

The regular meeting of Mayor and Council was held on the above date with Councilmen Jim Reynolds, Jason Faulkner, Robert McGhee, Drew Chas, Rob Stout and Howard Young present with Mayor Kenneth Branner presiding. Town Manager Morris Deputy and Town Solicitor Scott Chambers were also present.

**1. Minutes Approval:** Moved by Mr. Faulkner and seconded by Mr. McGhee to approve the December 7, 2015 Council Minutes as prepared. Motion Carried Unanimously.

**2. Treasurer's Report:** Moved by Mr. Chas and seconded by Mr. Faulkner to approve the Treasurer's Report as prepared. Motion Carried Unanimously.

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

**4. Police Report:** Chief Dan Yeager

The MPD responded to 1,131 calls for service for the month of December.

- 1 drug arrest – Anderson Street
- 1 assault 1<sup>st</sup> – Janvier Drive
- 1 carjacking – 301 Truck Plaza
- 1 robbery – Cleaver Farm Road
- 1 sexual offense – 396 E. Main Street
- 142 traffic arrests; 51 criminal arrests; 47 warnings; 384 reports; 51 field service reports and crime prevention checks.

Moved by Mr. Young and seconded by Mr. Stout to approve the Police Report as presented by Chief Yeager. Motion Carried Unanimously.

**5. Public Hearings:**

**5-A. Motion to approve appointment to the Middletown Action Network Commission**

Mayor Branner recommended the appointment of Thelma Diane Hawkes to the Middletown Action Network Committee. Ms. Hawkes has been a volunteer for several years.

***Moved by Mr. Faulkner and seconded by Mr. Young to approve the appointment of Diane Hawkes to the Middletown Action Network Commission. Motion Carried Unanimously***

**5-B. Preliminary Major Land Development Plan for a proposed 36,170 square-foot retail grocery store (Lidl) in the M.O.T. Park, 359 Auto Park Drive, Parcel G. The proposed building and parking facilities would be constructed within a 3.90 acre, C-3 zoned area. Tax Parcel No. 23-022.00-184.**

Dave Kuklish from Bohler Engineering presented the Preliminary Plan for Lidl, a German based grocery store.

- A 36,170 square-foot grocery store is proposed for Lot G in the M.O.T. Park on Auto Park Drive.

- The store will utilize 3.9 acres of the 5.2 acre site.
- 122 parking spaces are required; 139 are proposed, including 8 handicap spaces.
- Three loading spaces will be provided on the southeast side of the building and shielded from the main highway.
- The trash container will be fully screened on all sides.
- Utilities are available at the site.
- Inlets are located on Auto Park Drive, all of which convey runoff to previously constructed stormwater management ponds. The WRPA Ordinance will be complied with by sending water quality back into the ground via infiltration. Water quality and quantity will be controlled.
- Turning radius is designed to allow trucks to enter and exit safely.
- Site lighting is designed to provide adequate lighting for safety and controlled to prevent lighting from spilling onto adjacent properties.
- Additional trees and landscaping will be planted on Auto Park Drive and adjacent to the building.
- 5' sidewalk will be installed along the property frontage.
- A bike rack will be provided.
- Plan has been sent to DelDOT for comment.
- The site plans will comply with KCI's comments.

Brian Kearney, Lidl, U.S.:

- Lidl is the largest grocery chain in Europe (pronounced Leedl).
- They are just starting their expansion into the U.S. This is one of the first stores in the Mid-Atlantic region.
- Private label products as well as popular "A" label products will be sold.
- Planning and Zoning recommended unanimous approval.

***Moved by Mr. Reynolds and seconded by Mr. McGhee to approve the Preliminary Major Land Development Plan for a 36,170 square-foot retail grocery store on Parcel G in the M.O.T. Park. Motion Carried Unanimously.***

**5-C. 128 Patriot Drive, Suites 11 and 12 – Conditional Use Permit request for a printing facility utilizing offset printing presses, in an M-I zoned area. CU-14-15. Tax Parcel No. 23-041.00-015.**

Michael Dibert, owner of Epic Marketing, requested approval to operate an offset printing business at 128 Patriot Drive. Their business started in 2008; offset presses were recently purchased to expand their operation in-house. Planning and Zoning recommended approval.

***Moved by Mr. Faulkner and seconded by Mr. Chas to approve the Conditional Use Permit request for a printing facility utilizing offset printing presses in an M-I zoned area. CU-14-15. Motion Carried 5 – 0. Mr. Stout recused himself from voting.***

**5-D. 19 S. Broad Street – LED sign request for Liquor Warehouse.**

Tabled.

**6. Unfinished Business:** None

**7. New Business:**

- Mr. Reynolds announced that N. Scott Street is scheduled to be paved. “No Parking” signs will be posted; anyone violating the signs will be ticketed.
- Tracy Skrobot introduced Nick Manerchia, the new Middletown Main Street Director. Mr. Manerchia has been a resident for 16 years and has been president of the board for 2 years.
- Roxanne Ferguson, MACC, reported:
  - over 400 pounds of food was collected during the “Fill the Bus” campaign;
  - the Chamber has partnered with NBC’s The Biggest Loser Challenge. Anyone interested in joining should contact the Chamber.

***Moved by Mr. Reynolds and seconded by Mr. Faulkner to enter into the Executive Session to discuss the competency and ability of various employees and an employee disciplinary case. Motion Carried Unanimously.***

**8. Executive Session:**

***Moved by Mr. McGhee and seconded by Mr. Reynolds to exit the Executive Session and return to the public session in Council Chambers. Motion Carried Unanimously.***

**A. Discuss competency and ability of various employees, pursuant to 29 Del. Code §10004(b)(9).**

***Moved by Mr. Faulkner and seconded by Mr. Stout to approve the recommendation of Lieutenant promotion from Police Chief Dan Yeager, and the personnel recommendations for the Maintenance, Water and Administration Departments from Mayor Ken Branner. Motion Carried Unanimously.***

**B. Hearing on employee disciplinary or dismissal case, pursuant to 29 Del. Code §10004(b)(8).**

***Moved by Mr. Faulkner and seconded by Mr. Stout to approve the recommendation of disciplinary action from Police Chief Dan Yeager. Motion Carried Unanimously.***

***Moved by Mr. Chas and seconded by Mr. Reynolds to adjourn.***

Meeting adjourned at 9:30 p.m.