

The regular meeting of Mayor and Council was held on the above date with Councilmen Drew Chas, Bruce Orr, Jim Royston, and David Thomas. Mayor Kenneth Branner presided. 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. Orr to approve the minutes of May 4, 2026 as presented in printed form. Motion Carried Unanimously.

4. Treasurer's Report: Moved by Mr. Chas and seconded by Mr. Royston to approve the treasurer's report in printed form. Motion Carried Unanimously.

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

6. Police Report: Chief William Texter

The MPD responded to 1,153 Calls for Service during the previous month.

- 1 District: 4/23/26 – Middletown Village: Aggravated Menacing.
- 2 District: 4/23/26 – Christiana Care: Stalking.
- 3 District: 5/15/26 – Haveg Road – Mr. Tire: Burglary.
- 4 District: Nothing significant to report.
- Dispositions: Traffic Summonses: 146 (2 DUI); Criminal Arrests: 51 (Felony – 12, Misdemeanor – 37, Civil Penalty – 1); Warnings – 102, Reports Written: 389; FSR – 273.
- Collaborative/Community Meetings: Recruiting; SN4C – Sponsor of the upcoming Youth Academy; Meeting with Spring Arbor residents; DEA Take Back; Presented by request of Representative Kevin Hensley, the impact of fraud on senior residents and community members.
- Legislation Amendment to e-bikes: Any e-bike that are that is faster than 15 mph is not allowed on public roads. There is a plan to have these types of bikes marked by the end of the year to be able to distinguish its speed.
- Speeding and stop signs are a continuous issue; active enforcement is in place.
- Collisions are ongoing – mostly due to driver inattention.

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

7. Middletown Main Street Update: Kate Rokosz

The upcoming events are as follows:

- The Charcuterie Crawl scheduled for Thursday June 4, 2026. The event will begin with Middletown High School's jazz band playing on Cochran Square.

- The 3rd annual Flag Day celebration will take place on June 14, 2026 at 6:30 p.m. The scouts will be doing a flag folding ceremony with veterans explaining what each fold represents. This event will end at 7:00 p.m. with the Pledge of Allegiance taking place throughout various communities across the United States.
- The Family Fun Fest is scheduled for July 18, 2026 from 3:00 p.m. to 7:00 p.m. at Town Hall parking lot. This event will have a DJ and over 30 vendors participating, offering family friendly activities.

Moved by Mr. Orr and seconded by Mr. Thomas to approve the Middletown Main Street Update as provided by Kate Rokosz. Motion Carried Unanimously.

8. Public Hearings:

8-A. Motion to approve a Public Assembly Permit for the M.O.T. Fall Fair on October 11, 2026 (rain date October 18, 2026) from 10:00 a.m. to 4:00 p.m. at the M.O.T. Youth Football & Cheerleading Complex, Silver Lake Road.

Monica Brooks and an additional representative presented on the M.O.T. Fall Fair. The fair will include activities such as:

- Touch-a-Truck, which in the past the Town has provided trucks on site along with police vehicles.
- Local fire company trucks will be present.
- Soft play area.
- Live entertainment.
- Entrepreneur station.
- Craft vendors.
- Local wine and beer distributors.

Moved by Mr. Chas and seconded by Mr. Orr to approve the Public Assembly Permit for M.O.T. Fall Fair on October 11, 2026 (rain date October 18, 2026) from 10:00 a.m. to 4:00 p.m. Motion Carried Unanimously.

8-B. Motion to adopt 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.

Morris Deputy, Town Manager presented. The following are the proposed amendments:

- Updates to grease traps.
- Residential meters for houses with sprinklers inside the home.

Moved by Mr. Royston and seconded by Mr. Thomas to adopt Ordinance 26-05-01, to amend Chapter 46 in the Code of Ordinances for the Town of Middletown. Motion Carried Unanimously.

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

Mr. Deputy stated this update will give clarity in the code when referring to duplex and semi-detached homes. It will remove the duplex definition as single-family, semi-detached homes are allowed in R-2 zoning. It also clarifies that semi-detached homes are allowed in a C-2 zoned area.

