

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 Solicitor Gary Junge filled in for Scott Chambers.

**1. Call to Order****2. Pledge of Allegiance**

**3. Minutes Approval:** Moved by Mr. Chas and seconded by Mr. Reynolds to approve the minutes as prepared. Motion Carried Unanimously.

**4. Treasurer's Report:** Moved by Mr. Faulkner and seconded by Mr. Chas 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: Capt. Michael Iglio**

The MPD responded to 915 calls for service for the month of April.

- 4/30 – Glen Eagle Road and New Street: carjacking/investigation is ongoing.
- 4/7 – Robbery at Middletown Crossing Shopping Center/investigation is ongoing.
- 4/5 – Vehicle theft – Haley Street/arrest made. 4/22 – Vehicle theft – Hostetter Blvd./investigation is ongoing.
- 3/4 – Burglary at Immediato's Restaurant/arrest made.
- 129 traffic citations; 90 criminal arrests; 37 warnings; 336 reports; 36 field service reports.
- The Police Department is accepting applications for this summer's Youth Academy to be held at the Redding Middle School, from July 10 to July 21. Camp will be for girls ages 12 to 14 who reside in Middletown and outlying communities. Specific details are on the Town's website.
- A moment of silence was held for Cpl. Steven Ballard, DE State Police. Donations may be made to DSTA, Steven Ballard Memorial Fund, P.O. Box 168, Cheswold, DE 19936.

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

**7. Public Hearings:****7-A. YMCA presentation regarding Silver Lake Pool, local summer day camp and other club offerings.**

Jim Kelly, CEO YMCA Delaware, thanked Mayor and Council for their support for the Y opening their Cass Street location. They hope to begin the process of finding a site to build a new YMCA in the next couple of years.

Dave Haley, Center Director, reported the center on Cass Street currently offers:

- A fitness center and aerobics studio for pre-school thru seniors;
- Youth programs include before and after school care;
- A summer camp at Silver Lake for ages 5 to 15.
- The Y will be operating the Silver Lake Pool offering swim lessons, camp use, community use, aquatic exercise classes, Fall leadership classes for teens, youth in government programs, etc.
- More information is available on the website: [ymcade.org](http://ymcade.org).

**7-B. 81 Patriot Drive (730 Hedgelawn Way)- Concept Plan for a two-story climate-controlled self-storage facility, several one-story mini-storage units and office space totaling about 88,000 square-feet of leasable space, associated utilities and site improvements, on 4.62+/- acres, in an M-I zoned area. Tax Parcel No. 23-065.00-009.**

Rick Woodin represented the McKee Group proposing a climate-controlled self-storage facility.

- A 3-story facility is now proposed; the garage units have been removed.
- The property is +/- 4.6 acres, located in the Westtown Business Park on Lot 5, across the street from Johnson Controls.
- The building height will be about 35' maximum.
- Total space per floor is approximately 35,000 square-feet.
- Total storage space is approximately 110,000 square-feet.
- The area will be fenced.
- It is included in the Westtown Master Plan and will contribute to the Transportation Plan.
- PLUS reviewed the plan last month.
- A Land Development Plan will be presented to Planning and Zoning and Mayor and Council.

**7-C. 140 Commerce Drive – Record Major Land Development Plan for a 5,700 square-foot restaurant pad, along with associated improvements. Tax Parcel 23-022.00-002.**

Rick Woodin, represented Helmic Westtown LLC, legal owner of the property.

- The property is Parcel 5, Westtown Town Center, Phase 3.
- Preliminary and Record Plans received approval for a 10,000 square-foot retail/restaurant pad site.
- A 5,700 square-foot Red Robin Restaurant is now proposed for the site.

***Moved by Mr. Faulkner and seconded by Mr. Stout to approve 140 Commerce Drive, Record Major Land Development Plan for a 5,700 square-foot restaurant pad. Motion Carried Unanimously.***

**7-D. Concept Plan for the Major Land Development Plan of the proposed Middletown Crossing Parcel B-3, mixed-use development. Tax Parcel No. 23-020.00-191.**

Colm DeAscanis with CDA Engineering, Seth Shapiro with Barton Partners, represented property owner Poet Holdings, LLC.

- The 13.5-acre parcel borders Dickinson Blvd. to the end of the strip-center that houses the Acme facing east, and north to the service road bordering the WSFS lot.
- The project proposes a mixed-use development with 240 apartments and 19,500 square-feet of retail.
- PLUS has reviewed and approved the proposal.

