

**MINUTES OF THE PUBLIC HEARING AND MEETING**  
**SMYRNA TOWN COUNCIL**  
**September 15, 2008**

**PUBLIC HEARING**

Vice-Mayor Pressley called the public hearing to order at 7:15 p.m. Council members present were Memphis P. Evans, William D. Pressley Sr., William C. Raynor, Lawrence O. Thornton Jr. and Valerie M. White.

Also present were Town Manager David S. Hugg III, Police Chief Richard H. Baldwin Jr. and Recording Secretary Carol C. McKinney.

Visitors present included Marian Bower, Allen Phelps, Tina Bilbrough, Albert & Tish Pickett, Daryl Jester, Seth Clevenger, Steven Artz, Kayla Fitzwater, Wilbert Bordley.

**1. An Application To Rezone Property at 24 N. Main Street**  
**(Tax Map ID #DC-17-009.010.13-03-31.00-000) Owned by Albert &**  
**Letitia Pickett from Central Commercial To Residential-1**

Vice-Mayor Pressley asked if anyone present wished to speak in favor of the rezoning.

Albert Pickett said they talked to Janet Vinc and they are going with Residential-2 rather than Residential-1. He said Ms. Vinc was going to revise some other properties in Town and submit changes to the state before the end of the year. He added that he has back up letters from neighbors who support their request in going to Residential-2.

Vice-Mayor Pressley asked Mr. Hugg if he is aware of any changes.

\*\*\*Mayor Stombaugh entered the meeting at 7:17 but she did not take the gavel from Vice-Mayor Pressley.

Mr. Hugg said the original request went to the Planning & Zoning Commission and was sent to the State. We have not heard back from the State. This public hearing was already advertised

and posted in anticipation that Planning and Zoning was going to act on it. If Council acts on this tonight, it will be without Planning & Zoning's recommendation and without comments from the State.

Vice-Mayor Pressley suggested that we postpone action until the next meeting.

Mr. Pickett said to his knowledge, Ms. Vinc has not sent it yet. He said they hope that you will make an honest attempt to change it to Residential-2.

Councilman Thornton asked the difference between Residential-1 and Residential-2.

Mr. Hugg said there are different side yard setback requirements, differences in permitted uses. Residential-2 is typical of the kind of development you would have in the central part of Town. Residential-1 is what you have out in Cottage Dale Acres.

**2. An Application To Rezone Property at 621 N. Main Street (DC-17-009.16-01-03.00-000) Owned by Greens Branch LLC from Agricultural to Residential-3**

Vice-Mayor Pressley asked if anyone present wished to speak in favor of the application.

Mr. Steve Artz said he is a principal owner of the property at 621 N. Main Street which he purchased from the Marenos. Mr. Artz said Ms. Vinc advised him that the Town was interested in bringing that property into compliance with the Comprehensive Plan which calls for Residential-3. He said he looked into it and is amenable with that change.

Mr. Hugg noted that you have the minutes of the Planning and Zoning Commission in your packet. The application is being submitted by the Town with the concurrence of the property owner. It was recommended by the Planning and Zoning Commission

to bring the property into compliance with the Comprehensive Plan.

Vice-Mayor Pressley asked if anyone present wished to speak against the application.

Alan Phelps said he lives right across the road from this property. He added that he doesn't have a problem with what Mr. Artz wants to do but he has a problem with Residential-3 zoning because if Mr. Artz can't do what he wants, a developer can come in and put up townhouses. He said he is against that.

Tina Bilbrough said she lives across the road with Mr. Phelps and she also doesn't want townhouses there. It is in a flood zone. There is a small area to put in a lot of houses. Ms. Bilbrough said she doesn't see why the Town would make this Residential instead of Agricultural. She said she doesn't want to see a lot of traffic and townhomes. There is enough already.

Hearing no further comments, Vice Mayor Pressley closed the public hearing at 7:24 p.m.

#### **OPEN REGULAR COUNCIL MEETING**

Mayor Stombaugh opened the regular Council Meeting at 7:30 p.m. Council members present included Memphis P. Evans, William D. Pressley Sr., William C. Raynor, Lawrence O. Thornton Jr., Valerie M. White.

