COUNCIL MINUTES **October 5, 2026**

The regular meeting of Mayor and Council was held on the above date with Councilmen Aaron Blythe, Drew Chas, Jim Royston, Bruce Orr, Craig Sherman, and Dave Thomas were in attendance. 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. Sherman and seconded by Mr. Blythe to approve the minutes of the September 14, 2026 meeting as presented in printed form. Motion Carried Unanimously.

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

5. Bills Payable: Moved by Mr. Chas 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 1,380 Calls for Service during the previous month.

- 1 District: 9/8/26 – Middletown Village: Vehicle Theft.
- 2 District: 9/2/26 – Estates of Dove Run: Vehicle Theft, 8/21/26 – E. Lake Street: Stolen Property/Disregarding Police Officer Signal.
- 3 District: Nothing significant to report.
- 4 District: Nothing significant to report.
- Brass Water Valve Thefts: During the early morning hours of September 3, 2026, officers responded to neighborhoods in Town for six brass water valve thefts. The water valves were cut from the exterior of residences located on Anglesey Drive, Gwynedd Drive, Jayme Court, Lattice Lane, and Garden Gate Drive.
- Catalytic Converter Thefts: During the early morning hours of September 7, 2026, 10 catalytic converters were reported stolen within multiple neighborhoods within Town. The suspects are currently unknown.
- Dispositions: Traffic Summonses: 342 (2 DUI); Criminal Arrests: 84, (Felony – 5, Misdemeanor – 71, Civil Penalty – 0, Violation – 9); Warnings – 123, Reports Written: 294, FSR/CPC – 403, Property Checks – 202, Foot Patrols – 121.
- Collaborative/Community Meetings: M/Sgt. Saunders along with other MPD officers were present at a few of the schools in the district to assist in welcoming kids back to school. Officers also participated in the MOT Senior Center Health Fair, Patriot Day Ceremony at Middletown High School, and a Special Olympics Bowling event.
- 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. Motion Carried Unanimously.

7. Middletown Main Street Update: Kate Rokosz

- Middletown Family Fun Fest:
  - Scheduled for October 17, 2026 from 11:00 a.m. to 3:00 p.m. in the Town Hall parking lot.
  - There will be approximately 40 vendors and food trucks.
  - A variety of family-friendly activities to include a Nerf battle and basketball.
- "CharBOOterie Crawl" Halloween Edition:
  - Scheduled for October 29, 2026 from 5:00 p.m. to 7:00 p.m.
  - Anticipated attendance is over 200 participants.
  - The event will consist of food, wine and beer tastings, and will be Halloween-themed.
  - Tickets are available for purchase at www.downtownmiddletownde.com.
- New Business Initiative – Middletown Main Street Business Retention and Recruitment Grant Progam:
  - Will encourage business development.
  - Support existing small businesses.
  - Strengthen long-term economic vitality of the Downtown District.
  - The program will be broken down into two tiers.

Tier 1: New Business: Open for 0-12 months

- Businesses will be offered updates to their website, marketing, and professional photos.
- A one-time utility assistance payment.

Tier 2: Existing Businesses: Open for a minimum of 13 months

- Businesses will be offered updates to their website, marketing, and professional photos.
- A one-time utility assistance payment.
- $750 in upgrades to business signage.

Business will go through an application process and must be in good standing with Town's Code of Ordinances. This program will be funded by the events presented by Middletown Main Street.

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

8. Public Hearings:

8-A. 123 W. Main Street – Historic Review of planned front façade renovations to building.

Ramy Shraim presented this plan.

- The home was built in 1850 and has been vacant for 20 years.
- The property is intended to be used for Mr. Shraim's wife's children's therapy practice.
- The front steps/porch of the façade needed to be demolished as it could not be saved due to its condition.
- The porch and siding will be re-built to reflect the original features. Renderings were shown of the proposed remodel.
- Mr. Shraim noted that Adrienne Miller, Building Department Supervisor and Raymond Hudson, Plan Reviewer/Code Official have been very helpful in the guidance given to bring the building to code.

Mayor Branner consulted with Morris Deputy, Town Manager on next steps due to this building falling in the Historical Overlay. Mr. Deputy replied approval is needed to make sure the changes fit with the historic district, along with commitments and recommendations made before the Planning and Zoning Commission.

