

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 were also present.

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

3. Minutes Approval: Moved by Mr. Faulkner and seconded by Mr. McGhee to approve the Minutes for April 2, 2018 as presented. 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. Faulkner to approve the Bills Payable as presented and pay as funds become available. Motion Carried Unanimously.

6. Police Report: Chief Mike Iglia

The MPD responded to 834 calls for service for the month of April.

- 4/5/18 – Pedestrian accident at Middletown-Odessa Road. While responding to the accident, the patrol car was involved in an accident at the intersection of Main and Catherine Street.
- 4/9/18 – Concord Pet: burglary – on-going investigation.
- 4/26/18 – 146 Twyn Drive: construction site burglary – on-going investigation.
- 4/11/18 – Franklin Drive: suspicious vehicle complaint; defendant in possession of handgun and cocaine.
- 4/20/18 – Liborio Drive: shots fired; subject apprehended possessing marijuana; handgun recovered.
- The MPD issued: 128 traffic tickets; 46 warnings; 56 criminal arrests; 313 incident reports; 31 field service reports.

Moved by Mr. Young and seconded by Mr. Stout to approve the Police Report as presented by Chief Iglia. Motion Carried Unanimously.

7. Middletown Main Street Update: Daneya Jacobs

Ms. Jacobs presented information on "National Parking Day". This is an event held each year on the third Friday in September, where parking locations are turned into "pocket parks" to provide events for the community. Middletown currently has a pocket park on Main Street between the Gibby Center and Everett Theatre. At this time they propose to use the parking lot on S. Scott St. and the parking lot near the Church on Main. More information will be presented at a later date.

8. Public Hearings:

8-A. Middletown Auto Park Lot A – Final Record Subdivision Plan for the Crooked Hammock Brewery – Lot A will be subdivided into two lots. The brewery lot will comprise 2.64 acres and include an 8,000 square-foot restaurant, 650 square-foot screened porch and brewery. Tax Parcel No. 23-040.00-005.

Ring Lardner, with Davis Bowen and Friedel, commented that the subdivision plan is the same as presented March 12th, with the exception of minor changes to the title sheet, per Duffield Associates comments.

Moved by Mr. Faulkner and seconded by Mr. Chas to approve the Middletown Auto Park Lot A Final Record Subdivision Plan for the crooked Hammock Brewery. Motion Carried Unanimously.

8-B. Parcel 6, Middletown Market Place – Phase II – Concept Plan proposing an 11,200 square-foot general purpose retail building under the current C-3 zoning. Project comprises 3.0 +/- acres, located along the northerly side of West Main Street and the westerly side of Peterson Road. Tax Parcel No. 23-005.00-296.

Rick Woodin represented the Longest Drive, LLC, legal owner of Lot 6, Middletown Market Place.

- The parcel is 3 acres, located on the northerly side of West Main Street, between Peterson Road and the private access road to the Food Lion.
- Existing zoning is C-3.
- A retail facility of approximately 11,000 square feet is proposed.
- The building will be placed behind the existing stormwater management pond. The pond was designed to accommodate the construction of a building anticipating approximately 65% impervious coverage. Run-off created by any additional impervious coverage will be handled by infiltration.
- No new access points are required.
- The parcel will have a rear connection from Peterson Road, off the existing entrance to the Food Lion.
- The curb cut for the parcel is in place.

Mr. Chas asked if a sidewalk will be installed.

Mr. Woodin said a sidewalk was previously installed along West Main Street; a sidewalk will be constructed along the access road to the Food Lion.

Mr. Faulkner asked about sidewalk along Peterson Road. After discussion, Mr. Woodin agreed the Town's Code required a sidewalk along all frontage.

Mayor Branner pointed out this is the concept plan and no vote is required by Council.

8-C. 870 Middletown-Warwick Road – Preliminary Major Subdivision and Land Development Plan to subdivide 1.5 acres from Parcel C-2, creating Parcel C-2A, in order to construct a 6,500 square-foot restaurant with on-site parking. Tax Parcel No. 23-065.00-003.

Julian Pellegrini with the PELSA Group represented Pusan Investments for the construction of a Perkins Restaurant.