Also present were Town Manager David S. Hugg III, Police Chief Richard H. Baldwin Jr., Attorney Erika Schrader and Recording Secretary Carol C. McKinney.

Chief Baldwin led the Pledge of Allegiance and Mayor Stombaugh asked for a moment of silence.

Mr. Hugg noted that Councilman Mullen was in New Jersey this afternoon and will probably be late tonight if he makes it at all.

**ADDITIONS/DELETIONS TO PUBLISHED AGENDA**

Councilman Pressley made a motion to accept the agenda as presented. Motion was seconded by Councilman Evans and carried unanimously.

**MINUTES OF PREVIOUS MEETING**

Councilman Pressley made a motion to accept the minutes of the meeting of August 18, 2008. Motion was seconded by Councilman Thornton and carried unanimously.

**REPORTS**

PRESIDING OFFICER:

Mayor Stombaugh reported that she received a letter from the Department of the Interior, Division of Fish and Wildlife, concerning a meeting at DNREC, 2591 Whitehall Neck Road on September 19, 2008. There will be a meeting for officials from 3:00 to 5:00 p.m. and the public is invited to come and comment at 7:00 p.m. This meeting includes concerns for Bombay Hook Wildlife Refuge.

Mayor Stombaugh said that Mayors and Council members that read the Smyrna Clayton times asked her to pass along their disappointment on comments that were made by one of our Council members that never attended any conventions. The comment that was made was that the conventions are nothing but one big party. She said that people are pretty upset about the statement because most people who go work very, very hard. Mayor Stombaugh said she wanted to go to the convention and Council turned her request down. She said that she did receive an anonymous donation to go if she chooses to do so. She said they wanted her to pass along that hard work goes into conventions. She added that Mr. Hugg goes to one every year. He can tell you how much knowledge is gained.

Mayor Stombaugh said when she was in New Orleans she never slept later than 6:00 a.m. She attended four classes a day.

They built a play ground from the dirt up. Mayor Stombaugh said she is just passing the message along.

TOWN ATTORNEY:

Ms. Schrader had no report.

POLICE CHIEF:

Chief Baldwin said his written report was in packets. We have been participating in DelDOT's "Drive 25 She's Alive - Drive 35 She's Dead" effort. Also, we have received a \$3,000 grant to pursue State Certification and our monthly stats were included.

TOWN MANAGER:

Mr. Hugg said his written report was in packets.

He reminded everyone of the workshop at 6:00 p.m. Wednesday evening. He said a tentative agenda was distributed and, since he has not heard back from anyone, that will be finalized and posted. The workshop will be from 6:00 to 8:00 p.m. in the Conference Room downstairs and Tony Di Prima from Dover will be our facilitator.

COMMITTEES:

Councilman Pressley reported that the Business Development Committee discussed the parking ordinance. There were some changes made to it.

Councilman Pressley said we didn't have a Personnel Committee meeting this month but will have one on October 8 at 5:00 p.m.

He noted that the next Business Development Meeting will be on October 2 at 8:30 a.m. downstairs. Rick Ferrell will give a proposal and, if we have time, we will discuss façade grants.

Mr. Thornton reported that the Police Building Committee met on September 8. They discussed financing options, construction issues and a tentative document concerning committees. He said there were some recommendations for Council

but there wasn't time to get them on the agenda for tonight so they will be on your next agenda. Minutes were in packets.

Mr. Hugg said the Finance Committee met and minutes are in packets. They stated discussion on the 2009 budget and set some tentative meeting dates which were included in your packets: September 23, 2008, October 7, 2008, October 28, 2008, November 11, 2008, November 25, 2008, December 2, 2008, December 9, 2008. He pointed out the November 11 is a holiday so that meeting will be rescheduled. Mr. Hugg reminded Council that the budget must be approved by the second Council meeting of December.

