

SMYRNA TOWN COUNCIL
July 17, 2006

PUBLIC HEARING

The public hearing was called to order at 7:00 p.m. by Mayor Mark G. Schaeffer.

1. Conditional use to Allow a public, private or professional school in the Industrial/Office/Research Park district, Bentley, 56 Artisan Drive. Mr. Hugg explained that this first item is a conditional use request from Carolyn Bentley to allow her to open a cheerleading school at 56 Artisan Drive, Suite 4 for the group known as Delaware Explosion. He said there is a gymnastics program already located in this same building. Mayor Schaeffer asked if there was anyone present to speak for the request. Mr. Hugg stated that tonight is a class night for the school and he believes she will be a little late. Mayor Schaeffer asked if there was anyone present to speak against the request. No one came forward. Councilman Chervenak asked for clarification as to the type of school this is. Mr. Hugg stated this is a competitive cheerleading school and would be located next to Gold Medal Gymnastics. Mayor Schaeffer asked if there were any questions or comments. There were none.

2. Amendment to Comprehensive Land Use Plan, Change 86.46 Acres of 166 Brick Store Landing Road (28-002.00-001) from Industrial/Office/Research Park to Residential-2A, and 3. Application from KRM Development to Rezone 85.46 acres of 166 Brick Store Landing Road (28-002.00-001) IORP to R2A.

Mr. Hugg suggested that for the public hearing Council consider items 2 and 3 together. Mr. Hugg explained this is part of the Jurgens farm that was annexed a number of years ago. He said at the time of the annexation the draft Comprehensive Plan, which was going through the final certification process, called for business and commerce uses and the only available district was the IORP designation. Mr. Hugg said the language of the Comprehensive Plan at that time, which was ultimately approved, envisioned the area north of Duck Creek to be a blending of uses to achieve some degree of community. Mr. Hugg stated this project has already been through the State's PLUS program and the Planning & Zoning Commission. Mayor Schaeffer asked for the applicant to come forward. Mike Riemann, Becker Morgan Group, came forward to speak. Mr. Riemann stated he was here tonight with Bobby Thompson and Ron Athey of KRM Development, the current owners of the property. Mr. Riemann said tonight they are requesting rezoning of 86.46 acres of the Jurgens parcel from IORP to R2-A. He said the reason for the request is to facilitate

the development of this property as a whole. Mr. Riemann stated this project consists of two parcels, one being the Jurgens parcel and the second being the Reem parcel. He said the project is a mixed use development consisting of a business park, some townhomes, and some single family homes. Mr. Riemann stated that initially this project was for a business park only. He said that after meeting with the Town of Smyrna, the State of Delaware, and DelDOT, it was requested that they consider some residential along Duck Creek to help create a buffer and a live where you work type of philosophy in accordance with Livable Delaware. Mr. Riemann stated that is the project that is before Council tonight. He said this rezoning is just the first step. Mr. Riemann stated they would need to come back and annex the Reem parcel, and then again when they formally submit the subdivision application. Mr. Riemann stated there are currently discussion/negotiations between the Town of Smyrna, the State of Delaware, and Kent County for sewer service. He said they would also be dedicating a location on the property for a future water tower site for the Town of Smyrna. Councilman Cahill asked how many residential units they were planning. Mr. Riemann stated there would be roughly 180 to 200 units. Mayor Schaeffer asked if the State Planning Office supported this concept. Mr. Hugg stated this concept is supported by the State Planning Office. Mr. Riemann stated that Council should be aware that there is a large area of buffer that is included in the proposed residential area, as well as a large area of wetlands. Councilman Chervenak asked if KRM Development has done this type of project before. Ron Athey, KRM Development, stated that they have done primarily business parks. He said they have done some residential developments as well. Councilman Chervenak asked if it would be a requirement for the residents of the development to work in the business park. Mr. Riemann stated it is not a requirement. He said the initial phase of the project is projected to be the business park. Councilman Chervenak asked what the timeline for this project is. Mr. Athey stated it would be based on supply and demand. Mayor Schaeffer asked if there were any more questions or comments. Councilman Mullen stated he realizes the State has a plan; however he feels that people do not want to work where they live. He said he feels the parcel should remain IORP. Mayor Schaeffer asked if there was anyone else present to speak for the application. No one came forward. Mayor Schaeffer asked if there was anyone present to speak against the application. John Murphy, 5768 North DuPont Parkway, Smyrna came forward to speak. Mr. Murphy stated he moved to Smyrna five and a half years ago. He

