

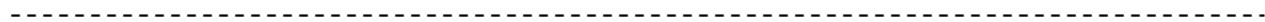
The unofficial results of the March 5, 2018 election were announced by Kristen Krenzer.

<u>Position</u>	<u>Candidate</u>	<u>No. of Votes</u>
<b>Councilmen:</b>	James Carns	89
	Gregory Crawford	141
	<b>Robert McGhee</b>	<b>431</b>
	James Meyers	162
	<b>James L. Reynolds</b>	<b>432</b>
	<b>Robert E. Stout</b>	<b>391</b>

**Total Number of Voters: 615 (includes 6 absentee ballots)**

The official results will be announced Monday, March 12, 2018, at which time the winners of the March 5<sup>th</sup> election will be sworn-in.

*Moved by Mr. Faulkner and seconded by Mr. Chas to recess and continue the regular business meeting on March 12, 2018. Motion Carried Unanimously.*



Mayor Branner announced the certified results of the March 5, 2018 Election:

R. James Carns	89
Gregory Crawford	141
James Meyers	162
<b>Robert Stout</b>	<b>391</b>
<b>Robert McGhee</b>	<b>431</b>
<b>James Reynolds</b>	<b>432</b>

**1. Swearing-In of Council Members**

Mayor Branner officiated the swearing-in of Councilmen James L. Reynolds, Robert McGhee and Robert E. Stout.

**2. Call to Order**

Mayor Kenneth Branner called the regular meeting to order 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 Scott Chambers were also present.

**3. Pledge of Allegiance**

**4. Minutes Approval:** Moved by Mr. Reynolds and seconded by Mr. Faulkner to approve the Minutes of February 5, 2018 as presented. Motion Carried Unanimously.

**5. Treasurer's Report:** Moved by Mr. Chas and seconded by Mr. McGhee to approve the Treasurer's Report as presented. Motion Carried Unanimously.

**6. 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.

**7. Police Report: Capt. William Texter**

The MPD responded to 770 calls for service for the month of February.

- February 18 – New Street – shooting/suspect apprehended and charged
- February 7 – Bolt Tech, Sleepy Hollow Drive – burglary/on-going investigation
- February 12 – Porky Oliver Drive – burglary/on-going investigation
- February 4 – Amazon – theft
- February 14 – E. Lockwood Street – shots fired
- February 14 – W. Reybold Drive – overdose victim/transferred to Christiana
- 126 tickets issued; 47 warnings; 51 arrests; 302 incident reports; 41 field service reports.

Moved by Mr. Young and seconded by Mr. Stout to accept Capt. Texter's Police Report. Motion Carried Unanimously.

**8. Public Hearings**

**8-A. Public Assembly Request for Movies Under the Stars at Silver Lake Park on June 22, July 27, August 24, September 14 and October 12.**

Kevin Castora from Jump On Over, requested approval to hold Movies Under the Stars again this year at Silver Lake Park on the fourth Saturday in June, July and August, and the second Saturday in September and October. Rain dates will be the following Saturday, depending on the field schedule. The Town will assist with the events, parking, trash removal, lights, etc.

*Moved by Mr. Chas and seconded by Mr. Stout to approve the Public Assembly Request for Movies Under the Stars at Silver Lake Park as requested. Motion Carried Unanimously.*

**8-B. 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.**

Elnor Hernandez with i3a Engineers, presented the plan proposing a two-story medical office building with professional offices on the second floor and a clinic on the first floor. The plan was presented last July and has since had a design change. The northerly entrance initially was proposed go jog and exit a little to the east; however, after meeting with the adjacent owner and the Town, it was recommended to straddle the entrance between the two parcels.

Mayor Branner commented that several items were agreed to, in addition to delivery trucks using Tower Lane.

Mr. Hernandez agreed and stated the following items are noted on the plan:

- The northerly entrance will be used only by auto traffic.
- All truck traffic will use Tower Lane.
- Trees for a landscape buffer will be provided by the developer of Lot Q-2.

- The storm sewer line on the south side of the parcel that extends onto the adjoining parcel (Q-1) will be constructed and available for any future development.

