

## **COUNCIL MINUTES**

**FEBRUARY 3, 2014**

The regular meeting of Mayor and Council was held on the above date with Councilmen Jim Reynolds, Jason Faulkner, Robert McGhee, Bob Pierce, Robin Burgess and David Fisher present with Mayor Branner presiding. Town Manager Morris Deputy and Town Solicitor Scott Chambers were also present.

Mayor Branner announced that 3 Council positions are up for election. The election will be held Monday, March 3<sup>rd</sup> from noon to 8:00 p.m. Elected officials will be sworn in at the regularly scheduled Mayor and Council meeting on March 10, 2014.

Appointments for the election:

Inspectors: Kelly Fletcher and Kristen Krenzer

Officers:	Katie Green	Megan McGhee
	Amy Murray	Kate Keller
	Cari Papellas	Leslie Daggett
	Tracy Skrobot	Theresa Berry
	Cathy Webber	Rae Yingling

The Board of Elections Committee, Sonya Comstock, Lorraine Reeves and David Rich, will also attend the election.

Filing deadline: Tuesday, February 11<sup>th</sup> at 4:30 p.m.

Requirements to run for office: Candidates must be at least 18 years of age and have resided in the Town of Middletown for one (1) year. Candidates must not have been convicted of a felony.

Absentee ballots will be available on February 12<sup>th</sup>; absentee affidavits may be filed in Town Hall by the end of business day on Friday, February 28<sup>th</sup> and must be received by noon on Monday, March 3<sup>rd</sup> to be counted in the election process.

**1. Minutes Approval:** Moved by Mr. Pierce and seconded by Mr. McGhee to approve the Minutes for January 6, 2014 as presented in printed form. Motion Carried Unanimously.

**2. Treasurer's Report:** Moved by Mr. Pierce and seconded by Ms. Burgess to approve the Treasurer's Report as presented in printed form. Motion Carried Unanimously.

**3. Bills Payable:** Moved by Mr. Reynolds and seconded by Mr. McGhee to approve the Bills Payable as presented in printed form. Motion Carried Unanimously.

**4. Police Report:** Chief Hank Tobin

The MPD responded to 830 calls for service for the month of January 2014.

- 356 calls required documentation.
- 64 incidents required arrest action, totaling 120 charges placed.
- Calls for service: Zone 1 – 187; Zone 2 – 269; Zone 3 – 120; Zone 4 – 121.
- 36 accidents: 26 property damage; 9 hit and run and 1 personal injury.
- No significant drug arrests for January.
- 4 burglaries: Pergola Lane, Hampstead Court, Glen Mare Drive and Alder Avenue
- Vehicle theft at Cole Blvd.
- Attempted robbery at El Nevado, N. Broad St.
- Prostitution arrest at Middletown Square (massage parlor).
- Call Volume Analysis: Busiest days: Friday/154 calls and Thursday/124. Peak hours: between 1 p.m. and 5 p.m.

- Top calls for service: 177 vehicle stops; 61 alarms; 54 follow up investigations; 42 property checks and 39 public relations.
- Chief Tobin presented a comparison of the calls for service for the past two years. Categories included drug arrests, persons crimes, property crimes and sex crimes.

Moved by Mr. Reynolds and seconded by Ms. Burgess to accept Chief Tobin's report as presented. Motion Carried Unanimously.

## **5. Public Hearings:**

### **5-A. Adopt an Ordinance to amend the 2012 Comprehensive Plan for the Town of Middletown regarding the Future Land Use Map.**

Morris Deputy stated the request is to change the zoning map to allow for a potential rezoning from R-1A to C-2 for the property located at 20-24 W. Green Street. State Planning reviewed the application and recommended approval.

*Moved by Mr. Faulkner and seconded by Mr. McGhee to adopt the Ordinance to amend the Comprehensive Plan Map based on the recommendation of the Town Manager and approval from State Planning. Motion Carried Unanimously.*

### **5-B. Adopt an Ordinance for the Rezoning of 20-24 West Green St., from R-1A to C-2 zoning. Tax Parcel 23-008.00-095.**

Morris Deputy said Charles Tyre, property owner, requested the zoning change from R-1A to C-2. Based on the Ordinance just adopted, the rezoning will comply with the Comp Plan. Planning and Zoning recommended approval.

*Moved by Mr. Reynolds and seconded by Ms. Burgess to adopt an Ordinance to rezone 20-24 West Green Street from R-1A to C-2, tax parcel 23-008.00-095. Motion Carried Unanimously.*

### **5-C. Record Major Land Development Plan – 674 Middletown-Odessa Road, at the corner of DE 299 and Gloucester Boulevard, for a proposed 13,500 square-foot CVS Pharmacy in Willow Grove Mill, on a portion of the 15.47-acre commercial parcel. Tax Parcel 23-025.00-083.**

- Colm DeAscanis, with CDA Engineering, stated the building has been reconfigured and now measures 13,281 square feet.
- Comments received from KCI, DelDOT and the Fire Marshal have been addressed.
- The fire flow test has been delayed due to weather conditions.
- A right-in, off Rt. 299, will be constructed and connect to West Hampden Road.
- Preliminary Plan approval was granted last month.

*Moved by Mr. Pierce and seconded by Ms. Burgess to approve the Record Major Land Development Plan for CVS Pharmacy to be located at 674 Middletown-Odessa Road, at the corner of DE 299 and Gloucester Boulevard. Motion Carried Unanimously.*

### **5-D. Record Major Land Development Plan – 495 E. Main Street – Silver Lake Residential Treatment Center. State of Delaware proposes a 15,000 square-foot additional building to the existing treatment center, and additional parking. Tax Parcel 23-007.00-028.**

Jim Curran, with Karins and Associates Engineers, presented the second hearing for the project.

