

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. Faulkner and seconded by Mr. Chas to approve the Minutes for September 11, 2017 as prepared. Motion Carried Unanimously.

**4. Treasurer's Report:** Moved by Mr. Chas and seconded by Mr. McGhee 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 Mike Iglio**

- 9/12 Attempted burglary at US 301 Inspectors and Allen Meyers – N. Broad St.
- 9/25 Attempted burglary – residence, W. Lockwood St.
- 9/26 Burglary – Summit Bridge Rd. – construction trailer
- 9/5 Robbery – M&T Bank, E. Main St.; arrest made 9/6
- 9/20 Robbery and assault – LaCostina Market, E. Main St.
- 9/2 Suspicious vehicle complaint – Drug arrest
- 9/4 Royal Farms – DUI and drug arrest
- 9/7 Cleaver Farm Road – Assault 2<sup>nd</sup> on an officer; terroristic threatening and resisting arrest.
- 9/26 Valero, E. Main St. – DUI arrest
- 9/3 Fatal accident – Levels Road and Rt. 301 intersection
- Four additional indecent exposure/peeping incidents: Broadmeadow Nursing facility and residence on N. Broad Street. Video clips of suspect were presented. Contact MPD – 376-9950; Tip Line, or DE Crime Stoppers at 800-847-3333.
- 10/28/17 - Drug Take Back Program at MPD, 10 a.m. to 2 p.m.
- 119 traffic summonses issued; 53 criminal arrests; 23 warnings issued; 328 incident reports prepared; 52 field service reports prepared.

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

**7. Middletown Main Street Update: Daneya Jacobs**

- 10/13 Finale of Movie Under The Stars
- 10/21 Fall Festival from 12 to 3 p.m. in the Church on Main parking lot.
- 10/26 Trick or Treat on Main – 5:30 p.m. to 7:30 p.m.
- 11/11 Holiday Open House

- 11/24 Cochran Square tree lighting and caroling: 5:30 p.m.
- 11/25 Small Business Saturday
- 12/2 Christmas Parade
- 12/15 – 12/17 Walt Disney Christmas Extravaganza at the Everett
- The following committees are in need of members: Economic Vitality, Design, Promotions and Organization. Please contact Daneya for information.

## **8. Public Hearings**

### **8-A. 122 Sandhill Drive, Suite 201 – Conditional Use Permit request for an attorney’s office in an MI-zoned area. CU-12-17. Tax Parcel No. 23-021.00-114.**

Benjamin Bell requested Conditional Use to allow an attorney’s office to occupy Suite 201 at 122 Sandhill Drive, located in the manufacturing-industrial zoning district. The building currently has a conditional use for medical offices.

Planning and Zoning recommended approval.

*Moved by Mr. Stout and seconded by Mr. Chas to approve the Conditional Use Permit CU-12-17 at 122 Sandhill Drive. Motion Carried Unanimously.*

### **8-B. Lot 20/21, Levels Business Park – Concept Plan for a one-story, 12,000 +/- square-foot warehouse/office space on 1.21 +/- areas (Lot 20), and for a one-story, 11,000 +/- square-foot warehouse/office space on 1.08 acres (Lot 21; both parcels are in an M-I zoned area. A 30-foot wide common access easement is proposed between the two lots. Tax Parcel Nos. 23-042.00-022 and 23-042.00-023.**

Rick Woodin represented property owner Greenhill Hill 100, LLC. The property is located in the Levels Business Park behind the Greenhill Car Wash.

- Five individual rental spaces are proposed for each building.
- Each tenant will seek a Conditional Use Permit approval prior to occupying their unit.
- All utilities have been installed in Levels Business Park.
- Stormwater management has been constructed off-site.
- No off-site improvements are proposed with this project.
- Preliminary plans will be presented at a later date.

Mayor Branner pointed out this is concept plan only; preliminary plans will be presented at a future meeting should they decide to move forward.

