

Municipal Election held March 3, 2008. In addition to the regular election of two Council people, the election included the expansion of Council seats from four to six members. One new member will serve a one-year term and the other member will serve a two-year term.

Mayor Kenneth L. Branner announced the election results:

One-Year Seat

Robert Pierce – 455
Tracy Skrobot – 274
Charles Price – 133

Two-Year Seat

James L. Reynolds – 647
Robert McGhee – 572
Robin Burgess – 365
Ed Colaprete – 259
John B. Brown – 243
Robert L. Doyle – 205
Rodney Griffin – 202

Total number of voters: 927

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

Mayor Branner announced that the Councilmen will be sworn in at the March 10, 2008 Mayor and Council meeting after the votes have been certified.

Moved by Jason Faulkner and seconded by Catherine Kelly to recess and reconvene at 7:30 p.m. on Monday, March 10, 2008. Motion Carried Unanimously.

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

Mayor Branner swore-in re-elected Council members Jim Reynolds and Robert McGhee and new Council members Robin Burgess and Robert Pierce.

Mayor Branner thanked the election committee, Sonya Comstock, Lorraine Reeves and Dave Rich for their efforts during last week’s election.

Mayor Branner announced the results of the election:

| | <u>Name</u> | <u>Number of Votes</u> |
|-----------------------|-----------------------|------------------------|
| Two-Year Term: | James Reynolds | 647 |
| | Robert McGhee | 572 |
| | Robin Burgess | 365 |
| | Ed Colaprete | 259 |
| | John Brown | 243 |
| | Robert Doyle | 205 |
| | Rodney Griffin | 205 |
| One-Year Term: | Robert Pierce | 455 |
| | Tracy Skrobot | 274 |
| | Charles Price | 133 |

Mrs. Kelly was absent due to a broken ankle sustained at last month’s Council meeting.

Mayor Branner recommended the following appointments:

- Jim Reynolds – Vice-Mayor – Streets and Parks
- Catherine Kelly – Secretary –Public Safety
- Jason Faulkner – Electric Department
- Robert McGhee – Water and Sewer Department
- Robert Pierce – Inspection Department
- Robin Burgess – Main Street Revitalization and Economic Development
- Ken Branner – Administration, Maintenance and Metering

Mayor Branner recommended Council appoint Tracy Skrobot to the Planning and Zoning Commission to fill the vacancy created by Robert Pierce. The Commission will elect a Chairman.

Moved by Mr. Reynolds and seconded by Mr. Faulkner to confirm the appointments as recommended by Mayor Branner. Motion Carried Unanimously.

Mayor Branner announced that anyone from the audience wishing to speak must present their comments at the podium.

Moved by Mr. Reynolds and seconded by Mr. McGhee to approve the Minutes of February 4, 2008. Motion Carried Unanimously.

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

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

5. Townsend Police Service Request

Mayor Branner said a request was received from the Mayor and Council of Townsend two months ago asking about the possibility of providing them police protection. A committee was formed and their report/recommendation to Council follows:

“A committee which included Kathy Kelly, Chief Henry Tobin, Lt. Dan Yeager, Kristen Krenzer and I met during the last two months regarding the request from the Town of Townsend asking Middletown to provide them police protection.

We have discussed in length all of our options regarding this request. There have been meetings conducted with our entire police force and our staff officers asking them for input and thought.

There have been discussions asking for guidance and assistance in this decision with other agencies that have had similar arrangements in the past.

We are honored that Townsend would approach us with this request and we also are very sincere when we say that we truly have a partnership between the Towns of Townsend, Odessa and the Town of Middletown.

We did not take this request lightly and we feel very good about our final decision. Based on all of these discussions in our committee meetings, we would like to recommend to Mayor and Council that we do not enter into an agreement with Townsend to provide police protection.”

Mayor Branner asked for a motion based on that recommendation.

Moved by Mr. Faulkner and seconded by Mr. Reynolds not to enter into an agreement with the Town of Townsend to provide them with police protection. Motion Carried Unanimously.