Mayor Stombaugh reported that the Public Safety Committee met last Thursday. The first draft of the Emergency Operations Plan was handed out to members for review and suggestions. It will then come back to Council and Mr. Hugg. Mayor Stombaugh said they had DEMA attend and make a presentation. We are going to open it to the public on October 22 at 7:00 p.m. at a location to be announced later. Mayor Stombaugh said it is about an hour and a half presentation on how to prepare yourselves, your homes and your families for emergency situations. She said she is very excited and it was a good presentation.

#### **RECOGNITION OF VISITORS**

Visitors present included Marian Bower, Allen Phelps, Tina Bilbrough, Albert & Tish Pickett, Seth Clevenger, Steven Artz, Kayla Fitzwater, Wilbert Bordley, Cheryl Thornton and Stephanie Steckel.

Mayor Stombaugh opened the floor to visitors. She asked anyone wishing to speak to come to the microphone, to give their name and address for the record and to limit their comments to three minutes. She said we have a digital timer which we will set and you will know when your time is up. Council is not obligated to respond tonight.

Kayla Fitzwater of 125 Rustic Lane said she is a member of Dr. Steckel's staff. It is a great office they have. She added that they have given her a lot of opportunities to learn and grow in the field.

**OLD BUSINESS**

**RESULTS OF PUBLIC HEARING**

**24 N. Main Street, Picketts**

Councilwoman White made a motion to table this item because it has not come back from the State Planning Office or Planning & Zoning. Motion was seconded by Councilman Thornton and carried unanimously.

**621 N. Main Street, Greens Branch LLC**

Councilman Thornton made a motion, for purposes of discussion, to approve the rezoning of 621 N. Main Street from Agricultural to Residential-3. Motion was seconded by Councilwoman White, for purposes of discussion.

Councilwoman White asked why we would recommend Residential-3 right off the top.

Mr. Hugg said that is what is recommended in the Comprehensive Plan and what was recommended by the Planning & Zoning Commission. That section of Smyrna is recommended for higher density in the Comprehensive Plan. That also does allow some introduction of office uses and other kinds of uses that are not permitted in Residential-2.

Mayor Stombaugh asked about Residential-2.

Mr. Hugg said other than Home Occupations, he doesn't believe businesses are allowed in R-2.

Mayor Stombaugh asked if offices are allowed in Residential-3.

\*\*\*Councilman Mullen arrived at 7:45 p.m.

Councilman Pressley said we have no information to base our decision on. There was nothing in packets.

Mr. Hugg said this is a Planning & Zoning Commission recommendation to make the property consistent with the Comprehensive Plan. It is an application submitted by the Town. State law requires that zoning is consistent with the Comprehensive Plan. If you wanted to consider a different zone, you would have to change the Comprehensive Plan and make it another zoning there.

Mr. Hugg pointed out that this is right next to Governor's Place Townhomes and just down the street from Eagles Chase/Eagles View townhouses which are zoned Residential-3

Mayor Stombaugh said they are all pretty far away from this property.

Ms. Schrader noted that medical clinics are permitted as a special exception in Residential-2A and in R-3.

Councilman Thornton asked if this would have to go back to Planning and Zoning to revise the Comprehensive Plan.

Mr. Hugg said you would have to reject this application. Different standards, setbacks and uses are allowed in other zoning designations.

Councilman Thornton said a developer wants to build a nice dental office. The neighbors don't want townhouses if that doesn't work out. He asked if Mr. Artz would have a problem with R-2A.

Mr. Artz said he did have a tentative plan. The original plan was to have a place where staff could stay. He noted that they have nice young people working for them who need a place to live. He said he want to build an office on-site. Mr. Artz said he asked Matt Spong to look at the property and come up with a tentative plan based on Residential-3 which is what the town asked for. Mr. Artz noted that the most that can be developed is two acres and one acre which still has to be left open which is a significant amount of land. He said if you

require Residential-2A, that would cause him some real problems. Mr. Artz added that he felt R-3 gave him sufficient buffers.

Mayor Stombaugh asked if he plans apartments.

