

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.

Mayor Branner announced the following:

- The Goddard School is hosting an Open House on Thursday, October 4th from 4 to 8 p.m. and the public is invited.
- The Cashier's window at Town Hall will now be open at 7:00 a.m. for the payment of utility bills, permit fees, etc.

Moved by Mr. Reynolds and seconded by Ms. Kelly to approve the Minutes of September 10, 2007 as presented. Motion Carried Unanimously.

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

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

Moved by Ms. Kelly and seconded by Mr. Faulkner to approve the Police Report as presented by Capt. Rees. Motion Carried Unanimously.

Mayor Branner introduced State Representatives Bethany Hall-Long and Bruce Ennis.

5. PUBLIC HEARING – Police Personnel

Police Chief Hank Tobin reported that the officers for the Middletown Police Department have been hired. The officers were introduced and a brief bio was read.

Mayor Branner stated New Castle County offered the Southern Patrol Headquarters' building to the Town for \$1.8 million. The existing NCCSPH building is 6,345 sq. ft. and will require a number of renovations.

The Town has 5 acres available on the Fusco site on Rt. 299 in Willow Grove Mill to build a new police building. The estimate obtained for a 10,000 sq. ft. building is less than \$1.5 million. Bids to design/build should go out within the next 6 weeks. It is estimated that the building could be ready for occupancy by the middle of next summer. In the mean time, the downstairs at Town Hall has been retrofitted for the police officers.

New Castle County has been given notice that the Middletown Police Department will go into effect midnight, November 1st. Three people will be on each shift; 3 officers will be on special shift and two will be assigned based on community needs.

6. Grant Requests

a. Validation Reports: Lou Vitola reported the Grant Committee received Validation Reports from the M.O.T. Community Fund, the Historical Society and Redding Middle School. The MOT Community Fund grant was spent primarily on utility bills, food and rent for the needy; the Historical Society used their grant on the 14th Annual Peach Festival and Redding Middle School used their grant on T-shirts. The Committee recommends that all 3 Validation reports be approved.

b. M.O.T. Community Fund – "Safety Net" Fund - \$5,000: Lou Vitola stated that this is a 501C3 organization; the amount is reasonable and the benefit to the community is evident as last year's grant was spent on 37 different groups and individuals. The Committee recommends that Council approve the \$5,000 grant to the M.O.T. Community Fund.

Moved by Mr. McGhee and seconded by Mr. Faulkner to approve the three Validation Reports as recommended by Mr. Vitola. Motion Carried Unanimously.

Moved by Mr. McGhee and seconded by Mr. Faulkner to approve the \$5,000 grant to the M.O.T. Community Fund as recommended by the Grant Committee. Motion Carried Unanimously.

7. PUBLIC HEARING – Adopt an Ordinance to appoint a Middletown Action Network Commission

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

Take notice that a Public Hearing will be held on October 1, 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 appoint a Middletown Action Network Commission.

Mayor Branner read the ordinance to appoint the Commission.

The following Questions were asked:

What is the authority and responsibility of the Commission? Darren Blackston stated the Committee is to be a pro-active community service organization offering services in education, housing, substance abuse, mental health abuse and early childhood intervention. The Commission will work with the Middletown Police Department to meet the needs of all citizens of Middletown.

Is there any fiscal impact to the Town? Mayor Branner said at this time the Commission is just being established. Any fiscal impact will be approved at future meetings.

Moved by Mr. McGhee and seconded by Mr. Reynolds to adopt the Ordinance to appoint a Middletown Action Network Commission. Commission Members include John Brown, Brian Lewis, Forice Lively, Roosevelt Nichols and Marvin Perkins. Motion Carried Unanimously.

8. PUBLIC HEARING – Adopt an Ordinance to appoint Public Safety Committee Members

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

Take notice that a Public Hearing will be held on October 1, 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 appoint Public Safety Committee Members.

Mayor Branner read the Ordinance to appoint Public Safety Committee Members.

Moved by Ms. Kelly and seconded by Mr. Reynolds to adopt the Ordinance to appoint Public Safety Committee Members. The following residents were appointed to the Committee: Frank Bailey, Jr., George Caponara, Brian Lewis, Roosevelt Nichols and William Trench. Councilwoman Catherine Kelly will Chair the Committee along with Middletown Police Chief Henry “Hank” V. Tobin, III. Motion Carried Unanimously.

9. PUBLIC HEARING – Adopt an Ordinance to establish an Election Committee

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

Take notice that a Public Hearing will be held on October 1, 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 establish an Election Committee.

Mayor Branner read the Ordinance to establish an Election Committee. This is a new law enacted by the State to be effective 2008.

Moved by Mr. Reynolds and seconded by Mr. Faulkner to adopt the Ordinance to establish an Election Committee consisting of the following residents: Sonya Comstock, David Rich and Lorraine Reeves. Motion Carried Unanimously.

