

The *unofficial* results of the March 6, 2017 election were announced by Kristen Krenzer.

<b><u>Position</u></b>	<b><u>Candidate</u></b>	<b><u>No. of Votes</u></b>
<b>For Mayor:</b>	<b>Kenneth L. Branner, Jr.</b>	<b>703</b>
	James Meyers	181
	David Wisniewski	233
<b>For Council:</b>	Maxwell Amoako	297
	<b>Andrew Chas</b>	<b>798</b>
	<b>Jason Faulkner</b>	<b>789</b>
	Christian Sterling Sutton	337
	<b>Howard Young</b>	<b>793</b>

**Total Number of Voters: 1,124 (includes 14 absentee ballots)**

The official results will be announced on Monday, March 13, 2017, at which time the winners of the March 6<sup>th</sup> election will be sworn-in.

***Moved by Mr. Reynolds and seconded by Mr. McGhee to recess and continue the regular business meeting on March 13, 2017. Motion Carried Unanimously.***

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**Swearing-In of Mayor and Town Council**

Vice-Mayor Jim Reynolds announced that Governor John Carney and Lt. Governor Bethany Hall-Long were in attendance and the Governor would conduct the swearing-in ceremony.

Governor Carney officiated the swearing-in of Mayor Branner and Councilmen Jason Faulkner, Andrew Chas and Howard Young, Jr.

Mayor Branner called the regular meeting of Mayor and Council to order with Councilmen Jim Reynolds, Jason Faulkner, Robert McGhee, Drew Chas, Robert Stout and Howard Young present. Town Manager Morris Deputy and Town Solicitor Scott Chambers were also present.

Mayor Branner announced the official results of the March 6, 2017 election:

<u>Position</u>	<u>Candidate</u>	<u>No. of Votes</u>
<b>For Mayor:</b>	<b>Kenneth Branner</b>	<b>703</b>
	James Meyers	181
	David Wisniewski	233
<b>For Council:</b>	Maxwell Amoako	297
	<b>Drew Chas</b>	<b>798</b>
	<b>Jason Faulkner</b>	<b>790</b>
	Christian Sterling Sutton	337
	<b>Howard Young, Jr.</b>	<b>793</b>

**Total Votes Cast: 1,138 with 14 absentee ballots**

The March 6, 2017 Election has been certified by the Board of Elections.

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**Agenda**

**4. Minutes Approval:** Moved by Mr. Reynolds and seconded by Mr. Faulkner to approve the Minutes for February 6, 2017 as prepared. Motion Carried Unanimously.

**5. Treasurer’s Report:** Moved by Mr. Chas and seconded by Mr. McGhee to approve the Treasurer’s Report as prepared. Motion Carried Unanimously.

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

**7. Police Report: Chief Daniel Yeager**

The MPD responded to 761 calls for service for the month of February.

- 2 burglaries: Sears on N. Broad Street; Young’s BBQ in Ashley Plaza.
- 2 robberies: J&K Liquors, S. Broad St.; Valero, E. Main Street
- 111 traffic summonses; 50 criminal arrests; 26 warnings; 326 reports; 22 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.

**8. PUBLIC HEARINGS**

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

Jason from JD Sign Company requested approval for the LED sign at Dove Run Centre. The new sign will be placed in the same location as the previous sign for PNC Bank. The digital time and temperature indicator will be removed.

***Moved by Mr. Stout and seconded by Mr. Reynolds to approve the Dove Run Centre LED sign request for the Dover Federal Credit Union. Motion Carried Unanimously.***

**8-B. Concept Plan for Holiday Inn Express Hotel on Auto Park Drive.  
Tax Parcel No. 23-022.00-185.**

Ron Sutton, CEA Engineering, presented the proposed plan to subdivide the 3-acre parcel behind Grotto's, to accommodate a 4-story Holiday Inn Express Hotel on approximately 2 acres. A future restaurant is proposed on the 1-acre lot and will be presented at a later date. The project will have shared parking and stormwater management to account for the increase in impervious area. Approximately 93 rooms are proposed, including an indoor pool, fitness rooms, small meeting areas, outdoor seating area, etc.

