

The regular meeting of Mayor and Council was held on the above date with Council members Jim Reynolds, Robert McGhee, Rob Stout, Drew Chas, Aaron Blythe and Jim Royston in attendance, with Mayor Kenneth Branner presiding. 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. Stout to approve the Minutes for March 11, 2018 as prepared. Motion Carried Unanimously.

4. Treasurer's Report: Moved by Mr. Chas and seconded by Mr. Stout 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 Rob Kracyla

March 2019 Significant Events:

Burglaries:

- March 12 & 13 – 2 construction site burglaries at the Estates at St. Anne's.
- March 26 – W. Main Street apartment.

Drug Offenses:

- March 12 – Market Place S.C. - Traffic violation – suspect charged with drug possession.
- March 15 – E. Main St. - Traffic violation – suspect charged with DUI and drug possession.
- March 20 – E. Cole Blvd. – Drug search; juvenile charged and released.

Thefts from Vehicles:

- Eight thefts from vehicles are under investigation that occurred in the Legends, St. Anne's, Middletown Village and Parkway at South Ridge.
The Chief reminded everyone to secure their vehicles and not leave valuables in sight.

DUI Arrests:

- March 17 – N. Broad St. – Suspect charged with 3rd offense.
- March 27 – N. Broad St. – Suspect charged with 4th offense.

Overdoses:

- Three reported overdoses in March; two by the same individual. Subjects revived by Narcan and transported to hospital.

2019 to 2018 Year-to-Date comparisons:

Traffic Summonses: 221 vs 207; criminal arrests: 54 vs 51; warnings 85 to 54; reports written: 307 vs 283; field service reports: 163 vs 40; foot patrol: 112 vs 15.

Additional stats were presented on traffic accidents.

MPD's Facebook page has 4,600 followers as of yesterday.

Moved by Mr. Royston and seconded by Mr. McGhee to approve the Police Report as presented by Chief Kracyla. Motion Carried Unanimously.

7. Middletown Main Street Update – Daneya Jacobs

- April 27th – “Hello Spring” Sidewalk Sale 10 a.m. to 4 p.m.
- A Merchants’ Summit was held two weeks ago; a quarterly meeting will be scheduled.
- Middletown Main Street proposes to install “Way Finders” signs and a few more permanent seating areas along Main Street, to be purchased with funds from the Crystal Trust grant.

Mayor Branner suggested Ms. Jacobs come back to Council with preferred areas for the signs and benches. Placement of the signs will require DelDOT’s approval because Main and Broad are DelDOT Streets.

8. Public Hearings

8-A. 1 Whittington Way – LED sign request for The Edge of 18 golf course.

Valerie Gooding requested approval to replace the sign near the tennis courts with an LED sign. The top will be a box with the name and the LED sign will be beneath that.

Mr. Reynolds asked if the sign would continuously scroll a message.

Jason Dean, JD Sign Company, said the message will change and will have auto dimming capability so it is not distracting to drivers.

Mayor Branner said the 10-foot tall sign is too big for that area.

Jason said the sign itself is smaller than the existing 4’ x 8’ sign, and is 6 to 8 feet off the ground. The new sign will be 4 to 5 feet higher but with less square footage.

Rob Stout said the Sign Code does not permit illuminated signs in the residential zoning district, and four feet is the maximum height for signs in that district. Ground lights would be acceptable; however, an illuminated or light box sign is not permitted.

Mr. Reynolds suggested the motion be tabled and the applicant submit an amended sign request.

Moved by Mr. Chas and seconded by Mr. Reynolds to approve the LED sign request for The Edge of 18 golf course. **Motion Tabled.**

8-B. Preserve at Deep Creek (The Legacy) – Record Plan Amendment. The Recorded Plans included a 1,500+/- square-foot building, patio area and associated parking improvements in the vicinity of Lots 118 and 119 on Swansea Drive in The Legacy at Deep Creek. The amended plans propose a 2,063+/- square-foot clubhouse building, a 386+/- square-foot equipment/storage building, pool, pavilion and court area. Tax Parcel No. 23-018.00-216.

