

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. McGhee and seconded by Mr. Stout to approve the Minutes for May 6, 2019 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 Rob Kracyla

## Significant Events:

- May 29 – 1 E. Hoeffcker St. – Suspect arrested for drugs and weapons charges.
- Felony theft at Amazon – 4 arrests
- May 9 – burglary - E. Cole Blvd. – suspect arrested.
- May 9 – Tartan Court & Villagebrook – male arrested for harassment and loitering at bus stop; currently in custody with Immigration and Customs Enforcement – awaiting deportation.
- May 3 – Indecent exposure – Home Depot parking lot; suspect arrested.
- May 18 – Weapons offense in Sharondale – case under investigation.
- May 26 – Fairfield Commons Apts. – assault on officers.
- Activities comparison to date versus last year: Traffic arrests: 244 vs. 145 last year; criminal arrests: 57 vs. 56; warnings: 64 vs. 54; reports written: 306 vs. 302; field service reports: 182 vs. 30 (documentation of incidents not of criminal nature); and foot patrol: 1142 vs. 5.

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

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

No report; Daneya is home with her newborn son!

**8. Public Hearings:****8-A. Concept Plan for Middletown Library Fundraiser at Volunteer Brewing Company on September 20, 2019.**

Members from Friends of the Appoquinimink Library Jim Young, Dave Carter and Susan Kemer, presented a concept plan for the first Middletown Library Fundraiser.

The fundraising event is “Brewing for Books” to be held from 6 to 10 p.m., Friday, September 20<sup>th</sup> at the Volunteer Brewing Company, 120 W. Main Street. The event will be book/literacy-themed, with locally brewed craft beer, wine and appetizers. Also proposed is a silent auction, a 50/50 ticket sale, live music and children’s activities. The event will be ticketed; approximately 200 people are expected. Additional events will be held until the library is open, which is scheduled for 2021.

Dave Carter asked what permits would be required, if the alley could be closed for the event and if the police would be required.

Mayor Branner said a Public Assembly Permit should be presented after all details are formalized; the request to close the alley would be part of the permit approval.

Additional items noted:

- If the alley is closed to through traffic, it should be open for the residents who back up to the alley.
- The Town Hall parking lot will be available.
- If police are needed, the MPD will assist.
- The Town will place the event on its website.

Susan Kemer, President of “Friends of the Library”, expressed her appreciation to Mayor and Council for supporting the library and the fundraising event.

**8-B. Public Assembly request for multi-cultural festival at Silver Lake Park on September 14, 2019.**

Senator Stephanie Hansen, on behalf of the Tenth District Multi-Cultural Coalition, requested approval to hold a festival at Silver Lake Park on September 14<sup>th</sup>, from 1:30 to 5:30 p.m., with a rain date of September 21<sup>st</sup>. The diverse cultures in the community will be represented through food, dance, vendors and educational material. Anticipated attendance is approximately 200.

***Moved by Mr. Stout and seconded by Mr. Reynolds to approve the request from Senator Hansen for the Public Assembly request for a multi-cultural festival at Silver Lake Park on September 14<sup>th</sup>. Motion Carried Unanimously.***

**8-C. 112 Patriot Drive – Motion to amend Conditional Use Permit CU-24-18 to allow for a mobile food unit (Rebel Cove food truck) to sell food items to patrons other than those at Camp Adventureland. CU-24-18. Tax Parcel 23-041.00-007.**

Steve Kochel requested an amendment to the existing Conditional Use Permit to serve patrons outside of the clientele of Camp Adventureland.

Mayor Branner commented that the Conditional Use was granted based on the condition food would only be sold to Camp Hatchet’s patrons.

Jim Reynolds said it isn’t fair to other food establishments that operate on a full time schedule. The Conditional Use Permit was approved based on food being sold only to Camp Adventureland (Camp Hatchet) patrons.

Rob Stout added that other food trucks have requested to operate on a full time basis and were not approved.

A short discussion followed on where the food truck will park at Camp Adventureland. It was originally approved to park parallel, close to the building, but it will now park perpendicular to the building.

Mr. Kochel said that he felt the location was far enough away from the other restaurants that they would not be impacted if he sold to other patrons.

Mayor Branner commented that the area is not built-out yet and more restaurants are coming.

Drew Chas said Council has set a precedent for the operation of food trucks and made a commitment to the permanent restaurants, as expressed by other members of Council.

***Moved by Mr. Stout and seconded by Mr. McGhee to approve the request for the Conditional Use Permit change to allow the Rebel Cove food truck to serve other patrons at Camp Adventureland.***

***Council was polled for their vote:***

***Rob Stout: Nay***

***Robert McGhee: Nay***

***Jim Reynolds: Nay***

***Drew Chas: Nay***

***Aaron Blythe: Nay***

***Jim Royston: Nay***

***Motion Denied Unanimously.***

**8-D. 60 W. Main Street – Record 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 No. 23-008.00-021 and 23-008.00-007.**

Michael Hoffman, representing the owner, commented that Council approved the Conditional Use Permit and the Preliminary Plan last month with no additional conditions. Final approval is now requested for that same plan.

Jim Royston confirmed that the garage in the back will be removed. Mr. Hoffman said it would.

***Moved by Mr. Stout and seconded by Mr. Chas to approve 60 W. Main Street – Record Major Land Development Plan for a 20-room boutique hotel in a C-2 zoned area, including a parking option plan for 218 W. Main Street and N. Scott Street. Motion Carried Unanimously.***

**8-E. Parcel E, Levels Business Park (200 Celebration Court) – Record Minor Re-Subdivision 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 said the Concept Plan was presented to Council May 6th, and Planning and Zoning recommended approval on May 16<sup>th</sup>.