said he was not happy when this parcel was annexed into town. Mr. Murphy said he had just started to accept the IORP zoning and now they want to make it R-2A. He said he wants it to remain a business park only. Mayor Schaeffer asked if there was anyone else present to speak against the application. No one came forward. Mayor Schaeffer asked if there were any more questions or comments. Councilman Cahill stated that basically this parcel will be developed as a business park only, or it will be developed as part business park and part residential.

Mr. Hugg stated that Ms. Bentley was now present to speak for the first application. Mayor Schaeffer explained to Ms. Bentley that Council has reviewed her application and asked if she would like to come forward. Carolyn Bentley, 2929 Clayton Delaney Road, Clayton came forward. Mayor Schaeffer asked if there were any questions for Ms. Bentley. Mayor Schaeffer asked how many children were in her program at this time. Ms. Bentley stated she currently has 46 enrolled at this time. Ms. Bentley stated her reason for opening this program is so that children from all walks of life could participate, and not just the higher end children. Councilman Pressley asked if the conditional use would stay with the building or move with the program. Mr. Hugg explained that the conditional use would move with the program just as it did with Gold Medal Gymnastics. He said if Ms. Bentley were to want to expand into another unit at this location, she would have to apply for another conditional use for that unit. Councilman Cahill stated that there had been concern about traffic and the safety of the children before, and asked if all of those problems had been worked out. Mr. Hugg stated that the minutes from the Planning Commission were in Council's packets. He said the Planning Commission had also been concerned about that. Mr. Hugg stated that traditionally with the gymnastics program and the cheerleading program the parents drop off the children and leave. Ms. Bentley stated that she is open in the evening and they have not had any problem with traffic or parking. Councilman Mullen asked what her hours of business were. Ms. Bentley stated she is open a couple of days at 4:30 p.m., but usually she is open from 6:00 p.m. to 9:00 p.m. Councilman Mullen asked Captain Webber if there have been any complaints. Captain Webber stated there have not. Mayor Schaeffer closed the public hearing at 7:28 p.m.

**LEGISLATIVE FACT FINDING HEARING - WARREN, 1779 & 1797 S.
DUPONT BOULEVARD (ANNEXATION REQUEST)**

Mayor Schaeffer opened the legislative fact finding hearing at 7:28 p.m. Mr. Hugg explained there is an application for annexation for 1779 and 1797 South DuPont Boulevard owned by Gayle Warren. He said most people know this property as the Animal Inn. Mr. Hugg stated this is the first step in the process of being annexed into the town. He said this is the time that Council receives information and takes testimony about the potential annexation. Mr. Hugg stated the next step in the process is to set the date and time for the annexation election. Mayor Schaeffer asked if there were any questions or comments. There were none. Mr. Hugg asked if the applicant would come forward to speak. Gayle Warren, 1779 and 1797 South DuPont Boulevard, Smyrna came forward to speak. Ms. Warren stated she is here tonight to answer any questions. Councilman Cahill asked for clarification that this annexation would be consistent with the Comprehensive Plan, and that there is no objection by town staff or the Planning & Zoning Commission. Mr. Hugg stated that is correct. Councilman Chervenak asked Ms. Warren why she wanted to annex this property into town. Ms. Warren stated she wanted to annex for the potential sale of the property and to fit in with a business use. Mr. Hugg stated this property would be zoned Highway Commercial once it is annexed into town. Mayor Schaeffer asked if there were any more questions. There were none. Mayor Schaeffer closed the legislative fact finding hearing at 7:31 p.m.

CALL TO ORDER

The meeting was called to order at 7:36 p.m. by Mayor Mark G. Schaeffer. Members of Council present were A. Douglas Chervenak, Gene A. Mullen, William D. Pressley Sr., and Patrick J. Cahill.

Also present were Town Manager David S. Hugg III, Captain Darold Webber, Attorney Erika Schrader, and Recording Secretary Valerie L. Heritage.

Captain Webber led the Pledge of Allegiance followed by a moment of silence.

