

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 Town Solicitor Scott Chambers were also present.

1. Call to Order**2. Pledge of Allegiance**

3. Minutes Approval: Moved by Mr. Faulkner and seconded by Mr. Reynolds to approve the Minutes for May 1, 2017 as prepared. Motion Carried Unanimously.

4. Treasurer's Report: Moved by Mr. Chas and seconded by Mr. Faulkner to approve the Treasurer's Report as prepared. Motion Carried Unanimously.

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

6. Police Report: Chief Daniel Yeager

The MPD responded to 915 calls for service for the month of May.

- 8 Burglaries:
 - 2 attempted burglaries: S. Cummings Drive and E. Main Street
 - 2 business burglaries: News and Tobacco/N. Broad; J&K Liquors/S. Broad St.
 - 2 garage burglaries: S. Cummings Drive and Cavalier Drive
 - 2 domestic related: E. Cole Blvd and Champs Lane
- 2 Robberies: Congressional Village Drive and Dollar Tree/N. Broad St.
- 2 Drug arrests: 300 block of E. Lake; car stop on E. Main St.
- 2 Assaults: Doc Levinson Drive and 299 Bar and Grille, E. Main St.
- 189 traffic arrests; 46 criminal arrests; 27 warnings; 319 reports and 54 field service reports.

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

7. Public Hearings:**7-A. Presentation regarding new Trash Tech services to Town of Middletown starting July 1. (Trash/Recycling/Yard Waste).**

Mr. Reynolds reported the new trash service company, Trash Tech, will start July 1st. The Town will be divided into two separate areas with Main Street being the dividing line – Main Street extends to Bunker Hill and Spring Arbor.

- Communities on the South side of Main Street include: Spring Arbor, South Ridge, Deep Creek, Saint Anne's, Cricklewood, Sharondale, Middletown Crossing, Laurel Creek, Lakeside, Longmeadow and Willow Grove Mill.

- Communities on the North side of Main Street include: Middletown Village, Springmill, The Legends, Villas of Augusta, Millbranch, Villagebrook, Parkside, Lone Manor, Tartan Court and Dove Run.
- South side collection days: Monday – Yard Waste; Tuesday – Trash/Bulk; Friday – Recycle.
- North side collection days: Monday – Yard Waste; Wednesday – Trash/Bulk; Thursday – Recycle.
- Yard Waste containers will become the current recycling containers (green w/yellow top).
- The 55+ communities (Spring Arbor, Spring Mill and Deep Creek) will receive the 35-gallon trash cans (same size currently used). Recycling cans will be 65-gallon cans. Spring Mill and Spring Arbor do not have yard waste cans; they will receive new recycle cans.
- Residents at The Estates at St. Anne’s will receive new yard waste cans in addition to trash and recycling cans.
- Waste Management will pick up the trash and yard waste cans June 27th and June 30th. The recycle cans will not be picked up – they will become the yard waste cans.
- Trash Tech will place a new label on the old recycle can to indicate it is the yard waste can.
- Trash Tech will drop off new cans starting June 19th for use on July 5th and July 6th.
- Due to the 4th of July Holiday, trash pickup will be moved to Wednesday and Thursday, instead of Tuesday and Wednesday, respectively.
- New cans will have a blue top; recycle cans will have a red top.
- Information on the change will be posted on the Town’s website, in the Middletown Transcript and Code Red phone calls will go to all residents two times before the change.
- Trash Tech will be sending letters to all residents explaining all the changes.
- Trash Tech will start taking any and all complaints beginning July 1st; they will handle all customer service calls. Their number is 302-832-8000.
- Public Works will no longer take trash complaint calls.
- No construction debris will be collected.
- The previous contract with Waste Management expired; a bid was advertised and Trash Tech was the low bidder.

Jim Young asked about Trash Tech’s experience.

Mark Stenz from Trash Tech said several employees who previously worked for Harvey & Harvey, a large well-known waste collection company, formed Trash Tech, and together have 25 years’ experience in the industry. He added that the containers will have serial numbers so they can be traced to where they belong. Three new trucks have been purchased; trash will be taken to Pine Tree.