Chris Flathers presented the Record Plan Amendment proposing a 2,063 square-foot clubhouse, pool, pickle ball court and associated parking in the age-restricted section of the development. The original plan included a smaller clubhouse. A separate clubhouse with its own amenities will be constructed in the non-restrictive residential section of the development.

Planning and Zoning recommended unanimous approval for the plan.

Mr. Blythe asked if only 9 parking spaces are proposed.

Mr. Flathers commented that the Town's code for a social club requirement, requires only 5 spaces; 41 lots are less than 600 feet away, and 25% of the residents are within walking distance. They also anticipate residents using bicycles to get to the facility.

Moved by Mr. Chas and seconded by Mr. Blythe to approve the Record Plan Amendment as requested. Motion Carried Unanimously.

8-C. 224 N. Broad Street – Conditional Use Permit request for the conversion of a duplex home into a multi-family unit (three units) dwelling in an R-2 zoned area. Tax Parcel 23-005.00-083. CU-04-19.

Anavet Millan and Antonin Millan requested approval to convert the property into a 3-unit dwelling.

Mr. Reynolds said Planning and Zoning recommended that the Board of Adjustment approve the parking.

Morris Deputy explained that the property has a combined driveway and parking area and they should get a parking variance from the Board of Adjustment before getting a building permit. Their engineer will have to prove that the parking layout and location will work.

Mayor Branner explained that the Conditional Use approval will be based on the condition that the Board of Adjustment grants a variance for the parking requirement. The Board of Adjustment approval has to be obtained before a permit is issued.

Moved by Mr. Stout and seconded by Mr. McGhee to approve Conditional Use Permit CU-04-19 for 224 N. Broad Street with the condition the Board of Adjustment approves a variance for the parking. Motion Carried Unanimously.

8-D. 128 Patriot Drive, Suites 11 and 12 – Conditional Use Permit request for a dog training business (House of Watson Kennels) in an M-I zoned area. Tax Parcel No. 23-041.00-007. CU-05-19.

Robby Watson requested approval to use the facility for a private dog training business. The facility will not be open to the public; training is for police dogs, service dogs, etc. The facility was previously used by American K-9 Academy.

Moved by Mr. Stout and seconded by Mr. McGhee to approve 128 Patriot Drive, Conditional Use Permit CU-05-19 for a dog training business. Motion Carried Unanimously.

8-E. 112 Patriot Drive, Suite C – Amendment to Conditional Use Permit CU-12-18, to add alcohol sales via a tap license to sell beer and wine at Camp Hatchet-Project Escape. Tax Parcel No. 23-041.00-007.

Phil Nannay requested an amendment to their previous Conditional Use Permit to allow alcohol sales at the hatchet throwing facility. He said they did not request to serve alcohol before because his understanding was that he could not have patrons under the age of 21 in the facility if they sold alcohol. He met with the DE ABCC and was told if they section off an area and separate the alcohol sales area from the under 21 patron's area, they would be allowed to sell alcohol. His landlord and the Town also have to grant their approval.

Mayor Branner said a permanent partition should be constructed to divide the areas.

Mr. Nannay said currently a 4' high wall separates the proposed hatchet-throwing lanes where alcohol will be served and the non-alcohol area. Swinging doors will be installed at the 4' opening on the far end to separate the bar area from the hatchet throwing area. An employee will monitor the larger, angled opening between the escape rooms and bar area, to keep the kids from going into the bar area. The ABCC is requiring the existing 4-foot high partition to be raised to 6-feet high.

Mayor Branner recommended constructing the 6' wall down to the angled opening and installing a door between the bar area and escape rooms, to completely close off the alcohol side. That will relieve the responsibility of someone trying to keep kids from running into the bar area. A full door instead of swinging doors should be installed on the other end of the wall also.

