

The regular meeting of Mayor and Council was held on the above date with Councilmen Jim Reynolds, Jason Faulkner, Robert McGhee, Drew Chas, Rob Stout and Howard Young present, with Mayor Kenneth Branner presiding. Town Manager Morris Deputy and Solicitor Gary Junge attended on behalf of Scott Chambers.

1. Call to Order**2. Pledge of Allegiance****General Election Announcement by Mayor Branner:**

- Election will be held on Monday, March 6th from noon until 8 p.m., in the Council Chambers at Town Hall.
- The filing deadline for a Council position and the Mayor's position is 4:30 p.m., February 10th.
- Residents who are sick, disabled or will be out of Town, may vote by absentee ballot by 4:30 p.m. on March 3rd.
- Absentee ballots may be found on the Town's web site under "Election Information", or picked up at Town Hall between 8 a.m. and 4:30 p.m., Monday through Friday.
- All residents over 18 years of age are eligible to vote and must show proof of residency.

Inspectors:

- Kristen Krenzer
- Kelly Fletcher

Judges:

- Kate Keller
- Kiley Edwards
- Amy Murray
- Crystal Telle
- Megan McGhee
- Noel Stokes
- Becky Ennis

Election Board

- Sonya Comstock
- Lorraine Reeves
- Robert Stewart

3. Minutes Approval: Moved by Mr. Faulkner and seconded by Mr. McGhee to approve the Minutes for January 9, 2017 as prepared. Motion Carried Unanimously.

4. Treasurer's Report: Moved by Mr. McGhee and Mr. Reynolds to approve the Treasurer's Report as prepared. Motion Carried Unanimously.

5. Bills Payable: 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.

6. Police Report: Chief Dan Yeager

The MPD responded to 804 calls for service for the month of January.

- 2 Burglaries: Ashland Street and a vacant house.
- 3 Robberies: PNC Bank, Dove Run Center; N. Ramunno Drive; 709 N. Broad St.
- 1 Reckless endangering 2nd: Dove Run Center
- 105 Traffic Summonses; 60 criminal arrests; 30 warnings; 324 written reports; 21 field service reports.

Moved by Mr. Young and seconded by Mr. Chas to accept the Police Report as presented by Chief Yeager. Motion Carried Unanimously.

7. Public Hearings:

7-A. Middletown Historical Society request to hold parade, close streets and parking lots for Annual Peach Festival August 19, 2017.

Nick Manerchia requested the following approvals for the Peach Festival, Saturday, August 19th:

- Close West Main Street from Broad to North Scott Street, and North Cass Street from West Main Street to Pennington Street, from 6 a.m. until 5 p.m. (same as last year).
- Use the Town Hall parking lots off W. Green Street and S. Scott Street.
- Church on Main parking lot.
- The parade is scheduled from 9 to 10 a.m. on the 19th. The route will be the same as last year: assemble at the Everett Meredith Middle School parking lot and fields, proceed north on S. Broad Street, turn right onto E. Main Street, turn right onto S. Catherine and disband at Silver Lake Elementary School.
- Middletown Main Street will secure necessary DelDOT permits for the parade and street closure.

Moved by Mr. Faulkner and seconded by Mr. Chas to approve the request from the Middletown Historical Society for the Annual Peach Festival. Motion Carried Unanimously.

7-B. 330 Dove Run Centre Drive – LED Sign Request for Dover Federal Credit Union. Tax Parcel No. 23-025.00-029.

To be continued; no representative.

7-C. Conditional Use Permit Request for Datwyler Sealing Solutions in an M-I zoned area. CU-12-16. Tax Parcel Nos. 23-044.00-006; 3-040.00-018; and 23-040.00-019.

Ron Sutton, CEA Engineering, requested Conditional Use approval to allow Datwyler Sealing solutions in an M-I zoning district.

Moved by Mr. Faulkner and seconded by Rob Stout to approve Conditional Use Permit request for Datwyler Sealing Solutions. Tax Parcel Nos. 23-044.00-006; 3-040.00-018; and 23-040.00-019. Motion Carried Unanimously.

7-D. Record Major Land Development Plan for Datwyler Manufacturing Plant in an M-I zoned area. Tax Parcel Nos. 23-044.00-006; 3-040.00-018; and 23-040.00-019.

Ron Sutton requested conditional approval for the Record Major Land Development Plan pending compliance with comments from Town Engineers, Duffield Associates.

Morris Deputy pointed out that the existing entrance stub on Merrimac Avenue, across from Amazon, is currently being reviewed by Duffield for code compliance, drainage, etc. The stub is proposed for a possible future entrance for a 200,000 sq. ft. addition and parking lot. If the engineers agree that it works, it will stay in place, rather than tearing it out and replacing it later.

Moved by Mr. Reynolds and seconded by Mr. Stout to approve the Record Major Land Development Plan for Datwyler Manufacturing Plant in an M-I zoned area, pending compliance with consulting engineers, Duffield Associates. Motion Carried Unanimously.

7-E. Concept Plan for Maple Grove development. Tax Parcel No. 13-022.00-001.

