

The regular meeting of Mayor and Council was held on the above date with Councilmen Jim Reynolds, Robert McGhee, Rob Stout, Drew Chas, Jim Royston and Aaron Blythe 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. Chas and seconded by Mr. Stout to approve the Minutes 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: Capt. William Texter

The MPD responded to approximately 1,053 calls for service for the month of April 2019.

Significant Events:

- April 6 – Drug arrest
- April 11 – Search warrant on Crenshaw Court resulted in drug arrest
- April 24 – Search warrant on New Street resulted in drug arrest
- April 12 – Shoplifting at Walmart; photos of suspects were shown
- April 15 – Robbery/Assault
- April 22 – N. Catherine Street – Assault/robbery
- Three reported overdoses in April; all subjects revived with Narcan and treated at the ER.
- April 30 – Search warrant – E. Lake Street – subjects arrested for receiving/shipping stolen vehicles.
- “Coffee with a Cop” program was initiated at Dunkin’ Donuts on E. Main Street, and Manhattan Bagel. The next event is scheduled for May 15th between 9 – 11 at Sweet Melissa’s on Peterson Road.
- April 17 – The MPD attended the Drug Awareness and Prevention Program at DelTech.
- April 26 – The MPD participated in the seconded segment of “Cale Cares”. About 20 youths attended and toured the 911 Emergency Center, the Howard Young Correctional Facility and the Court House.
- April 27 – The Bi-Annual DEA Prescription Take Back Event was held and partnered with SNCC Coalition, Choice MedWaste, DE Div. of Health and Social Service, Brandywine Counseling and the DE National Guard – approximately 400 pounds of prescription drugs and approximately 200 pounds of sharps were collected.

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

7. Middletown Main Street Update: Janeya Jacobs

- A “Ladies Night Out” will be held on Saturday, May 11th from 5 to 8 p.m. Fifteen merchants will be participating offering snacks, drinks and special shopping.
- A “selfie wall” mural is proposed in the Church on Main parking lot. A community contest will be held for the mural and the painting will be done by a professional artist. Funds from the Crystal Grant will be used to pay for the painting. Mayor and Council will have final approval of the mural.
- A “Wayfinders Sign” is proposed in the parking lot at Church on Main.

Mayor Branner suggested the items be placed on June’s agenda for Council’s review.

8. Public Hearings:

8-A. Motion to approve the appointment of Laura Johnson to the Board of Adjustment and Craig Sherman to the Planning and Zoning Commission.

Mayor Branner requested a motion for the following appointments: Laura Johnson to the Board of Adjustment as recommended by Chairman Robert McDowell, and Craig Sherman to the Planning and Zoning Commission as recommended by Jim Royston.

Moved by Mr. Blythe and seconded by Mr. Reynolds to appoint Laura Johnson to the Board of Adjustment and Craig Sherman to the Planning and Zoning Commission as recommended. Motion Carried Unanimously.

8-B. Public Assembly request for live music on Cochran Square adjacent to Sully’s Irish Pub on first and third Fridays, May through September.

Chuck Sullivan requested approval to provide music on the Square in conjunction with Middletown Main Street. Mr. Sullivan said the business name is actually “Sully’s Irish Pub at the Witherspoon”, to promote the history of the building.

Moved by Mr. Stout and seconded by Mr. Reynolds to approve the Public Assembly request for live music on Cochran Square adjacent to “Sully’s Irish Pub at the Witherspoon” on the first and third Fridays, May through September. Motion Carried Unanimously.

8-C. 106 Sandhill Drive, Suite A – Conditional Use Permit request for a sit-down and carry-out sushi and other Asian cuisine restaurant (TOBA Gourmet, LLC) in an M-I zoned area. CU-08-19. Tax Parcel No. 23-005.00-304.

Jeremy Wang requested approval to allow an Asian and sushi restaurant to lease the space occupied by Casapulla’s at 106 Sandhill Drive, Suite A. Mr. Casapulla is retiring and closing his business.

Moved by Mr. Chas and seconded by Mr. Reynolds to approve Conditional Use request CU-08-19 for 106 Sandhill Drive, Suite A, for TOBA Gourmet, LLC for a carry-out sushi and other Asian cuisine request. Motion Carried Unanimously.

8-D. 60 W. Main Street – Conditional Use Permit request for a 20-room boutique hotel in a C-2 zoned area. CU-02-19. Tax Parcel No. 23-008.00-021.