7-B. Public Assembly Permit request for music events in Silver Lake Park.

Ted Sammons requested approval for a Public Assembly Permit to provide free, live music events at Silver Lake Park on June 11, July 16 and August 20 from 4 to 7 p.m.

Moved by Mr. Faulkner and seconded by Mr. Chas to grant approval for the Public Assembly Permit as requested. Motion Carried Unanimously.

7-C. Public Assembly Permit request for Health Fair in Silver Lake Park.

Tabled until Fall.

7-D. 730 Hedgelawn Way – Conditional Use Permit request for a three-story, climate-controlled, self-storage facility, consisting of about 100,000 square-feet including office and covered parking on-site. CU-04-17. Tax Parcel No. 23-065.00-009.

Rick Woodin represented The McKee Group requesting Conditional Use approval for a three-story, climate-controlled, self-storage facility.

- The parcel is located at the intersection of Patriot Drive and Hedgelawn Way.
- Planning and Zoning recommended unanimous approval for the Conditional Use.
- A conceptual site plan was shown.
- The building can be accessed from either side.
- Restrooms and elevators will be located inside.
- Space will be leased to businesses as well as the general public.
- A land development plan will be presented if Conditional Use approval is received.

Mr. Reynolds asked if there would be any outside storage.

Mr. Woodin said there is an open garage-type building for vehicles, boats, etc., up to about 30 feet; the building will have solar panels on the roof. The main facility has garage doors on the perimeter where vehicles could also park. 85% of the storage will be inside.

Mr. Faulkner asked if the back of the garage-type building by the trail will be screened.

Mr. Woodin said the back of the building facing the trail will be closed in – only the front of the storage building will be open.

Moved by Mr. Stout and seconded by Mr. McGhee to grant approval for Conditional Use Permit CU-04-17 for a climate-controlled, self-storage facility at 730 Hedgelawn Way. Motion Carried Unanimously.

7-E. 108 Sleepy Hollow Drive, Suite 100 - Conditional Use Permit request for a dog daycare and boarding/grooming service (The Dog Stop of Middletown) in an M-I-zoned area. CU-05-17. Tax Parcel No. 23-021.00-123.

Jim Henry requested Conditional Use approval to open a dog daycare and boarding facility at 108 Sleepy Hollow Drive. 8,000 sq. ft. of the existing building will be used.

- No modifications will be made to the outside of the building; minor modifications will be made inside.
- One of the large garage door bays will house the boarded dogs; the other garage door bay will be used for the day care area.
- The facility will have a small retail area for food, treats, etc.
- A separate area will be set aside for grooming.
- The business will be open 7 day a week: Monday thru Friday 7 a.m. to 7 p.m. and Saturday and Sunday 10 a.m. to 4 p.m. Over-night boarding will be available.
- All employees will be trained by the franchise company.
- A section in the back of the building will be fenced with 8' white vinyl privacy fencing.

Mayor Branner noted that Planning and Zoning approved the Conditional Use Permit.

Moved by Mr. Reynolds and seconded by Mr. Faulkner to approve the Conditional Use Permit CU-05-17 for The Dog Stop, a dog day care and grooming facility, at 108 Sleepy Hollow Drive. Motion Carried Unanimously.

7-F. 110 Patriot Drive, Suite G – Conditional Use Permit request for a sports training facility (Next Generation Sports) in an M-I-zoned area. CU-06-17. Tax Parcel No. 23-041.00-006.

John Green requested Conditional Use approval to open a sports training facility for soccer, baseball and softball, at 110 Patriot Drive.

- The facility will be available for team rental.
- Soccer will be for Youth 3B3 on artificial turf.
- Hitting and pitching for baseball and softball training will be offered.
- Hitting leagues for the Hit-Track system (hitting simulation) will be formed.

