

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 September 10, 2018. 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 946 calls for service for the month of September.

- 9/5/18: Middletown Village vehicle stop; operator in possession of hand gun and drugs.
- 9/8/18: East Lake Street – suspicious vehicle complaint – arrested operator for possession of drugs.
- 9/8/18: Middletown Wine & Spirits - robbery; suspect arrested 9/24/18.
- 9/28/18: Subway, E. Main Street – attempted burglary; investigation on-going.
- Events by MPD:
 - “DEA Drug Take Back” October 27, 2018 10 a.m. to 2 p.m.
 - “No Shave November” to support “Kay’s Camp”. Donations may be made to the FOP, Lodge 20.
- The MPD issued: 143 traffic tickets; 65 warnings; 46 criminal arrests; 307 incident reports; and 38 field service reports.

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

7. Middletown Main Street Update: Daneya Jacobs

- The second car show was held September 23rd; entertainment was provided by Keith Thompson's band “The Quartets”.
 - ◇ The next Main Street event will be held October 13th, featuring over-sized board games, family photos, children's activities, etc., and a pet costume contest sponsored by Concord Pet.
 - ◇ November 24th: Small Business Saturday. Business hours and information available on the web site.
 - ◇ December 1st: Christmas Parade with festivities before and after the parade, and tree lighting ceremony in the evening.

8. Public Hearings:

8-A. 102 Sleepy Hollow Drive, Suite 103 – Conditional Use Permit request for a State Farm Insurance office in an M-I zoned area. CU-18-18. Tax Parcel No. 23-021.00-120.

Kate Collins, on behalf of Christina McKeown, requested approval to operate a State Farm Insurance office at 102 Sleepy Hollow Drive, located in an M-I zoning district. The space was previously occupied by a realtor.

Moved by Mr. Faulkner and seconded by Mr. Stout to approve Conditional Use Permit CU-18-18 for 102 Sleepy Hollow Drive, Suite 103, for a State Farm Insurance office. Motion Carried Unanimously.

8-B. 128 Patriot Drive, Unit 3 – Conditional Use Permit request for an automotive repair shop (Apex Automotive) in an M-I zoned area. CU-19-18. Tax Parcel No. 23-041.00-015.

Mark Hores purchased the existing business. Mr. Hores is requesting approval to continue operating the automotive repair business located at 128 Patriot Drive, under his ownership.

Moved by Mr. McGhee and seconded by Mr. Reynolds to approve Conditional Use Permit CU-19-18 for Apex Automotive at 128 Patriot Drive, Unit 3. Motion Carried Unanimously.

8-C. 0 Summit Bridge Road – Conditional Use Permit request to build two, two-story self-storage buildings (45,940 square-feet and 42,030 square-feet) in a C-3 zoned area. CU-16-18. Tax Parcel No. 23-001.00-141.

Jerome Heisler requested Conditional Use approval to allow the construction of two self-storage buildings in the C-3 zoning district.

Planning and Zoning unanimously recommended approval.

Moved by Mr. Reynolds and seconded by Mr. Chas to approve Conditional Use Permit No. CU-16-18 request to build two, two-story self-storage buildings as requested. Motion Carried 5 – 0. Jason Faulkner abstained.

8-D. 0 Summit Bridge Road – Conditional Use Permit request for grading and fill work within the RBA for FEMA CLOMR, to build two, two-story self-storage buildings (45,940 square-feet and 42,030 square-feet) in a C-3 zoned area. CU-17-18. Tax Parcel No. 23-001.00-141.

Jerome Heisler requested Conditional Use approval to allow filling within the RBA area. The area was originally part of the flood plan; the fill will basically have no impact on the flood plain. Part of the approval process with the Army Corp of Engineers requires approval from the Town.

Mr. Heisler said he will be contacting the Springmill Home Owner's Association to discuss landscaping and any other concerns they may have.

Moved by Mr. Stout and seconded by Mr. Reynolds to approve Conditional Use Permit CU-17-18, request for grading and fill work within the RBA for FEMA CLOMR. Motion Carried 5 - 0. Jason Faulkner abstained.

8-E. Middletown Village – Revised Record Major Land Development Plan for 27 single-family home lots and improvements on 22.94+/- acres, abutted by Choptank and Bunker Hill Roads, in an R-1A zoned area. Tax Parcel No. 23-024.00-172.

Scott Lobdell with Karins Engineering presented the revised plan. The cul-de-sac was removed and replaced with a stub street to provide a future connection to the adjoining property, in case it is annexed in the future. Planning and Zoning approved the plan; Chief Bailey commented it was a better design than previously presented. The number of lots remains the same, storm water is not affected and the other streets remain the same. Construction should start in the fall.

