

The regular meeting of Mayor and Council was held on the above date with Council Members Jim Reynolds, Jason Faulkner, Robert McGhee, Rob Stout, Drew Chas 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. McGhee and seconded by Mr. Stout to approve the Minutes of January 7, 2019 as prepared. Motion Carried Unanimously.

4. Treasurer's Report: Moved by Mr. Reynolds and seconded by Mr. Chas 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: Capt. William Texter

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

- 1/7/19 – Keystone Finance – burglary
- 1/12/19 – Lakeside Drive – residential burglary
- 1/24/19 – Two thefts from vehicles - Willow Grove Mill Road – vehicles were unsecured.
- Capt. Texter reminded everyone to lock their vehicles and keep valuables out of sight.
- 1/1/19 – Tartan Court – weapons offense
- 1/28/19 – Alder Drive – domestic involving weapons offense; suspect arrested.

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

7. Middletown Main Street Update: Daneya Jacobs

- The 2019 monthly events calendar is available.
- The second annual Sips & Sweets event was held; 600 people registered for the event.
- The next event is the Downtown Selfie Scavenger Hunt February 16th – approximately 12 merchants are participating; each business will offer a raffle prize.
- All Main Street events are posted on the website.

8. Public Hearings:**8-A. Public Presentation of the Downtown Development District Plan for the Town of Middletown.**

Debbie Pfeil and Lauren Good from KCI Technologies presented the plan. On the Town's behalf, KCI Technologies applied for a Neighborhood Building Blocks Fund Grant in 2017 to develop a Downtown Development District Plan. The Town received a grant in the amount of \$49,995 and hired KCI as their planning consultant to prepare a District Plan. The plan identifies downtown areas needing revitalization and then developing a district plan and incentives to support revitalization of the area. The number of districts is currently limited to 15, and with the plan in place, the Town is in a position to

prepare an application to submit for designation. Ms. Pfeil indicated they started on the application last week.

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.

Steve Kochel requested approval to park a food truck at Camp Hatchet to provide food for the patrons. The Conditional Use Permit was presented in December and tabled until the Fire Marshal's approval was received. The Fire Marshal's email approving the parking location has been received and is attached with this permit.

Planning and Zoning recommended approval, with the Fire Chief's conditions that the truck cannot block the rear exit door and it cannot be parked anywhere in the fire lane.

Mr. Reynolds asked if the food truck would be selling food only when Camp Hatchet was open. Mr. Kochel said they would adhere to Camp Hatchet's hours.

Mayor Branner commented that if they decide to sell food to other customers, the food truck will require additional approval from Mayor and Council.

Mr. Kochel said at this time their service is only for Camp Hatchet's customers.

Moved by Mr. Stout and seconded by Mr. Chas to approve 112 Patriot Drive Conditional Use Permit CU-24-18 for Rebel Cove food truck to park and sell prepared foods for Camp Hatchet patrons only. Motion Carried Unanimously.

8-C. 108 Patriot Drive, Suite E – Conditional Use Permit request for Miller Heating & Cooling, Inc. to operate an HVAC company with storage space in an M-I zoned area. CU-01-19. Tax Parcel 23-041.00-005.

Danielle Banks with Miller Heating & Cooling requested approval to relocate the business to Patriot Drive, in the M-I zoning district. The business is currently located on Wood St.; additional office and storage space is needed.

Planning and Zoning recommended approval.

Moved by Mr. Faulkner and seconded by Mr. Young to approve 108 Patriot Drive, Suite E, Conditional Use Permit CU-01-19 for Miller Heating & Cooling, Inc. Motion Carried Unanimously.

8-D. 60 W. Main Street – Conditional Use Permit request for a 22-room boutique hotel in a C-2 zoned area. CU-02-19. Tax Parcel No. 23-008.00-021.

Items 8-D and 8-E were presented together.

8-E. 60 W. Main Street – Preliminary Major Land Development Plan for a 22-room boutique hotel in a C-2 zoned area, including a parking option plan at 218 W. Main Street. Tax Parcel Nos. 23-008.00-021 and 23-008.00-011.

Adam Cofield with Broad Street Leasing, Grant Gregor with Merestone Consultants and Doug Warner from Element Design presented the plan for a 22-room boutique hotel featuring:

- a kitchen to provide continental breakfast
- outdoor patio space

- carport
- handicap parking will be on-site; off-site parking will be located at 218 W. Main Street and Scott Street.
- The hotel will promote other local establishments with literature and packages such as tickets, gift cards, etc.
- The over-all historic design and aesthetics of the building will be maintained.
- The building will be upgraded to comply with building codes, including ADA and fire.
- Full sprinkler system will be installed.
- Elevator
- The roof will be raised to accommodate 8' ceilings.

