

The regular meeting of Mayor and Council was held on the above date with Council Members Jim Reynolds, Jason Faulkner, Drew Chas, Rob Stout and Howard Young present with Mayor Kenneth Branner presiding. Councilman Robert McGhee was absent. 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 of October 1, 2018 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 as prepared and pay as funds become available. Motion Carried Unanimously.

**6. Police Report: Chief Michael Iglio**

The MPD responded to 847 calls for service for the month of October.

- 10/31/18: Robbery – Vincent Circle; investigation on-going.
- 10/23/18: 300 block of Ellenwood Drive – two burglaries at construction site – investigation on-going.
- Community Awareness Notifications:
  - ◊ 6 reported motor vehicle thefts – vehicles left unsecured. Residents are reminded to secure vehicles and remove valuables.
  - ◊ One arrest made from theft that occurred in the beginning of the month in Millbranch.
  - ◊ Six incidents of suspected overdoses. Five of the individuals were revived by Narcam administered by EMS or officers.
  - ◊ The MPD will be participating in “No Shave November” in support of Kay’s Camp, which provides children ages 5 to 17, in remission, to participate in a camping experience. FOP Lodge 20 is accepting donations.
- The MPD issued 122 traffic tickets; 48 warnings; 35 arrests; 349 incident reports; and 44 field service reports.

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

**7. Middletown Main Street Update: Daneya Jacobs**

- November 24<sup>th</sup> – Small Business Saturday
- November 23<sup>rd</sup> – Black Friday special sales – check social media page for local businesses’ hours and special offers.
- December 1<sup>st</sup> – Christmas Parade – Music on the Square at 2 p.m. will start the pre-festivities, followed by the Parade kick-off at 2:30 at Meredith Middle School (applications for parade are on Town’s web site); 3 – 5 p.m. Kids’ Corner with activities at Church on Main

parking lot; 5 p.m. Tree Lighting Ceremony; 3:30 – 8 p.m. Sips and Sweets and voting for best decorated merchant’s windows; 7:30 p.m. “White Christmas” at The Everett.

**8. Public Hearings**

**8-A. 703 Industrial Drive – Conditional Use Permit request for office space (Clark Custom Homes & Construction and Broad Street Leasing, LLC) in an M-I zoned area. CU-20-18. Tax Parcel No. 23-010.00-041.**

Adam Cofield requested Conditional Use approval to allow Clark Custom Homes & Construction and Broad Street Leasing to open an office at 703 Industrial Drive, in the M-I zoning district.

Planning and Zoning recommended approval.

*Moved by Mr. Faulkner and seconded by Mr. Reynolds to grant approval for Conditional Use CU-20-18 for 703 Industrial Drive. Motion Carried Unanimously.*

**8-B. 221 N. Broad Street – Conditional Use Permit request to use the first floor area of the building as a laser hair removal spa (A&M Spa & Laser, LLC) in an R-2 zoned area. CU-21-18. Tax Parcel No. 23-006.00-473.**

Tabled per request.

**8-C. 1 Shallcross Place – Conditional Use Permit request for a hand-crafted chocolate confectionary (Sweet Dreams Confections Co.) in an R-1A zoned area. CU-22-18. Tax Parcel No. 23-005.00-047.**

Matthew Luckini requested Conditional Use approval to open Sweet Dreams Confections at 1 Shallcross Place, currently occupied by Sweet Melissa’s. Mr. Luckini said they hope to occupy the building in February, after Sweet Melissa’s has completed their relocation.

Planning and Zoning recommended approval.

*Moved by Mr. Stout and seconded by Mr. Faulkner to grant approval for Conditional Use CU-22-18 for a hand-crafted chocolate confectionary (Sweet Dreams Confections Co.) at 1 Shallcross Place. Motion Carried Unanimously.*

**8-D. Motion to ratify a Memorandum of Understanding with the Appoquinimink School District Board of Education for the transfer of property.**

Morris Deputy said the Town will exchange property on Brick Mill Road for the Silver Lake Park land owned by the Appoquinimink School District. The district will use the property for an Early Childhood Center and Kindergarten. The Town currently leases the Silver Lake Park land.

Patti McCune said she is still disputing the Town’s ownership of the Brick Mill property.

Richard Forsten, President, Appoquinimink School Board, thanked Mayor and Council for working with the school district for the transfer of the property. He commented the record is clear, the Town owns the property.

