

The regular meeting of Mayor and Council was held on the above date with Council Members Jim Reynolds, Jason Faulkner, 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. Stout to approve the Minutes for August 7, 2017 as prepared. Motion Carried Unanimously.

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

The MPD responded to 1,099 calls for service for the month of August.

- Burglaries: E. Cole Blvd.; S. Cox Street; Swansea Dr.; W. Main Street (Great Cars business); Wood Street (Metro Pub & Grill); E. Main Street (Patriot Armory).
- Weapons offense, Willow Grove Mill Road (arrest made).
- Automobile thefts: Lakeside (arrests made).
- 3 indecent exposure complaints – contact 302-376-9950, the Middletown Tip Line, or Delaware Crime Stoppers 800-847-3333.
- Follow-up investigations: Jamel Farrell arrested for robbery at Family Dollar Store.
- Community services events: Hosting RAD classes 9/19, 9/21, 9/26 and 9/28. Classes are held at the police station from 6 to 9 p.m.
RAD for Seniors will be held at the Senior Center starting October 11; offered to both men and women at no cost. Specific details will be posted on the Town's web page.
A drug take-back program is scheduled October 28 between 10 a.m. and 2 p.m.
- 220 traffic summonses; 74 criminal arrests; 43 warnings; 421 reports; 58 field service reports.

Moved by Mr. Young and seconded by Mr. Stout to accept Chief Iglio's police report as presented. Motion Carried Unanimously.

7. PUBLIC HEARINGS**7-A. Update regarding the Delaware Sports Complex**

Mayor Branner reported the federal court ruled the lease with the Delaware Sports Complex was invalid, and the DSC has indicated they will not appeal that decision. A hearing is scheduled next week in Bankruptcy Court for a dismissal. Mayor and Council will then decide on the path to move forward.

7-B. Public Assembly Request – Middletown High School Marching Band on Cochran Square September 18.

Kristen Krenzer: Band Director Brian Endlein requested a Public Assembly Permit to film a three-minute commercial featuring the Cavaliers on Cochran Square. The band has been invited back to London to march in the London New Year’s Parade. London officials will be visiting Middletown on September 18.

Moved by Mr. Faulkner and seconded by Mr. Stout to grant permission for the Public Assembly Permit on September 18 on Cochran Square. Motion Carried Unanimously.

7-C. 128 Patriot Drive, Suites 5 and 6 – Conditional Use Permit request for a cheerleading and tumbling academy (M.O.T. All Stars Project) in an M-I-zoned area. Tax Parcel No. 23-041.00-015. CU-11-17.

Tabatha Wollason requested approval to use the space for a competitive all-star gym. Teams compete for cheerleading, dance and tumbling. Various classes will be held during the week. Space with more vertical height is required to practice “tossing” routines.

Planning and Zoning recommended unanimous approval.

Moved by Mr. Reynolds and seconded by Mr. Faulkner to approve Conditional Use Permit CU-11-17 for the M.O.T. All Stars Project. Motion Carried Unanimously.

7-D. Westown Business Park, Lot 5 – Record Major Land Development Plan for a three-story, climate-controlled, self-storage facility and office space totaling about 108,000 square-feet of floor space, associated utilities and site improvements on 4.61+- acres. Tax Parcel No. 23-065.00-009.

Rick Woodin represented Three-Key Storage, LLC., legal owner of Lot 5, Westown Business Park.

- A three-story, climate-controlled storage facility totaling approximately 108,000 square-feet is proposed.
- Conditional Use approval was granted 6/5/17 (CU-04-17).
- Planning and Zoning unanimously approved the plan.
- Council granted Preliminary Plan approval.
- Comments from the Town’s consulting engineers have been addressed.

Moved by Mr. Stout and seconded by Mr. Faulkner to approve the Record Major Land Development Plan for a three-story, climate-controlled, self-storage facility for Lot 5, Westown Business Park. Motion Carried Unanimously.

7-E. 315 Auto Park Drive – Record Major Land Development Plan for a Holiday Inn Express & Suites Hotel in a C-3 zoned area. Tax Parcel No. 23-022.00-185.

Ron Sutton, CEA Engineers, requested approval for the Record Major Land Development Plan for a Holiday Inn Express.

- Preliminary Plan approval was received for a 93-room hotel.
- 103 parking spaces are provided.

- Changes made after Preliminary Plan approval was received are (1) the entrance has been adjusted slightly, and (2) the infiltration basin was relocated.
- Final comments from the consulting engineers will be addressed.

Moved by Mr. Young and seconded by Mr. Stout to approve the Record Major Land Development Plan for a Holiday Inn Express & Suites Hotel in a C-3 zoned area. Motion Carried Unanimously.

7-F. Notice of application to the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2017, local solicitation to be used for police forensics software.