Jason Faulkner commented the project looks over-crowded and asked how parking will be handled.

Mr. Cofield said handicap parking is on the premises. Valet parking, as part of a package for the room rate is included. The valet parking lot will be located at 218 W. Main Street, about 500 feet from the building.

Mayor Branner asked how many parking spaces are proposed at 218 W. Main and if it meets code.

Grant Gregor said 14 spaces are shown for valet parking. The previous record plan for 218 W. Main was granted 6 spaces on the fire company's property. Parking spaces are also on Scott Street that will be used by employees. The requirement is 22 spaces to accommodate the hotel rooms and 4 spaces for 10 employees – a total of 28 spaces are provided.

Mayor Branner asked if the fire company has agreed to give them 6 spaces.

Mr. Gregor said they have not contacted the fire company yet.

Mr. Faulkner said the 6 spaces offered by the fire company were for a plan proposing to develop 218 W. Main with retail and apartments. This plan is proposing only a parking lot.

Mr. Reynolds commented the Dr's. office proposed at 216 W. Main wanted to use part of the fire company's lot, but that request wasn't approved.

Mayor Branner asked how the valet would access the parking lot after guests drop off their luggage.

Mr. Gregor said they would probably use the alley behind the house.

It was pointed out that the alley is private and gated, and neither the Town nor the fire company is responsible for the maintenance of the alley.

Mr. Cofield said the original intent was to use the alley, but they could use Main Street; there is a driveway to the property.

Mr. Reynolds said he likes the concept of a bed and breakfast or hotel but the parking situation is terrible.

Council suggested the plan be tabled until a better parking plan can be presented that addresses the on-site parking, valet parking access, and the fire company's parking lot.

Mr. Cofield asked for the plan to be tabled.

Moved by Mr. Reynolds and seconded by Mr. Stout to rescind the previous motion and table the 60 West Main Street plan for a future date. Motion Carried Unanimously.

Moved by Mr. Stout and seconded by Mr. Reynolds to approve Conditional Use Permit CU-02-19 request for a 22-room boutique hotel and the Preliminary Major Land Development Plan for 60 West Main Street. (Motion rescinded.)

8-F. 116 E. Main Street – Minor Land Development Plan for Bethesda United Methodist Church. Plan proposes a 3,050 square-foot addition to the existing church for expansion of the daycare. Tax Parcel No. 23-009.00-018.

Roger Brickley represented Bethesda Church. The plan proposes a 3,050 square-foot addition to the church to expand the day care service.

- The addition will provide space for the day care to accept infants.
- The property line between the two parcels will be eliminated.
- An alternative accessibility plan was approved by the Fire Marshal provided:
 - a standpipe is installed in the middle of the building; and
 - some angled parking will be removed near the back of the building to accommodate a dedicated fire lane that will extend from Green Street to the back of the building.
- Duffield’s comments have been addressed.
- The addition will extend into the existing play area.
- The play area will be expanded toward Main Street, about 25 feet from the sidewalk. An additional playground will be installed to the rear of the addition.
- Stormwater will be managed with an underground infiltration system.

Moved by Mr. Reynolds and seconded by Mr. McGhee to grant approval to the Minor Land Development Plan as presented for Bethesda United Methodist Church, 116 E. Main Street. Motion Carried Unanimously.

8-G. 200 E. Cochran Street – Preliminary Major Land Development Plan and Minor Subdivision Plan for Silver Lake Elementary School. The plan is for the school site to be subdivided into two parcels. One parcel will be 11.81+/- acres for the elementary school site. The second parcel will be 28.19+/- acres and will be conveyed to the Town of Middletown. Tax Parcel No. 23-009.00-162.

Steve Gorski from Duffield Associates and Bob Hershey with the Appoquinimink School District presented the plan.

- The project proposes a +/-25,000 square-foot addition to the existing school.
- Classrooms will be placed toward the rear; a gym on the west wing; administrative offices and lobby toward the front.
- A parent pick-up and drop-off loop road will be located off the existing satellite parking lot.
- Stormwater will be managed on-site with a bio-retention facility near Cochran Street.
- The Fire Marshal has given preliminary concurrence for the fire lane addition on the west side of the existing school. It will start from the current loop and end near the concession stand on the southwest corner of the school building. The twelve-foot wide drive will be increased to 24 feet to comply with the fire code.
- A standpipe will be added in the building.
- Approximately 15 additional parking spaces will be added to the satellite parking.

Jason Faulkner asked how the Town would access the park if the existing road becomes part of the school’s property. Will the Town need a cross-access agreement to use the road?