Jason Faulkner asked how much the impervious area would be increased. Mr. Sutton said it would be increased significantly. Infiltration will probably be installed around the facility and possibly underground in the parking lot to handle the run-off.

**8-C. 1080 Bunker Hill Road – Minor Land Development Plan for the placement of eight (8) temporary classroom trailers at Appoquinimink High School, for a total of an additional 7,400 square-feet of classroom space at the site. Tax Parcel No. 23-047.00-001.**

Ted Williams, Landmark Science and Engineering, represented the Appoquinimink School District. The classrooms will be housed in one trailer, and placed on the back side of the Appoquinimink High School to accommodate approximately 200 students. The temporary classrooms will stay until 2020 when the new high school is proposed to open.

- The trailer will be placed near the greenhouse.
- Access is via the walkway to the back parking lot.
- A covered walkway will connect the existing school to the temporary classrooms.
- Plans have been submitted to the Town's engineer and all comments will be addressed.
- Plans were submitted to DNREC for erosion and sediment control and stormwater management.

Mayor Branner added that the plan was approved by Planning and Zoning 8 – 0, with Chairman Sutton abstaining.

Mr. Stout asked if the school was at capacity. Mr. Williams said it was. The district has been adding temporary classrooms over the last several years to accommodate the influx of students. Construction should start late this year on the Fairview Campus, with occupancy scheduled for the 2020 school year.

The school district received approval last year to add temporary classrooms to Everett Middle School and those units will not be installed until they are needed. Due to the expense of the trailers, the district prefers not to install temporary classrooms unless necessary.

***Moved by Mr. Faulkner and seconded by Mr. Chas to approve the Minor Land Development Plan for the placement of eight temporary classrooms at Appoquinimink High School, 1080 Bunker Hill Road. Motion Carried Unanimously.***

**8-D. 128 Patriot Drive, Suite 10 – Conditional Use Permit Request for a church (Christ Transformation Temple) in an M-I zoned area. CU-01-17.**

Pastor Kefa Obara requested Conditional Use approval to use 128 Patriot Drive, Suite 10, approximately 2,000 square-feet, for their church. Ten families currently make up their congregation. Twenty parking spaces are provided.

Planning and Zoning recommended unanimous approval.

***Moved by Mr. Faulkner and seconded by Mr. McGhee to approve 128 Patriot Drive, Suite 10, Conditional Use Permit request CU-01-17 for Christ Transformation Temple. Motion Carried Unanimously.***

**8-E. 128 Patriot Drive, Suites 8 and 9 – Conditional Use Permit Request for a fitness center for boot camps and personal training (Legion Sports Performance) in an M-I zoned area. CU-02-17. Tax Parcel No. 23-041.00-015.**

Robert Thompson, owner of Legion Sports Performance requested Conditional Use approval.

- Planning and Zoning recommended approval.
- Suites 8 and 9 total approximately 4,000 square-feet, and will stay primarily as open area.
- The programs focus on body weight exercises, dumb bells, etc.
- Parking is adequate.
- The fitness center is closed on Sunday and will not interfere with church activities at Suite 10.
- Opening is scheduled for April 24, 2017.

***Moved by Mr. Faulkner and seconded by Mr. Chas to approve Conditional Use Request CU-02-17 for 128 Patriot Drive, Suites 8 and 9. Motion Carried Unanimously.***

**8-F. Motion to Ratify a lease agreement with the YMCA for the Silver Lake Pool.**

Morris Deputy: This Agreement will allow the YMCA to take over complete operation of the pool through a long-term lease.

***Moved by Mr. Reynolds and seconded by Mr. Stout to ratify a lease agreement with the YMCA for Silver Lake Pool at the recommendation of the Town Manager. Motion Carried Unanimously.***

**8-G. Motion to Adopt a Resolution to amend the Rules and Regulations of the Middletown Electric Department concerning limitations on net metering.**

Morris Deputy: The Resolution allows the Town to amend the amount of net metering allowed for distributed generation (solar, wind, etc.). It will align the regulations with the 5% limit currently in the Delaware Code. The Town will be able to stop providing net metering services to new and existing customers that wish to add or expand distributed generation, when the total generating capacity of all customer generation using net metering exceeds 5% of the Town's capacity to meet customer demand. Customers will still be permitted to add distributed generation, but they will not get the benefit of getting credits or payments for over generation.