Chief Iglio requested approval to apply for a grant from the JAG Grant Program FY 2017: The Middletown Police Department will use \$10,193 for a three-year subscription on forensics software, and \$835 toward the purchase of one Level IIIa ballistic bulletproof vest.

Moved by Mr. Young and seconded by Mr. Stout to give Chief Iglio permission to apply for the Edward Byrne Memorial Justice Assistance Grant. Motion Carried Unanimously.

7-G. Motion to enter into an agreement with the State of Delaware Economic Development Office for a Neighborhood Building Blocks Fund grant.

Morris Deputy: The Town was approved to enter into the State’s Neighborhood Building Block Fund Grant to help businesses in the downtown area who want to apply for funds. The grant will pay for a consultant to prepare the Downtown Development District Plan for Main Street and Broad Street.

Moved by Mr. Faulkner and seconded by Mr. Reynolds to accept the recommendation from the Town Manager to enter into an agreement with the State of Delaware Economic Development Office. Motion Carried Unanimously.

7-H. Motion to enter into a professional services agreement with KCI Technologies to develop a Downtown Development District Plan.

Morris Deputy: This is the agreement with KCI Technologies to prepare a Downtown Development District Plan that will be paid for with the grant, for an amount not to exceed \$50,495.

Moved by Mr. Stout and seconded by Mr. Faulkner to enter into a professional services agreement with KCI Technologies to develop a Downtown Development District Plan, not to exceed \$50,495. Motion Carried Unanimously.

7-I. Motion to adopt Ordinance 17-08-01 to amend Chapter 176, Article I, of the Code of the Town of Middletown, to provide for the administration of a bulk water rate.

Morris Deputy: This Ordinance sets the rates for commercial businesses that want to tap into a hydrant and use water for dust control, filling pools, etc. The rate will be \$35 per load.

Moved by Mr. Chas and seconded by Mr. Reynolds to adopt Ordinance 17-08-01 to amend Chapter 176, Article I of the Town’s Code to provide for the administration of a bulk water rate for commercial users. Motion Carried Unanimously.

7-J. Introduce Ordinance 17-09-01 to amend Sections 4G, 4H and 10A of the Zoning Code of the Town of Middletown, concerning the requirement of conditional use permit approval for apartments.

Ordinance 17-09-01 was introduced and will be acted on at a future meeting.

8. Unfinished Business: None

9. New Business:

- Council member Young requested a moment of silence for the victims of 9/11, and the recent victims of Hurricane Harvey.
- Council member Young extended thanks to the Middletown Police Department and Council for their participation and preparation of the MOT Senior Center's Annual Cookout held Friday.
- A resident asked if there are any plans to use solar in Town. Mayor Branner responded solar is in use by residents, Amazon, etc. In addition, DEMEC includes solar as part of their portfolio to the municipalities.
- A resident asked if the Town still sweeps streets. Mr. Reynolds said weather permitting, the Town sweeps streets.
- Residents expressed concern that the Boys & Girls Club is being forced to relocate from the old firehouse building on Broad Street. Mayor Branner said several meetings have been held with Boys & Girls Club officials, and it was never indicated they would have to cease operations in that building. DelTech has expressed interest in opening a diesel mechanic's program in the area, and inspected the building for the possibility of occupying the unused space. A letter, apparently written by the manager of the club, said the Boys & Girls Club was being forced out. The letter was not authorized by the B&G Club and a retraction was issued by the CEO.
- Resident asked for the procedure to be placed on an agenda. Mayor Branner explained that items to be voted on are listed on the agenda. Informational items are discussed under New Business.
- Resident commented on the increased traffic on Main and Broad Streets Friday night and asked what plans are proposed to help alleviate traffic. An article in the transcript indicated a third lane would be added to E. Main Street. Mayor Branner responded that two lanes will be added to East Main Street from Silver Lake Road to the light at Christiana Hospital; one lane will be added from Catherine Street to Silver Lake Road. The project has funding -- utilities and rights-of-way are currently being marked. Nothing from Catherine Street through Town will change. An interconnection from Dove Run Boulevard through the Highlands to Lake Street is also in the planning stage. It was pointed out that the extra heavy traffic on Friday night was due mainly to the Middletown/Smyrna football game.

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). Motion Carried Unanimously.

10. Executive Session

Moved by Mr. Reynolds and seconded by Mr. Chas to exit the Executive Session and return to the regular meeting in the Council Chambers. Motion Carried unanimously.

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

Moved by Mr. Stout and seconded by Mr. Faulkner to approve the recommendation of Police Chief Iglie for the promotion of William Texter to Captain.

Motion By Mr. Reynolds and seconded by Mr. Chas to adjourn. Motion Carried Unanimously.

The meeting adjourned at 8:45 p.m.