***Moved by Mr. Faulkner and seconded by Mr. Chas to approve Lot Q-2, Diamond State Boulevard and Tower Lane, Record Major Land Development Plan for a 19,200+/- square-foot building to house a medical clinic and professional offices, in a C-3 zoned area. Motion Carried Unanimously.***

**8-C. Lot 1-A – Westown Business Park – Preliminary Major Land Development Plan for a Harley-Davidson Motorcycle Sales and Service Center totaling 53,000 square-feet on 5.05+/- acres, and associated utilities and site improvements, in a C-3 zoned area. Tax Parcel No. 23-040.00-002.**

Rick Woodin, with Woodin and Associates Engineers, represented the legal owner, Rommel Holdings LLC. Preliminary Plan approval is requested for a 52,000 square-foot Harley-Davidson facility.

- The property is located at the corner of Rt. 301 and Merrimac Avenue; opposite Texas Road House.
- The entrance is proposed off Kohl Avenue – DelDOT did not want another entrance off Rt. 301 or Merrimac Avenue.
- An existing stormwater management pond designed to handle the site is located about 800 feet west of the property at Hedgelawn Way and Rt. 301.
- Some infiltration will be constructed to handle roof-top runoff.
- As a participant in the Westown Transportation Investment District the project will pay a fee to DelDOT for local road improvements within the Westown Master Plan area.
- The facility will employ approximately 40 employees.
- The motorcycles will be serviced inside the building.

***Moved by Mr. Stout and seconded by Mr. McGhee to approve the Preliminary Major Land Development Plan for Lot 1-A, Westown Business Park for a Harley-Davidson motorcycle sales and service center totaling 53,000 square-feet. Motion Carried Unanimously.***

**8-D. Middletown Auto Park Lot A – Preliminary Subdivision and Major Land Development 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, a 650 square-foot screened porch and brewery. Tax Parcel No. 23-040.00-005.**

Ring Lardner with Davis Bowen and Friedel and Mitch Rosenfeld with Crooked Hammock presented the plan.

- Proposed is an 8,000+/- square-foot brewery/restaurant, including outside amenities.
- Lot A in the Middletown Auto Mall will be subdivided into two lots.
- The Crooked Hammock will be located on Lot A-1, 2.635 acres. Lot A-1 will front on Auto Park and Vintage Drive.
- Lot A-2 will consist of 1.95 acres – no development is proposed at this time.
- The stormwater pond located to the north of the lot was designed to handle this site; roof-top drainage will be handled by infiltration.
- One parking space per three seats will be provided.
- Utilities will be provided by the Town.

- Truck traffic from the north will access the site from Merrimac Avenue to Classic Drive and Vintage Drive in to the facility. Truck traffic from the south will use Vintage Drive in to the facility.
- Employees: 100 to 125 are proposed.
- The restaurant will be open seven days a week from 11 a.m. until one or two a.m.
- The back yard area will be fenced and have hammocks, bocce ball courts and play areas.
- Duffield's comments will be addressed.

Mayor Branner noted that Planning and Zoning unanimously recommended approval of the plan.

***Moved by Mr. Faulkner and seconded by Mr. Reynolds to approve the Preliminary Major Land Development Plan for the Crooked Hammock Brewery, Lot A in the Middletown Auto Park. Motion Carried Unanimously.***

**8-E. Westown Business Park – Lots 6 through 12 – Revised Preliminary Major Land Development Plan for three-story apartment buildings totaling 264/- units, clubhouse, open space areas, associated utilities and site improvements, on a 20+/- acre parcel, located between Merrimac Avenue and Hedgelawn Way and Kohl Avenue and Patriot Drive, in a C-3-zoned area. Tax Parcel Nos. 23-040.00-010 through 23-040.00-016.**

Mayor Branner explained that a similar plan was before Mayor and Council November 6, 2017 and legal action was filed when Council declined approval of the plan. The parties met to discuss Council's concerns and the owner has agreed to make most of the changes proposed by Council. The current plan incorporates the changes and is otherwise in conformance with the Town's subdivision code. The owner of the property would like to provide more detail regarding the changes and answer any of Council's questions.