***Moved by Mr. Faulkner and seconded by Mr. Young to adopt a Resolution to amend the Rules and Regulations of the Middletown Electric Department concerning limitation on net metering. Motion Carried Unanimously.***

**8-H. Motion to Adopt a Resolution to amend the Rules and Regulations of the Middletown Electric Department concerning the PPCA Base Rate.**

Morris Deputy: This is a request to lower the Base Rate in the Town's PPCA calculation to \$.07663 per kWh to align with DEMEC's new base rate to the Town and allow the Town to keep the \$.005 per kWh for the PPCA cost.

***Moved by Mr. Faulkner and seconded by Mr. Young to adopt the Resolution to amend the Rules and Regulations of the Middletown Electric Tariff concerning the PPCA Base Rate as recommended by DEMEC of \$.07663. Motion Carried Unanimously.***

**8-I. Motion to Ratify a contract for mowing services during the 2017 season.**

Morris Deputy: Mowing bids were let for four locations this year. Bids were received from Bay Country, Bailey's, Moon and MDR Golf. After review with the Public Works Director, our recommendation is to award the bid to the low bidder, Bay Country Custom Landscapes, for the amount of \$2,361 per cut. This includes the alternate for St. Anne's.

***Moved by Mr. Faulkner and seconded by Mr. Chas to Ratify a contract for mowing services for the 2017 season to Bay Country Custom Landscapes, as recommended by the Town Manager and Director of Public Works. Motion Carried Unanimously.***

**8-J. Motion to Ratify a multi-year contract for trash and recycling services.**

Morris Deputy: Waste Management's contract for waste and recycling ends this year. Bids were received from Trash Tech, Waste Industries and Waste management. After review with the Public Works Director and analysis from the Finance Manager, our recommendation is to award the bid to Trash Tech for 5 years.

- Residents will be notified in June regarding the exchange of cans, changes in pick-up days, etc.
- Delaware Solid Waste will be at St. Anne's Episcopal School on April 8<sup>th</sup> and July 8<sup>th</sup> from 8 a.m. until 2 p.m. to pick up electronics, recyclables, etc.

***Motion by Mr. Reynolds and seconded by Mr. McGhee to accept the recommendation of the Town Manager for the multi-year waste and recycling contract for Trash Tech. Motion Carried Unanimously.***

**8-K. Motion to Ratify a right-of-way agreement with Delmarva Power & Light Company for the proposed 138kV transmission line along Tax Parcel 23-043.00-001.**

Morris Deputy: This is an easement agreement with Delmarva Power & Light for an 80-foot right-of-way along the Town's property on Levels Road, for the proposed 138 kV transmission line. The Town will retain ownership of the land.

*Moved by Mr. Faulkner and seconded by Mr. Chas to ratify a right-of-way agreement with Delmarva Power & Light for the proposed 138 kV transmission line. Motion Carried Unanimously.*

**8-L. Motion to Adopt an amendment to the Town of Middletown Pension Plan Document.**

Tabled at the recommendation of the Town Manager and Finance Manager.

**8-M. Introduce 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 in accordance with the Town of Middletown Comprehensive Plan.**

Mayor Branner introduced the annexation Ordinance, to be acted on at the April meeting.

**8-N. Introduce Ordinance 17-03-02 for the Rezoning of 26 W. Lake Street, from R-2 to R-3 to make the zoning compliant with apartment use on the property. Tax Parcel No. 23-005.00-091.**

Mayor Branner introduced the Ordinance to Rezone 26 West Lake Street from R-2 to R-3, to be acted on at the April meeting.

**8-O. Introduce Ordinance 17-03-03 for the Rezoning of 410 Brick Mill Road, from R-1B to R-3, to allow for apartments. Tax Parcel Nos: 23-056.00-023 and 23-057.00-158.**

Mayor Branner introduced the Ordinance to Rezone 410 Brick Mill Road from R-1B to R-3, to be acted on at the April meeting.