- Four walk-up, garden-style apartment buildings are proposed. The two buildings next to the shopping center are mixed-use buildings, with three stories of residential units above ground-level retail.
- The three-story buildings will have elevators; the other buildings are conventional walk-up type apartment buildings.
- A pool and clubhouse will be constructed for the residents.
- 561 parking spaces are proposed; 93 spaces are shared with the retail; 62 spaces are in leasable garages.
- The apartment mix is mostly 1 and 2-bedroom units with a few 3-bedroom units.
- The project is designed to present a walkable community.
- The buildings sit close to the street with parking in the back.
- Wide sidewalks are proposed around the development.
- A boulevard is proposed across from Frost Street.

Discussion on how the proposed development will fit with the existing shopping center, and how the “Acme” portion of the center will be accessed without driving through the apartment complex. Also asked was if the existing center will be upgraded. It was pointed out that more traffic will be generated from the apartments versus the retail originally proposed.

Mr. Shapiro said they will provide trip generation comparisons for apartments and shopping centers when the Land Development Plan is presented.

It was noted that a master transportation study from Rt. 1 to Catherine Street has been ongoing. Rt. 1 to Brick Mill Road improvements were done when the hospital was built; all new development in the area will contribute to the improvements. Additional improvements to Rt. 299 will be started soon.

**7-E. 810 Kohl Avenue – Record Major Land Development Plan for the development of Lots 1B and 2, for a shopping center consisting of retail and restaurant space totaling about 60,000 square-feet and associated site improvements and utilities, on +/-8.58 acres, in a C-3 zoned area. Tax Parcel Nos. 23-040.00-008 and 23-040.00-021.**

Rick Woodin from Woodin Associates reported the project received preliminary approval from Planning and Zoning and Mayor and Council.

- The project is part of the Westown Master Plan and will contribute to the transportation fund.
- Kohl Avenue and Hedgelawn Way are close to being completed.
- The parcel is located on S. Merrimac Avenue and Rt. 301, across from Texas Roadhouse.
- The fire company held a controlled burn training exercise on the Hedgelawn house.

***Moved by Mr. Faulkner and seconded by Mr. Stout to approve the Record Major Land Development Plan for 810 Kohl Avenue, Lots 1B and 2 for a shopping center. Motion Carried Unanimously.***

**7-F. 501 Merrimac Avenue – Concept Plan for a 53,000 square-foot Harley-Davidson Motorcycle Sales and Service Center on Lot 1A, a +/-5.05-acre parcel, in a C-3 zoned area. Tax Parcel No. 23-040.00-002.**

Rick Woodin from Woodin Associates presented the concept plan for Lot 1A, a 53,000 square-foot motorcycle sales and service facility.

- Approximately 10,000 square-feet will be used for office space, located on the second floor.
- The proposed access is off Kohl Avenue – no new access points off Rt. 301.
- Parking is located behind the building.
- The service area will be located inside the building.
- The development will contribute to the Master Transportation Fund.
- Architectural renderings will be presented with the Land Development Plan submission.
- Mr. Woodin introduced Dave Rommel and Brad Hopkins.

**7-G. Railroad Spur – Minor Land Development Plan for a railroad spur off the Norfolk Southern Rail Line in the vicinity of Industrial Drive.**

Christopher Duke with Becker Morgan Group pointed out the property is located on the south side of Industrial Drive on 43 acres zoned Manufacturing-Industrial.

- The plan proposes to construct +/-1900 feet of rail connecting to the existing rail line running along the eastern boundary of the parcel.
- Delmarva Central Railroad recently purchased the rail line from Norfolk Southern.
- The purpose of the rail spur is to be able to provide rail service to industrial businesses.
- Comments from the Town Engineer will be addressed.

Frank Bailey, Fire Chief, asked if any unhitching of rail cars would cause a blockage on W. Main Street.

Mayor Branner said they would follow the same connect and disconnect procedure as Leticia – it should not be an issue.