Discussion on access to an emergency exit in the bar/hatchet-throwing area if a door is installed to separate the areas. Frank Bailey said the Fire Marshal will review and give final approval of the tenant fit-out permit and will point out any ingress/egress issues that will have to be addressed.

Chief Bailey added that the dividing wall may restrict the sprinkler system as well.

Mayor Branner said a two-drink limit will be imposed on the beer and wine.

Moved by Mr. Blythe and seconded by Mr. Royston to approve the Amendment to Conditional Use Permit CU-12-18 to add alcohol sales at Camp Hatchet-Project Escape. Approval is granted with the condition a 6' wall is constructed to separate the alcohol serving area from the alcohol-free hatchet-throwing area; a door is installed at the 4' opening on the end of the wall, and another door is installed to separate the alcohol area and escape rooms. Motion Carried Unanimously.

8-F. 116 W. Main Street – Conditional Use Permit request for Volunteer Brewing Company to locate a food truck in a C-2 zoned area. Tax Parcel No. 23-008.00-017. CU-06-19.

Items 8-F and 8-G were presented together.

8-G. 116 W. Main Street – Minor Land Development Plan for the Volunteer Brewing Company Taphouse. The project proposes the expansion of the current Volunteer Brewing Company located at 120 W. Main Street to include the adjoining property at 116 W. Main St. Tax Parcel No. 23-008.00-017.

Kevin Schatz, owner, said they opened in 2017, brewing and selling beer from a converted 500+/- square-foot garage. The brewery is currently open one day a week.

Mr. Schatz said the brewery will stay at 116 W. Main. The taphouse serving the beer, will be located at 120 W. Main; 3 paved parking spaces will be added and a dedicated gravel drainage area will be installed for food truck parking. Two parking spaces will be available at 116 W. Main. The existing deck at 120 W. Main will be replaced and expanded to two floors for an outdoor beer garden.

The Scott Street, Everett and Town Hall parking lots will continue to be used for parking. The new location will have access directly off Main Street.

Mr. Reynolds expressed concern with the parking. He asked if the parking complied with code and where the employees will park.

Morris Deputy said the property is zoned C-2 and Mr. Schatz has presented the parking option permitted in the code.

Mr. Schatz said the employees would park next door or on Scott Street.

Mayor Branner said better effort is needed to discourage patrons from parking in the fire house parking lot – it creates an issue with fire house functions and calls.

Mayor Branner commented that Planning and Zoning expressed concern with parking in the fire house parking lot, discussed expanded hours and recommended approval for both the Conditional Use and Minor Land Development Plan.

Mayor Branner suggested, that because the use of the alley is increasing, the property owners backing up to the alley should partner with the Town to upgrade it. He asked Mr. Schatz to head that effort and present ideas and costs for improving the alley to Council.

Moved by Mr. Stout and seconded by Mr. Chas to approve Conditional Use Permit CU-06-19 and Minor Land Development Plan for 116 W. Main Street as presented. Motion Carried Unanimously.

8-H. 108 Patriot Drive, Suites A and B – Conditional Use Permit request for a business management consulting firm and incubator for entrepreneurs (Healthcare Operations Management Enterprises, LLC) to locate in an M-I zoned area. CU-07-19. Tax Parcel No. 23.041.00-005.

Joe Richichi said their business management consulting firm is currently located at 252 Carter Drive. They propose to relocate and expand their business/property management service and business incubator for entrepreneurs.

Moved by Mr. Reynolds and seconded by Mr. Royston to grant approval to 108 Patriot Drive, Suites A and B, Conditional Use Permit request for a business management consulting firm and incubator for entrepreneurs (Healthcare Operations Management Enterprises, LLC) to locate in an MI zoned area. CU-07-19. Motion Carried Unanimously.