*Moved by Mr. Faulkner and seconded by Mr. Young to ratify a Memorandum of Understanding with the Appoquinimink School District Board of Education for the transfer of property. Motion Carried Unanimously.*

**8-E. Motion to ratify an amendment to the Saint Anne's Golf Course Ground Lease Agreement.**

Item removed. Attorneys agreed the LLC did not change and an amendment is not required.

**8-F. Introduce an Ordinance for a Mixed Use zoning category in the Town of Middletown Zoning Code.**

Morris Deputy said the University of Delaware, after completing a study of the Town's zoning districts, recommended the Town create an MX zone which better defines the type of development labeled as "mixed-use" in the Comprehensive Plan.

Mayor Branner commented the University also suggested the Town put off approving mixed-use plans until the study is done and the code is reviewed by Council. The study should be done by the end of the year.

The Ordinance will be acted on when the recommendation and study is done by the University of Delaware.

**8-G. Introduce an Ordinance to amend Chapter 176, Water, of the Town of Middletown Code of Ordinances to handle the replacement of meters.**

The Ordinance will be acted on at a later date after review by Council.

**9. Unfinished Business**

- Patti McCune told Council that she gave DelDOT's right-of-way office (Ida Parrett), documentation regarding her dispute over the Town's ownership of land on Brick Mill Road, on which the Town voted to donate to DelDOT. In 2015, it was suggested that she meet with Richard Forsten to discuss the land ownership issues, and she is now ready to do that.  
Mayor Branner pointed out that is a private issue between her and Mr. Forsten.

**10. New Business**

- Howard Young commended the Volunteer Hose Company on the excellent job of fighting the fire at 121 E. Lake Street. Mr. Young noted the VHC also responded to the fire at Willey's Market this morning.  
Mr. Young reminded everyone to change their smoke detector batteries on a regular basis.
- Jim Young, coordinator for the Salvation Army's Red Kettle Campaign, said the 2018 season will kick off November 17<sup>th</sup> and run until December 24<sup>th</sup>. He thanked Mayor and Council for their continued support. Sign-up sheets are available for any interested volunteers.
- Keith Thompson asked if a 3-way stop sign could be installed on Cleaver Farm Road and the connector road to Greenlawn. Mayor Branner said the connector road isn't a dedicated street and a stop sign cannot be enforced; the road was installed as a convenience for the residents.

- Don Thompson from Springmill said their community has some concerns with the proposed Reybold retail and self-storage units.  
Mayor Branner said the project has not received approval yet. The Land Development Plans have to go before Planning and Zoning and Mayor and Council for approval. There is still time for comment.
- Mayor Branner reported the following:
  - ◊ Governor Carney and Senator Carper announced Wednesday that funding is available for the Rt. 299 upgrade, from Catherine Street to Brick Mill Road. Construction should start around the middle of 2019.
  - ◊ County Executive Matt Meyer announced that the County will not seek a new location for the paramedic station. The existing paramedic station on North Broad Street will be upgraded and renovated – the station will relocate to the fire house until the renovations are completed.
  - ◊ County Executive Meyer announced that New Castle County is purchasing 8 acres from the Promenade site, located at the intersection of E. Main and S. Catherine Street, for the new county library. Mayor Branner noted that all parties involved understand that construction will not start until all previous purchasers (of the Promenade) have been satisfied. Mr. Chetty has refunded several deposits; the proceeds from the sale will be used to return the remaining deposits. The Attorney General will sign-off on the list of purchaser when all have been satisfied.
  - ◊ Representative Quinn Johnson attended the Council meeting.

***Moved by Mr. Reynolds and seconded by Mr. Chas to go into Executive Session to discuss legal and personnel matters. Motion Carried Unanimously.***

**11. Executive Session:**

***Moved by Mr. Stout and seconded by Mr. Chas to return to the regular session in the Council Chambers. Motion Carried Unanimously.***

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

No discussion on an employee disciplinary or dismissal case occurred at the request of the Police Chief.

**B. Discuss personnel matters in which the names, competency and ability of individual employees or students are discussed, pursuant to 29 Del. Code §10004(b)(9).**

***Moved by Mr. Stout and seconded by Mr. Chas to approve the recommendations for requested salary increases for three employees in the Maintenance, Municipal and IT Departments, and the recommendations to make two employees in the Electric Department full time. Motion Carried Unanimously.***

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

The meeting adjourned at 8:55 p.m.