Mr. Reynolds commented the parcel joins the property that backs up to Choptank Road – it does not back up directly to Choptank Road.

Mr. Chas asked what the distance is between the two stub streets that join the vacant parcel. Mr. Lobdell said about 300 feet.

Morris Deputy pointed out that the plan doesn't show curbing and sidewalk along the back street, shown as "Boundary Lane".

After discussion, Council agreed curb and sidewalk are required and should be shown on the plan, per Town code.

Moved by Mr. Faulkner and seconded by Mr. Stout to approve the Revised Record Major Land Development Plan for Middletown Village, 27 single-family lots, as presented. Motion Carried Unanimously.

8-F. Motion to ratify a Memorandum of Understanding with the Appoquinimink School District Board of Education for the transfer of property.

Tabled until the November meeting.

8-G. Motion to approve the donation of Right-of-Way to the State of Delaware for the SR299 Improvement Project.

Ida Parrett from the Delaware Department of Transportation Right-of-Way Department, presented DelDOT's project to widen SR299. SR299 will be widened to two lanes in each direction, from SR1 to Cleaver Farms Road; from Cleaver Farms Road to the intersection at Catherine Street, single lanes in each direction with a center turn lane; pedestrian and bicycle improvements will be incorporated, along with the addition of a signalized intersection at New Street. Offers for the impacted properties are being prepared and will be presented to property owners within the next 30 days. Construction is funded for summer 2019 with an anticipated duration of two years.

Construction will entail intermittent lane closures; lane shifts and a proposed detour for Brick Mill Road.

DelDOT is requesting the Town donate the following parcels owned by the Town for easements and rights-of-way:

1. Tax Parcel 23-057.00-155 located at the entrance to Dove Run on Brick Mill Road: one (1) permanent easement consisting of 2,689.7873 square-feet for utility pole placement, sidewalk and drainage.

2. Tax Parcel 23-057.00-001 located at the entrance to Dove Run on Brick Mill Road: one (1) temporary construction easement consisting of 178.3739 square-feet for sidewalk.
3. Tax Parcel 23-057.00-002 adjacent to Brick Mill Elementary School: one (1) FEE area consisting of 3,949.6680 square feet for clear-zone requirements, traffic equipment, stormwater management, drainage and sidewalks; one (1) permanent easement consisting of 27,390.2263 square-feet for MOT and erosion and sediment control, stormwater management, drainage, grading and sidewalk; one (1) temporary construction easement consisting of 2,134.5043 square-feet for traffic equipment, MOT, erosion and sediment control and sidewalks.
4. Tax Parcel 23-020.00-174 parcel behind ACME off Silver Lake Road and Tennyson Court: one (1) temporary construction easement consisting of 10,180.8983 square-feet for stormwater management and drainage improvement.

Mr. Stout asked if the signs at the entrance into Dove Run will be affected.

Ms. Parrett said the signs and landscaping will not be impacted – the area will be marked “do not disturb”. The easement will be approximately ten feet from the signs.

Moved by Mr. Faulkner and seconded by Mr. Reynolds to approve the donation of Right-of-Way to the State of Delaware for the SR299 Improvement Project. Motion Carried Unanimously.

9. Unfinished Business: None

10: New Business:

- Howard Young announced that he, Norman Todd and Reggie Suggs and several others will be honored at the “I Am Somebody Banquet” to be held at the MOT Senior Center October 13th. The event is sponsored by the Wesley Chapel of Love UM Church.
- Demetrius Rodgers, resident on Elizabeth Street, asked if the “No Parking” sign near his house can be revised or relocated to allow for the pickup and drop off of school children. He said a neighbor calls the police when they drop off or pick up their children. Mayor Branner said the sign can be revised to allow for a drop-off area.
- Mr. Rodgers asked if his sidewalk could be repaired or replaced, due to its condition. Mayor Branner said Elizabeth Street is on the schedule for blacktopping and replacing sidewalks in the spring.

Moved by Mr. Reynolds and seconded by Mr. Chas to enter into Executive Session for a hearing on employee disciplinary or dismissal case. Motion Carried Unanimously.

11: 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. Hearing on employee disciplinary or dismissal case, pursuant to 29 Del. Code §10004(b)(8).

Moved by Mr. Reynolds and seconded by Mr. Chas to approve the recommendation of Police Chief Iglie for the dismissal of an employee. Motion Carried Unanimously.

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

The meeting adjourned at 9:07 p.m.