8-I. 504 S. Broad Street – Record Major Land Development Plan for the demolition and construction of a new Everett Meredith Middle School. Plans call for a new, two-story middle school building totaling 125,309 square-feet, with administrative offices, classrooms, kitchen, cafeteria, gym and auditorium. The plan also proposes to reconfigure parking areas to provide additional on-site parking. The existing early childhood center, field house and athletic field are to remain. Tax Parcel No. 23-011.00-001.

Ted Williams from Landmark Science & Engineering said the existing middle school will be demolished and a new 126,000+/- square-foot school will be built.

- The school will sit slightly closer to Broad Street. The front portion will house the academic wing; the gym and auditorium will be located in the back wing.
- The bus parking lot will be striped to provide additional on-site event parking by approximately 100 spaces.
- An entrance-only into the bus parking lot is located on the southern end of the property near Sharondale; parents will follow the loop road around the back of the building for

parent drop-off where students will enter through the gymnasium. Vehicles follow the loop road to the exit on the north end of the campus at the traffic signal.

- New pedestrian crossings and bump-outs will be added on South Broad Street to shorten the crossing distance to 24 feet.
- The stadium complex and childhood center will remain open during construction; a temporary access will be provided off Priscilla Street.
- Construction is scheduled to start in 2020 and completed by the school year 2022.

Jim Royston asked if any additional temporary parking will be available during the sports season and if anything is proposed for foot traffic to the games.

Mr. Williams said constructing the temporary parking lot will depend on weather conditions and construction contracts – the plan is to have stone down on the southern parking lot for the fall sports season. The school won't have funding until the summer of 2020; the parking lot near the Early Childhood Center will remain open during the first season of construction.

The demo will begin as soon as school lets out in June of 2020 – the north access road could be used for pedestrian access, as well as Priscilla Street on the south end; temporary walkways will also be provided. The district will have people directing pedestrian and vehicular traffic during football season.

Mayor Branner asked if demolition would start on the north end and continue south.

Bob Hershey said the north access would stay open during construction. Demolition will start at the north end and go south.

Mr. Reynolds asked if the sidewalk along Priscilla Street will be extended to the stadium; a permanent sidewalk would be preferred because of all the foot traffic.

Mr. Hershey said the sidewalk could be extended from Broad Street back to the stadium.

Mr. Williams said he's not sure if it would be a permanent or temporary sidewalk.

Mr. Hershey said the temporary entrance will be closed if it doesn't present an issue; both the entrance and exit could be used in an emergency.

Mr. Williams also commented that they will look for the time-capsule that was buried some years ago. Mayor Branner commented it's supposed to be in the corner date stone area.

Frank Bailey asked what type of traffic signal will be installed at the north end, and questioned the need for a light at that location.

Mr. Williams said the light will be fully functional with an actuator on the campus side, so it will not trip unless a vehicle hits it. It will also have the capability of being operated by a crossing guard when school is open. "Green" time will be dedicated to Broad Street.

Moved by Mr. Stout and seconded by Mr. Reynolds to approve the Record Major Land Development Plan for the demolition and construction of a new Everett Meredith Middle School at 504 South Broad Street. Motion Carried Unanimously.

8-J. 200 E. Cochran Street – Record Major Land Development and 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 and will be the site of the elementary school. The second parcel will be 28.19+/- acres and will be conveyed to the Town of Middletown. Tax Parcel No. 23-009.00-162.

Tabled per their request.

8-K. 5018 Summit Bridge Road – Record Major Land Development Plan for the proposed development of a Wawa Gas Station and Convenience Store consisting of an approximately 5,585 square-foot convenience store and a 7,898 square-foot fuel island canopy, with 16 multiple pump dispensers (MPDs). Tax Parcel 23-075.00-001.

Jeff Nagorny with Duffield Associates presented the plan.

