filing deadline is February 10, 2010, 4:30p.m.
- Residents are eligible to vote if they are at least 18 years of age; proof of residency is required as specified in the 2006 New Municipal Election Law. Contact either Kristen Krenzer or Rebecca Ennis for more information.
- Affidavits for absentee ballots are available online at the Town's website or can be obtained from the Town Clerk.
- Election Officials are:

<u>Inspector:</u>	Rebecca Ennis	
<u>Judges:</u>	Kristen Krenzer	Dea Taylor
	Greta Stewart	Katie Neaves
	Lynda Goold	Leslie Daggett
	Connie Nimmerichter	Diamelen Bowman
	Rae Yingling	Kelly Fletcher

1. Minutes Approval: Moved by Mr. Dixon and seconded by Ms. Burgess to approve the Minutes of January 7, 2010 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 Mr. Pierce to approve the Bills Payable as presented and pay as funds become available. Motion Carried Unanimously.

4. Police Report: Chief Hank Tobin and Lt. Ed Murray

The MPD responded to 973 calls for service for the month of January.

- 243 incidents were documented with an accident or criminal report.
- 64 incidents required arrest action.
- 55 accidents were reported: 28 property damage; 9 property damage/hit & run; 2 personal injury and 17 private property.
- Calls for Service:

Zone 1: 248 – 25 alarms; 2 burglary; 6 criminal mischief; 6 thefts; 2 shop lifting
Zone 2: 359 – 35 alarms; 2 burglary; 4 criminal mischief; 4 thefts; 2 robberies
Zone 3: 154 – 13 alarms; 2 thefts
Zone 4: 119 – 5 alarms; 4 criminal mischief; 4 shop lifting; 3 thefts
- Call Volume Analysis: Peak days were Friday and Saturday nights between 6 p.m. and 10 p.m.
- Top 5 calls for service: Traffic Enforcement – 347 car stops; 78 alarms (all false); 51 public relations; 51 property checks and 45 non-reportable accidents.

Questions asked were what zone Middletown Village is in and in what block did the burglary occur on New Street. Chief Tobin replied Middletown Village is in zone 1 and the burglary was in the 100 block of New Street.

Moved by Mr. McGhee and seconded by Mr. Dixon to accept the Police Report as presented by Chief Hank Tobin. Motion Carried Unanimously.

5. GRANT REQUESTS: Lou Vitola

Following up on Mayor Branner's request of last month, Mr. Vitola stated that since the Grant Committee formed in 2006, Council has approved \$28,650 in grants to the Appoquinimink School District.

A. Appo Jaguars Youth Football and Spirit Association for tournament entry fees - \$1,000: The association is a separate 501(c)(3) organization and not part of the school district. Parents have paid for uniforms, shoes, etc. They need about \$800 for tournament entry fees; about 45 kids will benefit from the grant. The Committee recommends Mayor and Council approve the grant request for only \$800 to cover the amount needed for entry fees.

B. Appoquinimink High School Music Booster Organization - \$5,096: The grant is requested to pay for a trailer to haul instruments. The Committee does not recommend Council approve the grant because the school district has received previous grants and band boosters, chorus boosters, etc. have received grant money. They have cash available on their balance sheet.

Moved by Mr. Reynolds and seconded by Mr. Pierce to approve the grant of \$800 for the Appo Jaguars Youth Football and Spirit Association per the Grant Committee's recommendation. Motion Carried Unanimously.

Moved by Mr. Faulkner and seconded by Mr. Pierce to deny the grant request of \$5,096 to the Appoquinimink High School Music Booster Organization. Motion Carried Unanimously.

6. PUBLIC HEARINGS**6-A. Adopt an Ordinance to Create Chapter 46 in the Town of Middletown Code to provide for Construction Specifications in the Town of Middletown**

Morris Deputy said Chapter 46 will become a part of the Town's Codified Ordinances. It includes amendments and comments from the foremen and Council.

Moved by Mr. Pierce and seconded by Mr. Faulkner to adopt an Ordinance to Create Chapter 46 in the Town of Middletown Code to provide for Construction Specifications in the Town of Middletown. Motion Carried Unanimously.

6-B. Adopt an Ordinance to Amend Chapter 136 in the Town of Middletown Code regarding Sewer

Mayor Branner said this Ordinance and the following two Resolutions reduce the amount of sewer impact fee from 50% to 25% developers have to pay when building permits are submitted. The balance will be paid when the Certificate of Occupancy is issued. The 2009 rates will remain in effect for 2010. The gallons per day used to calculate the permit fee have also been reduced. The current 300 GPD for single family will be decreased to 250 GPD; the GPD for townhouses, apartments and active adult will be reduced to 225 GPD. Hopefully the changes will help the home building economy. The commercial/industrial usage has also been adjusted to help attract more businesses.

Moved by Mr. Faulkner and seconded by Mr. Pierce to adopt an Ordinance to Amend Chapter 136 in the Town of Middletown Code regarding sewers. Motion Carried Unanimously.

