

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. McGhee to approve the Minutes of November 5, 2018 as prepared. 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 presented and pay as funds become available. Motion Carried Unanimously.

6. Police Report: Chief Michael Iglio

The MPD responded to 847 calls for service for the month of November.

- 11/27/18: W. Main St. - Fulton Bank – robbery; suspect arrested.
- 11/13/18: W. Shakespeare Dr. - vehicle theft; investigation ongoing.
- 11/3/18: W. Main St. – 2 burglaries, 3 attempted burglaries – non-residential.
- 11/18/18: Church on Main – attempted burglary; investigation on-going.
- 11/19/18: W. Main St., Valero – suspect arrested.
- 8 vehicle thefts reported throughout the Town in November – 2 at Charles E. Price Park; 3 vehicles were unsecured; 3 vehicles had broken windows. Investigation on-going.
- 11/1/18: Arrest made for vehicle theft that occurred in Millbranch in September.
- Chief Iglio reminded everyone to secure their vehicles.
- 3 Drug arrests for the month.
- The MPD issued: 132 traffic tickets; 40 warnings; made 41 criminal arrests; issued 319 incident reports and 22 field service reports.

Sgt. Scott Saunders, Community Services Officer, reported the following special events were held in 2018: an all-girls youth camp was held in conjunction with the Southern New Castle County Coalition, National Night Out, and the MOT Senior Picnic held in conjunction with Mayor and Council. Events proposed for 2019 include partnerships with Mom's Demand Action, Domestic Violence, and Drug and Alcohol Awareness groups.

Sgt. Saunders said several events are proposed in conjunction with the school district and introduced Shevena Cale from "Cale Cares".

Shevena Cale announced the first initiative was suggested by her son Miles, a graduate from Appo High School and currently a student at Seton Hall.

- On December 23rd, a panel of college athletes will meet with current high school athletes to discuss time commitments for studies vs. athletic time, drugs, and other issues college students face.

- In April, students will tour Gander Hill Prison and the court house in Wilmington.
- To help encourage a better relationship with the youth in the community and police officers, students will participate in ride-alongs with officers from the MPD.

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

7. Middletown Main Street Update: Daneya Jacobs

Ms. Jacobs thanked Mayor and Council, the MPD and Town employees for their continued support of the Christmas parade. She also thanked the Chamber, local businesses, parade participants and everyone who endured the rain and attended the event.

A calendar update for 2019 will be presented in January.

8. Public Hearings:

8-A. WILMAPCO Regional Transportation Plan (RTP) Update

Dave Gulla, Principal Planner with WILMAPCO, presented an overview of the long range plan for 2050.

WILMAPCO is the regional transportation planning agency for New Castle County and Cecil County, Maryland, charged with planning and coordinating transportation investments for the region based on federal policy, local input, technical analysis, and best practices. Funding for projects is provided by the counties, towns/cities and DelDOT.

Information on the presentation may be found on their website at www.wilmapco.org; public meetings are held at their Newark office.

8-B. 112 Patriot Drive – Conditional Use Permit request for a mobile food unit (Rebel Cove food truck) to park and sell prepared foods for Camp Hatchet patrons in the manufacturing-industrial zoned area. CU-24-18. Tax Parcel No. 23-041.00-007.

Ms. Kochel requested approval to setup a mobile food unit, Rebel Cove, at Camp Hatchet to provide food for their patrons. The plan was presented to Planning and Zoning last month and approved with conditions:

1. Trash removal: Trash generated by the food business will be removed each evening.
2. Operating hours: Food will be available 7 days a week: Sunday 11 a.m. until 10 p.m.; Monday and Tuesday 4:30 p.m. until 10 p.m.; Wednesday and Thursday 12 noon until 10 p.m.; Friday is 12 noon until 11 p.m. and Saturday is 11 a.m. until 11 p.m.
3. Other patrons may access the food truck through Camp Hatchet’s facility.

Mayor Branner pointed out Planning and Zoning also required a Fire Marshal’s review and approval because of the proximity to the building and the use of propane. The request will be tabled until an approval letter has been received from the Fire Marshal.

8-C. 1001 Promenade Drive – Minor Subdivision Plan for Promenade at Middletown, an 18+/- acre parcel, zoned C-2, near the intersection of Del. 299 and Catherine Street. Tax Parcel No. 23-009.00-157.

Mark Russo with Vandemark and Lynch Engineers requested approval to subdivide the 18-acre parcel to create two lots. Lot 1 to the west is approximately 8 acres and proposed for the County library; Lot 2 to the east, approximately 10 acres, is the remaining lands of the Promenade Development, LLC.

Moved by Mr. Stout and seconded by Mr. Chas to approve the Minor Subdivision Plan for 1001 Promenade Drive, located at the intersection of East Main Street and Catherine Street. Motion Carried Unanimously.