- The property is located on the southeast corner of Levels Road and Rt. 301. One parcel contains a dentist office and the balance of the site, approximately 8.5 acres, has no use proposed at this time.

- The plan will also extinguish the Condominium Declaration that was approved approximately 10 years ago.
- The dentist prefers to have his own parcel and not be tied to the Condominium Declaration.
- The property is part of the Westown Improvement District and all fees have been paid.

Mayor Branner asked if Dr. Lu owned the building.

Mr. Woodin said Dr. Lu owns the building as a condominium owner; he does not own it individually. Bob Stella owns the 8.5 acres.

Mayor Branner commented that Dr. Lu should provide conformation to the Town that he agrees with the subdivision.

Mr. Woodin said both Dr. Lu and Bob Stella (Bluegrass Investments) are listed as owners on the Certification of Ownership title block on the plan – both signatures will be required before it is recorded.

Rob Stout asked if Dr. Lu would be still be responsible for the existing parking lot, as indicated at last month’s meeting.

Mr. Woodin said the property will have a cross-access easement agreement and will Dr. Lu will own his parking spaces; the existing entrance off Patriot Drive will remain and not be relocated.

***Moved by Mr. Mr. Stout and seconded by Mr. Reynolds to approve Parcel E, Levels Business Park (200 Celebration Court) Record Minor Re-Subdivision 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. Motion Carried Unanimously.***

**8-F. Motion to ratify an agreement to continue lease and support Middletown Main Street at 216 N. Broad Street location.**

Tabled.

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

Morris Deputy: This is a renewal agreement with Artesian to operate and maintain the Town’s wastewater treatment facilities, starting with an annual fee of \$638,400. It consolidates three current agreements and five addendums. The Town will save approximately \$500,000 a year. An annual 2.5% renewal increase is proposed and will coincide with the budget year, renewing every July 1<sup>st</sup>.

***Moved by Mr. Reynolds and seconded by Mr. Chas to accept the recommendation from the Town Manager to enter into a Wastewater Management Agreement between the Town of Middletown and Artesian Utility Development, Inc. Motion Carried Unanimously.***

**8-H. Motion to ratify an Electric Services Agreement with Johnson Controls.**

Morris Deputy: Johnson Controls requested an option for a one-year or two-year renewal of their “all-in” rate for electric service. At the time of this meeting, they had not yet decided which option they wanted. The request is to approve all three offers prepared by DEMEC so they know they have

the proper authority to choose the option best for them. All options include the same margin for the Town, regardless of which one they choose.

***Moved by Mr. Chas and seconded by Mr. Stout to accept the recommendation of the Town Manager to ratify an Electric Services Agreement with Johnson Controls. Motion Carried Unanimously.***

#### **9. Unfinished Business:**

- Patti McCuen expressed concern with the settlement documents for the sale of her father's property. In particular, the misspelling of his name and she feels that a portion of the purchase price was not paid.  
Mayor Branner responded that the issue has been discussed several times; according to the Town's copies, the documents were signed by Mr. Rutkoske and the full price was paid.

#### **10: New Business:**

- Rob Stout congratulated the Appo High School baseball team for winning the State Championship. It's been over 20 years since a Delaware high school team went undefeated.
- Jim Reynolds announced the Fourth of July Fireworks will be held on the Fourth of July at Silver Lake Park. Rain date is July 5<sup>th</sup>. Non-profits may contact Town Hall for a permit to distribute literature or sell a product. Gates will open at 6 p.m.
- Jim Royston congratulated Chief Kracyla, the MPD, and in particular, Sgt. Saunders for his outstanding work in the community. "Coffee with the Cops" is held every other week at a local establishment for residents to meet with the police officers to ask questions, etc. Meeting dates and places are posted on Facebook.
- Residents from Middletown Village thanked Mayor and Council for installing the Neighborhood Watch signs and assisting with animal control.  
They asked when the open space property would be transferred from Ramunno so parking, open space etc., can be enforced.  
Mayor Branner said the parcels were transferred last month; as soon as the documents are recorded, the Town can start enforcing the open space.  
Residents reported other issues such as bond fires, drug deals, dumping trash, underage alcohol consumption, etc., occurring on the empty building lots behind the soccer fields.  
Mayor Branner said Ramunno owns the building lots and should be starting construction soon; originally, the area was designated for the new Rt. 301 and clean fill was dumped in that area. Mayor Branner suggested they meet with the Chief and/or Captain to provide additional information so the issues can be addressed.
- Resident from Middletown Village thanked the Chief, Sgt. Saunders and MPD for hosting "Coffee with the Cops" and the Middletown Citizens Police Academy.
- Resident asked if the traffic lines in the South Ridge round-about could be re-painted to help keep motorists in the proper lane.  
Mr. Reynolds explained that it's not the Town's property, but the developer can be contacted and asked to repaint it.
- Residents from Middletown Village asked who will handle the issues for the open space now that it has been turned over to the Town.  
Mayor Branner said to contact Town Hall at 378-2711, Rae (378-5670), or the Inspection Department at 378-1171.

NOTE: The back microphone malfunctioned; only sporadic discussion was captured by the system. The microphones have now been replaced.

*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. Stout and seconded by Mr. Blythe to 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 by Mr. McGhee to approve the recommendation to hire a new full-time, non-patrol employee for a third shift at the desk. Motion Carried Unanimously.*

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

The meeting adjourned at 10:53 p.m.