Rick Woodin, civil engineer for the project, represented Exchange Cap Development, LLC., the equitable owner of the property known as Lots 6 through 12 Westown Business Park.

- The property contains 20 acres located on the west side of Town.
- The property is bounded by Kohl Avenue, Hedgelawn Way, Patriot Drive and Merrimac Avenue South.
- Hedgelawn Plaza, a 50,000 square-foot retail area is proposed north of the property; the Amazon distribution center and undeveloped Cochran Farm are located to the east; Datwyler and Johnson Controls are located south of the property; a storage facility is located to the west.
- Town utilities are located around the property.
- The Preliminary Plan presented November 6, 2017, proposed 264 apartments, a use by right in the C-3 zoning district.
- The plan has been modified to address comments from Council.
- 264 apartment units are still proposed (24 units less than the original concept plan).
- A second access point has been provided that connects Kohl Avenue to Patriot Drive. The street can be dedicated to the Town or retained as a private street.
- Market rate, upscale units are proposed (an elevation was shown).
- Architectural enhancements have been added to the rear of the buildings to present a more aesthetically pleasing view from Merrimac Avenue, as the Town requested.
- The units have been shifted back approximately 60' from Merrimac Avenue to allow for additional landscaping – zoning requires 20'. A 68' landscaped berm will be constructed at the intersections of Kohl Avenue and Merrimac, and Patriot Drive and Merrimac, the entrances to the project. The landscape plan will be part of the Record Plan.

- Only two buildings back up to Merrimac Avenue.
- All parking is internal.
- To accommodate emergency vehicle access, the connector road will be 34 feet wide vs. the standard 24 feet; each road to the connector road will be 30 feet.
- The end islands at the parking bays were made larger to increase the turning radius to accommodate larger fire trucks.
- The school district will be contacted for a possible internal pickup location for school children so they don't have to walk off-site.
- One building backing up to Patriot Drive (opposite Johnson Controls) will be set back 100 feet; additional berming will be provided.
- The entire project now exceeds 50% open space; a typical apartment complex has 65 to 70% open area.
- A 3,200+/- square-foot clubhouse will be constructed for the residents.

In conclusion, Mr. Woodin pointed out the following:

- The parcel is zoned C-3; the project is a permitted use by right.
- Adequate utility capacity is available.
- Multiple means of access are provided.
- The State Housing Authority supports the project.
- Market studies show there is a demand for this type of project.
- A minimum of 50% open space is proposed.
- The project is part of the Westown Transportation Investment District and will pay transportation recoupment fees.
- Daily traffic generated is less from apartment projects than from commercial projects.

Gene Kirchner asked if any berms had been included on the previous plan.

Mr. Woodin said no, at that time a landscape plan had not been presented. The Town has a required landscaping standard, but to address the Town's concerns, the plan exceeds the landscaping standard.

Mayor Branner said Council requested the height of the berm be increased and additional landscaping planted on top to act as a barrier, and to make the back of the units similar to the front. Most of the items Rick pointed out were requested by Council.

***Moved by Mr. Stout and seconded by Mr. McGhee to approve the Revised Preliminary Major Land Development Plan for Westown Business Park Lots 6 thru 12, for three-story apartment buildings totaling 264 units, clubhouse, open space areas, associated utilities and site improvements. Motion Carried Unanimously.***

***Mayor Branner requested a verbal vote from Council:***

***Robert Stout: Yes***

***Robert McGhee: Yes***

***Jim Reynolds: Yes***

***Jason Faulkner: Yes***

***Drew Chas: Yes***

***Howard Young: Yes***

***Motion Carried Unanimously.***

**8-F. Motion to Adopt a Resolution for regulatory accounting pertaining to a construction agreement with DEMEC.**

Morris Deputy: The Resolution adopts GASB 62 accounting standard as recommended by DEMEC's auditors and agreed to by the Town's auditors because we will be paying for an asset until the loan is done with DEMEC; the Town won't show an asset until it's done even though the Town has been paying for it.