Moved by Mr. Reynolds and seconded by Mr. Young to grant approval for Conditional Use Permit CU-06-17 at 110 Patriot Drive, Suite G. Motion Carried Unanimously.

7-G. 315 Auto Park Drive – Conditional Use Permit request for a Holiday Inn Express & Suites Hotel in a C-3 zoned area. CU-07-17. Tax Parcel No. 23-022.00-185.

Ron Sutton, Civil Engineering Associates, requested Conditional Use approval to allow a hotel at 315 Auto Park Drive.

- The 93-room hotel will be located behind Grotto's Pizza in the MOT Auto Park.
- The 3.04-acre parcel will be subdivided for a hotel and a future restaurant.
- Required parking is provided.
- Town utilities are on site.
- The dumpster will be enclosed.
- Per the approved stormwater management report, 93% impervious is allowed; the plan proposes 76%.
- Both a small and large meeting room are included in the plan.
- Planning and Zoning recommended approval last month.

Moved by Mr. Stout and seconded by Mr. Reynolds to approve Conditional Use Permit CU-07-17 for a Holiday Inn Express at 315 Auto Park Drive. Motion Carried Unanimously.

7-H. 315 Auto Park Drive – Preliminary Land Development Plan for a Holiday Inn Express & Suites Hotel in a C-3 zoned area. Tax Parcel No. 23-022.00-185.

Ron Sutton presented the Preliminary Land Development Plan for the Holiday Inn Express.

- The 3.04-acre parcel will be divided into two lots: 2.04 acres for the hotel and a 1.0-acre lot for a future restaurant.
- Land development information was previously presented with the Conditional Use Permit request.
- Planning and Zoning recommended unanimous approval last month.

Moved by Mr. Faulkner and seconded by Mr. Stout to approve the 315 Auto Park Drive Preliminary Land Development Plan for the Holiday Inn Express & Suites Hotel. Motion Carried Unanimously.

7-I. Conditional Use Permit Request for a Microtel Hotel in a C-3-zoned area. Northside Shopping Center, intersection of U.S. 301 and Doc Levinson Drive. CU-03-07. Tax Parcel No. 23-005.00-326.

Tabled

7-J. Microtel Hotel – Preliminary Minor Re-Subdivision Plan/Preliminary Major Land Development Plan – Northside Shopping Center – Parcel A, located at the intersection of U.S. 301 and Doc Levinson Drive. The purpose of the plan is to subdivide Tax Parcel 23-005.00-326 into two lots. A three-story, 12,388 square-foot Microtel Hotel is proposed for Lot 1.

Tabled

7-K. Parkway at South Ridge, Parcel B – Record Minor Subdivision Plan for a 15.08+/- acre parcel. The purpose of the plan is to subdivide Parcel B into two lots, B-1 and B-2, in a C-3 zoned area. Tax Parcel No. 23-022.00-086.

Rick Woodin, Woodin Associates, requested approval to subdivide Parcel B into two lots, B-1 and B-2. The purpose of the subdivision is to obtain permanent financing for B-1.

Moved by Mr. Faulkner and seconded by Mr. Chas to approve the Record Minor Subdivision Plan for the subdivision of the 15.08-acre parcel. Motion Carried Unanimously.

7-L. Motion to adopt Ordinance 17-03-01 for the Annexation of Tax Parcel Nos. 13-017.00-141, 13-017.00-083, 13-017.00-084 and 13-017.00-090 into the Town of Middletown in accordance with the Town of Middletown Comprehensive Plan.

Fred Wittig and Jeff Cross presented the annexation request.

- The parcel is located north of Town, to Armstrong Corner Road.
- Spring Mill connects the parcel.
- The new Rt. 301 is behind the parcel, it fronts on Summit Bridge Road, and Armstrong Corner Road is to the north.
- Residential is proposed with commercial fronting on Summit Bridge Road.

Moved by Mr. Reynolds and seconded by Mr. McGhee to adopt Ordinance 17-03-01 to annex Tax Parcel Numbers 13-017.00-141; 13-017.00-083; 13-017.00-084 and 13-017.00-090 into the Town of Middletown in accordance with the Town of Middletown Comprehensive Plan. Motion Carried Unanimously.