- A 5,585 square-foot gas station and convenience store with a 16-multiple pump dispenser canopy fueling area is proposed.
- The perimeter parking spaces have been widened to 20 feet which resulted in reducing the 89 parking spaces previously proposed, down to 84 spaces. However, 33 spaces are required so more than twice the number of spaces will be provided.
- Armstrong Corner Road will have a full-service entrance; access from Summit Bridge Road is a right-in/right-out only – no north-bound entrance is available at this point.
- DelDOT constructed the stormwater management ponds and the entrance aprons on both roads.
- A sewage pumping station will be constructed to serve this facility as well as future development for the project.
- A proposed “Town of Middletown” monument sign was presented. Final design will be determined by Mayor and Council. The stone will match the stone on the store.
- Signage for Wawa was presented – about 46 square-feet of signage is proposed for fuel pricing and logos; standard Wawa signage is proposed.
- Wawa is considering charging stations; however, that feature is not included with this plan.

Mr. Chas asked how the fill trucks would enter the facility.

Mr. Nagorny said that will be up to Wawa.

Moved by Mr. Blythe and seconded by Mr. Reynolds to approve the request for 5018 Summit Bridge Road Record Major Land Development Plan for the Wawa gas station and convenience store to be located at Armstrong Corner Road and Summit Bridge Road. Motion Carried Unanimously.

8-L. Motion to ratify a Memorandum of Understanding with YMCA of Delaware.

Morris Deputy: The MOU is for the construction of a facility on Town property next to Silver Lake Elementary. The MOU will allow the YMCA to begin the design and fund raising for the project, and serve as the basis for the lease. It’s a sixty-year MOU with a forty-year renewal. The attorneys for both sides have approved the MOU.

Moved by Mr. Chas and seconded by Mr. Stout to ratify a Memorandum of Understanding with YMCA of Delaware to construct a facility at Silver Lake Park. Motion Carried Unanimously.

8-M. Motion to ratify a construction agreement for the 2019 Road Restoration Project.

Morris Deputy: Several contractors attended the mandatory bid meeting but only one submitted a bid. His bid was \$1,647,342.60 which was within the engineer’s estimate of \$1,499,629. The recommendation is to go with the bid.

Moved by Mr. Royston and seconded by Mr. Chas to ratify a construction agreement for the 2019 Road Restoration Project as recommended by the Town Manager. Motion Carried 5 – 0. Mr. Reynolds abstained because of his employment.

8-N. Introduce an Ordinance to adopt incentives regarding the Downtown Development District within the Town of Middletown.

Mayor Branner introduced an Ordinance to adopt incentives regarding the Downtown Development District for the Town of Middletown. The Ordinance is based on the presentation by Debbie Pfeil last month.

9. Unfinished Business: None

10. New Business:

- Rob Stout announced that April 27th is the 30th Anniversary of the filming of the Dead Poet’s Society. A Gala will be held at the Everett Theatre on the 27th and the movie will be shown in the afternoon on the 28th. Tickets may be purchased on-line.
- Jim Young, resident, announced that a public hearing on the new library will be held Monday, April 8th at the Fire Hall, between 6 and 8 p.m. All public comments and input will be welcomed.
- Mayor Branner reported the Town recently prosecuted a resident for theft of service (stealing electric) and won the case. Two additional cases are pending. The meters are state-of-the-art and Town personnel are alerted if someone tries to steal service.
- A ribbon-cutting was held for the Crooked Hammock Brewery located in the MOT Park.

Moved by Mr. Reynolds and seconded by Mr. Chas to go into Executive Session to discuss personnel, legal and other items. 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 meeting 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).**

No vote was taken.

- B. 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).**

No vote was taken.

- C. Preliminary discussion on site acquisitions for any publicly-funded capital improvements, or sales or leases of real property, pursuant to 29 Del. Code §10004(b)(2).**

Moved by Mr. Stout and seconded by Mr. Royston to approve the sale of the Boys and Girls Club through commercial real estate broker, Phil McGinnis. Motion Carried Unanimously.

- D. 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. Royston to approve the promotion of two employees in the Electric Department as recommended by their supervisor and Drew Chas. Motion Carried Unanimously.

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

The meeting adjourned at 11:11 p.m.