ADDITIONS/DELETIONS TO PUBLISHED AGENDA

Mayor Schaeffer stated he noticed that the resignation of the Town Attorney was not on the agenda. Mr. Hugg explained that he did not include it because Councilwoman White had asked that it not be considered until she was able to attend. He said he knew Mr. Jaywork would not be present at this meeting also. Mayor Schaeffer asked if it could be added as 8)H. on the agenda as a tabled action. Councilman Cahill asked to add the resignation of the Town Attorney as 8)H. on the agenda. Councilman Cahill made the motion to accept the agenda as amended. Motion was seconded by Councilman Mullen and carried unanimously. Mayor Schaeffer stated that Councilwoman White and Councilman Evans were excused from tonight's meeting.

MINUTES FROM PREVIOUS MEETINGS

Councilman Cahill asked to have the section 'Old Business' deleted from the minutes of July 5, 2006. Councilman Cahill made the motion to accept the minutes of the June 19, 2006 Council meeting as amended. Motion was seconded by Councilman Pressley and carried unanimously.

REPORTS

A. Presiding Officer's Statement. Mayor Schaeffer did not have a report.

B. Town Attorney. Ms. Schrader did not have a report.

C. Police Chief. Captain Webber said he is pleased to announce the junior police academy started today and they have 20 youths in the program. He said the program is scheduled to run through July 28, 2006. Captain Webber stated that he wanted to make sure Council is aware we will be participating in National Night Out on August 1, 2006 from 7:00 p.m. to 9:00 p.m.

D. Town Manager. Mr. Hugg stated the Christiana Care Smyrna Medical facility building will be open to the public on August 1, 2006 as part of National Night Out. He said they will be giving tours, etc... Mr. Hugg said he also wanted to remind Council that there will be a workshop with the Putnam Group and Christiana Care at 7:00 p.m. on July 24, 2006 at the building to give tours and discuss their plans for the building.

E. Committees. Councilman Chervenak stated the Ad Hoc Library Committee met, and he would like to thank Representative Bruce Ennis for participating. Councilman Chervenak said they will be meeting again on July 28, 2006.

Councilman Pressley stated there was a Personnel Committee meeting and the results will be discussed tonight under item 9)C.

RECOGNITION OF VISITORS

Visitors present were Joan MacKnight, Dottie Nulty, J. Michael Riemann, Ashley Renzi, Al Lutz, Charles Alexander, Bobby Thompson, Ron Athey, Julia Cahill, B. Pickett, Gayle Warren, Seth Clevenger, John Murphy, James E. Veit Sr., Betty Hall, John O'Grady, John Frazee, Dorothy Loy, Carolyn Bentley, Ann Henning, Gordon Meilu, Deloris Loy, Irene Caley, Al Pickett, Cris Watson, Terry & Linda Berl, Chris Mullen, Bob Wilson, Howard Fortner, Pamela Anderson, Don George, Kay George, Grace Ennis, Tom Wuerzer, and Diane Caramico.

A. Questions for and Comments from Auditors ref. 2005 Audit. Carl Hogan of Barber, Kane, Thornton and Company, stated he is here tonight to present the December 31, 2005 financial statements. He stated he is here tonight to ask Council to accept these financial statements. Mr. Hugg stated this is the presentation of the final audit. Mr. Hugg stated he wanted to thank Gary Stulir and his staff for a lot of very hard work. Mr. Hugg said he would also like to express appreciation to Mr. Hogan and the staff of Barber, Kane, Thornton and Company for working with us the last three years. He said they have been particularly helpful in helping staff understand and address some of our internal controls, and improve the way we do business. Mr. Hogan stated this is their third year here and they have marked significant progress that the town has made. Mr. Hogan stated the audit report for the current year is unqualified or clean opinion which is the best opinion that you can receive. Councilman Mullen made the motion to accept the final audit for 2005 from Barber, Kane, Thornton and Company. Motion was seconded by Councilman Cahill and carried unanimously.