Mike Hoffman presented the plan. Also in attendance were Rick Clark, Adam Cofield, John Coverdale, engineer Mike Early, and architect Doug Warner.

Mr. Hoffman said the plan addresses Council's concerns expressed in February regarding the use of the alley and parking.

- 20 rooms are proposed for the Boutique Hotel; the property is zoned C-2.
- The existing 3-story structure is approximately 4,000 sq. ft.
- Approximately 9,000 sq. ft. will be added, preserving the existing look of the existing structure.
- The alley will also be used for access to the property.
- Patrons will enter from Main Street; stop at the carport to unload and the vehicle will be parked at an off-site parking lot.
- Parking lots are proposed at 218 W. Main Street and 0 N. Scott Street, less than 600 feet walking distance from the site.
- Eighteen parking spaces are proposed at 218 W. Main Street; eight parking spaces are proposed on 0 N. Scott.
- 29 total parking spaces will be provided; code requires 23.
- This design includes the variances granted by the Board of Adjustment on April 17th.

Mr. Chas asked if the 218 W. Main Street lot had access to Main Street.

Mr. Hoffman said no, the parking lot will only have access from the alley.

Mr. Royston asked what type of security will be used for the parking lots.

Mr. Hoffman said the lots will be open lots; the owner will provide signage and some policing efforts; specific enforcement measures have not yet been decided.

Mayor Branner commented that the two dedicated parking lots provide the necessary parking spaces required for the building without using the fire company parking lot.

A resident question the meaning of a boutique hotel. Mr. Hoffman responded it's a smaller scale hotel similar to a bed and breakfast.

Moved by Mr. Stout and seconded by Mr. McGhee to approve Conditional Use Permit request for 60 W. Main Street for a 20-room boutique hotel in a C-2 zoned area. CU-02-19. Motion Carried Unanimously.

8-E. 60 W. Main Street – Preliminary Major Land Development Plan for a 20-room boutique hotel in a C-2 zoned area, including a parking option plan at 218 W. Main Street and N. Scott Street. Tax Parcel Nos. 23-008.00-021 and 23-008.00-011.

Mr. Hoffman deferred to the previous presentation that covered the Land Development Plan with a parking option plan and variances. The plan meets code.

Mayor Branner said Council received the minutes and letter from the Board of Adjustment granting the variances requested.

The plan is modeled after the Lambertville House in Lambertville, Pennsylvania.

Moved by Mr. Reynolds and seconded by Mr. Royston to approve the Preliminary Major Land Development Plan for a 20-room boutique hotel in a C-2 zoned area at 60 W. Main Street. Motion Carried Unanimously.

8-F. Parcel E, Levels Business Park (200 Celebration Court) – Concept Plan to subdivide the property into two lots to create a separate parcel for the existing building and to extinguish the existing office condominium on the approved plans. Tax Parcel No. 23-065.00-001.

Rick Woodin requested approval to subdivide the property into two lots. The property is located at the intersection of Levels Road and Rt. 301, in front of the Goddard School and across the street from Royal Farms.

- The access to the property is located off Patriot Drive in the rear.
- An existing 4,000 sq. ft. professional/medical building and parking lot with approximately 30 spaces were previously built and currently occupied by a dentist.
- The dentist would like to purchase that property and not be part of the condominium.
- A separate Land Development Plan will be presented when the 8.5+/- acre parcel is developed.
- No new entrances are proposed; the property is part of the Westtown Transportation Investment District and has paid fees into the transportation fund.

Mayor Branner clarified that Parcel E-1 is the dentist office and the remaining land, approximately 8.5 acres situated between Levels Road and the retention pond, is Parcel E-2.

8-G. 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 23-009.00-162.

Steve Gorski with Duffield Associates and Bob Hershey with the school district presented the plan.

- The Preliminary Plan was presented in February to subdivide the parcel.
- The Board of Adjustment approved several setback variances on April 17, 2019.
- Per Mayor and Council comments in February, a 30-foot public access easement was added for the concession stands on the west side of the school. The easement follows the current trail.

Mayor Branner commented the subdivision of this property was based on an agreement with the school district to trade this property for the Town's property on Brick Mill Road. The school district is proposing to build an Early Childhood Center and Kindergarten on Brick Mill Road.

Moved by Mr. Stout and seconded by Mr. Blythe to approve the Record Major Land Development and Subdivision Plan for Silver Lake Elementary School at 200 East Cochran Street. Motion Carried Unanimously.

