

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

Moved by Ms. Kelly and seconded by Mr. Reynolds to approve the Minutes for July 2, 2007 as presented. Motion Carried Unanimously.

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

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

Moved by Ms. Kelly and seconded by Mr. McGhee to approve the Police Report as presented by Sgt. Riddell. Motion Carried Unanimously.

5. Grant Requests:

a. Middletown High School Band Boosters - \$27,500: Kristen Krenzer presented the report on behalf of Lou Vitola. The Middletown High School Marching Band requested \$27,500 in order to attend the Orange Bowl. The Committee recommended approval for \$3,000 because of the positive national exposure that will benefit the high school and the Town.

Moved by Mr. Reynolds and seconded by Ms. Kelly to approve a grant in the amount of \$3,000 for the Middletown High School Band Boosters based on the recommendation of the Grant Committee. Motion Carried Unanimously.

b. Appoquinimink Boys & Girls Club – \$6,230: Ms. Krenzer reported that the purpose of the grant is to start a new club called "Kids Café" in which the kids would cook and teach the younger ones. They will also learn responsibility through the establishment of jobs & tasks. The Committee recommended approval for \$3,000 because it represents a benefit to the community. Over 1,000 children and youth in the MOT area benefit from the Boys & Girls Club's services.

Ms. Kelly suggested they serve healthful foods.

Moved by Mr. Reynolds and seconded by Mr. McGhee to approve the grant request of \$3,000 to the Boys and Girls Club for the "Kids Café" as recommended by the Grant Committee. Motion Carried Unanimously.

c. Neighborhood House (School Supplies Give-Away) \$300: Ms. Krenzer reported that the Neighborhood House will provide school bags and supplies for about 450 low income households. They are requesting \$300 to purchase gift cards in hopes of providing a few of the families with a new outfit in addition to the school bag. The Committee recommended approval of \$300; the program provides a benefit to the community.

Moved by Mr. Reynolds and seconded by Mr. McGhee to approve the grant request of \$300 to the Neighborhood House as recommended by the Grant Committee. Motion Carried Unanimously.

d. Neighborhood House (Family Crisis Relief) \$5,000: Ms. Krenzer reported that \$3,000 of this request is for the Family Crisis Relief Program that helps families and individuals meet their food, heat and electricity needs in crisis situations; \$2,000 will be used to support the Housing Counseling Program which provides advice and service to those who are in danger of becoming delinquent in their monthly payments. The program provides a benefit to the community and the full grant of \$5,000 is recommended.

Moved by Mr. Reynolds and seconded by Ms. Kelly to approve the grant request of \$5,000 to the Neighborhood House Family Crisis Relief as recommended by the Grant Committee. Motion Carried Unanimously.

Validation Report: Southern New Castle Rotary Club - \$2,500

Ms. Krenzer reported that Mr. Vitola received a letter and receipts from the Rotary Club for their fundraiser event held on West Green Street. He is satisfied that all expenditures were made as outlined in their grant request. The event raised over \$8,000 which was returned to the community through scholarships, donations, etc.

6. Middletown Action Network (MAN) Presentation

Darren Blackston, Co-Chair of the Middletown Action Network, stated committee members include Councilman Robert McGhee, Marvin Perkins, Brian Lewis, Forice Lively, Roosevelt Nichols, Nurrudiyin As-Salafi, John Brown, Keith Sparks, Tanya Saunders and Vernon Saunders.

In summary, their strategic plan is to provide early anti-drug intervention, policing, drug treatment, mental health services, education, housing and employment in a professional and confidential manner. MAN is a collaboration between police agencies, educational institutions, social service agencies and the Town of Middletown. Their purpose is to help all Middletown citizens improve their quality of life and the quality of their communities.

Darren Blackston requested Mayor and Council consider making Middletown Action Network a Commission under the Town of Middletown's government.

It was questioned how the commission is related to Town government. Mr. Blackston stated that most commissions in a Town work within the Town structure. The plan is to partner with the community to develop a balance between the community and volunteers. This will provide the resources necessary to make the commission work. The commission hopes to work with the community to help alleviate the drug issues in neighborhoods through four areas of service: (1) Education, Housing and Employment; (2) Mental Health and Drug Treatment; (3) Policing; and (4) Early Intervention.

Mayor Branner stated the commission will have no governmental authority – Mayor and Council will determine the viability of their recommendations. They are requesting to work jointly with the Town to assist them with information and funding for the program which will help adults and young adults in Town. As with other commissions, they will be a recommending body only.

Council thanked Middletown Action Network for all their effort and concern for the community. Council's consensus is that this is a very worthwhile program and the Town will benefit tremendously. At this point it is an exploratory program and the Town's Solicitor will research the feasibility and viability of the commission partnering with the Town. The request will be listed as an agenda item for Council to act on at a later date.

