

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 Mr. Dixon to approve the Minutes of May 3, 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 and pay as funds become available. Motion Carried Unanimously.

4. Police Report: Chief Hank Tobin and Pat Mullin

Chief Tobin introduced 14 new seasonal officers for 2010.

The MPD responded to 967 calls for the month of May.

- 244 calls were documented with an incident or accident report.
- 65 incidents required arrest action
- 18 theft incidents
- Drug arrests: 19 drug related incidents; 35 criminal arrests
- Burglary investigations: 2
- Peak times for calls for service: Saturdays averaged 160 calls and Mondays averaged 150 calls. Busiest hours: 3 p.m. to 8 p.m.
- Top calls for service: vehicle stops – 259; property checks – 65; alarms – 71 (43 registered); public relations – 56; accidents – 45.
- 180 children participated in the Middletown Athletic League.
- Officer McKenzie presented Special Olympics awards at Meredith Middle School.
- Officers Saunders, Brenner, McKenzie and Davis were recognized by the Appoquinimink School District as Partners in Education for their involvement with children's programs.
- Wawa donated \$1,000 to the Middletown Athletic League.
- Officer Brenner is organizing a Summer Youth Academy for boys and girls ages 14 to 17.
- A number of complaints have been received from Middletown Village about kids hanging out and intimidating residents; the MPD is working with the Civic Association and increasing patrols.

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

5. GRANTS: Lou Vitola

A validation report was received from the Middletown Jaycees thanking Council for providing police coverage for the parade. The Committee recommended Council approve the thank you card as a validation report from the Jaycees.

1. \$5,000 grant request from Bethesda Child Development Center for a playground. Mr. Vitola said that based on their financials showing over \$40,000 in the bank and over a million in endowments, the committee recommended that Council not approve the request.

Moved by Mr. Dixon and seconded by Mr. McGhee to approve the validation report from the Jaycees as recommended by the Grant Committee. Motion Carried Unanimously.

Moved by Mr. Dixon and seconded by Mr. McGhee to deny the grant request from the Bethesda Child Development Center. Motion Carried Unanimously.

6. PUBLIC HEARINGS

6-A. Request to place LED electronic message sign at Middletown High School

Shane Minner, Landmark Engineering, presented a request on behalf of the school district for an LED sign at Middletown High School. The request was presented several months ago and questions concerning safety were raised. Mr. Minner said that as a result of meetings between DelDOT, McCormick-Taylor and the School District, a new entrance across from the Dove Run Shopping Center has been designed for the high school. The new design features a right-in and right-out. The sign will be placed behind the right of way and the middle of the sign will be about 4' from the ground. The sign placement reflects all the upgrades to 299. A new signal will be installed; sidewalk modifications and an additional crosswalk will be added.

Bob Gouge, Longmeadow, expressed his concern with student pedestrians and fears the sign will be a distraction for motorists. Mayor Branner said it will be a signalized intersection and New Castle County has agreed to a crossing guard for the area. The entrance will be realigned so it will be located directly across from Dove Run. Rt. 299 will be widened. The Town is trying to make it more convenient for the kids to cross at this location and at Brick Mill – hopefully this will help stop the kids from crossing elsewhere. The school district, state legislators and New Castle County have all recognized the situation and are making an effort to correct it.

Jim Young asked why sign approval is requested now when more work will be done to the area. Mayor Branner said the road is already designed and the sign location will not change or affect improvements to Rt. 299.

Chuck Dixon asked if the sign installation and the completion of the intersection were coordinated. Bob Hershey said it will be done simultaneously – the intersection will be completed before school starts and the sign could be in place and activated at that time. Mr. Dixon said if the sign is not activated until the intersection is completed, it will help address some of the concerns.

Moved by Mr. Faulkner and seconded by Mr. Pierce to grant approval to Middletown High School to place an LED electronic message sign at the site specified. Motion Carried Unanimously.

6-B. Record Minor Land Development Plan at Bunker Hill Elementary School Campus, Appoquinimink School District; 1,566 square foot outdoor classroom building, windmill and solar power trees

Shane Minner, Landmark Engineering, stated the building is actually **1,620 square feet**, based on the architect's figures. The school district is proposing an outdoor classroom to be located in the back parking lot between the playground and chillers. The building is environmentally friendly and will also be equipped with restrooms. It's one large room with outdoor patio and seating. The existing stormwater management is on-site. A small rain garden will be installed that will pre-treat some water run-off. Four rain barrels will be placed to collect the roof run-off and be channeled to the rain garden prior to emptying into the stormwater pond. The building will have small solar panels and radiant floor heating. A windmill and solar panel trees will be installed and the amount of power generated will be monitored to

show how much the school uses and how much will go back into the Town's system. Planning and Zoning recommended approval.

