

The regular meeting of Mayor and Council was held on the above date with Council members Aaron Blythe, Drew Chas, Jim Royston, Craig Sherman, Bruce Orr and David Thomas present with Mayor Kenneth Branner presiding. Town Manager Morris Deputy and Town Solicitor Liam Gallagher were also present.

1. Call to Order**2. Pledge of Allegiance**

3. Minutes Approval: Moved by Mr. Sherman and seconded by Mr. Blythe to approve the Minutes of July 7, 2025 as presented in printed form. Motion Carried Unanimously.

4. Treasurer's Report: Moved by Mr. Chas and seconded by Mr. Orr to approve the Treasurer's Report as presented in printed form. Motion Carried Unanimously.

5. Bills Payable: Moved by Mr. Chas and seconded by Mr. Blythe to approve the Bills Payable as presented in printed form and pay as funds become available. Motion Carried Unanimously.

6. Police Report: Chief William Texter

The MPD responded to 1,201 calls for service during the period of June 15 thru July 15, 2025.

- 1 District: Nothing significant to report.
- 2 District: 7/3/25 – Lone Manor – weapon offense
- 3 District: 6/27/25 – Estates @ St. Anne's – reckless endangering; 6/29/25 – Charles Price Park – theft from vehicles
- 4 District: Nothing significant to report.
- Dispositions: Traffic Summonses: 224 (2 DUI's); Criminal Arrests: 98; Warnings: 153; Reports Written – 235; FSR/CPC – 382.
- Community Service: Met with various groups throughout the community; non-profit checks; Leg Hall, Singas Pizza and Celebree Day Care; Rotary Club swearing-in; met with community members at Reserve at Westown/South Ridge.
- Chief Texter reminded everyone to slow down and stop at the stop signs. During the month, 26 property damage crashes, 21 non-reportable and 10 personal injury accidents were reported with most occurring along the Rt. 299 corridor and Rt. 71. Primary contributing factor was driver inattention.
- Calls for Service: 1 District – 174; 2 District – 110; 3 District – 105; 4 District – 69.
- Vehicle thefts and thefts from vehicles are increasing throughout the state. Chief Texter reminded everyone to lock vehicle doors and not leave valuables in sight.

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

7. Middletown Main Street Update: Kristen Krenzer for Kate Rokosz

- The Peach Festival is August 16th.
- The Peach Scavenger Hunt is in full swing and will continue until August 16th. Additional information is on the Middletown Mainstreet website.

Moved by Mr. Thomas and seconded by Mr. Royston to accept the MMS update as presented by Kristen Krenzer. Motion Carried Unanimously.

8. Public Hearings:

8-A. Proclamation honoring the Revs. Kari and Alan Jones (Connection Community Church).

A proclamation was presented to the Revs. Kari and Alan Jones in honor of their 25-years of dedication and community service to Middletown and the surrounding area. In addition to church events, Connection sponsored many free, family events, including Relay for Life.

The church opened in 2001 in an old warehouse on W. Green Street with 14 members, that soon grew to over 200 families; their new church was built in 2019 on Summit Bridge Road.

Mayor and Council proclaimed August 4, 2025 as the “Revs. Kari and Alan Jones Day” in the Town of Middletown.

8-B. Public Assembly Permit for Trick or Treat on Main Street, Sunday, October 26.

Kayla Young, representing the Megan Aitken Team, requested approval for the annual Trick-or-Treat on Main, and the closure of Main Street from Broad to S. Scott, from 4 p.m. to 7 p.m., on Sunday, October 26th, to provide a safe and friendly event for local families.

Moved by Mr. Chas and seconded by Mr. Blythe to approve the Public Assembly Permit for Trick-or-Treat on Main Street, Sunday, October 26th, including the closure of West Main Street as requested. Motion Carried Unanimously.

8-C. 1023 Bunker Hill Road – Revised Preliminary Major Land Development Plan for five (5) flex-space buildings in an R-3/C-3 zoned area. The revisions to the plan include additional square footage to Building B and additional parking for Building A.

Tax Parcel 23-024.00-287.

Dana Dunphy with Century Engineering, represented St. John Properties for the expansion of Building B.

- The plan presented in April showed Building B with 45,120 square-feet.
- The parking area in front of Building A only had one drive aisle with parking on either side.
- The new plan proposes the addition of 6,000 square-feet to Building B for a total of 221,520 square-feet.
- 51 additional parking spaces have been added along the frontage for Building A, for a total of 129 spaces; 32 spaces have been added for Building B for a total of 131 spaces.

Mayor Branner questioned if the parking still meets the code requirement.

Morris Deputy indicated the plan complies with the code.

Mr. Royston asked if pickleball would be in one of the buildings.

A resident questioned the use for the building and square-footage.