- The parcel is the large lot between Royal Farms and the Greenhill Carwash, located near the intersection of Levels Road and Rt. 301,
- 1.5 acres next to Royal Farms will be subdivided from the lot for the development of a 6,500 square-foot Perkins Restaurant.
- The plan has been revised to reflect comments from the Planning and Zoning Commission and the Town engineer, Duffield Associates.
 - ◊ Sidewalks are shown along the front and rear property lines; a series of sidewalks and crosswalks are shown connecting to the building, for ADA accessibility.
 - ◊ 14 bicycle spaces and one loading space have been added.
 - ◊ Per Planning and Zoning’s request, the ADA parking has been moved closer to the entrance.
 - ◊ An architect is working on a roof design for the dumpster enclosure. If this can’t be accomplished, the dumpster will be positioned for the lid to open in the westerly direction to help prevent trash from blowing out.
 - ◊ Planning and Zoning’s recommendation to approve, with the conditions mentioned, was unanimous.

Mr. Faulkner asked what amount of lot coverage is proposed and commented the building appears to be packed-in.

Mr. Pellegrini said the total impervious is 74%.

Moved by Mr. Stout and seconded by Mr. McGhee to approve the Preliminary Major Subdivision and Land Development Plan to subdivide 1.5 acres from Parcel C-2, creating Parcel C-2A at 870 Middletown-Warwick Road. Motion Carried Unanimously.

8-D. 128 Patriot Drive, Suite 10 – Conditional Use Permit request for a church (Middletown Church of Christ) in an M-1 zoned area. CU-03-18. Tax Parcel No. 23-041.00-015.

Kenneth Douglas, minister for the Middletown Church of Christ, requested the Conditional Use. They are taking over the suite was previously leased by a church.

Moved by Mr. Faulkner and seconded by Mr. Young to approve Conditional Use Permit CU-03-18 for 128 Patriot Drive, Suite 10, Middletown Church of Christ. Motion Carried Unanimously.

8-E. 727 N. Broad Street – Conditional Use Permit request for an Escape Room business in a C-3 zoned area. The project proposes five (5) separate escape rooms along with a gathering room for events. CU-04-18. Tax Parcel No. 23-003.00-001.

Neelima Potluri represented Novus Escape Rooms, seeking approval to allow the business at 727 N. Broad Street, previously leased by Integrity Staffing.

Moved by Mr. Faulkner and seconded by Mr. Reynolds to approve Conditional Use Permit CU-04-18 to allow the Escape Rooms at 727 N. Broad Street. Motion Carried Unanimously.

8-F. 928/938 Middletown-Warwick Road – Conditional Use Permit request for a multi-sports complex (Slim’s Sports Complex) in a C-3 zoned area. The project proposes utilizing 15,700 square-feet of the building with 16 field spaces in addition to outdoor field space adjacent to the building. CU-05-18. Tax Parcel Nos. 23-041.00029 and 23-041.00-028.

Steven Duncan requested approval to allow Slim's Sports Complex to occupy the space previously occupied by M'Town Sports Complex.

Sonya Comstock asked if pickle ball courts would be available. Mr. Duncan said they would take that into consideration.

Moved by Mr. Young and seconded by Mr. Chas to approve Conditional Use Permit CU-05-18 for Slim's Sports Complex at 928/938 Middletown-Warwick Road. Motion Carried Unanimously.

8-G. 210 Cleaver Farm Road – Conditional Use Permit request for a daycare in a C-2 zoned area. The project proposes a shared use for the 20,000 square-foot building as medical offices and a 12,000 square-foot daycare. CU-06-18. Tax Parcel No. 23-007.00-191.

Jerome Heisler of the Reybold Group, requested the Conditional Use Permit to allow a day care to occupy a portion of a 20,000 square-foot building. Child, Inc. and Premier Physical Therapy currently occupy a portion of the building.

- The original plan for this property was approved in 1990.
- 300 parking spaces are provided, based on the old code.
- A drop-off point is provided at the front of the building; access is also provided in the back.
- Some parking area behind the building will be removed to provide a playground area.
- The playground area will be enclosed. The fence will be attached to the building and equipped with control latches.
- The facility will accommodate approximately 120 children.

A Greenlawn resident expressed concern with traffic using Ashland Street as a cut-through to get to the daycare facility.

Mayor Branner pointed out, as Mr. Heisler indicated, the plan was approved in 1990 for two professional buildings. Mr. Heisler installed the Ashland Street connection as a convenience for the residents. Originally, Robino was supposed to install a connection when he was constructing Greenlawn. When The Highlands is constructed, the temporary road will be replaced with a dedicated street running from The Highlands to Lake Street.