Mayor Dave Raughley of Townsend thanked the committee for their effort put forth for the Town of Townsend’s request and said they will continue to look forward to the endeavors and partnerships between the Towns.

6. POLICE REPORT – Chief Hank Tobin and Patrick Mullin

Chief Tobin said the MPD responded to 1,147 calls for service during the month of February:

- 289 incidents were documented via either criminal or accident reports.
- 84 criminal arrests were made.
- 31 citations were issued as a result of violations including handicapped violations.
- 43 accidents occurred in Town – the majority on Rt. 71 and 299: property damage 26; personal injury 9. Traffic enforcement was increased on Rt. 71 and 299.
- Burglaries: 5 – 2 cleared by arrests
- 13 felonies
- 87 misdemeanors
- The MPD has sectioned the Town by zones to chart particular crime trends. Zone 1, northwest section; Zone 2, the northeast area – 410 calls for service; Zone 3, southwest area – 115 calls for service, and Zone 4, southeast area – 243 calls for service.
- The top 10 calls for service: 320 vehicle stops; 117 alarms; 33 follow-up investigations; 28 disconnect calls; 28 parking violations reported; 26 domestics in progress, the remainder were public relations calls for service.
- Significant incidents: home invasion robbery/assault (one arrest has been made); burglary on Elizabeth Street; storage trailer broken into - over \$5,000 worth of chrome bumpers taken; attempted murder in North Village (suspect arrested); several thefts at the Valero and the gambling arrest.

Mr. Reynolds said that last month Mr. Gouge asked about comparing the MPD’s report with another report. Chief Tobin said they looked in to the UCR; however, the data for 2007 is still preliminary and the information probably is not useful to them at this time. Middletown is unique. Right now the crime mapping technology is probably the most current means of tracing crime in an area and it appears to be pretty effective.

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

7. GRANT REQUESTS – None to Report

8. PUBLIC HEARING – Minor Subdivision Plan for Middletown Village Apartments located on North Ramunno Drive in Middletown Village

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

Take notice that a Public Hearing will be held on March 10, 2008 at 7:30 p.m. at Town Hall, 19 West Green Street, Middletown, DE at which time the Mayor and Council will review the Minor Subdivision Plan for North Ramunno Drive, Middletown Village Apartments.

Lee Ramunno, owner, requested a re-subdivision of the property for financing purposes. Planning and Zoning recommended approval.

Moved by Mr. Pierce and seconded by Mr. Faulkner to approve the Minor Subdivision Plan for Middletown Village Apartments located on North Ramunno Drive in Middletown Village. Motion Carried Unanimously.

9. PUBLIC HEARING – Conditional Use Permit No. CU-01-08 to allow an office/shop in a Manufacturing Industrial (MI) zoned district located at 128 Patriot Drive, Unit 5 in the Middletown-Levels Business Park

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

Take notice that a Public Hearing will be held on March 10, 2008 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-01-08 to allow an office/shop in a Manufacturing Industrial (MI) zoned district located at 128 Patriot Drive, Unit 5, in the Middletown-Levels Business Park.

No representative attended. To be continued until next month.

10. PUBLIC HEARING – Minor Subdivision Plan for Lands of Foley located on Elizabeth Street (tax parcel 23-006.00-077)

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

Take notice that a Public Hearing will be held on March 10, 2008 at 7:30 p.m. at Town Hall, 19 West Green Street, Middletown, DE at which time the Mayor and Council will review the Minor Subdivision Plan for Lands of Foley located on Elizabeth Street (tax parcel 23-006.00-077).

Roger Brickley represented the owner. The property is located on the east side of Elizabeth Street. The purpose of the plan is to subdivide the lot into three lots and construct duplex units. The project has received some variances from the Board of Adjustments. Planning and Zoning recommended approval. KCI's comments will be addressed. The Fire Marshal's approval is pending.

Mr. Faulkner commented that the variances are creating lots that don't meet the code. Mr. Brickley said the lots were originally plotted individually in the early 1900's and were later combined as one tax parcel.