- The existing facility is located at the intersection of Silver Lake Road and Rt. 299.
- The plan proposes an additional 13,212 square-foot building.
- Planning and Zoning recommended approval.

- The plan has been revised to include a centrally located trash enclosure.
- The new bio-retention area has been reconfigured.
- An area has been reserved for the future entrance connection to the Silver Lake Road expansion once it is completed.

***Moved by Ms. Burgess and seconded by Mr. McGhee to approve the Record Major Land Development Plan for the Silver Lake Residential Treatment Center located at 495 E. Main Street. Motion Carried Unanimously.***

**5-E. 128 Patriot Drive, Units 6 and 7 – CU-01-14 – Conditional Use Permit request to locate a church and food pantry (Christ Servants Mission) in a manufacturing-industrial (M-I) zoned area. Tax Parcel 23-041.00-015.**

Dr. Zelda Carter requested approval to relocate the food pantry from Unit 5 to Units 6 & 7 at 128 Patriot Drive. The additional space is needed to store the food, clothing, toys, etc., available for the families. They currently serve 500 families.

Jeff Bruette, a tenant at 128 Patriot Drive, stated that although he understands the necessity for the food pantry, he is concerned about increased traffic and the “department store-like” operation in a manufacturing-industrial zoned location. He feels the operation is better suited for a retail-type center. He also expressed concern that spoiled food would be put into the dumpster and draw rodents.

Dr. Carter responded that the outdated food is given to agencies to feed animals – it isn’t put into the dumpster. Six families at a time apply for food and are then directed to line up in front of their bay to pick up the food. An outside agency is hired to remove their garbage, boxes, etc., 3 days a week.

***Moved by Mr. Faulkner and seconded by Ms. Burgess to approve Conditional Use Permit CU-01-14, Units 6 & 7, 128 Patriot Drive for Christ Servants Mission Church and food pantry in a manufacturing-industrial zoned location. Motion Carried Unanimously.***

**5-F. Ratify the Delaware Mutual Aid and Assistance Agreement for Intrastate Water/ Wastewater Agency Response Network (DEWARN).**

Morris Deputy explained that the Agreement is a multi-jurisdictional network of municipalities and counties, to either assist or offer assistance for water and wastewater resources during an emergency.

***Moved by Mr. Pierce and seconded by Ms. Burgess to Ratify the Delaware Mutual Aid and Assistance Agreement as recommended by Town Manager Morris Deputy. Motion Carried Unanimously.***

**5-G. Ratify a Construction Contract for the Shallcross Place and Lockwood Street Project. The project involves the replacement of approximately 1,180 linear feet of water main.**

Six bids were received for the project. Morris Deputy recommended Mayor and Council award the bid to the low bidder, Greggo & Ferrara, for the amount of \$401,600. The bid amount was about 56% higher than the engineer’s estimate. Upon further study, the estimate appears to be low when compared to similar jobs. The bid falls within the loan amount from ODW. Mayor Branner said the Town’s consulting engineer, KCI Technologies, also recommended the bid award go to Greggo & Ferrara.

***Moved by Mr. Faulkner and seconded by Mr. Pierce to accept the Town Manager’s recommendation to award the contract for Shallcross Place and Lockwood Street to Greggo and Ferrara, in the amount of \$401,600. Motion Carried Unanimously with Mr. Reynolds abstaining. Mr. Reynolds recused himself from voting because his employer is indirectly affiliated with Greggo and Ferrara.***

**5-H. Ratify a Construction Management Agreement with KCI Technologies for the Lakeside Well House Upgrades Project.**

Morris Deputy asked Council to consider ratifying an agreement with KCI Technologies for \$84,850 to provide construction management services for the Lakeside Well House Upgrades job. The cost is based on an estimated 100 hours and includes \$37,000 for electrical review by Scada Consultants for arc flash upgrades and security. ODW will reimburse the Town.

***Moved by Mr. Pierce and seconded by Ms. Burgess to ratify a Construction Management Agreement with KCI Technologies for \$84,850 as recommended by Morris Deputy.***

**5-I. Introduce an Ordinance to Regulate Cross Connections with the Public Water System.**

Mayor Branner introduced an Ordinance to create Chapter 114 in the Town of Middletown Code to establish Cross Connection and Backflow Prevention Regulations.

**5-J. Ratify a Resolution to Amend the Personnel Policy for the Town of Middletown to include Emergency Closing Procedures.**

Morris Deputy explained that the amendment is an addition to the Policy outlining emergency closing procedures due to snow, hurricanes, etc., and formalizes the pay schedule for essential and non-essential employees.

***Moved by Mr. Pierce and seconded by Mr. Reynolds to ratify a Resolution to amend the Personnel Policy for the Town of Middletown to include Emergency Closing Procedures. Resolution 14-02-01. Motion Carried Unanimously.***

**6. Unfinished Business: None**

**7. New Business:**

- Rob Stout, Board of Directors for the Everett theatre, announced the old marque has been removed from the theatre; the new marque should be installed about the first of March. The 25<sup>th</sup> Anniversary Celebration for the Dead Poets Society is scheduled for April 5<sup>th</sup> and 6<sup>th</sup> and the movie will be shown. Robin Williams as well as State Dignitaries have been invited.

**8. Executive Session: Cancelled**

**A. Hearing on employee disciplinary or dismissal case, pursuant to 29 Del Code §10004(b)(8).**

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