8-D. Parcel 6, Middletown Market Place – Phase II – Preliminary (Record) Major Land Development 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 with Woodin and Associates represented The Longest Drive, LLC, legal owners of the Market Place Shopping Center.

The owners are proposing to develop Lot 6, located at Peterson Road and Rt. 299.

- Planning and Zoning recommended approval; Mayor and Council approved the Preliminary Plan in August. Approval for the *Record* Major Land Development Plan is requested.
- The building has been reduced to 9,870 square feet.
- Approximately 800 feet of sidewalk has been added along Peterson Road up to the rear truck access to the shopping center.
- The Town's engineer's comments are being addressed.
- No new access points are proposed; the existing entrance off Rt. 299 and the rear access off Peterson Road will be used.
- Based on the square footage of the building, an additional 40 parking spaces are required; 43 are proposed. The parking spaces behind Middletown Pizza are also available.
- The retention pond was constructed to accommodate this building.

Moved by Mr. Reynolds and seconded by Mr. Stout to approve Parcel 6, Middletown Market Place, Phase II, Record Major Land Development Plan as proposed. Motion Carried Unanimously.

8-E. Middletown Auto Park Lot A-1 – Record Major Land Development Plan for the Crooked Hammock Brewery on 2.64 acres, comprised of an 8,000 square-foot restaurant, 650 square-foot screened porch, brewery and associated amenities. Tax Parcel No. 23-040.00-005.

Ring Lardner with Davis Bowen and Friedel, and Mitch Rosenfeld with LaVida Hospitality Group, LLC presented the Land Development Plan for the Crooked Hammock.

- Preliminary Plan approval was received in March; approval to subdivide the parcel into two lots was received in May 2018.
- The plan proposes an 8,500 square-foot building consisting of a brewery, restaurant, bar and outdoor amenities. Outside amenities include a playground, bocce ball court, shuffleboard courts, corn hole, horseshoe pits, fire pits and hammocks.
- A second access was added from Vintage Avenue; service vehicles will use the existing access.
- The service area was reconfigured to allow for more amenities behind the building.

- Several more parking spaces were added to the parking area located near the stormwater management pond.
- Stormwater management was constructed as part of the over-all Auto Mall plan; rooftop drainage will be directed to the bio-retention area for infiltration to comply with the WRPA.
- Duffield's comments will be addressed.
- Anticipated opening is September 2019.

Moved by Mr. Stout and seconded by Mr. Chas to approve the Middletown Auto Park Lot A-1 Record Major Land Development Plan for the Crooked Hammock Brewery. Motion Carried Unanimously.

8-F. Motion to approve a Revised Record Plan for Spring Arbor at South Ridge converting the landscaped median and traffic circle area of Spring Arbor Drive from Public Open Space to Private Open Space.

Rick Woodin represented Spring Arbor Homes, LP and the residents of Spring Arbor. The request is to convert the 6-foot wide landscape median on the entrance road and the 40-foot landscape circle with a gazebo, from Public Open Space to Private Open Space. Maintenance for the Private Open Space will become the Spring Arbor Community's responsibility.

Moved by Mr. Reynolds and seconded by Mr. McGhee to approve the Revised Record Plan for Spring Arbor at South Ridge converting the landscaped median and traffic circle area of Spring Arbor Drive from Public Open Space to Private Open Space. Motion Carried Unanimously.

8-G. Motion to approve Ordinance 18-11-02 to amend Chapter 176, Water, of the Town of Middletown Code of Ordinances to handle the replacement of meters.

Morris Deputy: Meters are subject to the control, inspection and service by the Town. If the owner does not respond to the Town's notice to schedule an inspection, the ordinance will allow the Town to install an exterior meter and meter pit on the customer's property at the customer's expense.

Moved by Mr. McGhee and seconded by Mr. Reynolds to accept the Town Manager's recommendation to adopt Ordinance 18-11-02 to amend Chapter 176, Water, of the Town of Middletown Code of Ordinances to handle the replacement of meters. Motion Carried Unanimously.

8-H. Motion to approve the Eastown Transportation Improvement District with the Delaware Department of Transportation (DelDOT).

Morris Deputy: This Agreement establishes the Traffic Improvement District for the Rt. 299 Corridor and create the area where recoupment fees will be collected from developers, similar to what was done for Westown. The upgrades are being funded by state and federal money.

Mayor Branner commented it includes the alternative routes for the Lake Street and Green Street extensions, in addition to the improvements for East Main Street.

Moved by Mr. Young and seconded by Mr. McGhee to approve the Eastown Transportation Improvement District with the Delaware Department of Transportation. Motion Carried Unanimously.

8-I. Ratify a professional services agreement with National Water Specialties Company for cross-connection control.