Moved by Mr. Orr and seconded by Mr. Thomas to adopt Ordinance 26-05-02 to amend Section 2 and Section 4H of the Town of Middletown Zoning Code. Motion Carried Unanimously.

8-D. Introduce Ordinance 26-06-01 to amend Chapter 115 in the Town of Middletown Code of Ordinances to amend the 2021 International Plumbing Code Section 603.2 (Separation of water service and building sewer).

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

8-E. Introduce Ordinance 06-06-02 to amend the application procedures, term limits and other requirements of the Town of Middletown's appointed boards, commissions, and committees.

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

8-F. 436 Green Giant Road – Concept Plan for the Green Giant Elementary School, a two-story, 61,087 +/- square-foot building in an R-1B zoned area. Tax Parcel No. 23-054.00-005.

Christopher Duke, Civil Engineer with Becker Morgan Group presented on the concept plan. This presentation is mostly for the site plan.

- The school will be located west of St. Annes and Abbey Creek and east of Chapel Creek.
- The square-footage of the building is approximately 90,000 and sized for 840 students for grade 1-5. The agenda lists it as 61,087 square-feet, but that is the footprint of the building. Due to the building being two-stories in some areas the square-footage increased.
- There are plans to build an early childhood center in the future on the site.
- There will be two access points from Green Giant Road for student drop off and visitor parking in the front. Bus and staff parking will be in the rear of the building.
- A student playground will be on site.
- The stormwater management area will be located at the southern end of the property. The current plan and design idea is to subsurface to reduce maintenance and nuisance concerns.
- The landscape and wetlands along the shared property line with Chapel Creek Development is proposed to remain undisturbed.
- The lane designated on the plan to the left is to be used for bus drop-off and staff parking.
- The lane designated on the plan to the right is to be used for student drop-off and visitors.
- Approximately 40 visitor parking spaces will be provided.
- The existing road includes a sharp curve, but coordination with DelDOT will guide the planning and design needed to reconfigure the roadway for safe and efficient travel.
- There will be sidewalk and shared use paths for Abbey Creek and Chapel Creek connecting to the school for student walkers.

- Landscaping will be in place to meet the Town's requirements.
- Water, gas, and electric utilities are available and will be accessible from the existing infrastructure along Green Giant Road.
- Abbey Creek is constructing a regional pump station that will be designed to include the anticipated flow from the school. Sewer will be drained to their pump station.
- The site is within the Westown Transportation Improvement District. Instead of a traffic study, funds have been paid into the T.I.D. to make the improvements that are necessary.
- Anticipated construction is set to begin in April 2027 to open for the 2029 school year.

Mayor Branner asked for clarity regarding the drop-off points for busses and car riders. Mr. Duke confirmed the route the busses will take entering the school and the drop-off location behind the school. He also confirmed the route car riders will take and their drop-off location, which will be at the front of the school.

Mr. Orr asked Keith Hopkins, with the Appoquinimink School District if the stormwater management layout will accommodate the elementary school and the proposed early childhood center. Mr. Hopkins stated the proposed childhood center has not been funded, but the goal is to have a referendum to assist with that. The focus is currently on the elementary school and it would not tie-in to it. Mr. Orr also asked if it was safe to have the bicycle racks in the front of the school, based upon other schools built in the district. Mr. Hopkins responded yes; other buildings have the bicycle racks located in the front.

Mr. Chas commended the drop-off areas and suggested relocating the sidewalks to the west and east to minimize roadway crossings for walkers and cyclists, which would potentially limit the number of crossing guards needed. He also asked if the current spaces for handicap parking in the front of the school would accommodate disabled staff and expectant mothers or visitors. Mr. Hopkins stated those spaces will also accommodate staffing.

Mayor Branner asked if the staff would park in the back of the building. Mr. Hopkins responded, yes.

Mr. Orr questioned the sightline regarding the height of the trees on the landscape plan. Mr. Duke noted these details will be refined in the detailed design phase.