Mr. Artz said he may leave the house as a house and remove the garage and shed and place an office there. It is possible to renovate the house and that would be the easiest. He could just add an office there. Mr. Artz said he doesn't want to be an absentee landlord. The benefit to having staff members living there is they wouldn't have to commute. There is also the possibility that an office could have apartments above it and a staff member could stay there.

Mayor Stombaugh said it sounds to her like Mr. Artz is planning a commercial property. You can have owner occupied with a care taker in commercial. Residential-3 allows apartments and townhouses. She said it sounds like you are looking at commercial.

Mr. Artz said what he wants to do will require a special exception, another hearing.

Mr. Hugg said to suggest that they be commercial opens up more concerns. Commercial requirements are different, setbacks are different, that generates more traffic. Mr. Artz came forward to the Town and talked about zoning to Residential 3 and what he could do. If he were to decide not to put a dental office, thirty-five percent lot coverage would limit him. Wetlands and wooded areas restrict him further. If you try to make this commercial, you may be creating a monster that doesn't exist. Mr. Hugg said that Residential-3 does allow medical offices as a special exception so there is a mechanism to allow it.

Mr. Artz said there currently is a single family home there. There could be two apartments above the office.

Council members Evans, Mullen, Pressley, Raynor and Thornton voted yes. Councilwoman White and Mayor Stombaugh voted no. Motion carried.

**14 S. CLEMENT STREET, PENNINGTON**

**SET ZONING DESIGNATION-Residential-2A**

Mr. Hugg said this is the final step in the annexation of this property. An election was held on August 28 and the result was favorable to annex. Council had previously held a Legislative Fact Finding Hearing and considered the zoning designation of Residential-2A which is consistent with the Comprehensive Plan.

Tonight, you need to set the zoning and then adopt the resolution approving the annexation with zoning in place. This requires two actions.

Councilman Mullen made a motion to set the zoning designation for 14 S. Clements Street as Residential-2A. Motion was seconded by Councilman Thornton. Council members Evans, Mullen, Pressley and Thornton voted yes. Council members Raynor, White and Mayor Stombaugh voted no. Motion carried.

**RESOLUTION APPROVING THE ANNEXATION OF 14 S. CLEMENTS STREET  
WITH ZONING DESIGNATION IN PLACE.**

Councilman Mullen made a motion to accept the resolution approving the annexation of 14 S. Clements Street with zoning designation in place. Motion was seconded by Councilman Thornton.

Chief Baldwin expressed concern about the annexation of isolated properties in areas predominantly out-of-town. He said it is extremely difficult for the Police Department when this happens. Chief Baldwin said it would be far better if the Town annexed blocks of properties at a time. He added that he isn't blaming anyone for this but it is something that we need to take a look at.

Council members Evans, Mullen, Pressley and Thornton voted yes. Council members Raynor, White and Mayor Stombaugh voted no. Motion carried.

Councilman Mullen said he voted in favor because it meets the Comprehensive Plan and was recommended by Planning & Zoning.

Councilman Raynor said he voted no because he sees no significant value in this.

Councilman Evans said he voted in favor because it meets the Comprehensive Plan.

Councilwoman White said she voted against because she feels it is not consistent with the character of the community or the Comprehensive Plan.

Councilman Pressley said he voted in favor because it meets the Comprehensive Plan.

Mayor Stombaugh said she voted no for the same reasons as Ms. White.

Councilman Thornton said he voted yes because it meets the Comprehensive Plan and was recommended by Planning & Zoning.

**POLICIES AND PROCEDURES**

**BASIC MEETING PROCEDURES**

Councilwoman White said she didn't get a final copy in her packet.

Mayor Stombaugh said she was waiting for comments and didn't get any. She added that she gave Council two weeks to come back to her and no one did so she assumes everything was okay. Council was supposed to review these. Mayor Stombaugh said she did insert the comments from Mr. Jaywork and gave the updated version to Council two weeks ago and asked you to get back to her. She said that she will type up the final version and put it on the next agenda for a vote.

Mayor Stombaugh said this is a guideline, nothing stringent. Council had nothing. Committees had nothing. New people on committees and Council didn't know what the rules are.

