

The regular meeting of Mayor and Council was held on the above date with Councilmen Aaron Blythe, Bruce Orr, Jim Royston, Craig Sherman and David Thomas. Mayor Kenneth Branner presided. Town Manager Morris Deputy and Town Solicitor 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 April 6, 2026 as presented in printed form. Motion Carried Unanimously.

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

5. Bills Payable: Moved by Mr. Royston and seconded by Mr. Blythe to approve the Bills Payable and pay as funds become available. Motion Carried Unanimously.

6. Police Report: Chief William Texter

The MPD responded to 1,230 Calls for Service during the previous month.

- 1 District: 4/13/26 – Elana’s Florist: burglary.
- 2 District: 3/31/26 – Ashland Street and Gibbs Drive: reckless endangering 1st; 4/1/26 – Millbranch: Theft of motor vehicle; 4/12/26 – North Lake Village Apartments: drug/weapon offense.
- 3 District: Nothing significant to report.
- 4 District: Nothing significant to report.
- Dispositions: Traffic Summonses: 265 (2 DUI); Criminal Arrests: 164 (Felony – 6, Misdemeanor – 149, Civil Penalty – 0, Violation – 9); Warnings: 143, Reports Written: 287; FSR/CPC – 329.
- Distribution of Complaints: 1 District: 172; 2 District: 125; 3 District: 83; 4 District: 60. These reports will no longer be produced due to the State discontinuing the program. Modifications will be made moving forward.
- Community Services: Meeting with Stakeholders; Nonprofit Checks; Recruitment Events; Special Olympics; Police Day with St. Annes School along with State Police.
- Speeding and stop signs are a continuous issue; active enforcement is in place.
- Collisions are ongoing – mostly due to driver inattention.

Mr. Royston asked Chief Texter if he was able to provide the total number of pounds received from the Drug Take Back event. He responded that he did not have the exact figures but despite the weather, the turnout was successful.

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

7. Middletown Main Street Update: Kate Rokosz

The upcoming events are as follows:

- Community yard sale will be happening on Saturday May 9, 2026 from 8 a.m. to 1 p.m. at various locations throughout the Town, including Middletown Main Street's headquarters. Engagement from the community is encouraged to support the event.
- The Charcuterie Crawl is scheduled for June 4, 2026. Four wineries will be represented for the community's enjoyment on Main Street. Tickets are available for purchase on their website.
- The Family Fun Fest is scheduled for July 18, 2026 at Town Hall parking lot with vendor opportunities offered for any person or business with family friendly activities.

Moved by Mr. Royston and seconded by Mr. Blythe to approve the Middletown Main Street Update as provided by Executive Director Kate Rokosz. Motion Carried Unanimously.

8. Public Hearings:

8-A. Motion to approve a Public Assembly Permit for Music on the Square events outside of Sully's Irish Pub on Cochran Square.

Chuck Sullivan requested approval for a Public Assembly Permit to host Music on the Square. This event will run from May to September and be held on the first and third Friday of the month, from 6:00 p.m. to 10:00 p.m. The location will be outside of Sully's Irish Pub on Cochran Square.

Moved by Mr. Orr and seconded by Mr. Blythe to approve the Public Assembly Permit for Music on the Square, every first and third Friday from May to September during the hours of 6:00 p.m. to 10:00 p.m. Motion Carried Unanimously.

8-B. 225 E Hampden Road – Concept Plan for a 9,600 square-foot retail building and a 4,880 square-foot car wash in a C-3 zoned area. Tax Parcel No. 23-033.00-210.

Frank Vassallo with Fusco Management is presenting on behalf of the owner, Willow Grove Mill 2, LLC.

Mayor Branner re-iterated that this is only a concept plan and pointed out the location is the lot between Wawa and Encompass Health.

Mr. Vassallo began explaining the realistic rendering as shown on the screen for the car wash and the retail building.

Mr. Royston asked if they will be sharing the same entry/exit as Wawa. Mayor Branner questioned if there would any additional entrances and if there would be anything going towards Encompass Health and the residential homes behind this lot. Mr. Vassallo responded that the existing curb cuts that feed the lot currently will be utilized along with the interconnectivity with lot 1 from Wawa will be used.

Mr. Blythe asked if the buildings from the renderings can match the color scheme to include the surrounding buildings. Mr. Vassallo stated he will discuss that with the architect, but they would like to maintain the brand colors of blue and white. He will see if red can be incorporated to blend in with the existing businesses.

A resident asked how many spaces will be in the retail building. Mr. Vassallo responded that there will be five spaces available for retail. After looking at the rendering Mayor Branner and Mr. Vassallo stated up to five tenants can fill the space or it can be combined to be one unit for tenant.