Moved by Mr. Reynolds and seconded by Mr. Pierce to approve the Minor Subdivision Plan for the lands of Foley located on Elizabeth Street, tax parcel 23-006.00-00-077. Motion Carried 4 to 1. Reynolds, McGhee, Pierce and Burgess voted in favor of the motion; Mr. Faulkner voted against the motion.

11. PUBLIC HEARING – Conditional Use Permit No. CU-02-08 to allow open session skating in a Downtown Commercial (C-2) zoned district located at 5350 Summit Bridge Road, Units 101 and 102 in Cricklewood Grove

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

Take notice that a Public Hearing will be held on March 10, 2008 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-02-08 to allow open session skating in a Downtown Commercial (C-2) zoned district located at 5350 Summit Bridge Road, Units 101 and 102 in Cricklewood Grove.

Robert Bricotto represented Skate Unlimited. They have received requests to allow individuals to skate and Conditional Use approval is required to allow this. Individual skating will be allowed by prior sales only because of the limited skating surface.

Moved by Mr. Faulkner and seconded by Pr. Pierce to grant approval for Conditional Use permit CU-02-08 to allow open session skating at units 101 and 102 Cricklewood Grove. Motion Carried Unanimously.

12. PUBLIC HEARING – Major Land Development and Subdivision Plan for Bayhealth Medical Center located at 209 East Main Street (tax parcels 23-006.00-291 and 23-006.00-029)

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

Take notice that a Public Hearing will be held on March 10, 2008 at 7:30 p.m. at Town Hall, 19 West Green Street, Middletown, DE at which time the Mayor and Council will review the Major Land Development and Subdivision Plan for Bayhealth Medical Center located at 209 East Main Street (tax parcels 23-006.00-291 and 23-006.00-629).

Mike Ryman with Becker Morgan Group represented Bayhealth. The project was approved in October, 2000 – Phase 1 of the project is existing and Phase 2 is the expansion of 21,796 sq. ft., two-stories, with parking. Changes to the original plan include the access to Catherine Street and a slight increase to the square footage. They are also requesting to combine the two parcels. The project has adequate parking. Stormwater management will be addressed to handle the additional impervious area.

Mayor Branner asked if the retention pond would be designed to take care of the drainage that comes from the residences north of the parcel, which currently goes to the drainage ditch, under Main St. to Silver Lake Park.

Mr. Ryman said the drainage ditch is to the left of the stormwater management facility. Mayor Branner suggested the stormwater management be designed large enough to eliminate the drainage ditch and help relieve the amount that goes to Silver Lake Park. Mr. Ryman said he would have to review how much water comes through the ditch and how big their facility would be to determine the capacity.

Mayor Branner said putting the drainage from the ditch into the retention pond will be a condition of approval.

Mr. Ryman said the pond will have to be increased but they could pass the runoff through the pond. He will work with the Town's engineer to come up with a solution.

Ms. Burgess said she liked the solution of traffic coming out on Catherine Street. Mayor Branner said that intersection is part of the Eastown configuration and is being evaluated now.

Mr. Faulkner asked about adding curb. Mayor Branner said a 6' sidewalk is there but no curb.

Mr. Reynolds said the motion should be amended to include the conditions.

Moved by Mr. Pierce and seconded by Mr. McGhee to grant approval to the Major Land Development and Subdivision Plan for Bayhealth Medical Center located at 209 East Main Street. (Motion amended – see below.)

Moved by Mr. Pierce and seconded by Mr. McGhee to grant approval for the Major Land Development and Subdivision Plan for Bayhealth Medical Center located at 209 East Main Street with the conditions the runoff from the existing ditch is included in the stormwater management plan and tied in to the retention pond, and curb is installed down Catherine Street long the sidewalk. Motion Carried Unanimously.

13. PUBLIC HEARING – Conditional Use Permit No. CU-04-06 to allow a daycare in a Manufacturing Industrial (MI) zoned district located at 105 Sleepy Hollow Drive, Lot 15, Bunker Hill Centre II

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

Take notice that a Public Hearing will be held on March 10, 2008 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-04-06 to allow a daycare in a Manufacturing Industrial (MI) zoned district located at 105 Sleepy Hollow Drive, Lot 15 in Bunker Hill Centre II (tax parcel 23-021.00-137).