Patti McCune asked if it was for the entire project from the Townsend Substation to the Middletown Substation.

Mayor Branner said it covers the entire project.

***Moved by Mr. Faulkner and seconded by Mr. Chas to Adopt a Resolution for regulatory accounting pertaining to a construction agreement with DEMEC as recommended by the Town Manager and DEMEC. Motion Carried Unanimously.***

**8-G. Motion to Adopt Ordinance 18-02-01 to rezone Tax Parcels 23-065.00-007 and 23-065.00-008 (700 and 710 Hedgelawn Way) from the existing land use designation of M-I to C-3.**

Rick Woodin said the request was presented before PLUS and the Planning and Zoning Committee; both Committees approved the request. No specific use is proposed at this time.

***Moved by Mr. Faulkner and seconded by Mr. Chas to adopt Ordinance 18-02-01 to rezone Tax Parcels 23.065.00-007 and 23-065.00-008 from M-I to C-3. Motion Carried Unanimously.***

**8-H. Motion to Adopt Ordinance 18-02-02 to Amend Sections 1 and 6 of the Town of Middletown Subdivision Regulations, regarding plan review fees and development definitions.**

Morris Deputy: This Ordinance updates the Town's review fees to be more in line with the County and other municipalities.

***Moved by Mr. Stout and seconded by Mr. Reynolds to adopt Ordinance 18-02-02 to Amend Sections 1 and 6 of the Town of Middletown Subdivision Regulations, regarding plan review fees and development definitions. Motion Carried Unanimously.***

**8-I. Motion to Ratify a contract for mowing services during the 2018 season.**

Morris Deputy: Four bids were received for mowing services for open space in Millbranch, Willow Grove Mill, St. Anne's and three sewer lagoons. The recommendation is to award the bid to the low bidder, Bailey's Lawn and Landscape for \$70,981.82.

***Moved by Mr. Faulkner and seconded by Mr. Chas to accept the Town Manager's recommendation to award the contract to Bailey's Lawn and Landscape for mowing services during the 2018 season for \$70,981.82. Motion Carried Unanimously.***

**9. Unfinished Business: None**

**10. New Business:**

- Mr. Reynolds thanked all the residents who came out to vote in the last election.

- Mr. Young reminded everyone to set their clocks an hour ahead and to check their smoke detector batteries. The local fire company can provide free batteries.
- Mr. Young congratulated Councilmen Reynolds, McGhee and Stout on winning the election.
- Mayor Branner said a Reverse 911 call went out about 6:15 to alert residents that a total electric shutdown will happen on Thursday, March 15 from 2 a.m. until approximately 6 a.m. Delmarva Power is cutting off the 138 kV to review the relays along the line. Additional police and Town employees will be patrolling the Town. Another Reverse 911 will be placed tomorrow; a notice will also be posted on the Town's web site.
- Patti McCune said the Charter calls for the appointment of a Secretary at the first meeting in March and asked if the Town does this. Mayor Branner said since there were no changes to Council, all previous appointments remain the same and carry over from year to year: Jim Reynolds is Vice Mayor and Robert McGhee is Secretary.

***Moved by Mr. Reynolds and seconded by Mr. Faulkner to go into Executive Session to discuss personnel matters including the competency and ability of employees, pursuant to 29 Del. Code §10004(b)(9). Motion Carried Unanimously.***

#### **11. Executive Session:**

- A. Discuss personnel matters in which the names, competency and ability of individual employees or students 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 regularly scheduled meeting in the Council Chambers. Motion Carried Unanimously.***

***1. Moved by Mr. Stout and seconded by Mr. Young to deny the grievance presented by a police officer. Motion Carried Unanimously.***

***2. Moved by Mr. Stout and seconded by Mr. Young to approve the recommendation of Captain Texter to add two additional Lieutenants to the organizational chart. Motion Carried Unanimously.***

***3. Moved by Mr. Stout and seconded by Mr. Young to accept the employee discipline recommendation from Mayor Branner. Motion Carried Unanimously.***

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

The meeting adjourned at 9:53 p.m.