Mr. Shraim noted some of the recommendations made at the Planning and Zoning meeting such as the original front door cannot be preserved due to its condition. Mayor Branner stated this can be addressed during the Preliminary Plan review process.

Mr. Blythe asked how much of the brick in the front of the home would be saved. Mr. Shraim stated it would all be saved. Mr. Blythe also asked if the front porch is the concern. Mr. Shraim confirmed.

Mr. Orr asked if the windows were replaced. Mr. Shraim replied, yes, and referenced the rendering as an example.

Moved by Mr. Chas and seconded by Mr. Blythe to approve 123 W. Main Street – Historic Review of planned front façade renovations to building. Motion Carried Unanimously.

8-B. Motion to approve an agreement between the Town of Middletown and Middletown Police Department Fraternal Order of Police Lodge #20.

Moved by Mr. Chas and seconded by Mr. Thomas. Motion Carried Unanimously.

8-C. 108 Patriot Drive, Suite D – Conditional Use Permit request for an athletic academy, performance and fitness training facility (First State Performance, LLC) in an M-I zoned area. CU-17-26. Tax Parcel No. 23-041.00-005.

Hunter Moyer presented this request.

- There are two locations currently in Fruitland, Maryland and in Berlin, Maryland.
- The business has been operating for 8 years and Mr. Moyer would like to expand in Middletown to serve local athletes.
- Coaches are CSCS certified.

Moved by Mr. Chas and seconded by Mr. Blythe to approve 108 Patriot Drive, Suite D – Conditional Use Permit request for an athletic academy, performance, and fitness training facility (First State Performance, LLC) in an M-I zoned area. CU-17-26. Motion Carried Unanimously.

8-D. 119 Patriot Drive, Suites A, B and C – Conditional Use Permit request for Momentum Volleyball Club to operate an indoor youth athletic and recreational facility for volleyball practices, training, clinics, leagues, camps, open gyms, and club programs. May be used for pickleball at times. M-I zoned area. CU-18-26. Tax Parcel No. 23-041.00.019.

Randy Day presented this request.

- Momentum Volleyball is currently operating out of 108 Patriot Drive and is looking to expand to 119 Patriot Drive due to the growth of the business.
- They currently service 600-700 kids annually with a 40% growth within the last three years.

Mr. Sherman asked if the leagues offered were internal programming or if it would consist of travel teams. Mr. Day stated the leagues are internal and they do travel but are unable to host travel leagues due to spacing.

Moved by Mr. Orr and seconded by Mr. Chas to approve 119 Patriot Drive, Suites A, B and C – Conditional Use Permit request for Momentum Volleyball Club to operate an indoor youth athletic and recreational facility for volleyball practices, training, clinics, leagues, camps, open gyms, and club programs. May be used for pickleball at times. M-I zoned area. CU-18-26. Tax Parcel No. 23-041.00-019. Motion Carried Unanimously.

8-E. 1100 Industrial Drive, Suites 4 & 5 – Conditional Use Permit request for a residential plumbing, heating, and cooling contractor (Triton Services) to utilize the space for its offices, warehouse, training, and dispatch in an M-I zoned area. CU-19-26. Tax Parcel No. 23-012.00.020.

Wade Bendler presented this request.

- The business outgrew its Delaware City location.
- Middletown has become the primary service area over the past three years.
- The business will provide residential plumbing, heating, and air conditioning services.

Mayor Branner noted the Planning and Zoning Commission unanimously recommended Mayor and Council approve this request.

Moved by Mr. Royston and seconded by Mr. Sherman to approve 1100 Industrial Drive, Suites 4 & 5 – Conditional Use Permit request for a residential plumbing, heating, and cooling contractor (Triton Services) to utilize the space for its offices, warehouse, training and dispatch in an M-I zoned area. CU-19-26. Motion Carried Unanimously.

8-F. 700 N. Broad Street, Suite B – Conditional Use Permit request for the operation of a self-storage facility (Extra Space) in an M-I zoned area. CU-20-26. Tax Parcel No. 23-003.00-009.

Phil Gardner presented this request.