Morris Deputy: This is a five-year agreement with National Water Specialties Company to monitor and enforce back-flow prevention and cross-connection control for water contamination for commercial and industrial customers, as required by the State. National Water Specialties will handle all the paper work and testing for compliance with State regulations. The cost will be paid by the business.

Moved by Mr. McGhee and seconded by Mr. Stout to accept the recommendation from the Town Manager to ratify a professional services agreement with National Water Specialties Company for cross-connection control. Motion Carried Unanimously.

8-J. Ratify a professional services agreement with KCI Technologies for the redesign of the 301 Pump Station.

Morris Deputy: The Agreement is to redesign the 301 pump station, not to exceed \$113,070. The redesign will eliminate the 301 pump station, which is deteriorating and needs to be replaced. KCI will prepare the plans for bid.

Moved by Mr. McGhee and seconded by Mr. Reynolds to ratify a professional services agreement with KCI Technologies for the redesign of the 301 Pump Station. Motion Carried Unanimously.

8-K. Proposed assignment of Frog Hollow Golf Course Lease from Golf Network Management Group, LLC to PJK Golf Course, LLC.

Richard Forsten represented Golf Network Management Group, LLC, the current tenant on the ground lease for the Frog Hollow Golf Course.

Mr. Forsten stated Harry Jennings with Golf Network Management Group, is requesting Council's approval to assign the golf course lease from his entity to PJK Golf Course Lease, LLC, owned and run by Patrick Keith, the golf pro at the course.

Mr. Reynolds asked if the assignment included the restaurant lease.

Mr. Forsten said the restaurant and clubhouse are not on the ground owned by the Town; the intent is for that lease to be assigned to PJK LLC. If the golf course lease gets assigned, the lease for the restaurant/pub area is assigned automatically, pursuant to the terms of that agreement. The plan is to continue using the same group now running the restaurant.

A member from the audience questioned if assigning the lease was in the Town's best interest.

After a short discussion on the subject, Mayor Branner pointed out this is not the first time the lease has been assigned.

Moved by Mr. Stout and seconded by Mr. McGhee to transfer the proposed assignment of the Frog Hollow Golf Course Lease from Golf Network Management Group, LLC to PJK Golf Course, LLC. Motion Carried Unanimously.

8-L. Resolution to adopt a policy for the administration of §154-20 in the Code of the Town of Middletown.

Morris Deputy: A Lodging Tax Ordinance was adopted in August; this Resolution makes the effective date January 1, 2019 to implement that tax, and to start collecting payment in February 2019.

Roxane Ferguson asked if it included air B&B's (home owners renting out rooms in their house).

Mayor Branner said whatever is defined in Code 154-20 is being adopted.

Moved by Mr. Reynolds and seconded by Mr. Chas to accept the recommendation from the Town Manager to adopt a policy for the administration of §154-20 in the Code for the Town of Middletown. Motion Carried Unanimously.

9. Unfinished Business: None

10. New Business:

- Dimitris Rodgers, 302 Elizabeth St., said he received code violations for his truck leaking oil, and old car being restored that is not tagged. He said he can fix the truck but asked what he needs to do about the car. Mayor Branner said the he would check on the issue with the Inspection Department.
- Mr. Rodgers said a neighbor reported to the Town that he is cooking dinners at home and giving them to the public. He said he understands he might need a license, but wanted to know if he needs to do anything else to comply with the Town. After discussion, Council decided Mr. Rodgers was providing a service to the community.
- A resident asked if the Town had any plans to stream the Town meetings. Mayor Branner said there are no plans to do that. The agendas and minutes are posted on the web site.
- The next Mayor and Council meeting will be held January 7, 2019.

Moved by Mr. Reynolds and seconded by Mr. Chas to go into Executive Session to discuss personnel and legal matters. 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 session in the Council Chambers. Motion Carried Unanimously.

A. Discussion of the content of documents, excluded from the definition of "public record" in §10002(1)(2), where such discussion may disclose the contents of such documents, pursuant to 29 Del. Code §10004(b)(6), and strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation, but only when an open meeting would have an adverse effect on the bargaining or litigation position of the public body, pursuant to 29 Del. Code §10004(b)(4).

Moved by Mr. Stout and seconded by Mr. Young to increase efforts to educate customers concerning single-stream recycling in cooperation with Trash Tech. Motion Carried Unanimously.

B. Personnel matters in which the names, competency and abilities of individual employees or students are discussed, unless the employee or student requests that such a meeting be open, pursuant to 29 Del. Code §10004(b)(9).

Moved by Mr. Stout and seconded by Mr. Young to approve the personnel recommendations from Councilman Reynolds for employees in the Municipal Services Department. Motion Carried Unanimously.

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

The meeting adjourned at 10:22 p.m.