

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 of April 4, 2016 as prepared. Motion Carried Unanimously.

**4. Treasurer's Report:** Moved by Mr. Chas and seconded by Mr. McGhee 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 and pay as funds become available. Motion Carried Unanimously.

**6. Police Report: Chief Yeager**

The MPD responded to 922 calls for service for the month of April.

- 2 robberies
- 3 drug arrests: Alder Avenue, N. Cass Street and W. Main Street
- 2 burglaries
- 177 traffic summons; 77 criminal arrests; 52 warnings; 307 reports; 27 field service reports and crime prevention checks.

Moved by Mr. McGhee and seconded by Mr. Chas to accept Chief Yeager's Police Report as presented. Motion Carried Unanimously.

**7. Public Hearings:****7-A. Proclamation recognizing American Legion's "Poppy Month."**

A Proclamation was presented to the American Legion recognizing May 2016 as "Poppy Month" in the Town of Middletown.

**7-B. Westown Town Center – Phase 3, Parcel 5 – Record Major Land Development Plan to construct an 8,000 square-foot retail/restaurant building on the existing property containing the Westown Movie Theatre. Tax Parcel No. 23-022.99-002.**

Tabled per developer's request.

**7-C. 126 Patriot Drive, Suite 2 – Conditional Use Permit Request for a printing company (Alpaca Signs & Designs) in an MI-zoned area. Tax Parcel No. 23-041.00-016. CU-04-16.**

Robert Mullin requested approval to lease space to Alpaca Signs. The previous tenant was a printing company. Planning and Zoning recommended approval with one abstention.

***Moved by Mr. Faulkner and seconded by Mr. Reynolds to approve Conditional Use No. CU-04-16 Request for a printing company at 126 Patriot Drive, Suite 2. Motion Carried 5 – 0. Mr. Stout abstained.***

**7-D. 213 W. Lake Street, Unit H – Conditional Use Permit Request for an auto repair service (Garcia’s Auto Repair) in as C-2 zoned area. Tax Parcel No. 23-005.00-016. CU-05-16.**

Israel Lopez translated for Mr. Garcia. The request is for an automotive repair shop at 213 W. Lake Street. Approval has been received from the Fire Marshal’s Office.

Mayor Branner commented that Planning and Zoning recommended approval.

Mr. Reynolds asked if a Town business license has been obtained. Mr. Lopez said Mr. Garcia has a state license but he still has to get a Town license.

***Moved by Mr. Faulkner and seconded by Mr. Reynolds to approve Conditional Use Permit CU-05-16 for an auto repair service, with the condition Mr. Garcia obtains a Town of Middletown business license. Motion Carried Unanimously.***

**7-E. Motion to Adopt Ordinance 16-03-01 to Amend Chapter 108, “Parking,” in the Town of Middletown Code of Ordinances.**

Mayor Branner: Because the Middletown Police Officers are CALEA Certified, an Ordinance is required to allow the seasonal officers to write tickets for fire lane, handicap parking violations, etc.

***Moved by Mr. Young and seconded by Mr. Stout to adopt Ordinance 16-03-01 to Amend Chapter 108, “Parking” in the Town of Middletown Code of Ordinances. Motion Carried Unanimously.***

**7-F. Motion to Adopt Ordinance 16-03-02 to Amend Chapter 93, “Alarms,” in the Town of Middletown Code of Ordinances.**

Mayor Branner: The existing Ordinance allows a ticket to be issued after 3 false alarms (per year). This Ordinance will reduce that number to two false alarms, after which the MPD will send an officer to the property to offer recommendations on how to prevent false alarms.

***Moved by Mr. Chas and seconded by Mr. Young to adopt Ordinance 16-03-02 to amend Chapter 93, “Alarms”, in the Town of Middletown. Motion Carried Unanimously.***

**7-G. Introduce an Ordinance to Amend Chapter 163 in the Town of Middletown Code of Ordinances regarding “Abandoned Vehicles.”**

Kristen Krenzer: In 2007 when the MPD was created, all the Ordinances were changed to read “Middletown Police Department” instead of New Castle County; however, this Ordinance was missed. In addition, the phrase “The police/code enforcement officer/public safety aid” will be inserted to give the seasonal officers authority to write tickets.

**7-H. Motion to Ratify an Agreement with Aquatic Management for the management of Silver Lake Pool during the 2016 season.**

Morris Deputy: The recommendation is to contract with Aquatic Management to recruit, hire, manage and supervise all pool staff. Their proposal is \$42,100 which is less than the Town spends. Memberships will still come through the Town. The pool will also be open 7 days a week instead of 5. Membership fees will remain the same.