8-H. Motion to approve Ordinance 19-04-01, to adopt incentives regarding the Downtown Development District within the Town of Middletown.

Kristen Krenzer, on behalf of Downtown Development District consultant Debbie Pfeil, requested approval for the following incentives to be offered to the Downtown Development District

developers: a 75% reduction of impact fees, waiving two years of business license fees and expediting permitting. The incentives are offered to gain more interest in re-developing downtown. By approving the incentives, the developers would be eligible to apply for the State Downtown Development Grants. The deadline for the State application is May 15th. Any incentives being considered should be included on the application to show that the Town meets the standards set by other Towns in support of the Downtown Development District program.

Mr. Reynolds said he didn't think there was enough time to really evaluate the complete impact these incentives would have on the Town.

Mayor Branner pointed out the incentives would not go into effect until the State approves the Downtown Development District. Any applications presented prior to the designation will not be eligible for the 75% permit fee reduction.

Moved by Mr. Royston and seconded by Mr. McGhee to adopt the incentives regarding the Downtown Development District within the Town of Middletown. Motion Carried Unanimously.

8-I. Motion to approve a Resolution to amend the Town of Middletown finance policy regarding petty cash.

Morris Deputy: Resolution 19-05-01 amends the Petty Cash Policy to require two audits per year instead of four. Petty cash transactions have decreased due to using a purchasing card.

Moved by Mr. Chas and seconded by Mr. Blythe to approve the Resolution to amend the Town of Middletown finance policy regarding petty cash, Resolution 19-05-01. Motion Carried Unanimously.

8-J. Motion to approve a Resolution to amend Section 3-10 of the Town of Middletown Personnel Policy regarding Travel Expense Reimbursement.

Morris Deputy: This Resolution updates the Travel Expense Reimbursement Policy and adopts the GSA Per Diem rates pertaining to "Meals & Incidentals" only.

Moved by Mr. Stout and seconded by Mr. Chas to adopt the Resolution to amend Section 3-10 of the Town of Middletown Personnel Policy regarding Travel Expense Reimbursement. Motion Carried Unanimously.

8-K. Motion to approve the inclusion of the Town of Middletown into the Efficiency Smart program between the Delaware Municipal Electric Co. (DEMEC) and American Municipal Power, Inc. (AMP).

Morris Deputy: This will give DEMEC the authority to amend their agreement to add the Town of Middletown to the Efficiency Smart Program between DEMEC and AMP. The program offers residential, commercial and industrial customers ways to lower their bills and become more efficient. In turn, the Town's bill is also lowered.

Moved by Mr. Chas and seconded by Mr. Royston to approve the inclusion of the Town of Middletown into the Efficiency Smart Program between DEMEC and AMP, as recommended by the Town Manager. Motion Carried Unanimously.

8-L. Motion to ratify a Wastewater Management Agreement between the Town of Middletown and Artesian Utility Development, Inc.

Tabled

9. Unfinished Business:

- Resident Jim Young reminded everyone that a meeting regarding the new library will be held Thursday, May 9th at the current NCC library located on N. Broad Street.

10. New Business:

- Resident announced that the Middletown High School Class of 2019, the centennial commencement class, is hosting a community festival at their campus May 18th from 10 a.m. to 7 p.m. All are welcome to attend the event celebrating 100 years of education excellence. Various vendors offering food, games, etc. will be on hand.
- Ms. Cale announced a basketball clinic sponsored by “Cale Cares” will be held at Appo High School on May 25th from 9 to 2. The clinic, promoting an interest in sports, is open to male and female, middle and high school students.

Moved by Mr. Reynolds and seconded by Mr. Stout to go into Executive Session to discuss the content of documents, excluded from the definition of “public record”, employee benefits and legal items. Motion Carried Unanimously.

11. Executive Session:

Moved by Mr. Royston and seconded by Mr. Stout to exit the Executive Session and return to the regular session 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).

Moved by Mr. Chas and seconded by Mr. Stout to approve the recommendation for discipline of an employee in the Maintenance Department. Motion Carried Unanimously.

No vote was taken as a result of a discussion regarding the Town’s trash and recycling contract.

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 on this discussion.

Moved by Mr. Chas and seconded by Mr. Royston to adjourn. Motion Carried Unanimously.

The meeting adjourned at 10:38 p.m.