B. Hearing ref. Fence Adjustment at 18 North Main Street, Renzi. Mr. Hugg stated this fence adjustment request is for the construction of a six foot high red cedar wooden stockade fence with a lattice top along the side and rear yards at 18 North Main Street. Councilman Cahill asked if

there was any opposition to the request. Mr. Hugg stated that we received one letter of objection, and passed out copies of the letter to Council. Mayor Schaeffer stated he knew the applicant had a representative present at tonight's meeting, and asked him to come forward to speak. Al Lutz, 375 Lake Drive, Smyrna came forward to speak. Mr. Lutz passed out pictures of the existing fence. Mr. Lutz stated the existing fence is falling down and needs to be replaced. He said there are also people using the back yard at two o'clock in the morning. Mr. Lutz clarified that they want to install a five foot high fence with a one foot high lattice top for a total of six feet high. Mayor Schaeffer asked if the purpose of this fence is to prevent people from cutting through the yard. Mr. Lutz said that is correct. He said people hang out in the back yard and on the front doorstep at all hours of the night. Mayor Schaeffer asked if there were any questions for Mr. Lutz. Councilman Cahill stated that in the letter of objection is a reference to three noisy dogs at 16 North Main Street. Councilman Cahill asked if Mr. Renzi has anything to do with that property. Mr. Lutz stated he did not. Councilman Cahill said the letter also says that 18 North Main Street is being illegally used as a residence and can only be used for commercial uses. Mr. Lutz stated Mr. Renzi closed a business he had located there. Mr. Lutz said Ashley Renzi, Mr. Renzi's daughter, then moved in. Mr. Lutz said Ms. Renzi could not understand why her electric bills were so high. He said she went to the town and found out it was still being billed as commercial. Mr. Lutz said the town then changed the billing to residential. Mr. Hugg stated the property itself is zoned Central Commercial. He said residential uses are a permissible use in the Central Commercial district. Mr. Hugg stated that the only building in that block between East Commerce Street and East Mount Vernon Street that is not zoned Central Commercial is the Delaware House property. Mr. Hugg reminded Council that the issue before them is strictly a fence adjustment, and fences are permitted in all zoning districts. He said that if there is a matter to be resolved it is separate from the fence adjustment. Councilman Cahill asked if the Renzi's own a dog. Mr. Lutz said Ashley Renzi owns a terrier type dog which stands approximately 15 inches tall. Mayor Schaeffer asked if there was anyone present to speak against the fence adjustment. Terry Foley, representing his mother Virginia Foley, came forward to speak. Mr. Foley stated they objected to the fence because the dogs at 16 North Main Street will be barking at Ms. Renzi's dog. Mr. Foley said Ms. Renzi is living there illegally since it is zoned

Central Commercial. Mr. Foley stated they also had a tenant move out because of the noise. Councilman Pressley made the motion to approve the fence adjustment request for 18 North Main Street. Motion was seconded by Councilman Cahill and carried unanimously.

Jim Mood, 606 Smyrna-Clayton Boulevard, Smyrna came forward to speak. Mr. Mood stated that he has lived here all of his life. Mr. Mood read from a book called 'Footprints of the Past' by George L. Caley. He read a passage about the Odd Fellows Cemetery on South DuPont Boulevard. Mr. Mood stated that the condition of the gate at the cemetery is deplorable and unsafe. He said he does not know how the town can let this go. Mr. Mood stated that the American Flag is flown at the cemetery at night without a light. Mayor Schaeffer stated that staff could ask the enforcement officer to take care of the issues. Mr. Hugg agreed. Mr. Mood stated he is also concerned with the new police station. He suggested that they utilize the property where the public works building is located. Mr. Mood said that when the public works department is relocated the old building could be torn down and a new police station could be built right there. He said that way the police will be more accessible for the residents.

Ann Henning, 46 Raphael Road, Smyrna came forward to speak. Ms. Henning stated that a publication called 'Mid State Living' had a picture in it that bothered her. She said it was a picture of kids playing with a portable basketball hoop in the street. Ms. Henning stated she knows this is illegal.

Pam Anderson, 242 East North Street, Smyrna came forward to speak. Ms. Anderson asked about the policy for water usage. She said when she first moved here she was told she would be credited for the sewer portion of her bill when she filled her pool. Ms. Anderson said since then she has gotten a lot of conflicting answers from town hall. She said that if the policy has been changed since she moved here that Council should consider changing it back. Councilman Mullen stated that she could have a yard meter installed, and then she would not be charged for sewer. Mr. Hugg stated that he would like to refer it to the next Utility Committee meeting.