***Moved by Mr. Faulkner and seconded by Mr. Stout to ratify an agreement with Aquatic Management for the management of Silver Lake Pool during the 2016 season, for \$42,100. Motion Carried Unanimously.***

**7-I. Motion to Ratify an Agreement with Enterprise Fleet Management.**

Morris Deputy: The Town's fleet is starting to age and will require a significant capital investment in upcoming years. This Agreement will allow the Town to lease vehicles through Enterprise Fleet Management at a significant savings.

Mr. Stout: This agreement will save the town money?

Morris Deputy: Yes. This year's potential capital outlay for 6 vehicles was almost \$250,000. We can lease more vehicles for a lot less and evaluate the vehicles each year. The lease package for 15 vehicles is approximately \$130,000.

***Moved by Mr. Chas and seconded by Mr. Reynolds to ratify an Agreement with Enterprise Fleet Management to lease Town vehicles on the recommendation by the Town Manager and the Finance Manager. Motion Carried Unanimously.***

**7-J. Motion to Ratify a Resolution to Amend Section 6.1 (Disciplinary Action) of the Personnel Policy Manual for the Town of Middletown.**

Morris Deputy: This Amendment to the Personnel Policy, removes the references to a suspension of an employee "without pay", to a suspension "with pay", while the employee is proceeding through due process with Mayor and Council.

***Moved by Mr. Faulkner and seconded by Mr. Young to Ratify a Resolution to Amend Section 6.1 (disciplinary Action) of the Personnel Policy Manual for the Town of Middletown. Motion Carried Unanimously.***

**7-K. Public Assembly Permit Request (Inskip Allsop) for Cochran Square on Sunday, July 17<sup>th</sup> for a Health Fair.**

Inskip Allsop requested approval to hold a free community health fair on Cochran Square on July 17<sup>th</sup>. About 10 doctors and health professionals will be handing out information and talking with the public promoting healthier life styles.

Mr. Allsop asked that the date be changed from July 17<sup>th</sup>, to Saturday, July 16<sup>th</sup> from 12 noon to 5 p.m. After discussion with Mayor and Council, the location was changed to the Forest Church parking lot, due to parking and safety concerns.

***Moved by Mr. Reynolds and seconded by Mr. Stout to approve the Public Assembly Permit for Middletown SDA Church for a free community health fair on July 16, 2016, in the Forest Church parking lot. Motion Carried Unanimously.***

**7-L. Public Assembly Permit Request (Chuck Sullivan) for Cochran Square on various dates and times for music events.**

Chuck Sullivan, Sullivan's Irish Pub, requested approval to allow music on the Square, the first and third Friday evenings from May 20<sup>th</sup> through September 16<sup>th</sup>, from 5 p.m. until 10 p.m. This event will be sponsored in conjunction with Middletown Main Street.

***Moved by Mr. Faulkner and seconded by Mr. Chas to approve the Public Assembly Permit as requested by Chuck Sullivan for Music on the Square in conjunction with Middletown Main Street. No alcohol will be served on the Square. Motion Carried Unanimously.***

**8. Unfinished Business: None**

**9. New Business:**

- Mr. Reynolds congratulated Scout Joshua DiCuirci for earning his Eagle badge. He did a tremendous job cleaning up the pond at the Senior Center.
- Resident Pete Sullivan gave Mayor Branner minutes from the March 2, 2016 meeting at Spring Arbor and a packet of information regarding the former Newark Data Center project.
- Ross Hibbert from St. Anne's questioned the status of work being done in the development. Mayor Branner offered comments concerning the status and stated the Town meets every 2 weeks with the developer. More progress should be seen on the clubhouse; the pool is under construction; plans for a pool house are being reviewed. The Town is still not allowing permits for Phase 6 since work still remains in the earlier phases on blacktop, recreation area and landscaping.
- Angelo Gallego, Spring Arbor, expressed concern about DelDOT's construction of the U.S. 301 project in the vicinity of Spring Arbor.

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

**10. Executive Session**

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

***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.***

***Moved by Mr. Reynolds and seconded by Mr. Stout to suspend the employee with pay pending a disciplinary hearing with the employee and Mayor and Council. Motion Carried Unanimously.***

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

The meeting adjourned at 9:50 p.m.