Bob Hershey said the Fire Marshal is requiring the road to be widened for a fire lane and extended to the back of the building to the playground area -- the gate will be removed. Anyone can use the road to access the park. An access agreement can be provided if necessary.

Mayor Branner explained the Town currently leases Silver Lake Park. The property will be subdivided and approximately 28 acres will be deeded to the Town; in exchange, the Town will convey property on Brick Mill Road to the school for a kindergarten and early childhood center.

The library and Promenade development will deed property to the Town for the construction a new street that will tie into the road on the other side of the tennis courts.

A resident asked if the row of trees by the softball field will remain. Mr. Gorski said some of the trees will be cut out and replaced.

A resident questioned the size of the playground area. Mr. Gorski said a new 12,000 square-foot playground will be located behind the gymnasium, near the concession stand.

Moved by Mr. McGhee and seconded by Mr. Young to grant approval for the Preliminary Major Land Development Plan and Minor Subdivision Plan for Silver Lake Elementary School at 200 E. Cochran Street. Motion Carried Unanimously.

8-H. Motion to Ratify a Memorandum of Understanding with the New Castle County Conservation District for Shallcross Place.

Senator Stephanie Hanson said she was contacted by a resident on Shallcross Place regarding flooding and other issues with the street. As a result of meetings with other officials over the past year, the New Castle County Conservation District will construct a paved driveway within the right-of-way of Shallcross Place. The Town will not be responsible for any costs for the improvements or maintenance and repair of the driveway. The cost of the project is \$74,000.

Mr. Reynolds asked if all the residents have agreed to the construction. Senator Hanson said the project will not move forward until all of the letters of consent have been received from the property owners.

Moved by Mr. Reynolds and seconded by Mr. McGhee to Ratify a Memorandum of Understanding with the New Castle County Conservation District for Shallcross Place as presented. Motion Carried Unanimously.

8-I. Motion to Ratify a Memorandum of Understanding with the YMCA of Delaware for a long-term lease agreement.

Tabled per their request.

8-J. Motion to extend the current lease agreement with Southgate Materials, LLC, for the property located at 479 Haveg Road. Tax Parcel No. 23-008.00-097.

Morris Deputy said Southgate Materials has requested a three to six-month extension of their lease, which expires at the end of the month. They are nearing completion on the construction of a portion of US 301 and would like a month-to-month lease until their portion of the job is completed.

Moved by Mr. Faulkner and seconded by Mr. Chas to extend the current lease agreement with Southgate Materials, LLC, for the property located at 479 Haveg Road. Motion Carried Unanimously 5 to 0. Mr. Reynolds abstained.

8-K. Ratify an agreement with the Delaware Department of Transportation for the Cedar Lane Road & Marl Pit Road Intersection Improvements. (Contract No. T201612001).

Morris Deputy said DelDOT will be installing a round-about at the intersection of Marl Pit and Cedar Lane Roads. Some of the work will be in the Town's right-of-way and this agreement gives them the Town's approval to do the work. The Town will maintain the improvements within the right-of-way.

Moved by Mr. Faulkner and seconded by Mr. Chas to ratify the agreement with the Department of Transportation for the Cedar Lane and Marl Pit Road intersection improvements. Motion Carried Unanimously.

8-L. Introduce Ordinance 19-02-01 to amend Chapter 176 Water, of the Town of Middletown Code of Ordinances, concerning the design and selection of meters and associated appurtenances.

The Ordinance was tabled.

9. Unfinished Business: None

10. New Business:

- A resident from Janvier Court asked why only Atlantic Broadband is allowed to provide cable.
Mayor Branner said when the development was constructed, the owner signed an agreement with Atlantic Broadband, who was the only carrier at the time. In order to break that agreement, Atlantic Broadband would have to say they no longer want to serve the area.
- A resident from Middletown Village expressed concern with vehicles parked in the over-flow parking for long periods of time. She said some cars are tagged, some aren't.
Mayor Branner said the property has not been transferred to the Town yet and is still private property. If the tags are valid, vehicles can park there; however, vehicles with expired tags can usually be towed. The Town will pursue getting the property conveyed so the parking Ordinances can be enforced.

Moved by Mr. Reynolds and seconded by Mr. Chas to go into Executive Session to discuss personnel matters. Motion Carried Unanimously.

11. Executive Session

Moved by Mr. Reynolds and seconded by Mr. McGhee to exit the Executive Session and return to the regular session in the Council Chambers. Motion Carried Unanimously

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. Reynolds and seconded Mr. Stout to approve the recommendation of Councilman McGhee for an employee salary increase in the Water/Wastewater Department. Motion Carried Unanimously.

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

The meeting adjourned at 9:35 p.m.