

Vice-Mayor James L. Reynolds presided over the swearing-in ceremonies of the re-elected officials.

We hereby declare Kenneth L. Branner, Jr., Mayor and Jason Faulkner and Catherine J. Kelly Council Members re-elected for a term of two years.

Results of the election were as follows:

FOR MAYOR

<u>Kenneth L. Branner, Jr.</u>	<u>761</u>
Joseph Enrico	164
Chris Stefanadis	130
Donald Allen	76

FOR COUNCIL MEMBERS

<u>Jason Faulkner</u>	<u>671</u>
<u>Catherine J. Kelly</u>	<u>640</u>
Edward Colaprete	352
Brian Lewis	270
Bob Essick	132
N.V. Raman	108

Total Votes Cast: 1,148

Results for the question on the ballot to increase the number of council seats from four (4) to six (6):

Yes: 764 No: 218

The regular meeting of Mayor and Council was called to order by Mayor Kenneth L. Branner.

Moved by Ms. Kelly and seconded by Mr. McGhee to recess and reconvene at 7:30 p.m. on Monday, March 12, 2007. Motion Carried Unanimously.

The reconvened meeting of Mayor and Council was held on the above date with Council Members Faulkner, Reynolds, and Kelly present with Mayor Branner presiding. Town Manager Morris Deputy was also present. Councilman McGhee and Town Solicitor Scott Chambers were absent.

Mayor Branner announced the election results:

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Results for the question on the ballot to increase the number of council seats from four (4) to six (6):

Yes: 764 No: 218

The following announcements were made:

Council will increase from 4 to 6 seats at the next election – One position will be elected for a one-year term and the second position will be elected for a two-year term. The one-year term will fall in line with the two-year terms the following year.

The following appointments were made:

Vice Mayor James L. Reynolds	Streets & Parks
Catherine Kelly	Public Safety
Jason Faulkner	Electric Dept.
Robert McGhee	Water & Sewer
Kenneth L. Branner	Administration, Inspections, Maintenance

Meetings of interest scheduled at Town Hall:

- March 28th at 7:00 p.m. Community Meeting at Town Hall to discuss drug problems and loitering.
- April 2nd at 7:30 p.m. Secretary of Transportation Carolann Wicks will attend the Council meeting to discuss Department of Transportation funding.
- April 3rd at 7:30 p.m. Pat McCullar, CEO of DEMEC will discuss DEMEC and their responsibility.

The meetings will be posted at Town Hall and advertised in the Transcript.

Regular Meeting:

Moved by Mr. Reynolds and seconded by Mr. Faulkner to approve the minutes of February 5, 2007 as presented. Motion Carried Unanimously.

Moved by Ms. Kelly and seconded by Mr. Reynolds to approve the Treasurer's Report as presented. Motion Carried Unanimously.

A question was raised on the Investment Report regarding the reduction of \$94,090 from the Wachovia Short-term investment fund and the \$20,985.50 reduction from the Wachovia Intermediate-term fund. Lou Vitola, from the Town's Finance Department reported that the \$94,000 represents a check to Artesian for the Industrial Drive water tower; the \$20,985.50 is a combination of fees for the Wachovia investment accounts and losses on investments due to the stock exchange drop.

Moved by Mr. Reynolds and seconded by Mr. Faulkner to approve the Bills Payable and pay as funds become available. Motion Carried Unanimously.

Moved by Ms. Kelly and seconded by Mr. Faulkner to accept the Police Report as presented by Capt. Debra Rees.

5. Grant Requests:

a. Appoquinimink Boys & Girls Club – "One Campaign"

Lou Vitola, Grant Review Committee Chairman, stated the Boys and Girls Club requested \$7,500 for their "One Campaign" which is a matching fund. The Committee recommended approval for a \$5,000 grant as they meet the criteria for a grant. They provide a need to the community and have over 1,000 members from the M.O.T. area.

Moved by Mr. Faulkner and seconded by Ms. Kelly to approve the grant request of \$5,000 for the Appoquinimink Boys & Girls Club "Campaign One" fund. Motion Carried Unanimously.

6. PUBLIC HEARING – 400 N. Ramunno Drive, Middletown Village – Building Expansion Plan for Tender Loving Kare Child Care/Learning Center (Tax Parcel No. 23-003.00-120)

Tabled per owner's request.

7. PUBLIC HEARING – Route 299, Willow Grove Mill – Preliminary Record Major Land Development Plan for an R-3 Apartment Complex – 13 buildings totaling 276 units

Per the following notice a public hearing was held on the above date:

Take notice that a Public Hearing will be held on March 12, 2007 at 7:30 p.m. at Town Hall, 19 West Green Street, Middletown, DE at which time the Mayor and Council will review the Preliminary Record Major Land Development Plan for a proposed 276-unit apartment complex development located on the 27-acre R-3 parcel (adjacent to the existing Willow Grove Mill Section II residential subdivision).

