

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.

A moment of silence was observed for Mayor Charles Price who passed away on March 22, 2010.

1. **Minutes Approval:** Moved by Mr. Pierce and seconded by Ms. Burgess to approve the Minutes of March 1, 2010 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 Ms. Burgess to approve the Bills Payable as presented and pay as funds become available. Motion Carried Unanimously.
4. **Police Report:** Chief Hank Tobin and Pat Mullin

The MPD responded to 974 calls for the month of March. Last March 836 calls were received.

- 286 were documented with an incident or accident report as compared to 211 last year.
- 80 incidents required arrest action totaling 195 criminal arrests for the month.
- 37 accidents: 29 property damage; 5 hit and runs; 3 personal injury
- Several vehicle thefts were reported primarily in Lakeside, Laurel Creek and Middletown Village. New Castle County has experienced similar thefts and the agencies are working together to determine if the thefts are related. All but one vehicle was unsecured.
- 14 drug related incidents: 94 grams of marijuana, 2 grams of cocaine and \$2,100 was seized.
- Burglaries: 3 - two were cleared.
- Graffiti: Middletown Village and Bunker Hill Center – several cars, curbs and buildings were spray painted – still under investigation.
- Busiest days of the week for March were Wednesdays averaging 154 calls and Mondays averaging 151; peak hours: 9 p.m. and 10 p.m.
- 61 Alarms – 52 separate locations; 30 were registered; 9 repeat alarms

*Moved by Mr. Reynolds and seconded by Mr. Dixon to approve the Police Report as presented by Chief Tobin. Motion Carried Unanimously.*

**5. Public Hearings:**

**5-A. 128 Patriot Drive, Suite 3 – CU-03-10 - A Conditional Use request for an automotive and truck maintenance and repair service in a manufacturing/industrial zone. Tax parcel 23-041.00-015.**

James Booth, owner of First Choice Auto and Truck Repair, is proposing to open the business at 128 Patriot Drive to service all makes of vehicles, emergency equipment, police vehicles and fleets.

Planning and Zoning recommended approval. The area is not fenced; any vehicles left over night will be parked inside.

*Moved by Mr. Dixon and seconded by Mr. McGhee to grant approval for Conditional Use CU-03-10. Motion Carried Unanimously.*

**5-B. Westtown Master Planned Residential Community Phase I – Record Major Land Development Plan on 130 +/- acres located along the easterly side of Levels Road and northerly side of St. Anne’s Church Road**

Rick Woodin, representing Westtown Ventures, said the parcel is Phase I of the Westtown Residential Plan.

- Phase I contains approximately 130 acres.
- Preliminary Plan approval was received by Mayor and Council on March 1<sup>st</sup>.
- The road work on Levels and St. Anne’s Church Road is near completion.
- According to DelDOT, the new road will be open for traffic by the end of June or July.
- A large stormwater management pond has been constructed.
- The property is zoned R-3; a Traditional Neighborhood Development with 472 units is proposed; a variety of alley-loaded townhomes, small single family detached, village homes and larger single family homes will be offered (131 Townhomes and semi-detached twin units; 233 single family detached units and 108 multi-family units).
- No TDR’s will be used for this phase.
- 16 acres of open space is required; over 30 acres are allocated.
- The multi-family proposes 12 units per building.
- Based on the Recoupment Agreement for this phase, \$2 million will be paid to the Department of Transportation for road work – some of which has already been paid.
- Approximately \$2 million will be paid to the Appoquinimink School District for this phase.
- \$400 per lot will be paid to the Town for parkland.
- 1.75 acres has been donated to the Middletown Volunteer Hose Department.
- Construction for infrastructure should commence this summer.

Mr. Reynolds said the plan does not show sidewalk continuing along the road. Mr. Woodin said the sidewalk will continue on the new road and along St. Anne’s Church Road up to the roundabout at Levels Road and continue. The sidewalk will be placed behind the pond in front of the first row of houses.

Mayor Branner asked about the access to Dave Woodward’s property. Mr. Woodin said currently Dave Woodward uses Ray Woodward’s driveway but eventually his driveway will come off the round-about. The roadway from St. Anne’s Church Road will be a boulevard type entrance to the round-about.

Mr. Woodin said the community will be a Traditional Neighborhood Development similar to Parkside, but will also have townhomes with alleys and more of a mix – Parkside had only single family detached units.

Mayor Branner said the neighborhoods will be interconnected; bike paths will be throughout the property but there will not be a dedicated cross to the park on Levels Road. Phase 2 will be interconnected.

*Moved by Mr. Faulkner and seconded by Ms. Burgess to grant approval for the Record Major Land Development Plan for the Westtown Master Planned Residential Community for Phase I. Motion Carried Unanimously.*

**5-C. Adopt an Ordinance to Amend “Map 6. Future Land Use” in the Town of Middletown’s Comprehensive Plan**

Mayor Branner said this Ordinance will allow for the annexation of DelDOT’s Maintenance Yards located on Rt. 71 and Rt. 299.

*Moved by Mr. Pierce and seconded by Mr. Reynolds to Adopt an Ordinance to Amend “Map 6. Future Land Use” in the Town of Middletown’s Comprehensive Plan. Motion Carried Unanimously.*

**5-D. Motion to approve contracts with KCI Technologies for consulting services associated with recently awarded Office of Drinking Water and DNREC water and sewer projects**

Morris Deputy said these contracts were received in response to the grants/low interest loans the Town received from DNREC and Office of Drinking Water. The contracts are for (1) the Willow Grove lift station and force main, (2) Lakeside sewer main upgrade, (3) upgrades to 301 lift station and force main and (4) upgrades to utilities on New Street from Lake to Rt. 299. The contracts total \$336,436.