Mayor Branner explained that the units will be leased out for professional services as permitted in the C-3 zoning district. The square-footage for Building B is increasing by 6,000 square-feet, which will increase the total square-footage for the flex-space from 215,520 to 221,520 square-feet. The plan was previously approved for five (5) flex-space buildings and the residential section.

Claude Newton from Spring Arbor asked if the additional parking spaces would be eliminating green space and placing the parking closer to Bunker Hill Road, or if the buildings are being pushed back to provide the additional space.

Ms. Dunphy said some additional green space will be used and the parking will be closer to Bunker Hill Road.

Mr. Newton expressed concern with the parking lot being closer to their community and asked how the lights from the parking lot would be blocked.

Ms. Dunphy indicated landscape screening will be provided along the parking area.

Annie Luttrell with St. John Properties, explained that in addition to the landscaping shown on the plan, the same screening wall will be installed in the same location as discussed earlier.

Mayor Branner commented screening will be installed on both sides of Bunker Hill Road – on the Spring Arbor side and in front of the buildings as originally discussed.

Moved by Mr. Orr and seconded by Mr. Royston to approve 1023 Bunker Hill Road – Revised Preliminary Major Land Development Plan for five (5) flex-space buildings in an R-3/C-3 zoned area. The revision to the plan includes additional square footage to Building B and additional parking for Building A. Motion Carried Unanimously.

**8-D. 224 E. Crail Court – Conditional Use Permit request for a home office wholesale auto dealership to store documents only, no cars on site, in an R-1B zoned area. CU-10-25.
Tax Parcel No. 23-050.00-058.**

Mahmoud Morsy requested approval to open a wholesale auto dealership at 224 E. Crail Court. Everything will be online; no cars will be at the residence. Vehicles are purchased online and sold from dealer to dealer or auction to dealer.

Aaron Blythe questioned if customers would be coming to the residence.

Mr. Morsy confirmed customers would not come to the residence. A wholesale dealer is not permitted to sell to the general public; a wholesale dealer is permitted to only wholesale vehicles to dealers online.

Craig Sherman asked if any other employees would be onsite.

Mr. Morsy said only he would be selling.

Planning and Zoning approved the Conditional Use Permit unanimously.

Moved by Mr. Chas and seconded by Mr. Blythe to approve 224 E. Crail Court Conditional Use Permit request for a home office wholesale auto dealership to store documents only; no cars will be on site. CU-10-25. Motion Carried Unanimously.

8-E. 410 Diamond State Blvd., Suite E – Conditional Use Permit request for an e-commerce, warehousing, import/export operations and freight forwarding business to be located in an M-I zoned area. CU-11-25. Tax Parcel No. 23-008.00-115.

Tom Wilcox with Tower Lane Capital Partners, owner of the property, represented the tenant, Laziz Nasimov. The business will be receiving shipments and shipping products out in bulk.

Mayor Branner questioned, for clarification, that the material will be shipped in, repackaged and then shipped out.

Mr. Wilcox said that is his understanding.

Planning and Zoning approved the Conditional Use Permit unanimously.

Jim Royston said he thought the incoming inventory would be trucked to JFK and not be unpacked.

Mr. Wilcox said he believes small packages come in, then repackaged together to be shipped out.

Mr. Royston expressed concern with the amount of potentially hazardous materials being consolidated for shipment. JFK has an IATA license for shipping, but depending on the quantity of hazardous materials being shipped over the road, he feels the business should have a DOT placard to ship the products from here to JFK. The main concern is hazardous materials (lithium batteries, perfume, cleaning products, etc.), being shipped from Middletown to New York.

The applicant, Laziz Nasimov, was called to discuss the delivery process of hazardous materials. Mr. Nasimov indicated Turon Express would request those types of products, when ordered, to be shipped to the New York office, not to Delaware.

After the call, Council agreed additional information on the shipping process was needed. It was suggested the Conditional Use Permit be tabled until adequate clarification could be provided.

Mr. Wilcox indicated the owner of the business was currently out of the country, but would be able to provide better answers. The item was tabled until September.

Moved by Mr. Royston and seconded by Mr. Thomas to approve 410 Diamond State Blvd., Suite E – Conditional Use Permit request for an e-commerce, warehousing, import/export operations and freight forwarding business. CU-11-25. No vote taken.

**8-F. 501 Merrimac Avenue – Minor Subdivision Plan for Merrimac Gateway, a commercial center located along Merrimac Avenue and Kohl Avenue. The owner/developer proposes to subdivide the original parcel into two lots, one for the planned hotel and the second for two restaurants, along with a few minor site layout adjustments for water services, trash and parking.
Tax Parcel No. 23-040.00-002.**

Mike Kaszyski with Atwell, and Tom Kramedas with Todesco North LLC, presented the Minor Subdivision Plan.

