

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. McGhee and seconded by Mr. Stout to approve the Minutes for December 5, 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. Chas to approve the Bills Payable and pay as funds become available. Motion Carried Unanimously.

**6. Police Report: Captain Mike Iglio**

The MPD responded to 892 calls for service for the month of December 2016.

- 1 Heroin arrest 12/2/16 – Shallcross Place
- 1 Drug arrest 12/10/16 – W. Lake St.
- 1 Burglary 2<sup>nd</sup> 12/29/16 – Liborio Dr.
- 1 Robbery 1<sup>st</sup> 12/4/16 – 301 N. Broad St.
- 1 Reckless Endangering 1<sup>st</sup> and possession of a firearm during the commission of a felony 1/4/17 – Dove Run Shopping Center - investigation is on-going. Contact MPD with any information.
- Traffic Summonses -104; Criminal Arrests - 43; Warnings – 29; Reports – 339; Field Service Reports and Crime Prevention Checks – 32.

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

**7. Public Hearings:****7-A. Presentation about "Hometown Heroes Project"**

Alexis Ferguson, senior at Middletown High School, outlined a fundraising project to replace the sign at the Sgt. William Lloyd Nelson VFW Post 3792 on Summit Bridge Road. A dinner will be held on February 11, 2017 at the Post. Tickets are \$35. For more information, please contact Alexis at 302-416-2933. Information will also be posted on the Town's website.

**7-B. 101 W. Park Place – Conditional Use Permit Request for a professional office in an R-1A district. CU-11-16. Tax Parcels 23-008.00-065.**

Danny Burris, PHB, represented Dr. Colleen McGinnis, owner of the property.

- The request is to allow a doctor's office in the R-1A zoning district.
- A new 2-story structure will be built.
- It will not be a residence – it's strictly a professional office.
- Mr. Piser, a neighbor, does not have an issue with the project.
- Planning and Zoning recommended approval December 15, 2016.

Mayor Branner commented that the sewer for that property has always been a concern. He asked how they propose to make that connection.

Mr. Burris said possibly from Park Place. If approval is received tonight, he will be working with Roger Brickley from Clifton L. Bakhsh Engineering on that design.

***Moved by Mr. Faulkner and seconded by Mr. Reynolds to approve Conditional Use Permit CU-11-16 for 101 W. Park Place. Motion Carried Unanimously.***

**7-C. Conditional Use Permit Request for Datwyler Sealing Solutions in an M-I zoned area. CU-12-16. Tax Parcel Numbers 23-044.00-006; 23-040.00-018; 23-040.00-019.**

Tabled per owner's request.

**7-D. Record Major Land Development Plan for Datwyler Manufacturing Plant in an M-I zoned area. Tax Parcel Numbers 23-044.00-006; 23-040.00-018; and 23-040.00-019.**

Tabled per owner's request.

**7-E. 14-16 W. Main Street – Record Minor Land Development Plan for renovations and parking lot for a retail store in a C-2 zoned area. Tax Parcel No. 23-008.00-027.**

Tabled per owner's request.

**7-F. Westown Town Center, Phase 3 – Record Major Land Development Plan for nine buildings totaling about 95,659 square feet for new retail and restaurants. Tax Parcel Nos. 23-049.00-009; 23-049.00-038; 23-049.00-040; 23-049.00-041; and 23-065.00-012.**

Jim Curran from Karins and Associates represented WS Merrimac Center LLC, Westown Town Center Phase 3.

- The property is located at the northwest intersection of Merrimac Avenue and Rt. 301.
- The Preliminary Plan was presented to Planning and Zoning in November and Mayor and Council in December 2016.
- The portion of the property being developed is Parcel 6, located in front of the church and movie theatre; Parcel 2-A, the pad sites fronting on Rt. 301; and Parcel 3, located in the center of the property between Commerce Drive and the pad sites. The hotel site is not included with this plan.
- The following is proposed: Retail - 79,600 s.f.; Restaurant space - 9,250 s.f.; Medical Aid Unit - 4,800 s.f.; Credit Union - 2,000 s.f.
- No new entrances are proposed.
- Parking is provided per code.
- No new stormwater management facilities are proposed.
- Planning and Zoning recommended unanimous approval.

***Moved by Mr. Faulkner and seconded by Mr. Stout to approve Westown Town Center Phase 3. Motion Carried Unanimously.***

**7-G. Westown Town Center Parcel 1, Phase 3 – Record Major Land Development Plan Revision to add an additional 798 square-feet to the planned hotel, to total 53,906 square-feet, for basement elevator access and extension of two interior stairwells. Tax Parcel No. 23-022.00-193.**

Roger Brickley presented the plan proposing the addition of 798 square-feet to the previously approved land development plan for the hotel. This is an architectural change for basement elevator access and the extension of two interior stairwells. The hotel is a Comfort Suites.