7-M. Motion to ratify an agreement with First State Inspection Agency for commercial and industrial plan review and inspection services.

Morris Deputy: First State is the company that handles the Town's commercial and industrial inspections. The request is to renew the agreement for an additional three years at the same rates currently charged.

Moved by Mr. Stout and seconded by Mr. McGhee to accept the recommendation of the Town Manager to ratify an agreement with First State Inspection Agency for commercial and industrial plan review and inspection services. Motion Carried Unanimously.

7-N. Motion to ratify an Electric Service Agreement with Johnson Controls.

Morris Deputy: Johnson Controls has requested a one-year extension of their rate for the facility on Patriot Drive. The Town's electrical engineering consultant, Utility Engineers, recommended a margin of \$0.01008 kWh for the new rate. DEMEC procured the necessary electricity at a rate of \$0.06750 kWh, the

same rate they currently pay, which includes the Green Energy fee and State tax. Mr. Deputy recommend the Town approve the request.

Moved by Mr. Faulkner and seconded by Mr. Chas to accept the recommendation of the Town Manager to ratify an Electric Service Agreement with Johnson Controls. Motion Carried Unanimously.

Mayor Branner announced that the following Agricultural Spray Agreements, 7-O through 7-U, are the same with the exception of the tax parcel numbers. These motions will be presented and voted on with one motion.

7-O. Motion to ratify an Agricultural Spray Agreement for Tax Parcel 14-010.00-031.

7-P. Motion to ratify an Agricultural Spray Agreement for Tax Parcel 14-014.00-003.

7-Q. Motion to ratify an Agricultural Spray Agreement for Tax Parcel 14.011.00-005.

7-R. Motion to ratify an Agricultural Spray Agreement for Tax Parcel 14-014.00-007.

7-S. Motion to ratify an Agricultural Spray Agreement for Tax Parcel 14-014.00-043.

7-T. Motion to ratify an Agricultural Spray Agreement for Tax Parcel 14-015.00-002.

7-U. Motion to ratify an Agricultural Spray Agreement for Tax Parcel 14-011.00-004.

Patti McCuen said she is aware that the spray system is turned off when the wind speed is 8 mph. She asked for confirmation that the Town also follows DNREC's requirement that the entire systems are shut down when wind speeds reach 22 to 25 mph.

Mayor Branner said the operator works very closely with DNREC to follow the permit requirements. The motion is to renew the previous spray agreement leases – nothing has changed with the agreements.

Moved by Mr. Reynolds and seconded by Mr. Stout to ratify Agricultural Spray Agreements for Tax Parcel Numbers 14-010.00-031; 14-014.00-003; 14-011.00-005; 14-014.00-007; 14-014.00-043; 14-015.00-002 and 14-011.00-004. Motion Carried Unanimously.

7-V. Motion to ratify a Lease Agreement with Middletown Main Street, Inc.

Mayor Branner: The agreement renews the existing lease for 216 N. Broad Street.

Moved by Mr. Stout and seconded by Mr. Young to approve a Lease Agreement with Middletown Main Street, Inc. for 216 N. Broad Street. Motion Carried Unanimously.

Daynea Jacobs, Executive Director for Middletown Main Street, announced June 9th is "Movie Under The Stars" event at Silver Lake Park.

7-W. Motion to approve the purchase of a 60/80/100 MVA Substation Class Transformer.

Morris Deputy: The Town's electrical engineering consultant, Utility Engineers, prepared and advertised for the purchase of a 60/80/100 MVA substation class transformer – seven bids were received. The

consultant's recommendation is to award the bid to Delta Star, based on price, delivery time and manufacturing location. Delta Star is also the manufacturer of the Town's two existing transformers. The bid price was \$1,079,981.00. The financing is through the current financing for the 138kV with DEMEC.

The new transformer will allow the Town to be able to maintain redundancy with current transformer capacity.

