

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 approve the minutes 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 Ms. Burgess to approve the Bills Payable as presented and pay as funds become available.

**4. Police Report:** Chief Hank Tobin and Pat Mullin

The MPD responded to 932 calls for service for the month of November.

- 273 incidents were documented with a report.
- 46 incidents required arrest action; 87 specific charges were placed.
- Each quadrant of the town now has now been assigned four specific officers.
- 39 accidents: 26 property damage; 9 property damage/hit& run; 4 personal injury
- 3 robberies reported: two cleared by arrest; the PNC Bank robbery is still under investigation.
- 15 attempted burglaries.
- Several nighttime burglaries occurred at unoccupied dwellings.
- Several business related burglaries occurred on 11/12.
- 13 motor vehicle thefts – all vehicles were unsecured.
- 5 vehicle thefts – the vehicles were left running and unattended.
- Peak volume days: Mondays averaged 123 calls; Fridays averaged 155 calls. Peak hours: 8 p.m. to 9 p.m.
- Top calls for service: TAC enforcement – 262; Alarms – 55; Public Relations – 51; Property Checks – 45; shoplifting – 37.

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

## **5. Grants**

**Del-Mar-Va Council (Scouts) \$2,500:** Lou Vitola reported the Committee approved a grant for the Council last year. The Committee recommended Mayor and Council not approved the request because the group has not submitted a validation report for the 2009 grant; they could not establish a need for the request and they have available funds.

*Moved by Mr. Faulkner and seconded by Mr. Reynolds to deny the grant request from the Del-Mar-Va Council as recommended by the Grant Committee. Motion Carried Unanimously.*

## **6. PUBLIC HEARINGS**

### **6-A. WILMAPCO to present 2040 Regional Transportation Plan Update**

Dan Blevins, Planner for WILMAPCO, stated that the current federal transportation legislation requires WILMAPCO to hold a 30-day public comment period for the 2040 Regional Transportation Plan. Population, household employment, travel trends, etc., are assessed to determine the needs for the transportation system throughout the New Castle and Cecil County regions. At 2021, state and federal money available for capital projects will be exhausted and impacts the operation of public transportation and the ability to maintain roads.

Comments will be accepted through January 6, 2011 and may be submitted by email ([wilmapco@wilmapco.org](mailto:wilmapco@wilmapco.org)), fax 302-838-9584, phone or in person.

**6-B. 121 Willow Grove Mill Drive – Conditional Use Permit request to have a production kitchen for internet bakery in R-1B district. CU-09-10. Tax parcel 23-035.00-025.**

Troy Patton, owner of Freely Simple a business that sells nut and egg free bakery goods, is requesting permission to install a production kitchen in his basement. Mr. Patton said the business will sell their products via the internet and phone. The State of Delaware has been contacted for approvals from the Board of Health. All construction will comply with the Fire Marshal and Department of Public Health. All Town codes will be followed. Supplies are picked up and stored at the house; no deliveries will be made to the house.

Mayor Branner said Planning and Zoning recommended approval.

Jason Faulkner asked what kind of volume they expected. Mr. Patton said the business is new and currently their volume is very low. They provide products to local schools and take orders over the internet. Should the need arise, they will rent a larger space.

*Moved by Mr. Pierce and seconded by Ms. Burgess to grant Conditional Use approval for CU-09-10 to allow a production kitchen at 121 Willow Grove Mill Drive. Motion Carried Unanimously.*

**6-C. Kohl Prop. South LLC – Conditional Use Permit request for 25+/- acres, located along the southerly side of Patriot Drive in the Westown Business Park, for the construction and usage of a 300,000 square foot office/manufacturing facility for the formation, filling and distribution of battery systems in a Manufacturing/Industrial area. CU-10-10. 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, representing Kohl South LLC, stated he is requesting Conditional Use (Item 6-C) and Preliminary Plan approval (item 6-D) for a Major Subdivision/Land Development Plan for Lots 17 thru 21 in the Westown Business Park. Mayor Branner said one presentation for both items is permitted but each request will be voted on separately.