Richard Forsten, President of the Appoquinimink School Board praised the support and collaboration of the Town of Middletown to the School District regarding this site and others within the Town of Middletown.

8-G. 126 Patriot Drive, Suites 1 and 2 – Conditional Use Permit request for consumer electronic goods (laptops, tablets, watches, etc.) shipping and receiving business (Eyedealsystems, LLC) in an M-I zoned area. CU-09-26. Tax Parcel No. 23-041.00-014.

Robert Mullin, the landlord for the property is requesting approval to lease space to this business.

- Eyedealsystems, LLC will buy and sell consumer electronics.
- The business may at times have items shipped from the manufacturer directly to the customer.
- The business will at times receive used items and ship them out to customers.
- There will be three to four employees on site.

Mr. Royston pointed out that computers have lithium batteries and questioned if the business was certified with dangerous goods as he has a background with FedEx. Mr. Mullin replied, no. He

believes that the certification is solely for handling lithium batteries. Mr. Royston requested that he verifies the accuracy of his understanding. Mr. Royston states the batteries must be pulled out, be inactive and void of heat. Mr. Mullin states the batteries will be sealed in the devices so they will not be removable.

Mr. Mullin states under the Federal Department of Transportation regulations, lithium batteries under 100-watt hours fall within the minimum standards for consumer electronics. He also mentioned that most consumer devices, typically contain batteries around 74-watt hours, which he believes places the proposed business below the regulatory threshold for additional shipping requirements. Mr. Royston asked if this information was from the Department of Transportation or IATA. Mr. Mullin responded that it was the Department of Transportation. Mr. Royston stated it was surface, but air transportation also needs to be considered and certifications are needed if items are to be shipped in the FedEx or UPS air network.

Mr. Mullin added that, based on his understanding, the way the computers will be shipped ensures the positive and negative reactors will never make contact, along with the battery being sealed. Mr. Royston asked for clarity that they will be receiving used devices and questioned if the average person shipping to them would seal the battery. Mr. Mullin explained that that the devices will be coming from the original manufacturer already having the battery sealed.

Mr. Royston would like the business to obtain certification on shipping lithium batteries. Mayor Branner stated it will be made a condition that the business would need to provide certification from the Department of Transportation with an understanding on the shipping requirements. Mr. Royston stated CFR49 is for the Department of Transportation and IATA is a certification for anything being shipped by air.

Mr. Mullin asked if the business was okay to proceed with requesting permits and inspections on the space, and asked if the Certificate of Occupancy would be issued once proof of certifications were provided. Mayor Branner confirmed.

Moved by Mr. Royston and seconded by Mr. Orr to approve 126 Patriot Drive, Suites 1 and 2 – Conditional Use Permit request for consumer electronic goods (laptops, tablets, watches, etc.) shipping and receiving business (Eyedealsystems, LLC) in an M-I zoned area. CU-09-26 provided that the condition for meeting the proper certifications for handling lithium batteries is met. Motion Carried Unanimously.

8-H. 538 Lilac Drive – Conditional Use Permit request for a home-based utility engineering consultant business in an R-1B zoned area. CU-10-26. Tax Parcel No. 23-026.00-039.

Donald Hall, property owner is requesting approval for his home-based business.

- The home office is located within the Longmeadow subdivision.
- No employees or clients will be present at the home.
- The home office will take up approximately 6% of the total square area of the home.

Mr. Orr asked if the proposed office space is already existing. Mr. Hall answered, yes.

Moved by Mr. Chas and seconded by Mr. Thomas to approve 538 Lilac Drive – Conditional Use Permit request for a home-based utility engineering consultant business in an R-1B zoned area. CU-10-26. Motion Carried Unanimously.

8-I. 119 Patriot Drive, Unit D – Conditional Use Permit request for a recreational cheerleading academy (Supreme Loyalty Cheer) to locate in an M-I zoned area. This location

is in addition to the previously approved location at 117 Patriot Drive, Suite C. CU-11-26. Tax Parcel No. 23-041.00-019.