- The plan was approved and recorded in 2023; the two restaurant parcels have been constructed.
- The hotel site will have access from Kohl Avenue and Merrimac Avenue.
- The plan proposes to split the parcel into two, providing a parcel for the restaurants and a separate parcel for the hotel for financing purposes.
- The parking shown in the dark gray area on the hotel parcel is to be constructed; the parking shown in the lighter shade of gray, is parking already constructed for the two restaurants.
- A couple of minor adjustments to the plan include the relocation of the dumpster enclosure and the addition of a pet relief area.
- The placement of the property line creates the need for a setback variance and landscape buffering along the lot lines; the Board of Adjustment hearing is scheduled August 6.

Mr. Thomas asked how many parking spaces are provided.

Mr. Kaszyski indicated a total of 296 spaces – 95 on the hotel parcel and 201 on the restaurant parcel.

Mr. Blythe asked where the front of the hotel is situated.

Mr. Kaszyski replied the front is near the curved, right-in access point; it will face toward Middletown Warwick Road, the back toward Kohl Avenue.

Mr. Chas asked Chief Bailey if the radius was sufficient for the trucks.

Chief Bailey said it was the last time the plans were reviewed.

Mr. Chas was concerned if the parcel was sold, there wouldn't be enough parking for the hotel.

Mr. Kaszyski replied a cross-access agreement will be in place for the entrances and parking.

Mr. Orr asked if the dark gray parking spaces proposed on the site meet the required parking for the hotel.

Mr. Kaszyski explained the proposed spaces in the dark gray area and the parking spaces already constructed (shown in light gray below the hotel building) meet the required spaces.

Mr. Blythe asked how much of the parking on the plan is dedicated to meet the minimum requirement.

Mr. Kaszyski said the combination of spaces constructed and those to be constructed, located to the right of the subdivision line on the hotel parcel, total 95 spaces and meet the requirement.

Mayor Branner reiterated, all the parking spaces shown to the right of the blue subdivision line meet the parking requirements for the hotel. The Town Manager concurred.

Mr. Blythe asked if the parking spaces in the light gray area are part of the shared access for the restaurants as well.

Mr. Kaszyski responded yes, and confirmed there will be two cross-access easements, one coming in from Kohl Avenue and the right-in off Merrimac Avenue.

Mr. Blythe asked if the light gray parking spaces at the bottom of the hotel are required to meet the minimum spaces for the restaurants as well.

Mr. Kaszyski said they were not required for the restaurants.

Moved by Mr. Orr and seconded by Mr. Chas to approve the Minor Subdivision Plan for Merrimac Gateway at 501 Merrimac Avenue to subdivide the original parcel into two lots, one for the planned hotel and the second for two restaurants, along with a few minor site layout adjustments for water services, trash and parking. Motion Carried Unanimously.

8-G. Motion to ratify a contract for Road Evaluation Software.

Morris Deputy: The proposal is for an AI software package that will analyze the condition of all the roads for maintenance, inventory assets, and has a work order system that ties into the GIS system. The cost for the software package is \$19,555.20.

Moved by Mr. Blythe and seconded by Mr. Sherman to ratify a contract for Road Evaluation Software as recommended by the Town Manager for the cost of \$19,555.20. Motion Carried Unanimously.

8-H. Motion to ratify a contract for Professional Police Services.

Chief Texter requested approval for a contract with Resource Management Associates to assist with promotional processes. The estimated cost is \$34,300 for up to four different potential processes.

Moved by Mr. Thomas and seconded by Mr. Royston to ratify a contract for Professional Police Services with Resource Management Associates for a cost of \$34,300.00, as requested by Chief Texter. Motion Carried Unanimously.

8-I. Motion to enter into an agreement with Brinks.

Morris Deputy: This is an agreement to work directly with Brinks for the Billing Department safe for \$576 per month, and add a new safe in the Inspections Department for \$337 per month.

Moved by Mr. Blythe and seconded by Mr. Orr to accept the recommendation from the Town Manager to enter into an agreement to deal directly with Brinks for the remote safes at Town Hall. Motion Carried Unanimously.

8-J. Motion to adopt Resolution 25-08-01 to adopt the FY'26 tax rolls and set the FY'26 tax rate.

Morris Deputy: To remain revenue neutral, the Resolution adopts the County's tax roll for the new re-assessment of \$5,328,077,400, which adjusts the tax rate per \$100 down to \$0.0564/\$100.

Moved by Mr. Chas and seconded by Mr. Royston to adopt Resolution 25-08-01 to reduce the tax rate from \$0.30/\$100 to \$0.0564/\$100 as recommended by the Town Manager, to remain revenue neutral per the new assessment from New Castle County. Motion Carried Unanimously.