- The existing tenant is Penco Building Products.
- Extra Space will occupy more than half of the facility as a storage facility.

Mayor Branner asked if it will be internal self-storage. Mr. Gardner replied, yes.

Mayor Branner noted the Planning and Zoning Commission unanimously recommended Mayor and Council approve this request.

Mr. Orr asked if there was a drive-thru in the center of the plan provided. Mr. Gardner replied, yes. Mr. Gardner stated customers will enter from the Broad Street entrance and exit through the rear of the building to connect to the signalized intersection. Mayor Branner asked if customers would come to the light by NAPA to exit. Mr. Gardner confirmed.

Mr. Blythe asked if the storage units will be individually fenced or be a garage type of unit. Mr. Gardner replied it will be garage type with steel enclosure and a roll-up door. They will be various sizes.

Moved by Mr. Chas and seconded by Mr. Blythe to approve 700 N. Broad Street, Suite B – Conditional Use Permit request for the operation of a self-storage facility (Extra Space) in an M-I zoned area. CU-20-26. Motion Carried Unanimously.

8-G. 18 & 20 Lockwood Street – Record Minor Subdivision Plan for the adjustment of the common lot line between the two parcels for construction of a single-family, semi-detached

dwelling in an R-2 zoned area on 0.13 +/- acres. Tax Parcel Nos. 23-005.00-071 and 23-005.00-072.

Denis Hulme presented this plan.

- The existing structure will be demolished and replaced with two semi-detached single family dwellings with a common lot line and property wall.
- The width for the property is 50 feet. The lot line adjustment will provide two 25-foot lots.
- The homes will be approximately 20 feet wide and 40 feet deep, similar to the development on Anderson Street.
- The plan went before the Board of Adjustment for a variance regarding the side yard setbacks and overall lot width.

Mayor Branner asked if the variances were approved. Mr. Hulme replied, yes.

Moved by Mr. Chas and seconded by Mr. Blythe to approve 18 & 20 Lockwood Street – Record Minor Subdivision Plan for the adjustment of the common lot line between the two parcels for construction of a single-family, semi-detached dwelling in an R-2 zoned area on 0.13 +/- acres. Motion Carried Unanimously.

8-H. 224 Wiggins Mill Road – Record Major Subdivision Plan for Greenough at the Estates of Saint Annes, proposing 33 new single-family detached lots on two streets. The property was designated Lot 1 of the Estates at Saint Annes Major Subdivision Plan, recorded under instrument number 20031003-0128103.

Richard Forsten presented this plan.

- The parcel is 16.7 acres.
- The deed restrictions for St. Annes does allow for this proposed development.
- The proposed development will connect to the existing development through a stub street.
- Meetings with DelDOT have occurred regarding the gate off Wiggins Mill Road and the millstones on the property. DelDOT is requesting neither be in their right-of-way.
- The proposed development will consist of 33 single-family homes, which will be sized and in accordance with the existing homes within the Estates at Saint Annes.
- The homes will be priced between $800,000 - $850,000.
- The existing driveway from Wiggins Mill Road will stay and is strong enough to hold the wight of fire trucks.
- There will be a dry retention basin for stormwater management.
- Construction is planned to begin in Spring 2027.

Mayor Branner asked if coordination with the Fire Chief regarding the Knox Box has begun. Mr. Forsten replied, yes.

Fire Chief Frank Bailey asked about the existing driveway. Mayor Branner replied that it is stone based from Wiggins Mill Road and blacktopped all the way to the farmhouse. Mr. Bailey asked if the road would be turned over to the Town to be maintained. Mayor Branner replied that is the plan. Mr. Bailey also asked about how far the gate would be off the road. Mayor Branner stated coordination will take place once the plans are reviewed.

Mr. Orr asked if any issues were raised when meeting with the residents of the Estates at Saint Annes. Mr. Forsten stated the meeting with the residents was very cordial.

Moved by Mr. Royston and seconded by Mr. Blythe to approve 224 Wiggins Mill Road – Record Major Subdivision Plan for Greenough at the Estates of Saint Annes, proposing 33 new single-family detached lots on two streets. The property was designated Lot 1 of the Estates at Saint

Annes Major Subdivision Plan, recorded under instrument number 20031003-0128103. Motion Carried Unanimously.

