

The regular meeting of Mayor and Council was held on the above date with Council Members 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. Reynolds and seconded by Mr. Faulkner to approve the Minutes of December 3, 2018 as prepared. Motion Carried Unanimously.

**4. Treasurer's Report:** Moved by Mr. Chas and seconded by Mr. Young 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 approximately 847 calls for service for the month of December.

- 12/7/18: Walmart – shoplifting. Suspect arraigned and released on bail.
- Nine reported thefts from vehicle complaints, primarily off Industrial Drive.
- 12/28/18: Suspect arrested for multiple thefts dating back to 2/18.
- The MPD issued: 125 traffic tickets; 51 warnings; 43 criminal arrests; 281 incident reports and 19 field service reports.

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

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

Ms. Jacobs reported a grant was received from Crystal Trust in the amount of \$20,000 and will be used to improve foot traffic for downtown businesses, such as:

- improve parking awareness
- provide movable seating
- provide standard "A" frame signage for direction
- provide more family-friendly events
- All businesses will receive a rocking chair to decorate according to their business.
- A map will be available in print and on line.
- Clean up the pocket park and create a community outdoor art space.

A Sips and Sweets event is scheduled for January 26<sup>th</sup> from 1 to 5 p.m.

**8. Public Hearings:**

**8-A. 112 Patriot Drive – Conditional Use Permit request for a mobile food unit (Rebel Cove food truck) to park and sell prepared foods for Camp Hatchet patrons in the manufacturing-industrial zoned area. CU-24-18. Tax Parcel No. 23-041.00-007.**

Tabled by applicant.

**8-B. 701 Industrial Drive – Conditional Use Permit request for office/storage space (Nicole J. Designs, Inc.) in an M-I zoned area. CU-25-18. Tax Parcel No. 23-010.00-041.**

Adam Cofield with Broad Street Leasing requested conditional use approval for Nicole J Designs to use approximately 3,000 sq. ft. of space at 701 Industrial Drive for office and storage use.

Planning and Zoning recommended unanimous approval on December 20th.

Mr. Reynolds asked if the store at Peach Tree is closing. Mr. Cofield said the retail store is expanding; this space will be used for storage.

***Moved by Mr. Faulkner and seconded by Mr. Stout to approve Conditional Use CU-25-18 at 701 Industrial Drive. Motion Carried Unanimously.***

**8-C. 108 Patriot Drive, Suite F – Conditional Use Permit request for warehouse/offices to support the fulfillment operation of Dare to Have Hair.com. CU-26-18. Tax Parcel No. 23-041.00-005.**

De'Shaun Chancy, owner of Dare to Have Hair, requested approval to use Suite F for warehouse and office space at 108 Patriot Drive.

Planning and Zoning recommended unanimous approval on December 20<sup>th</sup>.

***Moved by Mr. McGhee and seconded by Mr. Reynolds to approve Conditional Use CU-26-18 at 108 Patriot Drive. Motion Carried Unanimously.***

**8-D. Motion to Adopt a Resolution (19-01-01) to amend the Rules and Regulations of the Town of Middletown Electric Tariff concerning the PPCA Base Rate.**

Morris Deputy: The wholesale rate with DEMEC has been reduced; in order to maintain the current PPCA 0.005 \$/KWH, Factor B of the formula needs to be adjusted to 0.06942 \$/KWH.

***Moved by Mr. Faulkner and seconded by Mr. Stout to accept the recommendation from the Town Manager to adopt a Resolution to amend the Rules and Regulations of the Town of Middletown Electric Tariff concerning the PPCA Base Rate. Motion Carried Unanimously.***

**8-E. Motion to Ratify a Memorandum of Understanding with the New Castle County Conservation District and the Delaware Department of Transportation for Shallcross Place.**

Tabled by applicant.

**9. UNFINISHED BUSINESS:** None

**10. NEW BUSINESS:**

- Albert Hopkins commented that since the traffic light was removed from the intersection of N. Broad and Lake Street, numerous accidents have occurred. Visibility is poor because of the house on one corner and trees on the other.  
Mayor Branner said it was DelDOT's decision to remove the light.

Chief Iglie said the issue has been reported to DelDOT and the intersection is being analyzed.