Councilwoman White asked what format it will be brought back. Will it be a resolution?

Mayor Stombaugh said it is an outline, item by item, with changes made by the Attorney.

Councilman Pressley said he did read them and didn't have much changes other than with Mr. Jaywork made.

Mayor Stombaugh said one change she wants is that, when you want to speak, you address the chair and when you are finished speaking, you again address the chair so she knows you are done talking. She said Mr. Jaywork said you don't have to address the chair the second time but she feels it is important.

Mayor Stombaugh said she took a class and they said when someone hesitates and doesn't speak for a bit, you assume they are finished. If they address the chair and state they are done, it lets everyone know they are done and another can speak.

Councilwoman White asked if we can get the final copy before Friday's packets.

Councilman Thornton said he pretty much agrees with Mr. Jaywork's comments. We have to be careful that we don't have something so formal we can't work with it. It is a valuable document. He said the best thing to do is send out the final document.

Councilman Thornton said this apparently was taken from a template. He added that Mayor Stombaugh left in the word "chancellor". He asked her what that means.

Mayor Stombaugh said it means "challenger".

**ORDINANCE NO. 003-08, APPENDIX A, ZONING**

**REF. PARKING**

Councilman Mullen said this is on table and needs to be motioned off table prior to any action.

Councilman Pressley made a motion to take this off table. Motion was seconded by Councilwoman White.

Councilman Pressley said the Business Development Committee worked on this and talked to some of the people who made the recommendations. There are a few changes that we asked for and you have them in packets.

Councilman Pressley said the solicitor had comments on it. It has been many months since we had a public hearing and there have been changes since then. Mr. Jaywork said we might want to consider holding another public hearing just in case someone has questions or comments on those changes. It might keep us out of trouble.

Councilwoman White agreed that another public hearing would be advisable since it is so long since we held the other one.

Councilman Pressley said he is ready to vote on it but wants to be sure we don't get ourselves into trouble.

Mayor Stombaugh said she wants it to be right.

It was agreed that we can advertise a public hearing and have it come back at the October 6<sup>th</sup> meeting.

Council members Mullen, Pressley, Raynor, Thornton, White and Mayor Stombaugh voted yes. Councilman Evans voted no.

**NEW BUSINESS**

**ORDINANCE NO. 008-08, CHAPTER 18, BUILDINGS & BUILDING**

**REGULATIONS, ARTICLE VI, FENCES**

Mayor Stombaugh gave the gavel to Vice-Mayor Pressley.

Mayor Stombaugh made a motion to consider this the first reading of Ordinance No. 008-08, Chapter 18, Building and

Building Regulations, Article VI, Fences. Motion was seconded by Councilwoman White.

Councilwoman White asked if this has been reviewed by the attorney's office. Ms. Schrader said no.

Mayor Stombaugh said she has been doing a lot of work on this. A lot of towns have fence ordinances and a number have outlawed cyclone fences in front of a property. She suggested that you take a ride down the highway on the left hand side there is a storage unit. They have black ornamental fence across the front and cyclone fence along the side and across the back.

Councilman Pressley said some things look nice. To be honest, chain link fence will stop a car before aluminum and metal fence will. That is why Dover Air Force Base uses it. The fence will get tangled up in the wheels and stop a vehicle.

Councilman Mullen asked what we are doing here. He said you come up with ordinance after ordinance. We don't need this ordinance. You are trying to regulate aesthetics. That is not right. If it was a safety concern, he said he could understand it. Chain link fence will stop vehicles beyond anything else out there. They use it in truck run-away ramps. Councilman Mullen said he has a problem telling a business or a resident they can't do something on their property after the fact that the fence is up. This ordinance will not change that fence. It met the requirements when it was installed. He said he doesn't think we have the right to restrict people when it doesn't protect the health/safety/welfare of the public.

Councilman Mullen said he agrees that it is not as attractive as slotted fence, but that is not our call. He said he is sure public health has ordinances and codes for fencing playground areas for day care facilities and there is no need for us to do this.