***Moved by Mr. Chas and seconded by Mr. Young to approve Westown Town Center Parcel 1 Phase 3, Record Major Land Development Plan Revision to add an additional 798 square-feet to the hotel. Motion Carried Unanimously.***

**7-H. Motion to Adopt an Ordinance to update the 2012 Town of Middletown Comprehensive Plan, including Map 7.**

Morris Deputy: This request is to amend the Future Annexation Map to include two pieces north of Springmill to Armstrong Corner Road. Tax Parcels 13-017.00-084 and 13-017.00-083.

***Moved by Mr. Reynolds and seconded by Mr. Faulkner to adopt an Ordinance to update the 2012 Town of Middletown Comprehensive Plan, including Map 7, as recommended by the Town Manager. Motion Carried Unanimously.***

**7-I. Motion to Adopt an Ordinance for the annexation of Tax Parcel 23-022.00-001 into the Town of Middletown in accordance with the Town of Middletown Comprehensive Plan, including Map 7.**

Dominic Balascio, attorney for the applicant/owner, presented the following:

- The property is a 74.2-acre parcel fronting on Bunker Hill Road.
- The plan is consistent with the Comprehensive Plan to be annexed and zoned for mixed-use.
- The Planning Commission recommended approval.
- The initial request for annexation was proposed in 2013; however, it was put on hold until DelDOT determined how much of the parcel would be required for the 301 bypass.
- DelDOT has finalized their plan and will not be taking any additional land for the bypass.
- A development plan has not been designed at this time.

Mayor Branner expressed concern that the owner had not requested a meeting to discuss the annexation and proposed use for the property. Typically, a concept plan is presented for review prior to the annexation request – the Town has not seen any plan nor had any discussions with the property owner. Mayor Branner pointed out that many concerns were expressed by Spring Arbor and Middletown Village residents at the Planning and Zoning meeting. Mayor Branner asked if C-3 zoning is requested for the property.

Mr. Balascio acknowledged that C-3 zoning is requested.

General discussion centered around the following comments:

- An overall C-3 zoning may not be a good fit in light of the existing development in the area.
- Property owners proposing annexation usually meet with the Town to discuss the annexation and potential zoning.
- The Town typically meets with the surrounding community when an annexation/ development is proposed.
- The parcel is surrounded by townhouse and single family communities, as well as an active adult community.
- Annexing a parcel with C-3 zoning potentially allows the property to be developed as all commercial.
- The Comprehensive Plan does not mandate annexation of a parcel into a municipality.

Mayor Branner recommended the request be tabled until a concept plan is presented for review.

Mr. Balascio requested to table the annexation request for Maple Grove.

***Moved by Mr. Reynolds and seconded by Mr. Stout to accept the request from Dominic Balascio to table the annexation. Motion Carried Unanimously.***

**7-J. Motion to Adopt an Ordinance to amend Chapter 42; Residential Code, in the Code of the Town of Middletown concerning ceiling height.**

Morris Deputy: This amendment clarifies and designates the height requirement of ceilings and basements in residential structures, Chapter 42 of the Residential Code.

***Moved by Mr. Faulkner and seconded by Mr. Chas to Adopt an Ordinance to amend Chapter 42: Residential Code, in the Code of the Town of Middletown concerning ceiling height. Motion Carried Unanimously.***

**8. Unfinished Business:**

- Jim Young reported approximately \$28,000 was collected for the 2016 MOT Red Kettle Drive for the Salvation Army. More than 200 people donated over 600 hours of time. He extended a big "Thank You" to everyone who participated; in particular, the 100-plus Appoquinimink school students who donated many hours of bell ringing!

**9. New Business:**

- Mr. Reynolds reminded everyone that information for trash pick-up on holidays is posted on the website.
- Mr. Reynolds announced that Chris Godwin, a Middletown High graduate, is going into the NFL draft.
- Jan Money-Blendt commented that the Hummer's Parade was offensive and asked if any stipulations are ever put on the parade.

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

**10. Executive Session**

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

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

***Moved by Mr. Reynolds and seconded by Mr. Young to recommend approval of the promotion and personnel recommendations in the Police Department and Billing Department. Motion Carried Unanimously.***

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

Meeting adjourned at 9:37 p.m.