**8-P. Motion to Adopt Ordinance 16-11-04 for the annexation of Tax Parcel 13-022.00-001 into the Town of Middletown in accordance with the Town of Middletown Comprehensive Plan.**

Tabled, per the request of the owner, until comments have been received from DelDOT.

**8-Q. Motion to Adopt 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.**

Morris Deputy: The Ordinance amends the Construction Manual to require meter pits for all new residential, commercial and industrial construction.

*Moved by Mr. Faulkner and seconded by Mr. Chas to Adopt Ordinance 17-02-01 to amend Chapter 46 of the Town of Middletown Code of Ordinances to regulate the installation of water meters for all new residential, commercial and industrial construction as recommended by the Town Manager. Motion Carried Unanimously.*

**9. Unfinished Business: None**

**10. New Business:**

- Mr. Reynolds thanked Lt. Governor Bethany Hall-Long for her assistance to have Governor John Carney conduct the swearing-in ceremony for Mayor and Council.

- Nick Manerchia, Middletown Main Street:
  - A “Grease” sing-along will be held at 7:30 p.m. on March 31<sup>st</sup> and April 1<sup>st</sup> at the Everett Theatre.
  - Request approval and support from the Town to hold “Movies Under The Stars!” this summer at Silver Lake Park, on June 9<sup>th</sup>, July 14<sup>th</sup>, August 11<sup>th</sup> and September 8<sup>th</sup>. Food trucks, inflatables, etc. will be available. This will be a free event.  
*Moved by Mr. Reynolds and seconded by Mr. Chas to approve the request from Middletown Main Street to hold “Movies Under The Stars!” as requested. Motion Carried Unanimously.*  
Nick to verify with Town employees, the availability of Silver Lake Park on the requested dates, as well as the location for the movie screen.
  - Nick reminded everyone “First Fridays” started last month and will continue on the first Friday of each month through the summer.
  - Main Street events will be posted on the Town’s web site.
- Town Hall will be closed on Tuesday for non-essential personnel, due to the impending snow storm.

***Moved by Mr. Reynolds and seconded by Mr. Faulkner to go into Executive Session to discuss competency and ability of employees, pursuant to 29 De. Code §10004(b)(9). Motion Carried Unanimously.***

## **11. Executive Session**

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

### **A. Discuss competency and ability of employees, pursuant to 29 De. Code §10004(b)(9).**

***1. Moved by Mr. Reynolds and seconded by Mr. Young to deny the official grievance concerning the promotional process for Lieutenant. Motion Carried 5 to 1. Mr. McGhee voted Nay.***

***2. Moved by Mr. Chas and seconded by Mr. Stout to recommend approval of the requests for promotion from Councilman Faulkner. Motion Carried Unanimously.***

## **12. Adjournment**

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

The meeting adjourned at 9:32 p.m.

A special meeting of Mayor and Council was held on the above date with Councilmen Jim Reynolds, Jason Faulkner, Robert McGhee, Rob Stout and Howard Young present, with Mayor Kenneth Branner presiding. Town Manager Morris Deputy and Finance Director Tyler Reynolds were also present.

**1. Call to Order**

**2. Pledge of Allegiance**

**3. PUBLIC HEARING:**

**3-A. Motion to Adopt an amendment to the Town of Middletown Pension Plan Document.**

Mr. Deputy explained that the Department of Labor passed a new fiduciary rule that will change how pension plans are managed. Edward Jones notified the Town that the company will no longer be able to service the Town's pension account in the same capacity. As a result, Edward Jones recommended we adopt an amended Plan Document to allow the pension funds to remain under the financial care of their company until a long-term plan is implemented. The Town is undergoing a RFP process now to select a new pension plan consultant.

A new consultant is expected to be selected in June 2017.

***Moved by Mr. Faulkner and seconded by Mr. Reynolds to adopt an amendment to the Town of Middletown Pension Plan Document. Motion Carried Unanimously.***

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