6-C. A Resolution to adopt the Capital Cost Recovery (CCR) schedule pertaining to Chapter 136 Amendments (sewer)

Mayor Branner recommended Council adopt the Resolution for the sewer fee schedule. The 2009 rates will stay in effect through 2010. The rates will increase 4.5% in 2011.

Wastewater Capital Cost Recovery (CCR) Schedule

<u>Calendar Year</u>	<u>Charge Per Gallon</u>
2009	\$40.05
2010	\$40.05
2011	\$41.85
2012	\$43.74
2013	\$45.70
2014	\$47.76
2015	\$49.91
2016	\$52.16
2017	\$54.50
2018	\$56.96
2019	\$59.52
2020	\$62.20
2021	\$65.00
2022	\$67.92
2023	\$70.98

*Fees represent a 4.5% increase per year effective January 1st of each year.

*The connection charge will continue to increase at 4.5% per year after the 15th year.

Moved by Mr. Faulkner and seconded by Ms. Burgess to adopt the Resolution outlining the Capital Cost Recovery Schedule pertaining to Chapter 136 regarding sewer. Motion Carried Unanimously.

6-D. A Resolution to adopt the Design Flow Allocation (DFA) Chart pertaining to Chapter 136 Amendments (sewer)

Mayor Branner recommended the adoption of the Resolution for the Design Flow Allocation pertaining to Chapter 136 amendments (sewer).

Wastewater Design Flow Allocation (FA) Chart

<u>Residential Dwelling Type</u>	<u>Average Daily Volume per Unit</u>
Single Family Detached	250 gallons per day
Single Family Duplex	250 gallons per day
Townhouses, Apartments	225 gallons per day
Active Adult	225 per day
<u>Commercial Proposed Use</u>	<u>Average Daily Volume per Unit</u>
Industrial/Manufacturing	0.10 GPD/Sq. Ft.
Restaurants	0.40 GPD/Sq. Ft.
Gas Station with Food Service	0.25 GPD/Sq. Ft.
Gas Station without Food Service	0.10 GPD/Sq. Ft.
Car Wash	0.10 GPD/Sq. Ft.
Grocery Store	0.04 GPD/Sq. Ft.
Dry Cleaner/Other Cleaner	0.15 GPD/Sq. Ft.
Laundromat	100 GPD/Washing Machine
Salon/Barber/Haircare/Beauty	0.10 GPD/Sq. Ft.
Other Retail, up to 50,000 sq. ft.	0.025 GPD/Sq. Ft.
Other Retail, over 50,000 sq. ft.	0.01 GPD/Sq. Ft.
Office Space	0.02 GPD/Sq. Ft.
Warehouse	0.01 GPD/Sq. Ft.
Worship	0.01 GPD/Sq. Ft.
Daycare Center	0.075 GPD/Sq. Ft.
Elementary School	0.05 GPD/Sq. Ft.

Wastewater Design Flow Allocation (FA) Chart

<u>Commercial Proposed Use</u>	<u>Average Daily Volume per Unit</u>
Secondary School	0.02 GPD/Sq. Ft.
Hospital	150 GPD per Bed
Nursing Home	0.015 GPD/Sq. Ft.
Hotel/Motel	0.05 GPD/Sq. Ft.
Movie Theatre/Complex	1.0 GPD/Seat
Other Commercial	0.05 GPD/Sq. Ft.

Moved by Mr. Faulkner and seconded by Mr. Reynolds to adopt the Resolution for the Design Flow Allocation pertaining to Chapter 136 Amendments (sewer). Motion Carried Unanimously.

6-E. 307 Wood Street – Conditional Use Permit No. CU-01-10 – To allow a daycare in a C-2 zoned district. Tax Parcel 23-005.00-016.

Tabled

6-F. 120 Silver Lake Road – Middletown High School Parking Lot Expansion – Record Minor Land Development Plan. Tax parcel 23-007.00-193.

Shane Minner from Landmark Engineering, stated the school is adding 92 additional parking spaces at three locations on the school site to help alleviate the parking situation.

Moved by Mr. Faulkner and seconded by Mr. Reynolds to grant approval of the Record Minor Land Development Plan for the Middletown High School parking lot expansion. Motion Carried Unanimously.

UNFINISHED BUSINESS

None

NEW BUSINESS

- Mr. Reynolds thanked the Town employees for doing a great job on the snow removal during the recent snow storm.
- Mayor Branner welcomed Town Attorney Scott Chambers back from Iraq. He will take over command of the Delaware National Guard on Sunday.
- Tracy Skrobot announced Middletown Main Street is hosting an all you can eat shrimp and beef feast fund raiser at the Senior Center on March 13, 2010. It features all you can eat shrimp, beef, drinks, etc.
- Information for the Third Annual Designer Showcase House will be available soon.
- Dion Booker announced that the Middletown Church of Christ has opened in the Boys and Girls Club and offered their assistance to the community.

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