The resident mentioned the concern that Christiana Care is building a new facility and the increase of traffic to the area and how it will impact residents. Mayor Branner stated there has been meetings with Christiana Care and they are in favor of development in the area for recruitment purposes. He also mentioned that Route 299 was designed to handle the growth for the area up to Main Street.

Mayor Branner advised Mr. Vassallo on the next steps, which include Planning and Zoning, Conditional Use and returning to Mayor & Council.

8-C. 0 Summit Bridge Road – Conditional Use Permit Request for an RV/Boat Storage Facility, in a C-3 zoned area. CU-08-26. Tax Parcel Nos.: 23-028.00-243, 23-028.00-244 and 23-028.00-245.

Denis Hulme with Woodin & Associates, requested approval to build an RV/Boat Storage Facility.

- The site will fulfill the demand for high quality, covered RV parking.
- All spaces will be covered with a metal canopy which will be approx. 14 feet tall.
- The site will be surrounded by security fences and controlled by automated gates.

Mayor Branner stated that Planning and Zoning Commission voted unanimously to recommend Mayor & Council approve the Conditional Use Permit request.

Mr. Orr questioned where the dumpster pad and the bike area is listed on the plan. Mr. Hulme stated that after meetings with the Spring Mill board and residents that there have been a few additions and eliminations but that does not currently show on the plan presented. Mayor Branner stated that it will need to be shown noted on the agenda for the preliminary minor/land development approval.

Mr. Orr is concerned with how traffic will flow leaving the facility towards the north with a left out. Mr. Hulme stated he will be meeting with DelDOT as they will determine whether it is warranted. Mr. Blythe voiced his concern regarding the size of the RV's and boats vs. small vehicles.

Mayor Branner stated there has been discussion with Reybold's property to combine the shopping center and the proposing a signalized intersection. Mr. Hulme stated that he will work with DelDOT and the developers to come to an agreement on this issue.

A resident asked if there is a plan for black water disposal. Mr. Hulme responded there will be sewer through the property and the plan is to have amenities in place to dump waste along with a bathroom. Mr. Orr stated during the Planning and Zoning meeting, it was mentioned that waste is normally dumped prior to arriving at the storage facility.

Bob Lhulier, President of the Spring Mill Community Association stated he is in support of the application to move forward as McKee has satisfied the community regarding their concerns. Mr. Lhulier wanted clarity regarding the elimination of the dump station. Mr. Hulme responded that the underground connection will be installed and if requested in the future, the lines will already exist.

A resident asked if a separate approval is needed if they intended to move forward with dumping. Mayor Branner stated if they want to move forward with dumping, they will need to come back and request permission.

Moved by Mr. Blythe and seconded by Mr. Royston to approve 0 Summit Bridge Road – Conditional Use Permit for an RV/Boat Storage Facility in a C-3 zoned area. CU-08-26. Motion Carried Unanimously.

8-D. 0 Summit Bridge Road – Preliminary Minor Land Development and Resubdivision Plan for an RV/Boat Storage Facility, on 5.44 +/- acres in a C-3 zoned area. The project proposes combining the parcels into one for the purposes of developing the site for covered RV/Boat storage. Tax Parcel Nos.: 23-028.00-243, 23-028.00-244 and 23-028.00-245.

Denis Hulme presented on the plan for the RV/Boat Storage Facility. McKee will be adding the following additions:

- Gaps along the berm will be filled in.
- Landscaping alongside the property line.

Moved by Mr. Orr and seconded by Mr. Royston to approve the Preliminary Minor Land Development and Resubdivision plan for an RV/Boat Storage Facility. Motion Carried Unanimously

8-E. Lot 24 Levels Business Park – Minor Land Development Plan for the construction of a 1,130 square-foot building addition. Located on 1.05 +/- acres in an M-I zoned area. Tax Parcel No. 23-041.00-026.

Denis Hulme presented on this project to add an addition on the front of building.

- The space is occupied by a gym requesting additional space for operations.
- It will be a 1,130 one-story addition, have an awning style lowered roof, and be located in the front of the building. The extension will be within the allowed setbacks.
- Parking requirements will still be met.

Moved by Mr. Sherman and seconded by Mr. Blythe to approve Lot 24 Levels Business Park – Minor Land Development Plan for the construction of a 1,130 square-foot building addition. Motion Carried Unanimously.

8-F. 217 Middletown-Warwick Road – Minor Land Development Plan for a 510 square-foot building (Seven Brew Coffee) in a C-3 zoned area. Tax Parcel No. 23-003.00-128.

Doug Beachel, Director of Entitlement presented on this project.