John Garcia from Karins Engineering represented the owner. He stated the concern from last month's meeting was should the property change ownership, would the new owner still comply with the conditional use. The cross-access agreement has been prepared and presented to Council for their approval.

Moved by Mr. Reynolds and seconded by Mr. McGhee to grant approval for Conditional Use Permit No. CU-04-06 to allow a daycare in a Manufacturing Industrial zoned district located at 105 Sleepy Hollow Drive, Lot 15 in Bunker Hill Centre II. Motion Carried Unanimously.

14. PUBLIC HEARING – Re-Subdivision Plan for 105 Sleepy Hollow Drive, Lot 15, Bunker Hill Centre II

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

Take notice that a Public Hearing will be held on March 10, 2008 at 7:30 p.m. at Town Hall, 19

West Green Street, Middletown, DE at which time the Mayor and Council will review a Re-Subdivision plan for 105 Sleepy Hollow Drive, Lot 15 in Bunker Hill Centre II to add a parking space to the property to support Conditional Use Permit No. CU-04-06 (tax parcel 23-021.00-127).

John Garcia stated that in order to allow the day care use on Lot 15, the site parking needed to be modified slightly. One parking space was added to Lot 15.

Moved by Mr. Pierce and seconded by Mr. Faulkner to grant approval for the Re-Subdivision Plan for 105 Sleepy Hollow Drive, lot 15, Bunker Hill Center. Motion Carried Unanimously.

15. PUBLIC HEARING – Record Major Land Development Plan for the Lands of Kohl West, LLC property consisting of 49+/- acres of land located at 745 Middletown-Warwick Road, Route 301 (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 March 10, 2008 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 the Lands of Kohl West, LLC property consisting of 49+/- acres of land located at 745 Middletown-Warwick Road, Route 301 (tax parcel 23-022.00-002).

Rick Woodin, developer of the property said the parcel is bordered on the north by Spring Arbor, Merrimac Avenue is to the east, Rt. 301 is to the south and the Rutkoske Bros. facility and lands of Bunker Hill Associates to the west. On the east side of Merrimac Avenue is a connector road built by developers in the area. The road extends from Rt. 301 to Bunker Hill Road. When Wal-Mart is completed the road will receive the final coat of blacktop and be opened to the public. The road will be open prior to the high school opening.

- A mixed-use retail and office space is proposed for the parcel.
- A new connector road off Merrimac Avenue is proposed to connect to the Rutkoske property and circle back over to Rt. 301. It's part of the overall network to facilitate traffic between uses without using 301.
- 225,000 sq. ft. of retail and 90,000 sq. ft of office space is proposed.
- A 12-screen movie theatre and a 3-story, 80-room hotel is proposed.
- Rt. 301 is slated for dualization starting in 2008; DelDOT is putting out bids this spring. The property will connect to a pump station built as part of the Westtown Master Plan located between Spring Arbor and this site.
- A new water main located at Merrimac Avenue will connect through the Wal-Mart site, through the Kohl site and out to Bunker Hill Road. When this property is built it will extend out to 301 and connect to a 12" water main stub that was extended across new Levels Road.
- The Westtown Master Plan has areas designated for housing and non-residential uses. This is an area where Liabe Delaware wanted retail and office space. A substantial amount of space is dedicated as part of the Middletown greenbelt.
- Soil borings were done throughout the property. Soils to accommodate ground water recharge were designated. A lot of rooftop drainage is being directed into underground recharge areas. Parking lot areas will be managed for stormwater quality by bio-retention areas. Those facilities will also do limited recharge.
- The site was part of a master stormwater management plan. A large pond was built behind Spring Arbor that will carry a lot of drainage from this site.
- A stormwater management pond is located on 301 and a smaller one is located near the center of the property.
- Planning and Zoning recommended approval.