8-I. Motion to adopt Ordinance 26-07-01 to amend Chapter 118 of the Town of Middletown Code of Ordinances, Public Storage Containers, to include dumpsters and roll-off containers.

Morris Deputy: The amendment updates the existing Code of Ordinances to include dumpsters and roll-off containers.

Moved by Mr. Royston and seconded by Mr. Orr to adopt Ordinance 26-07-01 as presented by the Town Manager. Motion Carried Unanimously.

8-J. Motion to adopt Ordinance 26-09-01 to amend Chapter 44, Energy Code, in the Town of Middletown Code of Ordinances to adopt and enforce the 2024 International Energy Conservation Code (IECC), in accordance with Title 16, Chapter 76, §7602 of the Delaware Code.

Morris Deputy: The amendment updates the code to be aligned with the new State Energy Code which will go into effect in 2027.

Moved by Mr. Chas and seconded by Mr. Blythe to adopt Ordinance 26-07-01 as presented by the Town Manager. Motion Carried Unanimously.

8-K: Motion to adopt Ordinance 26-09-02 to amend Section R327 of the International Residential Code 2024 edition to add Section 327.3 – 327.5 and Section R3202.2, deleting R302.2.2 in its entirety and replacing therein Section R302.2.1.

Morris Deputy: This amendment updates the International Residential Code for drain pans for washing machines, bathrooms, showers, and wall separation in townhomes.
Moved by Mr. Orr and seconded by Mr. Thomas to adopt Ordinance 26-09-02 as presented by the Town Manager. Motion Carried Unanimously.

8-L. Motion to adopt Ordinance 26-09-03 to amend the International Property Maintenance Code 2024 edition by adding Section 508 "Automatic Clothes Washing Machine."

Morris Deputy: This amendment updates the Property Maintenance Code pertaining to rental properties to supply drain pans under washing machines.

Moved by Mr. Blythe and seconded by Mr. Royston to adopt Ordinance 26-09-03 as presented by the Town Manager. Motion Carried Unanimously.

8-M. Motion to adopt Ordinance 26-09-04 to renew a Cable Franchise Agreement with Verizon Delaware LLC.

Morris Deputy: This is an agreement to renew with Verizon Delaware LLC for an additional 5 years.

Moved by Mr. Orr and seconded by Mr. Sherman to adopt Ordinance 26-09-04 as presented by the Town Manager. Motion Carried Unanimously.

8-N. Introduce Ordinance 26-10-01 to amend Chapter 163: Vehicles, Abandoned in the Town of Middletown Code of Ordinances.

This Ordinance will be acted upon at a future meeting per Mayor Branner.

8-O. Motion to ratify a Traffic Signal Installation and Maintenance Agreement, SR 71 (N. Broad Street) at Lake Street, with the Delaware Department of Transportation.

Morris Deputy: This is an agreement to re-install traffic signals by DelDOT.

Moved by Mr. Chas and seconded by Mr. Blythe to ratify a Traffic Signal Installation and Maintenance Agreement, SR 71 (N. Broad Street) at Lake Street, with the Delaware Department of Transportation. Motion Carried Unanimously.

9. Unfinished Business:

Mr. Sherman thanks the Town's Parks Department for completing the second tree planting grant awarded by the Delaware Forest Service. The trees were planted at Doc Levison Park and at the entrance of Charles Price Memorial Park (Levels Park).

10. New Business (Public Comment Section):

Mr. Blythe acknowledged the passing of George Kilbride who served the community for 20 years as a Little League umpire, board member, and coach. Mr. Kilbride's services will be held on Thursday, October 8, 2026, with a Celebration of Life gathering planned at Silver Lake Park on Friday, October, 2026.

11. Executive Session

Moved by Mr. Orr and seconded by Mr. Chas to enter the Executive Session to discuss personnel and legal matters in which names, competency and ability or individuals are discussed pursuant to 29 Del. Code §10004(b)(9).

Moved by Mr. Thomas and seconded by Mr. Chas to exit the Executive Session. Motion Carried Unanimously.

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

The meeting adjourned at 10:30 p.m.