- Drive through only coffee stand.
- 510 square-foot premanufactured building.
- Approx 338 square-foot remote cooler/storage structure.
- Two lanes of traffic will wrap around the building.
- Employees will approach the customer vehicle with a mobile device to take orders, modeled similar to Chick-fil-A.
- Beverages to be sold will be coffee, iced beverages, energy drinks, smoothies and shakes.
- A prepacked muffin will be offered. There will no be cooking on site.
- Fifty to sixty employees are expected to be hired with five to six employees working per shift.
- Hours of operation will be Sunday – Thursday 5:30 a.m. – 10:00 p.m. and Friday – Saturday 5:30 a.m. – 11:00 p.m.
- “Swag days” will be the 7th day of every month consisting of giveaways for marketing.
- There is a set menu, but customers can customize their order.
- 50% off discount is offered for first responders.

Mr. Orr confirmed parking employees and being handicap accessible and asked about different locations. Mr. Beachel verified parking and the total number of locations across the county, including the eight locations to be built in Delaware.

Mr. Orr asked if there is any concern regarding employees serving the outside lane. Mr. Beachel replied that there is no curbing to avoid trip hazards and the striping will be blue according to the plan for visibility.

Moved by Mr. Blythe and seconded by Mr. Thomas to approve 217 Middletown-Warwick Road – Minor Land Development for a 510 square-foot building (Seven Brew Coffee). Motion Carried Unanimously.

8-G. 101 Sandhill Drive – Preliminary Major Land Development Plan for a 7,320 +/- square-foot Discount Tire store in a C-3 zoned area. Tax Parcel No. 23-005.00-315.

Dan Tomzcak, Assistant Project Manager, presented on this project.

- Existing site is the previous Arby's.
- Rezoning is not proposed.
- Access to the site is from Sandhill Drive which is a Town owned/maintained road. There are no DelDOT road improvements at this time.
- Proposed improvements consist of demolishing the current structure and developing a 7,320 Discount Tire service center.
- Adequate parking and ADA accessibility has been provided on site per the Town's zoning code requirement. The site entrance is designed to accommodate a tractor trailer entering, maneuvering, and exiting without issue.
- A stormwater management facility is proposed at the SE corner of the site to manage additional run-off, as well as adhering to the stormwater management requirements of the Town.
- Preliminary utility connections are shown as part of the plan along Sandhill Drive, and will be finalized in the engineering design.
- Light pole locations and landscaping as shown will be finalized in the design per the requirements of the zoning code of the Town.
- The building is under 10,000 square-feet thus fire lanes are not required, but does adhere to the accessibility standards and maneuverability of a fire truck around the site.

Mr. Orr asked if Frank Bailey has already reviewed the plan. Mayor Branner replied yes and he is in the audience. Mr. Orr asked Mr. Bailey if there was a need for any additional hydrants. Mr. Branner stated the existing hydrants would be replaced.

Mayor Branner questioned if there would be any other offerings outside of tire services. Mr. Tomzcak replied the business is making a decision internally if additional services will be offered. Mayor Branner asked as a result of business operations, will there be any hazardous materials at the site. Mr. Tomzcak stated there is an oil-water separator as part of the construction of the building in the event there are oil change services provided, or any leaks that may happen internally. Mayor Branner clarified if the leak would be as a result of a clean-up from a customer. Mr. Tomzcak replied at this time, yes.

Mr. Blythe asked if this is the existing building and if there is a dumpster pad at bottom left of the plan. Mr. Tomzcak stated that is the proposed location of the dumpster pad. Mr. Blythe questioned if the dumpster pad will be screened. Mr. Tomzcak replied it will be screened with landscaping provided around it.

Mayor Branner asked if tires will be stored in the dumpster pad. Mr. Tomzcak stated tires will be stored inside the building.

Mayor Branner asked what the timeframe was on building. Mr. Tomzcak stated to be determined at this time but hoping to be completed within the next 12-16 months.

Moved by Mr. Orr and seconded by Mr. Sherman to approve 101 Sandhill Drive – Preliminary Major Land Development for a 7,320 +/- square-foot Discount Tire store in a C-3 zoned area. Motion Carried Unanimously.

8-H. Motion to approve a lease agreement with the Hockessin Soccer Club for the property located at 300 Fields Way.

Pete Peddrick, Director of Administration with Delaware FC Football Club/Hockessin Soccer Club, is presenting on the program to extend the lease longer than 10 years.

- Over 100 families are already in the program within Town limits.
- 750 families in the greater Middletown area and 1,000 kids a part of recreational soccer, competitive soccer, and camp programs.
- A program for children with disabilities is intended to launch soon.
- Field improvements include putting in a turf field which can last 12-15 years. This will allow the field to be used it in different weather conditions.

Mayor Branner stated the lease will initially be for 10 years as previously discussed, and if deemed necessary to extend the lease by the agreement set by manufacturer, discussions will continue. Mr. Peddrick agreed.

Moved by Mr. Thomas and seconded by Mr. Blythe to approve a lease agreement with the Hockessin Soccer Club located at 300 Fields Way for 10 years and extend the lease as needed.