Mayor Branner asked if the new road looping around to 301 goes through Rutkoske's. Mr. Woodin said it goes through the rear portion of Rutkoske's property and makes a hard left to go out to 301 – it runs along the Poole and Rutkoske's property. It will also connect to Levels Road extended through the Poole property.

Moved by Mr. Faulkner and seconded by Mr. Pierce to grant approval for the Record Major Land Development Plan for the Lands of Kohl West, LLC property consisting of 49+/- acres of land located at 745 Middletown-Warwick Road, Rt. 301. Motion Carried Unanimously.

16. PUBLIC HEARING – Record Major Land Development Plan for the Lands of Gateway Properties, LLC property consisting of 108.21+/- acres of land located at Brick Mill Road and Middletown-Odessa Road (tax parcels 13-023.00-009, 13-023.00-010, 13-023.00-011, 13-023.00-012, 13-023.00-013, 13-023.00-014, 13-023.00-078, 13-023.00-079, 13-023.00-082 and 13-023.00-131)

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

Take notice that a Public Hearing will be held on March 10, 2008 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 the Lands of Gateway properties, LLC property consisting of 108.21+/- acres of land located at Brick Mill Road and Middletown-Odessa Road (tax parcels 13-023.00-009, 13-023.00-010, 13-023.00-011, 13-023.00-012, 13-023.00-013, 13-023.00-014, 13-023.00-078, 13-023.00-079, 13-023.00-082 and 13-023.00-131).

- Rick Woodin, representing Gateway LLC, stated the property is 106 acres located on the east side of Town. Rt. 1 is located to the east; New Castle County property is located to the north; the Town of Middletown and Mrs. Bernice Dill have property to the northwest; Brick Mill Road is to the west and Rt. 299 is to the south.
- The property is subject to the Easttown Master Transportation Plan. A group of developers formed a partnership with DelDOT and the Town and make contributions for master plan improvements for Rt. 299. This property will make significant contributions towards those improvements as a condition of development.
- The plan is a mixed-use plan featuring an apartment complex with twenty-two, 24-unit buildings. Some of the buildings have integral garages and others have detached garages.
- The buildings will be 3-story.
- A club house will serve the complex.
- A retail center with approximately 180,000 sq. ft. and an 8,000 sq. ft. day care center are proposed to front Brick Mill Road.
- A large tributary of Drawyer's Creek runs through the property toward the north and east of the parcel. Substantial setbacks and riparian buffers are established along the area.
- The apartment complex has 70% open space.
- The parcel is a good recharge area for site water - the apartment units are being designed with that in mind. The rooftop run-off for the apartment buildings will be directed to underground recharge devices. The same will hold true for the commercial areas.
- The commercial contains about 35% open space.
- Per Planning and Zoning's comment the pad sites along the frontage have been moved back an additional 50' to create an additional landscaping and buffer area from the highway. Parking was also removed to create more of a travel lane.
- A new entrance off 299 has been provided which is coordinated with the property across the street. The intersection will be signalized.
- Substantial improvements will be made at the Brick Mill Road intersection.

Mr. Reynolds asked about the possibility of extending the sidewalk down past Mrs. Dill's property if she wants it. Mr. Woodin said subject to her approval, he would be happy to put the sidewalk in at his expense. Mrs. Dill said she didn't want the sidewalk in front of her property.

Mr. Woodin said the landscaper will be installing an evergreen screen around the back and side of the Dill property prior to construction.

Bob Gouge asked Mr. Woodin if the connection to the Park and Ride would be made through the property. Mr. Woodin said they were originally going to make the entrance line up with the Park and Ride but DelDOT wanted the entrance shifted about 200' because it would be too close to the off ramp. The existing entrance will be eliminated and the new entrance will connect to the Gateway site. It will also line up with the entrance to the Fusco property.

Mr. Gouge asked if the intersection is sufficiently sized to handle the large buses. Mr. Woodin said they would have the proper turning radius as well as a dedicated right-in turning lane.