Moved by Mr. Faulkner and seconded by Mr. McGhee to accept the recommendation of the Town Manager to approve the purchase of a 60/80/100 Substation Class Transformer. Motion Carried Unanimously.

7-X. Motion to ratify an agreement with an Investment Management Firm responsible for managing the Town of Middletown employee pension and cash reserve account.

Morris Deputy: Seven firms submitted proposals for review by the Town's Pension Committee. After review and interviews with the firms, the committee recommended T. Rowe Price to manage the employee pension plan and cash reserve account.

Moved by Mr. Chas and seconded by Mr. Faulkner to accept the recommendation of the Town Manager and the Pension Committee to ratify an agreement with T. Rowe Price to manage the Town of Middletown employee pension and cash reserve account. Motion Carried Unanimously.

7-Y. Motion to adopt a Resolution to amend the Schedule of Fees and Charges in the Rules and Regulations, including the Electric Tariff for the Town of Middletown.

Tabled.

7-Z. Motion to adopt a Resolution to amend Chapter 176: Water, of the Code of Ordinances for the Town of Middletown, regarding meter deposits.

Tabled.

8. Unfinished Business:

- Patti McCuen: Requested the poles for the 138kV line (installed in 2001) from Grears Corner Road to the round-about at Levels Road be removed and installed on the other side of the road, with the new poles.
Mayor Branner pointed out that Delmarva Power installed those poles. The easements are still being negotiated for the new line to be installed on Levels Road. Her request will be taken into consideration.
- Kim Archie, Middletown Village, said she still has not heard anything about the abandoned cars. Morris Deputy said the open space deeds have been edited and are being reviewed by Ramunno. They hope to have them recorded this week.
Mayor Branner commented that, as indicated last month, because the vehicles are on private property, the Town cannot enforce the abandoned vehicle code. After the deeds are recorded, the Town can proceed with enforcement.

9. New Business:

- Jim Reynolds: The Town will be holding the annual Fourth of July Fireworks on Tuesday, July 4th. Gates will open at 6:00 p.m.. Non-Profit vendors may pick up a permit from Town Hall. The rain date is Wednesday, July 5th.
- Sonya Comstock, Springmill, asked if any adult day care centers are proposed. Mayor Branner said the Town would welcome an adult day care center but cannot force anyone to open one. A few years ago, several parties expressed interest in building one, but nothing ever materialized.
- Sonya Comstock asked if the Town knew the sales price on the 5-acre parcel across from Springmill.
- Tom Hearn, Greenlawn, asked if speed limit signs could be posted on Ashland Street between Greenlawn Avenue and New Street, and signs prohibiting large trucks. Concrete trucks delivering concrete for the new Rt. 301 construction are starting to use the street for a short cut.
- Jackie Ruiz, Braemar Street, St. Anne's, expressed concerns about vehicles speeding and driving into the new park/recreation area behind her house. Cars also park on the basketball and wall ball courts. For the safety of the residents, she requested a temporary-type barrier be installed at the access point on the corner of St. Anne's Church Road and Wiggins Mill Road. She said even though the recreation area is not completed, it is getting a lot of use by children and adults. Mayor Branner said the property has not been turned over to the Town yet, but we will contact Capano and ask for permission to install either a gate or some temporary barriers until something permanent can be installed.
- Joe Swinek, Willow Grove Mill, reported four abandoned vehicles are parked on his block.
- Sonya Comstock asked when the July meeting would be held.
- Mayor Branner said the regular meeting will be held on Monday, July 3rd; the holiday is Tuesday, July 4th.

Moved by Mr. Reynolds and seconded by Mr. Faulkner to go into Executive Session to discuss a disciplinary or dismissal case, pursuant to 29 Del. Code §10004(b)(8). Motion Carried Unanimously.

10. Executive Session

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

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

Moved by Mr. Chas and seconded by Mr. Young to approve the police officer grievance and reinstatement of rank. Motion Carried Unanimously.

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

The meeting adjourned at 11:05 p.m.