- Angelo Gallego, Spring Arbor, asked for a status report of the Data Center. Mayor Branner said it's still proceeding but it will not be co-gen. The Town's 138 kV, which should be installed by the end of the year, will provide a dual feed from the north and the south, which is acceptable to the companies involved with the Data Center.
- Middletown Village resident expressed concern with the drug traffic in her area.
- Mayor Branner acknowledged the large number of attendees present to express their concerns regarding the Hummer's Parade. Mayor Branner noted that not everyone will be able to speak, but that Javier Torrijos, of the Delaware Hispanic Commission, specifically asked to speak, as well as Kerri Evelyn Harris.

Before anyone took the podium, Mayor Branner said that no one on Council condoned or supported, nor do they encourage those kind of actions displayed in the 2019 Hummer's Parade.

The Hummer's Parade was started in 1972 by a group of friends. The gathering was for anyone to show up prior to 1 p.m. to be in the parade. There was no review of entries or inspections. There was no traffic control and the parade left from the same route as it had for all those years. As the parade grew, police were added only to control traffic.

Over the years, it has turned into a satirical review of the past year's events, and for the past 46 years, the community enjoyed and endorsed the parade. In 2019 that changed when the entries were offensive and totally inappropriate.

Mayor Branner announced that as a result of the Parade last week, Council will appoint one person each to form a diverse committee of seven (7) Middletown residents. This committee will be facilitated by the Town Manager. They will be asked to meet a couple times a year in a public setting to come up with some guidelines for the parade, and will be conveyed to Mayor and Council for discussion and approval. This will take place in the early fall and will take effect for future parades. In the meantime, there will be no permits issued for the January 1, 2020 Hummer's Parade until after the guidelines have been accepted and approved by Council. Any applications that have been submitted will be held, time and date stamped, and issued as appropriate, after the committee makes a recommendation to Council. The agenda is posted on the website, 7 days in advance of the meeting. Any meeting to discuss the recommendations will be on the agenda and the meeting to accept the recommendations will be a public meeting.

- Javier Torrijos, chairman of the Delaware Hispanic Commission, thanked Mayor and Council for the opportunity to express and share their disappointment of the Hummer's Parade. He recognized several Latino organizations as well as the NAACP, church groups, ACLU, etc., and student groups in attendance who support their effort to protest what happened on January 1<sup>st</sup>. Chairman Torrijos read a letter asking Council to uphold and protect the rights of all its residents and affirm that the law against racism, intimidation and intolerance will prevail. "We cannot tolerate these types of parades that are extremely racist in nature against immigrants and members of groups who are the target of expressions of hatred, discrimination, oppression and exclusion," he said.

- Maggie Delisi added that she has been in Middletown 27 years and always felt like she was part of the town, but was disgusted by the pictures she saw. She also received numerous calls from the Latino residents who were upset.
- Jason Faulkner commented that the float in the parade was not representative of Middletown.
- Kerri Evelyn Harris said that she was pleasantly surprised with Council's quick decision to make changes regarding the Hummer's Parade. We are not calling for an end to the parade, but that "hateful and hurtful" displays shouldn't be the way to celebrate the New Year. She said she doesn't condone taking away a person's right to free speech, but portraying children in cages at border detention was offensive -- it is important to let people know displays of this content affect communities' mental health and safety.
- President Jackson from the Delaware State College NAACP said they support removing negative images from the streets; they do not have an issue with freedom of speech as long as it's not hurting or threatening. Violent images should not be paraded on the streets.
- India Colon went on record to say that she applied for a permit for the "We Are Love Parade" for January 1, 2020; same parade route and same time.
- Sgt. Scott Saunders, MPD, Community Services Officer and President of the MOT NAACP, requested that the committee includes input from all the organizations represented as to who will be on the committee. Sgt. Saunders commented that the kind of hatred that was displayed in the parade only makes it more difficult for police and community relations. He said everybody standing for the Pledge of Allegiance is America – not the parade. Mayor Branner assured Sgt. Saunders that Council wants diversity and will entertain any suggestions.

Mayor Branner thanked everyone for attending the meeting and expressing their views.

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

#### **11. EXECUTIVE SESSION:**

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

**A. Personnel matters in which the names, competency and abilities of individual employees or students are discussed, unless the employee or student requests that such a meeting be open, pursuant to 29 Del. Code §10004(b)(9).**

***Moved by Mr. Faulkner and seconded by Mr. Stout to approve the recommendations for promotion from Police Chief Iglie in accordance with his memo dated December 13, 2018. Motion Carried Unanimously.***

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

**The meeting adjourned at 9:21 p.m.**