Moved by Mr. McGhee and seconded by Ms. Burgess to approve the Record Major Land Development Plan for the Lands of Gateway Properties, LLC consisting of 108.21 acres of land located at Brick Mill Road and Middletown-Odessa Road. Motion Carried Unanimously.

17. PUBLIC HEARING – Record Major Land Development Plan for the Lands of VCII Ventures, LLC property consisting of 9.6093 acres of land located at 101 Patriot Drive, Middletown Levels Business Park (tax parcel 23-065.00-001)

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

Take notice that a Public Hearing will be held on March 10, 2008 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 the Lands of VCII Ventures, LLC property consisting of 9.6093 acres of land located at 101 Patriot Drive, Middletown Levels Business Park (tax parcel 23-065.00-001).

Rick Woodin said this property is Parcel E at the Middletown-Levels Business Park.

- The parcel sits between the old Levels Road and the new Levels Road.
- Route 301 will be dualized.
- An additional 20' of right of way on the west side was dedicated for the new Levels Road. This plan will dedicate another 20' of right of way on the south side to allow for the widening of Patriot Drive to create a turn lane.
- The Goddard School entrance will be relocated to line up with their entrance.
- The front of the units will face out toward the street; the back of the units will face each other.

Mr. Reynolds suggested there should be more handicapped parking available. Mr. Woodin said they will provide a handicapped space on each side of the entrance to the buildings.

Moved by Mr. Faulkner and seconded by Mr. McGhee to grant approval of the Record Major Land Development Plan for the Lands of VCII Ventures, LLC property consisting of 9.6093 acres of land located at 101 Patriot Drive in the Middletown-Levels Business Park. Motion Carried Unanimously.

18. PUBLIC HEARING – A Resolution Reauthorizing the Mayor and Council of Middletown to send the Revised Town Charter to the General Assembly for approval

Bob Gouge stated the Charter calls for Council to approve salaries for Mayor and Council but that salaries would not take effect until after those persons stood for election. He asked if that meant only half of the Council would get the raise. Mayor Branner said if a motion is made to increase salaries, people that are being newly elected do not get an increase until they are elected again. You can't vote yourself a raise.

Bob Gouge asked what the debt limit is being increased to without going to a referendum. Lou Vitola said based on the current assessed value it could go up to 21.3 million in the proposed Charter.

Jeff Bruette asked if it had been published in the paper that the proposed Charter was available for review. The State Code states that copies are supposed to be available for review by the public 30 days prior to election of a new Charter. Attorney Scott Chambers said the Charter revision has been an ongoing process for quite some time. Senator Ennis said he was quite sure it would be longer than 30 days. The process just to get it in legislative form took over three weeks. It's the same one they received over a month ago. Twenty-Three sections were received. Twenty-four were received the first time but the section pertaining to the jail was removed.

Mr. Bruette asked why the absentee ballot issue was left as a "may be established by Mayor and Council" as opposed as to having it established by Charter instead of by ordinance. Mayor Branner said it is in the Charter and Mayor and Council makes the decision to allow absentee ballots. State law does not require municipalities to have absentee ballots. We wanted it to be flexible enough so that if a new Mayor and Council wanted to change it, that decision could be made without having to go back to the General Assembly and make a Charter change. Jason Faulkner said the original Charter didn't address it so we couldn't allow absentee voting. The Department of Elections said the Charter had to be changed in order to allow it.

Representative Bethany Hall-Long said she and House Attorney Jamie Nutter have spoken to Mr. Bruette several times about this issue. It was thought Title 14 supersede House Bill 410. It did not supersede the bill that was amended last year for Municipal Law. The Town did not have a provision for absentee ballots in their old Charter and could not have absentee ballots until it was in the Charter. The Town does not have to have absentee ballots and are 100% correct in the process they used. There were other amendments in the Charter that could not be rushed through. House Attorney Nutter also explained to Mr. Bruette that Title 22 does not mandate that Council has to have a hearing on the changes because of the Home Rule provision.