Terry Berl, 193 South Main Street, Smyrna came forward to speak. Mr. Berl stated he would like to thank the town for picking up the storm debris July 4, 2006. Mr. Berl said he was appointed to the Personnel Committee and was excited

about going to his first meeting. He said he was then disappointed because it was scheduled to be held at 3:00 p.m. Mr. Berl said he works in Wilmington and does not get off until 3:30 p.m. He requested that they be scheduled later in the day. Councilman Pressley stated they try to satisfy as many people as possible. Councilman Cahill stated the next Personnel Committee meeting is scheduled for July 31, 2006 at 5:00 p.m.

OLD BUSINESS

A. Resolution to Set Annexation Election (August 17 from 9:00 to 10:00 a.m.) - Warren, 1779 and 1797 S. DuPont Boulevard. Councilman Cahill made the motion to pass the resolution to set the annexation election for August 17, 2006 from 9:00 a.m. to 10:00 a.m. for the Warren property at 1779 and 1797 South DuPont Boulevard. Motion was seconded by Councilman Chervenak and carried unanimously.

B. Disbursement of Façade Improvement Matching Grant Funds. Councilman Mullen stated that Council passed resolution to have a moratorium on all Façade Improvement Grants until the end of July. Mr. Hugg explained that this is the actual disbursement of the funds. He said the process for these applications is that they first go through the Historic Review Board for approval. Mr. Hugg said the next step is to come to Council for approval. He said the two applications before Council tonight were approved by Council on June 5, 2006. Mr. Hugg said that when the work is complete they come back to Council for the actual disbursement of the funds. Councilman Cahill made the motion to approve the disbursement of the Façade Improvement Matching Grant Funds for 116 north Main Street and 36 East Commerce Street. Motion was seconded by Councilman Chervenak. Motion did not pass with Councilmen Cahill, Mullen, and Chervenak voting for, Councilman Pressley voting against, and Mayor Schaeffer not voting.

C. Smyrna School District Impact Fees. Mayor Schaeffer stated he asked for this to be added to the agenda. He said he is hoping to have this referred to the Finance Committee. Mr. Hugg stated that he reviewed this program with Fran Falatek from the Smyrna School District. Mr. Hugg stated he suggests to Council that we treat this impact fee the same way we treat the ambulance and fire department impact fees. He said we collect the money at the time of the issuance of the building permit and distribute the money quarterly. Mayor Schaeffer stated that he did not want to get into a lengthy discussion

tonight and would like to refer it to the Finance Committee. Mr. Hugg stated it would be added to the agenda for the Finance Committee.

D. Set Zoning Designation for Slaughter, N. Carter Road (R-2A). Mr. Hugg stated that items D and E are part of the final step in the annexation process. Councilman Cahill made the motion to set the zoning designation for the Slaughter property on North Carter Road to R-2A. Motion was seconded by Councilman Mullen. Motion passed with Councilmen Cahill, Pressley, and Mullen, and Mayor Schaeffer voting for, and Councilman Chervenak voting against.

Councilman Cahill stated he voted for the rezoning request because it is consistent with the Comprehensive Plan, has been approved by the Planning & Zoning Commission and staff, and there have been no objections from any citizens.

Councilmen Pressley and Mullen stated they voted for the rezoning request because the Planning & Zoning Commission approved it and it is consistent with the Comprehensive Plan.

Councilman Chervenak stated he voted against the rezoning request because he feels the density of this zoning will be too dense for this area.

Mayor Schaeffer stated he voted for the rezoning request because it is consistent with the Comprehensive Plan, the State strategies map, and was approved by the Planning & Zoning Commission.

E. Resolution to Approve Annexation of properties on N. Carter Road, Slaughter. Councilman Cahill made the motion to approve the resolution to approve the annexation of properties on North Carter Road for Slaughter. Motion was seconded by Councilman Pressley. Motion passed with Councilmen Cahill, Pressley, and Mullen, and Mayor Schaeffer voting for, and Councilman Chervenak voting against.