### **8-C. Lot Q-2, Diamond State Boulevard and Tower Road – Record Major Land Development Plan for a 16, 200 +/- square-foot building to house a medical clinic and professional offices, in a C-3 zoned area. Tax Parcel No. 23-008.00-108.**

Tabled per engineer’s request.

### **8-D. Motion to adopt 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.**

Morris Deputy: The University of Delaware has recommended that apartments be removed from commercial zones as a “by right” use. They recommend apartments fall under “Conditional Use” review.

Mayor Branner: A Conditional Use Permit will be required for apartments in the commercial district.

Resident asked how it would affect current proposed development.

Mayor Branner: Any previously presented will fall under the old code.

***Moved by Mr. Stout and seconded by Mr. Faulkner to adopt Ordinance 17-09-01 to amend Sections 4G, 4H and 10A of the Zoning Code of the Town of Middletown, concerning apartments in commercial districts. Motion Carried Unanimously.***

**8-E. Motion to approve request for four handicap parking spaces on W. Cochran Street to service the Warriors for Warriors veteran facility at 104 S. Broad Street.**

Bill Conley asked to postpone the request for four parking spaces but wanted to discuss the issue of handicap parking and public transportation for tenants who need handicap parking. They expect to have families in by December and are asking the Town for guidance. He said they are talking with Mr. Crow, owner of the Nationwide Insurance business on the corner of Cochran and N. Broad about parking on Cochran Street.

Roy Crow said he just became aware of the parking request for four handicap spaces on Cochran Street next to his business. He said four spaces would take parking away from his business, and affect the residents in the area as well. He commented that the Board of Adjustment turned down two variance applications to install a parking lot behind his property.

A short discussion followed regarding the number of handicap parking spaces needed, where public transportation would park, as well as possible parking on Broad Street. Mr. Conley asked if the Town would require them to have designated handicap parking.

Mr. Conley was asked to submit a plan showing the number of parking spaces that might be feasible and where they want to put them. The building official will review the plan for code compliance. It was pointed out that the Town will do what they can, but cannot take parking from an existing business to accommodate a new business. Mr. Crow will be impacted and should be in agreement with any proposed solution.

Mayor Branner reminded Mr. Conley that the plan should be on November’s agenda for approval if they expect to have tenants in December.

Mr. Reynolds said the residents on Cochran Street should be informed of what is being proposed because it will affect them also.

**9. Unfinished Business:** None

**10. New Business:**

- Mr. Young requested a moment of silence for the victims from the mass shooting incident in Las Vegas, and the families in Puerto Rico affected by Hurricane Harvey.

- Mayor Branner announced the Town would advertise a Request for Proposals for the Sports Complex.
  - Submission deadline: October 30<sup>th</sup>
  - Presentation to Council: between November 1<sup>st</sup> and 3<sup>rd</sup>
  - Selection on November 6<sup>th</sup>
  - Actual award date will be contingent upon the Town receiving a Writ of Possession from the court.
- Roxane Ferguson, Chamber of Commerce, thanked Mayor Branner for being a guest speaker at the annual luncheon, and thanked Council, staff, and the MPD for ongoing support of their events.
- Ms. Ferguson announced the Annual Rotary Auction would be held October 4<sup>th</sup>, at the Fire Hall, from 6:59 to 9 p.m. Events include a live and silent auction and a 50/50; food will also be available. The auction benefits the community and the Can-Do Playground.
- Frank Bailey, on behalf of Team Mission Possible, thanked Mayor and Council for the use of the ball fields for the Fourth Annual Kick Ball Tournament.
- Gene Kirchner asked for an update on the Data Center.  
Mayor Branner said three groups are interested in the center and the Town is working with the Governor on the project. Everything is still moving forward; waiting for the air permit and looking for candidates for the Tech Center.

**11. Executive Session:**

A. Personnel matters, in which the names, competency and abilities of individual employees are discussed, pursuant to 29 Del. Code §10004(b)(9).

Executive Session was cancelled.

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