Colm DeAscanis, CDA Engineering, represented the owner/developer. The Planning and Zoning Commission recommended approval of the 276-unit/13-building apartment complex located on 27 acres in the existing Willow Grove Mill subdivision. This is the remaining residential section of the development located off Truepenney Turn and Gloucester Blvd.

- The Town Engineer's comments will be addressed.
- The open space is 48% versus the 40% required.
- The pump station design is being finalized.
- A club house, pool and play area has been added in the center of the parcel, which will be privately maintained.
- Sidewalks will be constructed throughout the area for easy pedestrian access.

Mayor Branner said the property is in Odessa's fire district and asked if the hydrant configuration had been coordinated with them. Morris Deputy said yes, it's to national standards. Colm DeAscanis said he would contact Odessa.

The intersection at Brickmill Rd. and Rt. 299 will be upgraded and synchronized with the signal to be installed at Gloucester Blvd. and Rt. 299.

Mayor Branner stated the intersection at Gloucester and Rt. 299 is part of the East Side Traffic Plan and is included in the updated Comp Plan. A meeting is scheduled with the East and West side developers to finalize the details. This intersection will be top priority and will probably be coordinated in conjunction with building the Wawa.

Concerns and comments regarding the development were:

- size and cost compared to the existing homes in the development (devaluing existing property)
- density
- green technology/stormwater management
- road improvements
- school requirements
- zoning (R-3 apartments/condominiums)
- lack of information at sales centers

Responses were:

- A mix of housing size and cost is needed. The units will be a minimum of 1500 s.f., 2/3 bedrooms and start at about \$200,000. Anticipated build-out is 2-1/2 years.
- Density is increased to provide more concentrated open space. The open space in front of Longmeadow is 13 acres. The property in the back to the creek is also open space. 48% open space is provided; 40% is required. Stormwater management provides 12% open space for a total of 60%. The density could actually be increased.
- A bio-filtration swale is proposed that will pre-treat the flow for quality and quantity. Three bio-retention areas are also proposed at the Wawa location. Green technology will be implemented where possible. The stormwater system is also designed in conjunction with the proposed road improvements.
- Improvements consist of turn lanes and widening 299 from Silver Lake Road to Rt. 1. Developers and DelDOT will sign tri-party agreements similar to the agreements for Westtown – the Department of Transportation Secretary will be here on April 2nd to discuss funding, etc. The developers are contributing land for roads to parallel to Rt. 299.

Timetable/Upgrades

The updated Comprehensive Plan has to be approved and adopted. A meeting is scheduled to sign the agreements with the East Town developers and DelDOT (the East Town plan has been discussed at several Council meetings). The funding will be 30% developers/70% DelDOT. Certain improvements have to be made at certain stages of development. If the developers want to proceed, they will have to pay the money up front. The Highlands is the key to provide the corridor to go from Brick Mill Road to N. Broad Street. The proposed improvements include an upgrade to the intersection of Rt. 299 and Silver Lake Road, a connection through the Pederson property to connect Rt. 299 to the Highlands, a connection from Dove Run to the Pederson property, and a connection from the Highlands to East Lake Street. Ashland Street will be re-aligned to continue the connection between Cleaver Farm Road and New Street.

Park & Ride

The Park & Ride will be relocated. One concept for the East Town plan is to have a direct connection from Rt. 1 to E. Lake Street. Currently it is proposed to tie in at Silver Lake Road.

- Mayor Branner said the Town has had discussions with the school district regarding their requirements; 29 acres are targeted south of Town for a new middle school on property that will be presented for annexation. Dr. Marchio indicated a middle school is their next priority. The 13 acres in front of Longmeadow was originally targeted for an elementary school – the Appoquinimink School District decided they didn't want a school at that location. The developer donated acreage for the Brickmill Elementary School. The school district determines their need and where they will build. Only 10% of the population of Middletown attends the local schools.
- Longmeadow/Willow Grove Mill was all zoned and approved at the same time it was annexed (10/97). The R-3 was approved before a single family house was built.
- All development plans are on file in Town Hall; anyone interested in viewing them may do so. Builders/developers are aware of what is approved in their area – the town can't control what information is passed on.

Mayor Branner said the Record Plan will show what the units look like. This is the Preliminary Plan seeking approval according to zoning. Planning and Zoning recommended approval.

Mr. Faulkner stated the parcel is properly zoned for what's requested – the Town can't force the owner to exceed the zoning requirements.

Several comments were also made in favor of the project.

