

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 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 for September 12, 2016 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 Daniel Yeager

The MPD responded to 860 calls for service for the month of September.

- 3 heroin arrests: N. Broad Street; N. Broad Street; Cole Blvd.
- 4 Burglaries: N. Ramunno Drive; Putter's Paradise; Wilmore Drive; Spring Arbor Construction Site.
- Assault 2nd: Summit Bridge Road
- Assault 1st: New Street
- Theft from construction site on Bunker Hill Road.
- Robbery 1st: 14 E. Main Street
- Aggravated menacing: Middletown-Warwick Road
- Heroin overdose: Narcan administered
- Traffic Summons 162; Criminal Arrests 56; Warnings 39; Reports Written 334; Field Service Crime Prevention Checks 23.

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

7. Public Hearings

7-A. 122 Sandhill Drive, Suite 102 – Conditional Use Permit Request for a daycare center (Brilliant Little Minds Learning Academy) to locate in an M-I zoned area. CU-09-16. Tax Parcel No. 23-021.00-114.

Dominic Baliscio, attorney for the applicant, presented the following:

- Planning and Zoning recommended approval.
- Seventy-five children are expected to use the day care.
- The applicant currently operates a full-time day care at 102 Sandhill Drive.
- Play area in the back of the building will be fenced.

- Children will be transported by bus.
- Hours will be 6:15 to 8:15 a.m., and 3:45 to 6 p.m.; children will be dropped-off in front of the building where a greeter will meet them.

Mr. Reynolds commented that it appears the playground area is located in the vehicle access area behind the building.

Moved by Mr. Stout and seconded by Mr. Chas to approve CU-09-16 Conditional Use Permit for Brilliant Little Minds Learning Academy at 122 Sandhill Drive, Suite 102. Motion Carried Unanimously.

7-B. 50 Patriot Drive – Preliminary Major Land Development Plan for the expansion of the Johnson Controls building. Tax Parcel No. 23-042.00-008.

Christopher Duke, Becker Morgan Group, presented the proposed expansion plan for Johnson Controls.

- A 68,000 square-foot expansion is proposed to the existing 420,000 square-foot distribution center located at 50 Patriot Drive in the Westown Business Park. The expansion is primarily for storage.
- The proposed expansion encompasses +/- 5 acres of land in the existing parking lot; the parking area will be relocated.
- Stormwater management was included in the original subdivision design.
- Traffic was accounted for in the Westown Transportation Traffic Study.
- Truck loading bays are proposed in the southeast corner.
- The site is located in the WRPA recharge area; roof run-off will be infiltrated by an underground stormwater infiltration system.
- Comments from KCI have been addressed.
- The plan was presented to State Planning; no major comments were received from any State agencies.
- Fire Marshal approval was received today.

Mayor Branner added that he and Morris Deputy attended the PLUS meeting and no adverse comments were received; PLUS totally supports the expansion project. Planning and Zoning also recommended unanimous approval.

Moved by Mr. Faulkner and seconded by Mr. Reynolds to grant approval for the Preliminary Major Land Development Plan for the expansion of Johnson Controls located at 50 Patriot Drive. Motion Carried Unanimously.

7-C. 103 Patriot Drive – Record Major Land Development Plan for Summerton Place, a three-story, mixed-use building, with retail on the first floor and apartments on the second and third floors (28 units). Parcel F in the Levels Road Business Park, zoned C-3. Tax Parcel No. 23-065.00-013.

Christopher Duke, Project Engineer with Becker Morgan Group, Architect Brian Hutchison, and owner Bob Stella were present.

- A three-story mixed-use building is proposed.
- Approximately 16,000 square-feet is proposed for retail on the first floor.
- 28 one- and two-bedroom apartments are proposed on the second and third floors.

- Access points from Levels Road and Patriot Drive will provide access to the site. The access points are currently being constructed as part of the Royal Farms project.
- The site slightly exceeds the amount of impervious coverage the stormwater management was originally designed to handle. The delta will be handled on-site before it discharges to the regional pond.
- The Westown TID included this parcel.
- KCI comments have been addressed to date; any additional comments will be addressed.
- Brian Hutchison, Architect, said approximately 10 retail suites will be located on the first floor.
- The back of the building (facing Levels Road), will be designed to present more of a store-front look due to the high visibility from Levels Road. The retail stores will be accessed from the parking lot.
- A mix of stone and brick veneer will be used for the exterior.
- The main entrance for the apartments is located in the center of the building, with stair towers located at each end.

Mr. Stout asked if each retail unit from front to back would be for one business. Mr. Hutchison said that is the thought.

Frank Bailey asked if any of the businesses would be accessed from the Levels Road side. Mr. Hutchison said they would not.

Moved by Mr. Stout and seconded by Mr. McGhee to grant approval for the Record Major Land Development Plan for Summerton Place, 103 Patriot Drive, a three-story, mixed-use building. Motion Carried Unanimously.

7-D. Westown Business Park, Lots 1B and 2 – Concept Plan for a 60,000 square-foot retail center on 8.6 +/- acres, in a C-3 zoned area. Tax Parcel Nos. 23-040.00-008 and 23-040.00-021.

Rick Woodin, engineer, represented Middletown Square LLC, Shane Malek.