Councilman Pressley said he understands Councilman Mullen's thoughts. He added that he has a right to see what is coming in our town. This should have been brought up beforehand. We should get minutes of the Planning and Zoning commission so we know what's going on.

Mayor Stombaugh said she has been approached by citizens, by the Smyrna School District. She said she is having a new fence put around her property and she brought a fence man in Town. They were coming down Glenwood Avenue and he is talking to me and stopped right in the middle of his conversation and said "What the Hell is that?". That can't be legal. Who ever saw a fence outside one unit of a shopping center? Is this what we want our town to look like?

Councilman Pressley said the State regulates what goes on at day care centers. He added that he can't honestly tell anyone who is trying to make a living that I don't like his fence. Councilman Pressley said Planning and Zoning should have done something about that. He said he has asked them to work with people. Work with this guy. He added that he just can't tell him that we don't like the fence.

Mayor Stombaugh asked if we want more of the same. She said Chief Baldwin and the Fire Company were opposed to the fence for safety reasons. Because the Town didn't have anything on the books to stop him, it is there.

Councilwoman White said when she came on council, she said that too many items go through Planning & Zoning that do not come to Mayor and Council and we take the fall for them. She said she doesn't care if it isn't in her packet. Councilwoman White said she was elected to say what she feels if best for this community. Someone is complaining to me and I don't know what is going on. She asked why Planning & Zoning doesn't send

their approval to Council. It is all of our faults when things go wrong with these buildings.

Councilman Mullen said that is why we have building and zoning laws. That is why we have ordinances and building codes. Once a property is within the Town of Smyrna, basically it doesn't have to go to Planning and Zoning. If it meets zoning requirements, they just have to apply for their permits. This property is zoned highway commercial. Planning & Zoning had nothing to do with it. As long as people meet the requirements, Council isn't involved.

Councilwoman White asked how many buildings are going up that come to Planning & Zoning.

Councilman Mullen said if they go with the zoning and meet the requirements, that is that.

Councilman Pressley said this is a day care and it had to come to Planning & Zoning. Mr. Hugg said it did for the site plan. Councilman Pressley said if we got their packets, we would have the information and the answers. We would know what's coming.

Councilman Mullen said he doesn't disagree with Councilwoman White. We do have a right to know what's going on. The fact is people that apply to build a commercial building, as long as they meet the code and requirements for zoning, they can do it. He asked if anyone ever went to the owner and say your fence is rather ugly and you might want to change the color.

Councilman Pressley said if one of us did that, the rest would have our ass.

Mayor Stombaugh said maybe we should have asked Mr. Hugg. She said now she feels bad for the owner. This should have been done beforehand. Council is another set of eyes.

Mayor Stombaugh said she can read blue prints because she used to work for a lumber company. Bill Pressley can read blue prints.

Councilman Mullen said he has to disagree. The fact that you are reviewing plans doesn't have anything to do with whether they meet an ordinance.

Mayor Stombaugh asked why the Chief and the Fire company felt it wasn't safe.

Chief Baldwin said there is a children's play area right on the corner of a busy highway. He added that he would be more comfortable with a concrete block wall ten feet high.

Councilman Mullen asked if there is any other area that could have been used.

Mayor Stombaugh said she was in architecture and that was what she liked doing. The building could have been pushed forward and the playground could have been in the back. There is already a fence in the back. She added that she was hoping there was enough room for a playground back there. Mayor Stombaugh suggested that anything with a day care or a school playground had to be in the back of the building or further away from the road.

Councilman Pressley said the State of Delaware will tell you where a playground is going and how big it has to be. The State has regulations on that.

Councilwoman White withdrew her motion and Mayor Stombaugh withdrew her motion.

Councilman Pressley made a motion to table this ordinance. Motion was seconded by Councilman Raynor. Council members Evans, Pressley, Raynor, Thornton, White and Mayor Stombaugh voted yes. Councilman Mullen voted no. Motion carried.

Councilman Thornton asked how far along are the plans for the daycare at the old Bulldozers site. Mr. Hugg said the

preliminary site plan is done but he has no idea where they are with approvals.