Mr. Woodin stated the Westown Business Park was part of the overall Westown Master Plan that received Record Plan approval in 2009. For the purpose of this plan, lots 17 thru 21 will be combined into one parcel. The roadway connecting Levels Road to the Auto Park has been shifted slightly to the north to accommodate the proposed facility. All the site engineering and technical issues were addressed through the previous Record Plan approval. Mr. Woodin said the building has been increased to a 346,275 square foot building. The business proposed is an office/manufacturing facility for the formation, filling and distribution of batteries.

Mr. Woodin said the stormwater management facility servicing the Westown Business Park is located to the east. Patriot Drive extended is located to the north of the site and connects Levels Road to Classic Drive in the Auto Park. A future road, Merrimac South, joins that intersection and connects to the signalized intersection at Walmart. A right-in/right-out connection to 301 is just west of the Hedgelawn property. The west side of the property borders the old Levels Road. The property to the south backs up to the 100' wide Town utility corridor; beyond that is the Westown residential project. A controlled access is located on the east side of the site. The business requires security checks as trucks enter the property. A stacking area is also required for inspection of the trucks and completion of paper work. The setback requirement for parking is 75' for lots over 5 acres. A landscaping berm will be installed in addition to the earth berm. 240 parking spaces are provided. The building along the south is setback 100' from the property line – code requires 20'. A service road to the back of the facility will be installed along with a 50' landscape berm. The building setback to the west is 150' to allow for a fire lane and a concrete pad for equipment. 75' is available for a landscape berm. The building will be sprinklered; a preliminary meeting was held with the Fire Marshal.

Fire Chief Frank Bailey said the fire company prefers to have access around the entire building. Mayor Branner suggested the access between the utility corridor and the back of the building be extended to the entrance off Patriot Drive to provide complete access around the building. The turn-around near the Levels Road/Patriot Drive entrance

could be a gated, fire access only to provide two access points. Chief Bailey suggested an electronic device be used to open the gate from the emergency trucks instead of using a key.

Mr. Woodin said the service road could be extended and a second gated entrance could be provided at the turn-around.

*Moved by Mr. Reynolds and seconded by Mr. Pierce to approve Conditional Use CU-10-10 for the southerly side of Patriot Drive in the Westown Business Park. Motion Carried Unanimously.*

**6-D. Kohl Prop. South LLC – Preliminary Major Subdivision/Land Development Plan for 25+/- acres of land located along the southerly side of Patriot Drive in the Westown Business Park, for the construction and usage of a 300,000 square foot office/manufacturing facility for the formation, filling and distribution of battery systems, in a Manufacturing/Industrial area. CU-10-10. Tax parcels 23-041.00-031; 23-041.00-032, 23-042.00-008, 23-042.00-009 and 23-042.00-010.**

Mayor Branner stated that both presentations received unanimous approval from the Planning and Zoning commission in November.

Mr. Woodin said up to 250 employees will be hired for the facility at capacity – several shifts will be employed.

*Moved by Mr. Faulkner and seconded by Ms. Burgess to approve the Preliminary Major Subdivision/Land Development Plan for Kohl Prop. South LLC located on the southerly side of Patriot Drive in the Westown Business Park for the development of a 346,275 sq. ft. office/manufacturing facility as previously discussed under Agenda Item 6-C. Motion Carried Unanimously.*

**6. UNFINISHED BUSINESS:** None

## **7. NEW BUSINESS**

- Mr. Reynolds reminded everyone that the main purpose of plowing streets is to have them clear for fire emergency and police vehicles. He asked residents to please keep that in mind when the streets are being plowed and driveways get plowed in.
- Mr. Reynolds congratulated the Appoquinimink High School's football team and Middletown High's football team for making the state playoffs.
- Fire Chief Frank Bailey thanked the town employees from the Electric Department, Street Department Inspection Department and the Police Department for their prompt assistance during the house fire on Cochran Street.
- On behalf of Council, Mayor Branner thanked the fire company for doing such a phenomenal job containing the fire.

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