Mayor Branner suggested that if residents want to meet and review the plans a meeting could be scheduled. Mayor Branner suggested the residents contact him or Rae Teel at Town Hall if they wish to meet (378-5670). The builder will make it as aesthetically pleasing as possible, but as Mr. Faulkner alluded, the property is zoned R-3 and meets the Zoning Code requirements.

Moved by Ms. Kelly and seconded by Mr. Reynolds to grant approval for the Rt. 299 Willow Grove Mill Preliminary Record Major Land Development Plan, zoned R-3 for an apartment complex of 276 units. Motion Carried Unanimously.

8. PUBLIC HEARING – Lot 2, 102 Sandhill Drive, Bunker Hill Center I – Conditional Use Permit No. CU-01-07 to use property for a day care facility in a Manufacturing-Industrial (MI) zoned district

Per the following notice a public hearing was held on the above date:

Take notice that a Public Hearing will be held on March 12, 2007 at 7:30 p.m. at Town Hall, 19 West Green Street, Middletown, DE at which time the Mayor and Council will review Conditional Use Permit #CU-01-07 to use the property located on Lot 2 at 102 Sandhill Drive in Bunker Hill Centre I for a day care facility in a Manufacturing-Industrial (MI) zoned district.

Roger Brickley represented the owner requesting conditional use approval to use the property as a day care facility in the M-I zoning district.

Mr. Brickley requested to present both the Conditional Use request and the Preliminary Major Land Development Plan at the same time.

Mayor Branner said Mr. Brickley could proceed as such. The Conditional Use request will be voted on first, then the Preliminary Major Land Development Plan.

Moved by Mr. Faulkner and seconded by Ms. Kelly to approve Conditional Use #CU-01-07, Lot 2, 102 Sandhill Drive, Bunker Hill Centre I for a day care facility in an M-I zoning. Motion Carried Unanimously.

9. PUBLIC HEARING – Lot 2, 102 Sandhill Drive, Bunker Hill Centre I – Preliminary Major Land Development Plan (Tax Parcel No. 23-005.00-302)

Per the following notice a public hearing was held on the above date:

Take notice that a Public Hearing will be held on March 12, 2007 at 7:30 p.m. at Town Hall, 19 West Green Street, Middletown, DE at which time the Mayor and Council will review the Preliminary Major Land Development Plan for Lot 2 at 102 Sandhill Drive in Bunker Hill Centre I (Tax Parcel No. 23-005.00-302).

The project proposes an 8,500 sq. ft. day care facility.

- An existing drive will be shared with the Dairy Queen. It will loop behind the building to a drop-off area in the back.
- Using the parking rationale for a school as suggested by KCI would only require 15 or 16 parking spaces – 30 will be provided.
- The building will be 75% accessible for fire trucks.
- The plan has been approved by state licensing.
- KCI's comments will be addressed at Record Plan.
- Sidewalks will be provided along Sandhill Drive to access to the back parking.
- A 6' privacy fence will be installed between the car wash property and the day care.
- Planning and Zoning recommended approval with the condition the Engineer's and Fire Marshal's requirements are met.
- The maximum capacity is 247—the projected number is 160.
- A cross-access easement exists between Lots 2 and 2-A.

Susan Love requested additional landscaping buffer be incorporated behind the building because of the visibility of the residents at Middletown Village.

Moved by Ms. Kelly and seconded by Mr. Reynolds to approve the Preliminary Major Land Development Plan for Lot 2, 102 Sandhill Drive, Bunker Hill Center I. Motion Carried Unanimously.

10. PUBLIC HEARING – Adopt an ordinance to amend the lot coverage requirements in residential zoning districts in the Town of Middletown's Zoning Code

Per the following notice a public hearing was held on the above date:

Take notice that a Public Hearing will be held on March 12, 2007 at 7:30 p.m. at Town Hall, 19 West Green Street, Middletown, DE at which time the Mayor and Council will adopt an ordinance to amend the lot coverage requirements in residential zoning districts in the Town of Middletown's Zoning Code.

Morris Deputy stated that the zoning code needed to be amended in order to allow flexibility for decks, additions, etc., in some of the traditional neighborhood developments such as Parkside and Spring Arbor that have smaller lots and larger homes. Amending the lot coverage requirements in residential zoning districts will give homeowners that flexibility.

Moved by Mr. Faulkner and seconded by Ms. Kelly to adopt an ordinance to amend the lot coverage requirements in residential zoning districts in the Town of Middletown's Zoning Code. Motion Carried Unanimously.