Councilman Mullen said Kent Conservation District has not received anything on it yet. We did give conditional approval for the demolition. As soon as they submit those plans, they will come under the requirements now based on what is required now.

Councilman Thornton said he is sure if we went to Putnam Group, we could probably get the kind of fence we want.

Councilman Pressley asked if we can get the same package as Planning & Zoning gets so that we can have them and see what is going on. Then, we can call Mr. Hugg if we have concerns.

Mayor Stombaugh said maybe we need a workshop with Planning & Zoning, Board of Adjustments and Mayor and Council. They have been faced with a lot of decisions. She added that the members told her that the ordinances are not their business.

Councilman Mullen said if you are serious about this and you think the Charter Review Committee has a tough job, maybe you should form an ordinance review committee to go over every ordinance there.

Mr. Hugg said that is what the Ad Hoc Committee has been doing for the past two years now. It is a tough process to go through.

Councilman Mullen said since they submitted their plans they have reasonable expectations that those plans meet existing code and that their project will be passed.

Mayor Stombaugh said just because you have zoning and ordinances, if something unusual comes along and meets those codes but doesn't meet what you want for the Town, do you have no recourse?

Ms. Schrader said you can change the ordinance after the fact.

Mr. Hugg said you can ask the applicant if they voluntarily will change something. If the ordinance says 4'1", you can't make them go 4'2".

Mayor Stombaugh asked why you can do a variance in one direction and not in another.

Ms. Schrader said you have to make ordinance changes.

**REVOCABLE TRUST CONTRIBUTION TO**  
**SMYRNA PUBLIC LIBRARY**

Mr. Hugg said we have been advised that the estate of Margaret H. Eley has set aside \$5,000 to the Smyrna Public Library. The Town needs to accept and release the trustee. There is a form to do that and he recommended that the \$5,000 be put into the Library Expense Fund for Morgan Stanley and that Mayor Stombaugh execute the documents.

Councilman Thornton made a motion to authorize Mayor Stombaugh to execute the documents for the contribution to Smyrna Public Library with funds going to the Library Expense Fund. Motion was seconded by Councilwoman White.

Councilman Pressley asked why one place it says \$7,500 and another place it says \$5,000. Mr. Hugg said the first cover letter was wrong. The forms clearly state \$5,000 which is the correct amount.

Motion carried unanimously.

**OTHER COUNCIL BUSINESS**

Chief Baldwin asked for clarification on the date for the workshop. Mr. Hugg said it is on the 17<sup>th</sup>.

Mr. Hugg noted that there will be a meeting with business and property owners of Phase I of the downtown project area on the 16<sup>th</sup>. It will cover scope of work, detours, restrictions, etc.

Mr. Hugg reported that the Annual DEMEC Dinner will be on the 24<sup>th</sup> with the business meeting at 4:00 and dinner later in the evening.

The Delaware League of Local Governments annual meeting is at the Sheraton on September 28.

He also reported that there will be a meeting with Delmarva Power on October 14 for the Mid-Atlantic Power Path.

**EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER**

**IN WHICH NAMES, QUALIFICATIONS AND PERFORMANCE OF SPECIFIC  
EMPLOYEE(S) WILL BE DISCUSSED**

Councilwoman White made a motion to go into executive session for the stated purpose. Motion was seconded by Councilman Pressley and carried unanimously.

Council went into Executive Session at 8:40 p.m.

Councilman Pressley made a motion to return to regular session. Motion was seconded by Councilman Mullen and carried unanimously. Council returned to regular session at 8:55 p.m.

**ADJOURNMENT**

Councilman Pressley made a motion to adjourn, seconded by Councilman Thornton.

Chief Baldwin asked that Council formally excuse him and/or others from a meeting prior to the Executive Session if their presence is not required at that Executive Session or afterwards.

Congratulations were sent to Citizens Hose Company for winning the Governor's Cup for the 28<sup>th</sup> consecutive year.

Meeting adjourned by unanimous vote at 9:00 p.m.

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Council Secretary