Thomas Smalls, business owner of Supreme Loyalty Cheer is requesting approval to expand his business to support operational growth.

- Acquiring the new unit will provide additional training for athletes.

Mayor Branner verified that the business is expanding to also run the business out of another suite. Mr. Smalls confirmed.

Moved by Mr. Orr and seconded by Mr. Royston to approve 119 Patriot Drive, Unit D – Conditional Use Permit request for Supreme Loyalty Cheer to locate in an M-I zoned area. CU-11-26. Motion Carried Unanimously.

8-J. 105 Patriot Drive – Minor Land Development Plan and Conditional Use Permit CU-10-19 (expired plan and conditional use permit being resubmitted) for a one-story, 9,450 square-foot medical/professional office building in an M-I zoned area. Tax Parcel 23-041.00-027.

Michael Fogerty, owner of the property appeared to request re-approval for Conditional Use of the associated with the original site plan. He stated the proposal remains unchanged and no modifications have been made to the site footprint.

Moved by Mr. Chas and seconded by Mr. Royston to approve the re-submission for 105 Patriot Drive – Minor Land Development Plan and Conditional Use Permit CU-10-19. Motion Carried Unanimously.

8-K. 28 Anderson Street – Minor Subdivision Plan for the subdivision of the parcel into three lots for construction of a single-family, semi-detached dwelling on lots 1 and 2. Lot 3 will be reserved for future development. Located on 0.21 +/- acres in a C-2 zoned area. Tax Parcel No. 23-006.00-241.

This item is tabled currently at the request of the developer.

8-L. 1035 Industrial Drive – Record Major Land Development Plan for seven (7) one-story buildings for flex space use, totaling 315,000 square-feet of gross floor area with associated site improvements to be constructed on 42.33 +/- acres in an M-I zoned area. Tax Parcel No. 23-012.00-011.

Steve Woodin with Apex Engineering presented on this project.

- Construction plans have been submitted for the first phase for building one.
- A record plan is also being submitted with anticipation that utilities will be set up to move construction along as quickly as possible for the owner.
- There will be two separate entrances on Industrial Drive.
- There will be multi stormwater management areas. The first will be above building number two.
- Parking will be available for sales space as well as storage with loading docks for potential clients and contractors.
- There are no specific tenants currently for any of the buildings.

Mr. Orr questioned the amount of handicap parking available on the site and its locations. Mr. Woodin stated once they are aware of who the tenant will be, the handicap spaces on the plan will

be adjusted as needed. Mayor Branner asked if the handicap parking will be in the front of the building. Mr. Woodin replied yes, they will be closest to the entrance of the buildings.

Mayor Branner asked if building one is the only building being addressed at this meeting. Mr. Woodin explained that phasing is for construction purposes only.

A gentleman from the audience questioned if there would be any improvement to the curve on Industrial Dr. Mayor Branner stated that current state of the road would fall on the Town to correct and there are plans to place guardrails in that area.

Mr. Orr asked Frank Bailey, Fire Chief who was present in the audience if there are any radius concerns. Mr. Bailey replied no.

Moved by Mr. Orr and seconded by Mr. Chas to approve 1035 Industrial Drive – Record Major Land Development Plan for seven (7) one-story buildings for flex space totaling 315,000 square-feet. Motion Carried Unanimously.

8-M. Motion to ratify a consulting services agreement for enterprise resource planning software selection advisory services.

Mr. Deputy stated the main system software is reaching end of life and requesting to enter into a multi-year agreement with GFOA to assist with the RFP and through the process of choosing the right vendor. The contract will be up to \$140,000 and spread out over approximately four years. Mayor Branner confirmed the cost will be up to \$140,000. Mr. Deputy replied the cost is expected to be less than the amount mentioned.

Moved by Mr. Orr and seconded by Mr. Thomas to accept the recommendation of the Town Manager to ratify the consulting services agreement for enterprise resource planning and software not to exceed \$140,000. Motion Carried Unanimously.