Moved by Mr. Pierce and seconded by Mr. Dixon to approve the Record Minor Land Development Plan at Bunker Hill Elementary School Campus for a 1,620 square foot outdoor classroom building with a windmill and solar power trees. Motion Carried Unanimously.

6-C. Adopt an Ordinance to Amend Chapter 119, Article II, in the Town of Middletown Code regarding grass cutting and cleanup of residential properties

Morris Deputy said this Ordinance will give Council the authority to change grass cutting fees by Resolution.

Moved by Mr. Faulkner and seconded by Mr. Dixon to adopt an Ordinance to amend Chapter 119, Article II in the Town of Middletown Code regarding grass cutting and cleanup of residential properties. Motion Carried Unanimously.

6-D. Adopt an Ordinance to Amend Chapter 120 in the Town of Middletown Code regarding rental properties

Morris Deputy said this amendment clarifies the Ordinance to read "number of units" instead of "rental property".

Moved by Mr. Reynolds and seconded by Ms. Burgess to adopt an Ordinance to amend Chapter 120 in the Town of Middletown Code regarding rental properties. Motion Carried Unanimously.

6-E. Introduce an Ordinance to re-zone the property at 106 S. Broad Street from R-1A to R-3. Tax parcel 23-009.00-029.

Mayor Branner introduced the Ordinance to re-zone the property at 106 S. Broad Street from R-1A to R-3.

6-F. Adopt a Resolution declaring intent to include wastewater projects in the fiscal year 2011 Capital Improvement Plan

Lou Vitola stated the Town was awarded \$2M from the Office of Drinking Water for water projects and \$7.5 for wastewater projects; some of the money is from grants and some is loan funding. With State funding, the Town must spend from the general fund and close the loan before receiving funds from the State to pay back the general fund. Per IRS regulation, anytime the general fund is reimbursed with capital loan proceeds, the intent to do so has to be declared and the capital projects announced ahead of time.

Moved by Mr. Dixon and seconded by Mr. Reynolds to adopt a Resolution declaring intent to include wastewater projects in the fiscal year 2011 Capital Improvement Plan. Motion Carried Unanimously.

6-G. Introduce an Ordinance to Amend Chapters 41, 42, 43, 44, 96, 115, 116 and 119 in the Town of Middletown Code regarding accepting supplements to the International Codes

Morris Deputy said this Ordinance will allow any amendments or supplements to the International Code to automatically become part of the Town's Code.

7. UNFINISHED BUSINESS

Mr. Reynolds reported that Relay for Life, which is sponsored by the Town and held at Silver Lake Park, raised approximately \$200,000. Mayor Branner said Susan Faulkner and Mary Hutchison are to be commended for their efforts.

8. NEW BUSINESS

- Mr. Reynolds announced the fireworks will be held at Silver Lake Park on the 4th of July; the display will start at dark; the rain date is July 5th. The park will open at 6 p.m. for parking and picnicking. A band will be set up on the showmobile to play music at 6:30. Non-profit vendors are allowed to sell food/merchandise for fundraisers. Contact Town Hall if you wish to set up a table.
- Ms. Burgess announced Middletown Main Street starts their “Music on Main” event this month – the event is held on the third Friday of each month.
- Mayor Branner announced that the July Council meeting will be held on Monday, July 12th instead of July 5th because the holiday.
- Debra Thomas, Spring Arbor, reported a problem with the stormwater pond and requested a copy of the maintenance code. Mayor Branner said that Mr. Deputy has discussed the pond situation with McKee Builders. Mr. Deputy said he spoke with McKee and the pond designer -- the pond will be evaluated to see if there are any problems. It is designed to be a sediment trap at this point and will have more improvements as the development progresses. Before the pond is accepted by the Town it will have to meet DNREC regulations.
- Linda Horst, Spring Arbor, asked the Town to address the issue of loud music on the athletic field at the high school. She suggested it might be in violation of the noise ordinance. Bob Hershey from the school district said he went to Spring Arbor and is sure the music is not at 85 decibels but he will look into the technical aspect of the speakers. The speakers are pointed in toward the stadium. The music is typically played prior to the games. State tournaments were held during the last couple of weeks and the teams brought their own music. It is a high school stadium and aside from eliminating the music, there isn't much that can be done. Mayor Branner said this has just been brought to the Town's attention and it's been discussed with Bob Hershey – the school district said they will review the situation to see what can be done.
- ***Moved by Mr. Reynolds and seconded by Ms. Burgess to adjourn to Executive Session to discuss legal and personnel matters. Motion Carried Unanimously.***