Moved by Mr. Chas and seconded by Mr. Stout to approve Conditional Use Permit CU-06-18 for shared use for a 20,000 square-foot building for medical offices and a 12,000 square-foot daycare. Motion Carried 5 to 0; Jason Faulkner abstained.

8-H. 802 Kohl Avenue – Hedgelawn Plaza Shopping Center – DQ Grill & Chill Restaurant – Monument Sign with Electronic Message Center. Tax Parcel No. 23-040.00-008.

Michael Jordan, owner of the DQ, requested permission to install a monument sign in front of the building, per the Town's requirements.

Moved by Mr. Faulkner and seconded by Mr. Reynolds to approve the sign request to place a sign with an electronic messaging center per the Town's code at the DQ Grill & Chill Restaurant at 802 Kohl Avenue. Motion Carried Unanimously.

8-I. Motion to Adopt an Amendment to the Town of Middletown Pension Plan Document.

Morris Deputy: The request is to amend the current plan to clarify that employee contributions are not permitted.

Moved by Mr. Chas and seconded by Mr. Reynolds to adopt the Amendment to the Town of Middletown Pension Plan Document. Motion Carried Unanimously.

8-J. Adopt a Resolution to allow all future retirees to be enrolled in the Delaware Valley Health Trust Plan.

Morris Deputy: This resolution will allow future retirees who are Medicare eligible to stay on the plan with our current provider, Delaware Valley Health Trust (DVHT).

Moved by Mr. Faulkner and seconded by Mr. Stout to adopt a Resolution to allow all future retirees to be enrolled in the Delaware Valley Health Trust Plan, as recommended by the Town Manager. Motion Carried Unanimously.

8-K. Adopt a Resolution to enter into an Agreement with MetLife for dental, life and disability coverage.

Morris Deputy: This Resolution will allow us to enter into an Agreement with MetLife to provide dental, life and disability coverage for the Town's employees. The previous provider was Lincoln Financial.

Moved by Mr. Stout and seconded by Mr. Faulkner to adopt a Resolution as recommended by the Town Manager to enter into an Agreement with MetLife for dental, life and disability coverage. Motion Carried Unanimously.

9. Unfinished Business:

- A Middletown Crossing resident asked if the residents will have any input on the Land Development Plan for Middletown Crossing when it is presented, and who is performing the Master Transportation Study for Main Street from Rt. 1 to Catherine Street. Mayor Branner responded that the Land Development Plan will be presented at the June 4th meeting and residents will have the opportunity to comment at that time; DelDOT performed the Master Transportation Study, which has been completed and approved, and is available for review if anyone is interested.
- Patti McCuen commented there are on-going issues regarding her grandparent's estate, i.e. the Frank Rutkowski farm property on Rt. 299 to Brickmill Road, and the 40-acre lot across Brickmill Road (Brick Mill Elementary School).
- Mr. Reynolds announced a paper shredding event for Town residents will be held on Saturday, June 9th, in the parking lot of Town Hall from 9 a.m. until 1:00 p.m. The event is free.

10. New Business:

- Mr. Young announced that a dinner honoring George C. Wright will be held on Sunday, May 20th at 2 p.m. at the Smyrna Opera House; tickets are \$15.
- Stone Square Lodge #22 will be hosting their Annual Memorial Day Parade May 28th at Louis L. Redding School. The event starts at 9:30 a.m.

- Mr. Young commended the Volunteer Hose Company on their response to the fire in Willow Grove Mill.

Moved by Mr. Reynolds and seconded by Mr. Faulkner to enter into Executive Session to discuss personnel matters in which the names, competency and ability of individual employees are discussed. Motion Carried Unanimously.

11. Executive Session:

- A. Discuss personnel matters in which the names, competency and ability of individual employees are discussed, pursuant to 29 DEL. Code §10004(b)(9).**

Moved by Mr. Stout and seconded by Mr. Young to exit the Executive Session and return to the regular meeting in the Council Chambers.

Moved by Mr. Stout and seconded by Mr. Reynolds to approve Chief Iglie's recommendation for promotion, and the recommendation for promotion from Councilman Chas.

Moved by Mr. Reynolds and seconded by Mr. Chas to adjourn.

The meeting adjourned at 8:56 p.m.