Chris Stefanadis asked that when the Resolution was introduced to adopt the amendments to the Charter in January, why the increase in the debt was left out. Mayor Branner said the recommendation came from the auditor and finance people that the debt limit be increased. Mayor Branner suggested Lou Vitola to address the question. Mr. Vitola said (1) there is no increase in the debt limit and (2) it was also stated that old pieces of the Charter would be revised – the \$4 million fixed cap on resolution debt is old and outdated. Examples of what would be changed were given, it was not all inclusive.

Moved by Mr. Reynolds and seconded by Mr. McGhee to approve a Resolution Re-authorizing the Mayor and Council of Middletown to send the Revised Town Charter to the General Assembly for approval. Motion Carried Unanimously.

19. PUBLIC HEARING – Record Major Land Development Plan for the new Appoquinimink Elementary School to be located off Bunker Hill Road

Take notice that a Public Hearing was held on the above date:

Take notice that a Public Hearing will be held on March 10, 2008 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 the new Appoquinimink Elementary School to be located off Bunker Hill Road.

Shane Minner with Landmark Engineering represented the School District. The elementary school will be located on the same parcel as the new high school under construction on Bunker Hill Road.

The following changes have been made since the last presentation:

- The fire lane access around the perimeter of the back side of the school was added.
- Landscaping has been added around the trash compactor and chiller pad area to help mask the area.
- Record Plan comments from KCI will be addressed.
- Infiltration will be used for the primary stormwater management. Filter strips for water quality will be used around the site. Runoff from the water quality and the two-year storm events will be completely infiltrated. The site won't start releasing water until after a 10-year storm event. The stone will be removed from the infiltration area and the basin will be excavated down to the two-foot bottom of the stone.
- Another change to the Record Plan is a provision for the addition of 1,043+/- sq. ft. based on rearranging the kitchen area if the school accepts the option. That's the only change above the 85,000 sq. ft.

Mr. Reynolds asked if the isolated parking lot is for overflow parking. Mr. Hershey said the original plan had athletic fields at the school location and it was a satellite lot.

Moved by Mr. Faulkner and seconded by Mr. Reynolds to approve the Record Major Land Development Plan for the new Appoquinimink Elementary School to be located of Bunker Hill Road with the condition that comments from KCI Technologies and DNREC are addressed and approved by the Town Manager. Motion Carried Unanimously.

20. UNFINISHED BUSINESS

None

21. NEW BUSINESS

- a. First State Signs and Graphics – Preliminary Review of all Free-Standing Signs for pad sites as well as the shopping center.

Dale McAllister said they wanted to disclose to Mayor and Council the signage that will be installed at Middletown Village. The existing sign will be made larger, a new copper roof will be installed, the name of the center will be enlarged, and a stone base will be added to match the stone that will be put on the front of the center. The pad site signs will have a stone base and copper roof. Size is less than 100 sq. ft.; two more free standing signs will be built. One will be built to advertise the day care center for potential businesses. Mr. McAllister asked Council for concept approval of the signs.

Mayor Branner said sign permits will still have to go through the Code Enforcement/Permits Office for approval. Council doesn't approve concept sign plans.

- b. Middletown Historical Society – Peach Festival Plans: Helen Alford, President of the Middletown Historic Society requested permission to close Main Street from Broad to Scott where vendors will be displayed; close North Cass Street to Pennington Street. She also requested to close Pennington Street half way, up to Buckworth's driveway. The parade route will stay the same as last year: start at Silver Lake and end at Middletown Plaza Shopping Center.

After general discussion regarding the flow of traffic with the other streets closed, Ms. Alford withdrew the request to close Pennington Street.

Moved by Mr. Reynolds and seconded by Mr. Faulkner to grant approval to the Historic Society's request to close the streets as indicated (same as last year) for the Peach Festival to be held August 16, 2008. Motion Carried Unanimously.

Mr. Reynolds announced that Joe Woemer will replace Brian Lewis on the Public Safety Committee.

Moved by Mr. Reynolds and seconded by Mr. Faulkner to enter into Executive Session to discuss legal and personnel matters. Motion Carried Unanimously.