Dominic Balascio, attorney for the applicant, presented a Concept Plan for the proposed annexation of Maple Grove Farm, 74.2 acres, located on Bunker Hill Road, to be zoned C-3. The Annexation Plan was presented last month. Based on concerns expressed by residents and Council, it was requested a Concept Plan be prepared showing more detail for the proposed zoning.

- The plan proposes a walkable-type design with residential and commercial use versus a strip-mall design.
- The entrance to the development will be from Bunker Hill Road.
- A stub-connection in the southeast corner will be provided for inter-connectivity with the adjoining development (Doc Levinson Blvd.).
- The residential portion is positioned on the perimeter of the property to provide a buffer between the commercial and the adjoining residential development.
- Parking for the apartments is located between the buildings.
- Smaller pad sites for boutique-type shops and restaurants, and two larger buildings proposing commercial on the first floor with apartments on the second and third floors, are located within the center of the parcel.

Mayor Branner commented that at a meeting with Spring Arbor residents, they suggested using heavier landscaping and larger trees along the property line on Bunker Hill Road, to help block the view of the commercial area from the residents across the street.

Mr. Balascio said they planned to use more buffering toward the right of the entrance, because of the elevation toward the bridge. More buffering in the area to the left of the entrance would add to the stormwater and environmental concerns; the hill will cause the water to run back onto the site. A stormwater retention pond might be installed between the two commercial buildings.

Mr. Faulkner asked how many apartments were proposed and how much square footage is proposed for the commercial buildings.

Mr. Balascio said a total of approximately 400 apartments are proposed, which includes the apartments over the commercial. Each of the 7 smaller buildings have approximately 36 units. Approximately 300,000 square feet is proposed for commercial.

Mr. Faulkner questioned when construction would start in relation to the annexation, and if this plan is to be considered as part of the annexation.

Mr. Balascio said his understanding is that if any changes are made, a new concept plan would be required. Mayor Branner said part of the discussion with Mr. Balascio was that this plan would be the condition of annexation, if Council agrees. Any changes proposed to the plan after annexation would have to come back before Council for approval. The annexation would technically deed restrict this plan to the property.

Mr. Faulkner said that section of Bunker Hill Road is the narrowest and has not had any improvements. He asked if any property is being dedicated to DelDOT for improvements as part of this plan.

Mr. Balascio: DelDOT has already taken property for improvements.

Morris Deputy commented that when the plan is presented to PLUS, DelDOT will decide if any extra land might be needed for turn lanes, etc. The Town will receive comments from all the State agencies involved before final plan approval is granted.

Mayor Branner: The Land Development Plan will come back before Council two more times and once before Planning & Zoning.

Frank Bailey questioned the possibility of an inter-connection through the northeast corner of the development into Middletown Village. Council discussed this possibility and decided that it should be considered if the annexation proceeds. The interconnection would provide a dual access for the development.

A resident suggested a berm should be installed around the development. However, it was pointed out that an elevated berm adds to drainage conditions. A landscape plan will be required for the project prior to final plan approval.

The next meeting is March 13th for Mayor and Council to consider the annexation; the PLUS meeting will then be scheduled.

A resident asked if the farm house will remain.
Mayor Branner said it's in very poor condition and will be demolished.

7-F. Introduce Ordinance 17-02-01 to Amend Chapter 46 of the Town of Middletown Code of Ordinances, to regulate the installation of water meters in residential districts.

The Ordinance was introduced and will be acted upon at the March 13th meeting.

8. Unfinished Business: None

9. New Business:

- Mr. Stout commented that during his 2 years on Council, State Senator Bethany Hall-Long has attended about every meeting and hopes the person who fills that position shows the same amount of interest in the Town.
- Middletown Main Street: Nick Manerchia
 - Music on Main will take place July 7th and August 4th.
 - A new event, "First Fridays", will begin on March 3rd and run every month from 6 to 9 p.m.
 - A new exhibit will be opening at The Gibby Center on First Fridays.
 - The Everett Theatre will be featuring its monthly movie for \$5; participating stores are encouraged to offer specials, demos, wine or food tastings, etc.
- Roxanne Ferguson announced the 9th Annual Business Expo will be held on March 8th at the Townsend Fire House.

Moved by Mr. Reynolds and seconded by Mr. Chas to enter into Executive Session for hearing on employee disciplinary or dismissal case, and competency and ability of employees. Motion Carried Unanimously.

10: Executive Session

Moved by Mr. Reynolds and seconded by Mr. McGhee to exit the Executive Session and return to the public session in Council Chambers. Motion Carried Unanimously.

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

No vote was taken concerning the discipline.

B. Discuss competency and ability of employees, pursuant to 29 Del. Code §10004(b)(9).

- ***Moved by Mr. Stout and seconded by Mr. Chas to approve the recommendation of the Police Chief for the Lieutenant promotion. Motion Carried 5 - 1. Mr. McGhee voted Nay.***
- ***Moved by Mr. Chas and seconded by Mr. Young to approve the recommendation of the Police Chief for Sergeant assignments. Motion Carried Unanimously.***
- ***Moved by Mr. Stout and seconded by Mr. Young to approve the recommendation of the Police Chief for hiring seasonal officers. Motion Carried Unanimously.***

The meeting adjourned at 9:35 p.m.