***Moved by Mr. Reynolds and seconded by Mr. Chas to approve the Minor Land Development Plan for the railroad spur off the Norfolk Southern Rail Line in the vicinity of Industrial Drive. Delmarva Central Railroad now owns the rail line. Tax Parcels 23-012.00-011 and -012. Motion Carried Unanimously.***

**7-H. Motion to adopt Ordinance 17-03-02 for the Rezoning of 26 W. Lake Street, from R-2 to R-3. Tax Parcel No. 23-005.00-091.**

Roger Brickley: The owner is seeking to rezone the property from R-2 to R-3 so the existing 4-unit apartment house complies with required zoning. If rezoning is approved, a plan proposing to add two new apartments will be presented at a later date. The existing building has a sprinkler system. Rezoning the property would bring it into compliance for the multi-family use.

Dr. Zelda Carter from Family Help, Inc., said they will be requesting approval for two more apartments because of the demand for families needing housing.

Irv Brockson thanked Mayor and Council for their support of the program.

Mayor Branner clarified that this hearing is just the rezoning approval; a Land Development Plan for the additional two apartments will be required.

Mr. Faulkner asked if the parking was adequate.

Mr. Brickley said the plan is short on parking for the proposed units.

***Moved by Mr. McGhee and seconded by Mr. Stout to adopt the Ordinance to rezone 26 W. Lake Street from R-2 to R-3. Motion Carried Unanimously.***

**7-I. Motion to adopt financial policies including Debt Management Policy and Fund Balance and Reserve Policy.**

*Tabled until next month.*

**7-J. Motion to adopt a Resolution to amend the Schedule of Fees and Charges in the Rules and Regulations, including the electric Tariff for the Town of Middletown, Delaware.**

*Tabled until June to coincide with Ordinance 17-05-01.*

**7-K. Introduce Ordinance 17-05-01 to amend Chapter 176: Water, of the Code of Ordinances for the Town of Middletown, regarding capital recovery fees.**

*This Ordinance will be acted on at the June meeting.*

**7-L. Introduce Ordinance 17-05-02 to amend Section 4.H. in the Zoning Code of the Town of Middletown regarding mixed-use development.**

*This Ordinance will be acted on at the June meeting.*

**8. Unfinished Business:**

- Mr. Reynolds announced that the new trash schedule should be finalized and presented at the June meeting; information with the new trash routes and pick-up dates will also be on the Town's website.
- Edna Cale requested additional trashcans at Our Daily Bread.
- Ross Hibbert asked for an update on the St. Anne's community.

Mayor Branner: The work is ongoing inside the clubhouse; the weather has been too wet to complete the outside work.

The pool and retaining wall are expected to be finished by the end of the week, weather permitting.

The painting is almost finished inside the clubhouse; the flooring has to be completed on the second floor.

The retaining wall, sidewalks in the front and parking lot has to be completed; the road in front of the clubhouse to the back of the clubhouse has to be completed. Weather permitting, Eastern States will install the base coat from Green Giant back to the existing base. When patching is finished, the topcoat will be applied.

The walking paths, as well as the amenities at the rec area should be finished as soon as it dries out.

Path around the pond: The engineers are reviewing the as-builts and checking the grades for compliance. Pond repairs are scheduled pending drier weather.

The restaurant group will take over the clubhouse at fit-out stage; Capano will be finished and permits will again be issued.

Trees will be planted per the plan.

**9. New Business:**

- Sonya Comstock asked if the Town could have a drop-off location for unused prescription medication. Kristen Krenzer will coordinate with the police station.
- Kim Archie, Middletown Village, brought up an issue regarding abandoned cars in the overflow parking lot.  
Morris Deputy: Mr. Ramunno owns the property and it is scheduled to be turned over to the town in the next few weeks. Once that happens, the police can issue tickets and vehicles can be towed.
- Carmen Tuck, Middletown Village, brought up issues of tall grass, drugs in the neighborhood, civic associations, police presence and general development clean up. Mr. Reynolds said the Town has ordinances that address high grass, and per code, a 10-day time frame has to be given to the property owner before the Town can cut the grass. Communities are responsible for setting up their own HOA.
- Ted Savin, Appoquin Farms, requested approval to provide acoustical music again this summer at Silver Lake Park, on June 11, July 16 and August 20. The request will be addressed as an agenda item at the June meeting.
- Wayne McDuffy from Old State Road asked who his representatives were. (Bill Powers, Kevin Hensley, Bruce Ennis)
- Gene Kirckner, St. Anne's, asked who is responsible for the maintenance of the public open space at Wiggins Mill and St. Anne's Church Road. Mr. Reynolds said maintenance is Capano's responsibility until the open space is turned over to the Town.

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