8-N. Motion to ratify a professional services agreement for pension-related legal matters.

Mr. Deputy stated the pension attorney who provided services for the Town is retiring. Based off the advice from the Town Solicitor, Scott Chambers and Town Council, the recommendation is to go into contract with Ice Miller for pension legal matters related to the Town pension.

Mr. Orr asked if the 5% discount is included in the agreement. Mr. Deputy replied yes and it is a multi-year contract with the rate being subject to change. Mayor Branner stated approvals will be reviewed each year.

Moved by Mr. Chas and Mr. Royston to accept the recommendation of the Town Manager to ratify a professional services agreement for pension-related legal matters. Motion Carried Unanimously.

8-O. Motion to ratify a contract for the 2026 Road Restoration Project.

Mr. Deputy stated nine bids were received for the municipal street aid. The recommendation is to award the lowest bid to Cirillo Brothers for \$398,532. This bid is approximately \$100,000 less than the engineers estimate.

Moved Mr. Orr and seconded by Mr. Chas to accept the recommendation of the Town Manager to award the road restoration project to Cirillo Brothers for \$398,532. Motion Carried Unanimously.

8-P. Motion to ratify an amendment to the contract with First State Inspection Agency, Inc.

Mr. Deputy stated the amendment is to make sure First State Inspection Agency will charge residents the same fee the Town charges for plan review, in the event the Town needs to use their services.

Moved by Mr. Royston and seconded by Mr. Chas to amend the contract with First State Inspection Agency, Inc. Motion Carried Unanimously.

8-Q. Introduce Ordinance 26-06-03 for the Rezoning of 20 N. Cox Street from R-1A to R-2. Tax Parcel No. 23-006.00-239.

Mayor Branner stated this Ordinance will be introduced at a future meeting.

9. Unfinished Business: None

10. New Business (Public Comment Section)

Mr. Chas announced the annual 4th of July fireworks will take place on Saturday, July 4, 2026 with a rain date of Sunday, July 5, 2026. The fireworks will be held at Silver Lake Park at sundown.

Resident Jerrijill Penzo voiced her concern about the \$50 utility reconnection fee charged to her bill. She is also upset about the additional \$10 late fee that was added. Ms. Penzo states she spoke with someone about waiving the disconnection fee and the only resolve she was given was to attend a council meeting. Mayor Branner asked Ms. Penzo if she reached out to set up an arrangement prior to disconnection. Ms. Penzo replied she did not. Mayor Branner asked if Ms. Penzo already submitted a letter requesting the fee to be waived. Ms. Penzo replied there was no mention of writing a letter when she called the utility department. Mayor Branner advised her to write a letter with her request and drop it off at Town Hall the next day, so that it may be reviewed. Katie Morris, Billing Supervisor was in the audience and also re-iterated the process. Ms. Penzo stated she would be in the next morning to drop off the letter.

A resident voiced his concern regarding the trash company going from a two-man crew to a three-man crew. Mayor Branner stated the trash company is contracted and the number of crew members is a decision the company makes. The resident asked if the suggestion can be passed along to the trash company. Mayor Branner stated the information would be passed on to them.

Kristin Benjamin, a resident at 8 W Green Street is concerned about the homeless population that is growing in Middletown. She specifically wanted to express concern of the homeless person that sleeps on the bench in the courtyard at Town Hall. She believes that there may be more than one person sleeping in the courtyard. Mayor Branner stated he was unaware of this but will coordinate with the Police Chief to get it taken care of.

11. Executive Session

Moved by Mr. Orr and seconded by Mr. Chas to move into Executive Session to discuss personnel matters of which names, competency and ability of individual employees are discussed, pursuant to 29 Del. Code §10004(b)(9).

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 names, competency and ability of individual employees or students are discussed, pursuant to 29 Del Code §10004(b)(9).**

Moved by Mr. Thomas and seconded by Mr. Chas to recommend the acceptance of supervisor evaluations as reviewed by each Councilman. Motion Carried Unanimously.

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

The meeting adjourned at 10:25 p.m.