8-I. Motion to approve a request to assign/sublet a portion of the property at the St. Anne's Golf Course in accordance with the St. Anne's Golf Course Ground Lease Agreement.

Jon Manis, a part-owner at St. Anne's, presented.

- Looking to sublet a portion of the small garage building to restaurateurs to take over the restaurant.

Mayor Branner inquired about the current status of the lease. Mr. Manis reported that the leave will be structured as a one-year term, followed by a month-to-month arrangement thereafter. Mayor Branner also requested the operational status of the pool. Mr. Manis stated the pool would be opened at his request. Mayor Branner reminded Mr. Manis that, under the terms of the existing lease, the pool is required to be opened prior to Memorial Day. Mr. Manis acknowledged requirement and agreed to comply.

Mr. Royston asked about the status of the list that was provided to him in January, regarding things that need to be repaired. Mr. Manis stated he believe most of the items are completed but will check in with Jason Stanley on the items that need attention.

Mayor Branner asked about the stacked ovens that Mr. Stanley has committed to provide. As of 4:00 p.m., the Inspection Department reported that the installation has not been completed. This will be a condition of the Motion being approved, along with the requirement that the pool be opened prior to Memorial Day.

Mr. Orr suggested reaching out to school district to see if they are willing to rent the pool for their swim teams to generate some movement with the pool.

Mr. Royston questioned the signatures on the lease agreement and sighting there is only one name listed when it was discussed it would be leased by two individuals. Mr. Branner also mentioned that the two individuals are not the four original partners in the agreement. Mr. Manis stated the two individuals are subleasing. Mayor Branner advised the lease needs to be sign by the four partners and then signed over to sublet. Mr. Manis agreed.

Mr. Royston would like to have additional language added to the agreement that if there is a default on the golf course, the agreement would be null and void. Mayor Branner is concerned the condition of the golf course is deteriorating due to lack of maintenance and aeration. The golf course needs to be in compliance with DNREC. Mr. Manis states they have been working hard on the golf course within the last month to beautify it.

Scott Chambers, the Town solicitor questioned if the agreement will be revised to explicitly state that if there is a default in the master lease the sublet will also be terminated. Mayor Branner stated the agreement will be updated to state if the master lease is null and void, the sublet lease will be also. Mr. Manis agreed.

Moved by Mr. Blythe and seconded by Mr. Thomas to assign/sublet a portion of the property at the St. Anne's Golf Course in accordance with the St. Anne's Golf Course Ground Lease Agreement. Motion Carried Unanimously.

8-J. Motion to approve Resolution 26-05-01 adopting the New Castle County Multi-Jurisdictional All-Hazard Mitigation Plan 2025 Update.

Morris Deputy, Town Manager, presented the Resolution.

- Maintaining the plan ensures the Town remains eligible for grants, Federal assistance, and disaster relief.
- The plan has been upgraded, and a formal Resolution is required for the Town to remain an active participant.

Moved by Mr. Orr and seconded by Mr. Thomas to approve Resolution 26-05-01 adopting the New Castle County Multi-Jurisdictional All-Hazard Mitigation Plan 2025 Update. Motion Carried Unanimously.

8-K. Introduce Ordinance 26-05-01, to amend Chapter 46 in the Code of Ordinances (Manual of Construction Specifications and Details for Roads, Open Space and Utilities) for the Town of Middletown.

Mayor Branner stated the introduction of this Ordinance will be acted upon at a future meeting.

8-L. Introduce Ordinance 26-05-02 to amend Section 2 and Section 4H of the Town of Middletown Zoning Code.

Mayor Branner stated the introduction to amend this Ordinance will be acted upon at a future meeting.

9. Unfinished Business: None

10. New Business (Public Comment Section)

Richard Forsten reminded everyone of the upcoming Appoquinimink School Board Election, scheduled for Tuesday, May 12, 2026, noting that voting will take place at any school within the district.

A resident is requesting a handicap sign be placed in front of his home. He states that he has attempted to call over the last six months to request one, but did not hear back from anyone. Mayor Branner advised the resident to speak with Vice-Mayor, Aaron Blythe after the meeting to have the situation rectified.

11. Executive Session

Moved by Mr. Orr and seconded by Mr. Blythe to move into Executive Session to discuss personnel matters pursuant to 29 Del Code 29 §10004(b)(9), and 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. Motion Carried Unanimously.

Moved by Mr. Blythe and seconded by Mr. Royston to exit the Executive Session and return to the regular meeting. Motion Carried Unanimously.

Moved by Mr. Blythe and seconded by Mr. Royston to approve the recommendations concerning the personnel matters in the Police Department and Maintenance Department as discussed in the Executive Session, and proceed with the transfer of responsibility for The Can-Do playground at Charles Price Park as discussed in the Executive Session.

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

The meeting adjourned at 10:10 p.m.