6-A. Police Chief

Mayor Branner introduced the new Police Chief, Hank Tobin. Chief Tobin said their plan is to hire Delaware Certified Officers to get the department up and running quickly. The target date is the end of September/first of October. The cars have been ordered and will be equipped with protective screen, cameras, radar units, defibrillators, etc., the same as other police cars. The uniforms are being designed and equipment is being acquired. Dispatching will go through RECOM (Regional Communications for the State).

Mayor Branner said a meeting was held with the New Castle County Director of Public Safety, Director Frazier and Col. Gregory last week to discuss the transition from New Castle County and what their requirements are for the building. The Town would like to purchase the building but is proceeding with alternative measures in order to meet the October timetable.

7. Motion to Amend FY'08 Budget

Kristen Krenzer, on behalf of Lou Vitola, stated that Mr. Vitola found that four items needed to be changed in the budget:

1. The appropriation for the Reverse 911 system should be moved from Operating to Capital.
2. Municipal Street Aid should show the actual amount. The original amount budgeted was \$265,000 and \$336,804 was received.
3. \$196,200 was budgeted for grants; it should have been \$52,800.
4. A \$150,000 donation to the fire company should have been listed under Public Service.

The purchase of the Reverse 911 System was questioned. Mayor Branner said the Town will be instituting a Reverse 911 to be able to notify everyone in Town for any emergency the residents need to know, such as a missing child, electric outage, etc. We will also partner with Townsend and Odessa to allow them to come on the system. The cost to purchase the program is \$35,000 to be able to activate the Reverse 911.

Dave Potter explained that the State of Delaware has a statewide Reverse 911 system. It has to be implemented by a State agency, which would be one of the three counties, Delaware State Police or DNREC. Unless the program is physically on-site the Town cannot notify a resident. The annual maintenance budget is \$3,400 for maintenance, training, etc. It's a community outreach system that will allow us to contact the residents at a moments notice.

Mayor Branner said the fire company has to hire additional people and are building a new sub-station which will be in the Town limits on Levels Road. They are also purchasing a platform ladder truck for \$750,000. These requirements are a direct result of the Town's expansion and Council agreed the Town should make a donation to the fire company.

Moved by Mr. Reynolds and seconded by Mr. McGhee to approve the FY'08 Budget amendment. Motion Carried Unanimously.

8. PUBLIC HEARING – Motion to Amend the Town of Middletown's Personnel Policy

Tabled – the policy is still being updated.

9. PUBLIC HEARING – Route 299, Willow Grove Mill – Concept Plan for the Willow Grove Mill Townhouse Community on an R-3 parcel

Colm DeAcanis from CDA Engineering presented the plan proposing 192 townhouses on 27 acres zoned R-3 located at Willow Grove Mill. The project was originally proposing 276 condo units. This plan evolved as a result of discussions between the residents, the Town and the owners of the property.

10. PUBLIC HEARING – Route 299, Willow Grove Mill – Preliminary Plan for the Willow Grove Mill Townhouse Community on an R-3 parcel

Per the following notice a Public Hearing was held on the above date:

Take notice that a Public Hearing will be held on August 6, 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 the Willow Grove Mill Townhouse Community to be located off Route 299 on an R-3 parcel (adjacent to the existing Willow Grove Mill Section II residential subdivision).

Colm DeAscanis presented the plan proposing 192 townhouses at Willow Grove Mill. There are no significant civil design changes; the road design changed slightly. The design details are being reformulated; the Town engineer's comments will be addressed.

The townhouse development will be similar to the existing townhouse units currently built.

Moved by Mr. Faulkner and seconded by Mr. Reynolds to approve the Preliminary Major Land Development Plan for the Willow Grove Mill Townhouse Community. Motion Carried Unanimously.

11. PUBLIC HEARING – Northerly side of U.S. Route 301 between the Kohl's Department Store and Wal-Mart sites – Preliminary Major Land Development Plan for 10.81 acres of Lands of Westown Town Center, LLC (Tax Parcel 23-022.00-002)

Per the following notice a Public Hearing was held on the above date:

Take notice that a Public Hearing will be held on August 6, 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 100,000 square feet of retail space and required parking on 10.81 acres of Lands of Westown Town Center, LLC (tax parcel 23-022.00-002) to be located on the northerly side of U.S. Route 301 between the Kohl's Department Store and Wal-Mart sites.