10. PUBLIC HEARING – Lot 19, Middletown-Levels Business Park – Record Major Land Development Plan (tax parcel 23-014.00-020)

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

Take notice that a Public Hearing will be held on October 1, 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 Record Major Land Development Plan for an 11,250 sq. ft. flex warehouse building in a Manufacturing-Industrial (MI) zoning district (tax parcel 23-041.00-020) to be located on Lot No. 19 in the Middletown-Levels Business Park.

Roger Brickley presented the plan requesting approval for an 11,250 sq. ft. flex warehouse building on Lot 19. Planning and Zoning recommended approval in July. The building will be sprinklered. The Fire Marshal's approval is pending. Conditional approval is requested pending the Fire Marshal's approval. KCI's comments have been satisfied and if additional comments arise they will be addressed.

Moved by Mr. Faulkner and seconded by Ms. Kelly to approve the Record Major Land Development Plan for Lot 19, Middletown-Levels Business Park with the condition the Fire Marshal's approval is obtained. Motion Carried Unanimously.

11. PUBLIC HEARING – 116 Sleepy Hollow Drive – Bunker Hill Centre II – Conditional Use Permit No. CU-07-07 to use the property for a cheerleading academy 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 October 1, 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 No. CU-07-07 to use the property for a cheerleading academy in a Manufacturing-Industrial (MI) zoned district.

Glenn Sutch, owner of East Coast Cheerleading at 114 Sleepy Hollow Drive, requested approval of Conditional Use No. CU-07-07 to allow for the expansion of his existing business.

Moved by Mr. Faulkner and seconded by Ms. Kelly to approve Conditional Use Permit No. CU-07-07 to use the property at 116 Sleepy Hollow Drive, Bunker Hill Centre II for a cheerleading academy in a Manufacturing-Industrial zoned district. Motion Carried Unanimously.

12. PUBLIC HEARING – Lot 2A at 98 Sandhill Drive – Bunker Hill Centre I – Conditional Use Permit No. CU-08-07 to use the property for a bank in a Manufacturing-Industrial (MI) zoned district

Note: Agenda items #12 and #13 were presented at the same time as they both pertain to the same lot. The items were voted on separately.

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Take notice that a Public Hearing will be held on October 1, 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 No. CU-08-07 to use the property located on Lot 2A at 98 Sandhill Drive in Bunker Hill Centre I for a bank in a Manufacturing-Industrial (MI) zoned district.

Roger Brickley stated that when the Dairy Queen was subdivided several years ago it created an odd-shaped lot and made it difficult to find a use/building that would fit. The Delaware First Federal Credit Union proposes a 2,600 sq. ft. bank. The access will be from Sandhill Drive between the day care center and the Dairy Queen. Comments from KCI will be addressed and the Fire Marshal's approval is pending. The Conditional Use is requested because a bank is not a specific use in a manufacturing-industrial zoning district.

Moved by Ms. Kelly and seconded by Mr. McGhee to approve Conditional Use Permit No. CU-08-07 to allow a bank in a Manufacturing Industrial (MI) zoned district. Motion Carried Unanimously.

13. PUBLIC HEARING – Lot 2A at 98 Sandhill Drive – Bunker Hill Centre I – Record Minor Land Development Plan for Delaware First Federal Credit Union

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

Take notice that a Public Hearing will be held on October 1, 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 Record Minor Land Development Plan for Delaware First Federal Credit Union to be located on Lot 2A at 98 Sandhill Drive in Bunker Hill Centre I (tax parcel 23-005.00-322).

Jay Heath questioned why the zoning for Bunker Hill wouldn't be changed so Conditional Use approval isn't necessary. Mayor Branner said the conditional use requirement allows for better control of what types of businesses to in the manufacturing industrial district. Any change in use requires conditional use approval.

Moved by Mr. Reynolds and seconded by Mr. McGhee to approve the Record Minor Land Development Plan for Delaware First Federal Credit Union for Lot 2A, 98 Sandhill Drive, Bunker Hill Centre I. Motion Carried Unanimously.

14. UNFINISHED BUSINESS

None

15. NEW BUSINESS

- Mr. Reynolds announced that applications are now being accepted for snow removal for senior citizens or residents physically unable to shovel snow. Apply at Public Works or call 378-2211. Any resident previously on the list does not have to re-apply.
- Lynne Celia from Lakeside expressed her gratitude to the Volunteer Hose Company for the quick response and professionalism of the members who responded to the recent fire at Lakeside. She said they were "outstanding".
- Ms. Celia congratulated Mayor and Council on the new Police Department.

Moved by Mr. Reynolds and seconded by Ms. Kelly to go in to Executive Session to discuss legal and personnel matters. Motion Carried Unanimously.