11. PUBLIC HEARING – Adopt and ordinance to restrict the parking in the vicinity of mailbox clusters of ten (10) or more

Per the following notice a public hearing was held on the above date:

Take notice that a Public Hearing will be held on March 12, 2007 at 7:30 p.m. at Town Hall, 19 West Green Street, Middletown, DE at which time the Mayor and Council will adopt an ordinance to restrict the parking in the vicinity of mailbox clusters of ten (10) or more.

Mayor Branner said the ordinance addresses the issue that there will be no parking 10 feet on either side of the cluster.

Moved by Mr. Faulkner and seconded by Ms. Kelly to adopt the ordinance to restrict parking in the vicinity of mailbox clusters of ten (10) or more. Motion Carried Unanimously.

12. PUBLIC HEARING - Introduce an Ordinance to enact a new policy for Freedom of Information Act Requests

Mayor Branner introduced an ordinance to enact a new policy for FOIA requests. The policy will outline requirements for FOIA requests and will be available for review prior to adoption next month.

OLD BUSINESS

- **Industrial Drive Light:** Mayor Branner reported the easement agreements for the light at Industrial Drive and Rt. 299 were signed several months ago. Equipment has been purchased and the installation of the light should begin in about three weeks. The light will be in a flashing mode until DelDOT gets the final agreement from the railroad on how far back the detectors have to be set. Mr. Reynolds said the sign in front of Wilmington Trust also has to be moved before the installation can proceed.
- **Council Seats:** Mayor Branner announced that four (4) council seats will be open next year – 3 two-year terms and 1 one-year term. When anyone files, they will have to state whether they are filing for the one-year term or the two-year term. The top three votes will get the two-year terms and the top one-year vote will get the one-year term if there is more than one filer. After 2008, all terms will be for two years.
- **Jake Brakes Signs:** Mayor Branner said the signs are ready to be printed. After the signs are installed, warnings will be issued for the first 30 days; enforcement will begin after the 30-day warning.
- **Speed Limits on Rt. 299:** DelDOT is reviewing the request to reduce the speed. The plan is to reduce the speed limit to 35 m.p.h. from Rt. 1 to Middletown Appliance where it will reduce to 25 m.p.h. The speed limit on Rt. 301 is also being considered. They are both DelDOT roads and DelDOT determines the speed limit.
- **Light at Home Depot entrance:** A resident suggested installing a street lamp on 301 to provide better visibility of the entrance. Tim DeSchrepper will contact DelDOT about the installation of a street lamp.

NEW BUSINESS

- **FFA:** Brianne Stevens, Vice-President; Robbie Emerson, President, and Katie from the Executive Committee gave a brief presentation about a Land Use Community Forum hosted by the FFA and the University of Delaware Cooperative Extension at Middletown High School. The public is invited to attend the discussion and voice their opinions about land use issues in the area. The forum is Tuesday, March 20th from 5:30 to 8:00 pm. in the Middletown High School Chorus room.
- A resident suggested the News Journal write articles about all the positive things in Middletown instead of just negative ones.
- Susan Love announced she received more information on tree grants and will share the information if anyone is interested. She is applying for another grant for Middletown Village. Mayor Branner said the Town would assist in planning the trees.
- Jay Heath expressed concern about the traffic situation just above the 71/301 split. Traffic heading south on 71 blocks the turn lane to the Summit Plaza Shopping Center, making it difficult to turn into the shopping center. Mayor Branner said Rt. 71 is a DelDOT road but we can request them to install guide posts to mark the turn lane. Changing the cycle time might also help the situation.
- Susan Love requested the Town ask DelDOT to reassess the need for a traffic signal at Ash Blvd. and Rt. 301.
- Donald Allen said the 25 m.p.h. sign that used to be on Cleaver Farm Road is gone and suggested that if the police are going to enforce the speed limit another sign should be installed.
- Mr. Allen also stated that while getting his hair cut at 129/131 E. Lake St. two County Police officers, two State Police and an undercover police officer stopped. The fellow cutting his hair said when there is a gathering, this happens all the time and that it offends them. He said alcohol is more of a problem than drugs. Mr. Allen said there are “No parking, Stopping or Standing” signs installed near the houses – the houses are being lived in now and they want to know if the signs can be removed. Mr. Reynolds said the signs were installed at the request of the property owners. They asked the Town to install them to keep the loitering down. The police presence was also requested by the residents in the area. Mayor Branner said the residents asked for increased patrols on Lockwood, Lake and Catherine Streets. Mayor Branner said there is a meeting at the end of the month to discuss drug, alcohol, etc., issues with church groups and residents.
- **Levels Road Park Update:** Digging has started for the pond and pilings have been set for the pier. A ribbon cutting is anticipated for early Fall – the dog park and pond should be finished at that time.

Moved by Mr. Reynolds and seconded by Ms. Kelly to adjourn. Motion Carried Unanimously.