- The project proposes 60,000 square-feet of retail space in 4 separate buildings on Lot 1-B and Lot 2 in the Westown Business Park, on 8.6 acres.
- The property is located on the southerly side of Rt. 301, between Merrimac Avenue and Levels Road, adjacent to the proposed Harley Davidson site.
- The infrastructure was previously approved as part of the overall project for Westown Business Park.
- Two access points will be located off Kohl Avenue in the rear of the property. Kohl Avenue will be built as part of this project. One access is proposed off Hedgelawn Way. No access points will be off Rt. 301.
- The project is proposed to go to Planning and Zoning in December.
- State Planning reviewed the project in August; their comments will be addressed.
- The Hedgelawn house will be demolished.

7-E. Westown Business Park, Parcels 13, 14, and 15 – Concept Plan for Project Eagle, located in an M-I zoned area. Tax Parcel Nos: 23-042.00-006; 23-040.00-018; 23-040.00-019.

Ron Sutton with CEA Engineering, introduced Frank Shoubben from Datwyler Sealing Solutions, Guy Colton from CRC Engineering and Rich O'Neil from Watchdog Program Managers.

- The project will be located between Johnson Controls and Amazon, on Lots 13, 14 and 15, comprising 15 acres.
- On-Site stormwater management is located adjacent to the site.
- The plan will be presented to State Planning later this month.
- Projected employment is 120 employees by 2018.

Frank Shoubben said the manufacturer is based in Switzerland and has locations in Europe, Asia, and North and South America. The company develops, designs and manufactures a wide range of specialized coatings, elastomer formulations and aluminum seals for drug products supplied to the health care and pharmaceutical market.

7-F. Motion to Approve an Ordinance to Amend the Town of Middletown Comprehensive Plan, including Map 7, Future Land Use and Annexation Areas.

Morris Deputy: The Ordinance adds the properties north of Spring Mill up to Marl Pit Road, to the Future Land Use Map for consideration, should annexation be requested. PLUS agreed to the amendment with no comments against it.

Moved by Mr. Faulkner and seconded by Mr. Chas to approve an Ordinance to Amend the Town of Middletown Comprehensive Plan, including Map 7, Future Land Use and Annexation Areas. Motion Carried Unanimously.

8. Unfinished Business: None

9. New Business:

- Rob Stout announced Councilman McGhee's birthday is tomorrow!
- Howard Young requested a moment of silence for Wilmington fire fighters Capt. Leech and Lt. Fickes who lost their lives fighting a fire 2 weeks ago.
- Gene Kirchner, St. Anne's: the wall around the pool complex is making progress; the rest of the targeted work has had limited progress. Mr. Kirchner asked for a status report for work to be completed by November 15th, and if St. Anne's Blvd. extension to Green Giant is part of that program.
Mayor Branner said the Town's expectation is that the work discussed with the builder/developer in September will be completed by November 15th; St. Anne's Blvd. extension was never part of that program. A construction entrance will be off Green Giant Road; St. Anne's Blvd. will be done back to the last phases as indicated in the spread sheet schedule.
- Resident reported the nature area on S. Broad Street is degenerating; the stairs and roadway are falling apart; debris is scattered over the area.
Mayor Branner said vandals destroyed the area, and it was rebuilt. Mr. Reynolds commented that an Eagle Scout did some renovations and clean-up as part of a scout project – after it was completed, it was destroyed again. Mayor Branner said the Town will take it into consideration for possible future renovation.
- Richard Forsten announced the Everett's Annual Fundraising Gala, a Masquerade Ball, including dinner and murder-mystery, will be held October 29th at 7 p.m. at the Back Creek Clubhouse. Tickets are \$75.
- Nick Manerchia, Middletown Main Street announced the following:
 - 🚩 October 27th is Trick-or-Treat on Main; participating merchants will be handing out candy.

- ✚ November 25th, 26th and 27th is Christmas weekend, featuring caroling on the Square and a performance by the high school band; cookies and hot chocolate will be available.
 - ✚ November 26th – Christmas Parade (10 a.m.) and Small Business Saturday.
 - ✚ November 27th – pictures with Santa Claus 12 noon to 4 p.m.
 - ✚ Voting for the Annual Lamp Post Decorating Contest will be held between November 21st thru December 21st.
- Russ Hibbert, St. Anne's, asked for an update on the paths around the pond, and if trees will be planted this fall.
Mr. Deputy said KCI is reviewing the plans and their comments should be received this week. They've indicated it will be fine once the outfall structure is adjusted. Paths are not usually designed with a lot of detail; however, there are codes to follow for ADA accessibility. Mayor Branner said trees are scheduled to be planted this fall; the ash trees will be removed.
 - Debra Sutton asked if Wreaths Across America will come through Town this year. Mayor Branner said probably not -- they only stay 2 or 3 years with one municipality and move on to keep up the interest.
 - Resident Tim Robbins asked if the town could do anything about the house destroyed by fire a year ago in St. Anne's. It has a fence around it but kids still go on the property to play. Mayor Branner said the bank owns the property. Our inspectors can inspect the property and follow-up with the bank. Mr. Robbins was asked to leave his contact information with Ms. Krenzer, if he would like an update on the Town's findings.
 - Frank Bailey, on behalf of daughter Sara and Mission Possible, thanked Mayor & Council for allowing the team to use Silver Lake Park for their Kickball Tournament; \$1300 was raised.
 - Per Frank Bailey, a fire truck will be available for Santa to ride on during the Christmas Parade.