8-K. Motion to adopt Resolution 25-08-02 to amend the Heavy Equipment Fee Schedule in Chapter 68 of the Town of Middletown Code of Ordinances.

Morris Deputy: The Resolution amends the Heavy Equipment Fee Schedule per the budget. This schedule is used when invoicing for new development infrastructure, and repairs to damaged utility poles and street signs from motor vehicle accidents. The majority of the fees come directly from FEMA's fee schedule.

Moved by Mr. Chas and seconded by Mr. Blythe to adopt Resolution 25-08-02 to amend the Heavy Equipment Fee Schedule in Chapter 68 of the Town of Middletown Code of Ordinances as recommended by the Town Manager. Motion Carried Unanimously.

8-L. Motion to ratify Resolution 25-08-03 for declaring the intent for tax exempt borrowing.

Morris Deputy: This is a proposal to solicit bids for the capital purchases approved in the new budget and to be reimbursed for equipment purchased prior to executing the financing agreement.

Moved by Mr. Chas and seconded by Mr. Sherman to adopt Resolution 25-08-03 for declaring the intent for tax exempt borrowing as recommended by the Town Manager. Motion Carried Unanimously.

8-M. Motion to adopt Resolution 25-08-04 to amend the Municipal Electric Department Rules & Regulations including the Electric Tariff.

Morris Deputy: The Resolution amends Section 14 – Termination of Service and Reconnection to comply with the State’s recent law, House Bill 62, and the adopted rates in the FY’26 Budget.

Moved by Mr. Chas and seconded by Mr. Sherman to adopt Resolution 25-08-04 to amend the Municipal Electric Department Rules and Regulations including the Electric Tariff as presented by the Town Manager. Motion Carried Unanimously.

8-N. Motion to adopt Ordinance 25-07-01 to amend the Town of Middletown Zoning Code Section 7: Signs.

Morris Deputy: The Ordinance will update and clarify the current Sign Ordinance in the Zoning Code.

Moved by Mr. Royston and seconded by Mr. Thomas to adopt Ordinance 25-07-01 to amend the Town of Middletown Zoning Code Section 7: Signs as recommended by the Town Manager. Motion Carried Unanimously.

8-O. Motion to adopt Ordinance 25-07-02 to amend Section 40-7 of the Town of Middletown Code of Ordinances regarding new residential construction inspection procedures and fees.

Morris Deputy: The Ordinance implements a fee for canceled inspections, for excessive re-inspections and clarifies what is included in the inspection fees.

Moved by Mr. Orr and seconded by Mr. Royston to adopt Ordinance 25-07-02 to amend Section 40-7 of the Town of Middletown Code of Ordinances regarding new residential construction inspection procedures and fees. Motion Carried Unanimously.

8-P. Motion to proceed with the purchase of property at 10/12 W. Green Street. Tax Parcel No. 23-008.00-041.

Morris Deputy: The attorney has put together an agreement in principle for Council to approve in order to proceed with the purchase of 10/12 W. Green Street. Tax Parcel No. 23-008.00-041.

Mayor Branner explained the Town will demolish the existing dwelling and rebuild to provide additional office space for Town use.

Moved by Mr. Blythe and seconded Mr. Chas to proceed with the purchase of property at 10/12 W. Green Street. Tax Parcel No. 23-008.00-041. Motion Carried Unanimously.

9. Unfinished Business: None

10. New Business (Public Comment Section):

- Resident from 101 E. Lockwood Street registered a complaint that a Bilco door belonging to the neighbor at 103 E. Lockwood St. was built 4’ onto her property, which has resulted in prohibiting a fence from being completely installed around the property. The opening in the fence allows people to trespass, stray animals to wander into the yard, and trash from the neighbor’s yard to blow in. She is seeking assistance to help rectify the issue.
Mayor Branner indicated the issue is a civil matter; however, the Town will consider providing some assistance to help remedy the situation.

11. Executive Session:

Moved by Mr. Orr and seconded by Mr. Chas to move into Executive Session to discuss personnel matters pursuant to 29 Del Code §10004(b)(9), and the content of documents, excluded from the definition of "public records" in §10002 and §10004(b)(6) of 29 Del Code. Motion Carried Unanimously.

Moved by Mr. Chas and seconded by Mr. Thomas to exit the Executive Session and return to the regular meeting. 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. Chas and seconded by Mr. Thomas to approve a recommended safety improvement in the Permit & Inspection Department. Motion Carried Unanimously.

- B. Discussion of the content of documents, excluded from the definition of "public records" in §10002 of this title where discussion may disclose such documents, pursuant to §10004(b)(6) of 29 Del. Code.

No discussion on this item.

12. Adjournment

Moved by Mr. Thomas and seconded by Mr. Sherman to adjourn. Motion Carried Unanimously.

The meeting adjourned at 10:05 p.m.