Mark Russo from Woodin and Associates presented the request for Westown Center Phase II. The property is located along Rt. 301 between the Kohl's and proposed Wal-Mart stores. The property is zoned C-3 and consists of 10.8 acres. The purpose of the plan is to develop Phase II of the Westown Town Center as a commercial retail shopping center which will contain approximately 3 or 4 mid-size retail stores and one sit-down restaurant in the front of the parcel. The rear building will contain about 95,000 sq. ft. of gross floor area and the restaurant about 9,000 sq. ft. of gross floor space. The main entrance will be off Rt. 301 opposite the Auto Mall; there is also a right-in/right-out on 301. An existing stormwater management pond is located in the front of the property along Rt. 301 and a larger pond is located in the northwest portion of the property designed to handle Westown Town Center and the Parkway at South Ridge. The Town Engineer's comments as well as any additional comments will be addressed.

No signed leases are in hand; however interest from stores such as electronics, office supplies, linens, sporting goods, etc. has been received. Texas Roadhouse has also expressed an interest for the restaurant site. Borders Book Store is not expanding but Barnes and Noble have been contacted.

Moved by Mr. McGhee and seconded by Mr. Faulkner to approve the Preliminary Major Land Development Plan for the Westown Town Center, 10.81 acres, Phase II, located on the northerly side of Rt. 301 between the Kohl's and Wal-Mart sites. Motion Carried Unanimously.

12. PUBLIC HEARING – Lot 19, Middletown-Levels Business Park – Preliminary Major Land Development Plan (tax parcel 23-041.00-020)

Per the following notice a Public Hearing was held on the above date:

Take notice that a Public Hearing will be held on August 6, 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 an 11,500 sq. ft. flex warehouse building in a Manufacturing-Industrial (MI) zoning district (tax parcel 23-041.00-020).

Roger Brickley presented the plan proposing an 11,500 sq. ft. flex warehouse building on Lot 19 in the Middletown-Levels Business Park. The building will be sprinklered; 35 parking spaces are proposed. The lighting and landscape plans are being designed. Planning and Zoning recommended approval with KCI's comments being addressed excluding #2.

Moved by Mr. Faulkner and seconded by Mr. McGhee to approve the Preliminary Major Land Development Plan for Lot 19 at Middletown-Levels Business Park for an 11,500 sq. ft. flex warehouse building. Motion Carried Unanimously.

13. PUBLIC HEARING – A motion to ratify a Tree Planting and Care Grant Contract between the Town of Middletown and the State of Delaware, Department of Agriculture Forest Service

Per the following notice a Public Hearing was held on the above date:

Take notice that a Public Hearing will be held on August 6, 2007 at 7:30 p.m. at Town Hall, 19 West Green Street, Middletown DE at which time the Mayor and Council will make a motion to ratify a Tree Planting and Care Grant contract between the Town of Middletown and the State of Delaware, Department of Agriculture Forest Service.

Morris Deputy said the grant is for \$3,000 that Susan Love helped obtain from the Department of Agriculture Forest Service to plant trees in Middletown Village.

Moved by Mr. Reynolds and seconded by Mr. Faulkner to enter into an agreement with the Department of Agriculture Forest Service for the Tree Planting and Care Grant program for \$3,000 for trees to be planted at Middletown Village. Motion Carried Unanimously.

14. PUBLIC HEARING – A motion to ratify a Contract for Phase I of the Middletown Streetscape Project

Morris Deputy reported that of the four bids received for the Streetscape Project, Sam's Construction Company was the low bidder of \$805,001.50 as compared to the engineer's estimate of \$1,173,290. Mr. Deputy said the bids have been reviewed and requested Council approve a request to enter into a contract with Sam's Construction for Phase I of the Middletown Streetscape Project.

Moved by Mr. Faulkner and seconded by Mr. Reynolds to enter into an agreement with Sam's Construction Company for \$805,001.50 for Phase I of the Middletown Streetscape Project as recommended by Morris Deputy. Motion Carried Unanimously.

15. Unfinished Business

- **Rt. 299/Market Place Shopping Center Signal** – Morris Deputy reported that DelDOT should be pouring footers for the warning lights to be installed near Woodward's property next week. The traffic light should be operational by the next Council meeting.

16. New Business

- Mr. Reynolds reported that for the first time in the State's history the local Little League, the Girls' Senior League Softball, Boys' Major League and Boys' Junior and Senior League all won State Championships. They are all playing in the Eastern Regionals. It's the first time any town in Delaware has had 4 State Championships.
- Mayor Branner announced that the regularly scheduled Council meeting for September will be held on Monday, September 10th because of the Labor Day Holiday on the 3rd.
- Bob Gouge questioned where the police salaries were shown on the budget. Mayor Branner said Public Safety includes the salaries. The figures won't be final until all 17 officers are hired. New Castle County is being paid based on the 2005 contract.
- Mr. Dixon asked for the status of the house in Lakeside that burned down last year. Mayor Branner said the engineers have evaluated the structure and determined that the foundation could be built on provided some minor improvements are made.

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