Mayor Branner said The Town has been awarded \$7.5 million in grants from the Department of Agriculture Stimulus Package and the Delaware Clean Water Advisory Council applied for by Morris Deputy and Lou Vitola. These contracts allow for the design of the projects. The grants will fund the upgrades to the existing infrastructure and allow the sale of sewer capacity to New Castle County.

*Moved by Ms. Burgess and seconded by Mr. McGhee to approve the contracts with KCI Technologies for the contracts recently awarded from the Office of Drinking Water and DNREC water and sewer projects. Motion Carried Unanimously.*

**5-E. Peach Festival Request – Closing of streets on August 21, 2010 for the Peach Festival**

Connie Miller requested the following closures for the Peach Festival (same request as last year):

- a. West Main Street closed from Broad to North Scott Street
- b. North Cass Street closed from West Main St. to Pennington Street
- c. The Town parking lot and the access to the rear of Town Hall to Forrest Church lot closed
- d. The parade route is from Everett Meredith Middle School to Broad and Main and then East Main to Catherine Street.

*Moved by Mr. Faulkner and seconded by Mr. Dixon to grant approval to the Middletown Historical Society and Peach Festival Committee for street closures for the Peach Festival on August 21, 2010. Motion Carried Unanimously.*

**5-F. Pools and Spas Unlimited, 19 S. Broad Street – Request to locate storage containers on property**

The storage units will be placed inside the fenced area and painted to match the building. The units will be used to store pool related products.

*Moved by Mr. Pierce and seconded by Ms. Burgess to grant approval for Pools and Spas request to locate storage buildings within the fenced area for storage. Motion Carried Unanimously.*

**5-G. First State Patriots request for Tea Party event April 15, 2010 on Cochran Square**

Anita Tucker representing First State Patriots explained that they are a group of citizens whose mission statement is a peaceful movement committed to reclaiming and promoting their country's freedoms while abiding by the Constitution. They are requesting permission to assemble on the Town Square on April 15<sup>th</sup> to inform the public of their mission. They do not endorse nor support any political party.

Mayor Branner requested they not block the entrances to the businesses on the Square.

***Moved by Mr. Faulkner and seconded by Mr. Pierce to grant approval to the First State Patriots' request to hold a rally on the Square on April 15, 2010. Motion Carried Unanimously.***

**5-H. M.O.T. Male Choir request for fundraiser for Haiti on Town Square April 17, 2010**

Jim Young, volunteer coordinator for the Salvation Army, said the M.O.T. Male Choir has asked the Salvation Army to deliver the funds raised to the Haitian Relief Fund. The fundraiser is sponsored by the M.O.T. Male Choir who will be singing on the Square for the event. The Middletown Action Network Committee and American Legion Lodge #25 are co-sponsors.

Don McFarland, Resource Development Manager for the Delaware Salvation Army, said the Salvation Army has been present in Haiti since 1950 with 39 core locations, 23 outposts (worship and community centers), 5 children homes, 2 hospitals and operate 46 schools. The Salvation Army currently maintains a tent city with about 20,000 inhabitants, providing all meals, medical, etc. None of the money collected is used for administrative costs in the United States – 100% of it goes to Haiti. The children's homes and hospitals were destroyed in the earthquake.

The fundraiser is April 17, 2010 from 10 a.m. until about 1 p.m.

***Moved by Mr. Faulkner and seconded by Mr. Reynolds to approve the request from the M.O.T. Male Choir to hold a fundraiser on the Square for the Haitian Relief Fund. Motion Carried Unanimously. Robert McGhee abstained from voting - he is a member of the M.O.T. Male Choir.***

**5.I. Middletown Main Street request for car show and Friday night Main Street summer events**

Tracy Skrobot requested the use of the Town Hall and Forrest Church parking lot for Saturday, May 22<sup>nd</sup> for a car show sponsored by Middletown Main Street. A Barbecue Competition is also being held at the Dutch Country Farmer's Market on Saturday, May 22<sup>nd</sup>, from 10 a.m. until 4 p.m.

The name for the Friday night events has been changed from "Evening of the Arts" to "Music on Main" because of the music's popularity. The events will use Cochran Square for a band; the Forrest Church parking lot will also have music. Main Street's summer events are scheduled on Fridays 6/18, 7/16, and 8/20 from 5 p.m. until 10 p.m.

Mayor Branner said the church has to give their approval for the use of their parking lot.

Mr. Dixon asked if the Farmer's Market was going to be held again this year in the Forrest Church parking lot. Ms. Skrobot said it is not.

***Moved by Mr. Dixon and seconded by Mr. Pierce to approve the request from Middletown Main Street for the use of Cochran Square and parking lots as requested for their summer events. Motion Carried Unanimously.***

**6. Unfinished Business:** None

**7. New Business:**

- Mayor Branner welcomed Brigadier General Scott Chambers back from Iraq.
- A resident asked if the road off cleaver Farm road into Greenlawn (across from Duke Field) will be finished. Mayor Branner said that road is part of the Highlands and was put in by Jerry Heisler as a favor to provide an interconnection from Rt. 299 to Broad Street. It will be completed with curb and sidewalks when the Highlands Development is constructed.
- A resident asked for the population of Middletown. Mayor Branner said approximately 18,000.

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