F. Subdivision Application - Sylvan Valley Real Estate, 42 Brenford Road. Mr. Hugg stated this property was annexed into town April 3, 2005. He said the action before Council tonight is the approval of the subdivision plan to create 67 single family building lots on the property, including 7.71 +/- acres of open space. Mr. Hugg stated this comes with the approval of the Planning & Zoning Commission,

pending approval of the required agencies. Councilman Mullen stated this plan was approved previously by Kent County before the parcel was annexed into town. Councilman Pressley made the motion to approve the subdivision application for Sylvan Valley Real Estate, 42 Brenford Road. Motion was seconded by Councilman Mullen. Councilman Cahill asked what the implications would be if this application was not approved tonight. Mr. Hugg stated if Council was to not approve the application at this time the project would be delayed. Mr. Hugg stated what Council has before them tonight is a conceptual layout subject to the actual location of the utilities, road improvements, and all of the other things that the Town's Engineers, Kent Conservation District, DelDOT, and other agencies will require. Mr. Hugg stated approval tonight would allow the developers to move forward with their design, and they will not be moving any earth before all of the approvals are obtained. Councilman Mullen stated that he wanted to remind everyone that this plan had been a formally approved Kent County Plan. Councilman Chervenak stated he read about the Town of Clayton strengthening their site plan requirements and he was wondering if Council should take another look at that. Mr. Hugg stated that he felt this is not the appropriate time for that. He said there will be an opportunity before the final plans are recorded. Councilman Chervenak asked if Mr. Hugg would notify Council when the appropriate time arose. Mr. Hugg stated he would. Councilman Cahill stated he would not be voting tonight because Councilwoman White was not present, and she had just recently proposed a moratorium on building. He said he would like to wait until she is present. Motion was approved with Councilmen Pressley, Mullen, and Chervenak, and Mayor Schaeffer voting for, and Councilman Cahill voting against.

G. FOIA Complaint - Retention of Outside Counsel. Mr. Hugg stated Council has before them a memo regarding the retention of outside counsel. He said he is asking Council to authorize him to seek outside counsel for this FOIA complaint. Councilman Chervenak asked if we really needed to obtain outside counsel. Councilman Cahill stated he did not think we have a choice. Councilman Cahill made the motion to authorize Mr. Hugg to seek outside counsel for this FOIA complaint. Motion was seconded by Councilman Mullen. Ms. Schrader stated that her office would not be able to make any arguments. She said they could only state the facts and not actually defend. Councilman Mullen stated he feels that is what they want, just the facts. Councilman Chervenak agreed, and said he is trying to save

the town money. Motion failed with Councilman Cahill voting for, and Councilmen Mullen, Chervenak, and Pressley voting against. Councilman Mullen made the motion to have Mr. Jaywork's firm contact the Attorney General's office with the facts of the matter, as we understand them; including statements from members of Council and town staff if required, and submit it to the Attorney General. Motion was seconded by Councilman Pressley. Councilman Cahill stated he objected to the concept. Motion failed with Councilmen Pressley, Mullen, and Chervenak voting for, Councilman Cahill voting against, and Mayor Schaeffer recusing himself from the vote. Ms. Schrader recommended that Council permit her office to request an indefinite extension, pending the resolution of the decision of Council. Councilman Chervenak made the motion to have Mr. Jaywork's office request an indefinite extension from the Attorney General's office. Motion was seconded by Councilman Pressley and carried unanimously.

NEW BUSINESS

A. Results of Public Hearing. 1) **Conditional Use, Bentley, 56 Artisan Drive.** Councilman Cahill made the motion to approve the conditional use of the property located at 56 Artisan Drive as discussed earlier. Motion was seconded by Councilman Pressley and carried unanimously. 2) **Comprehensive Land Use Plan Amendment, 166 Brick Store Landing Road, and 3) Rezone 85.46 acres of 166 Brick Store Landing Road, from IORP to Residential 2A.** Mr. Hugg asked Council to allow the applicant to further clarify some statements that were made before Council considers this. Council agreed. Mr. Riemann came forward to speak. Mr. Riemann stated he wanted to clarify the acreages. He said right now they are essentially trading 40 acres of the Reem parcel which they hope will be annexed into the Town of Smyrna under IORP for approximately 60 acres of the Jurgens parcel to be rezoned R-2A. Mr. Riemann stated technically it is 85 acres; however 25 acres is wetlands which is not developable. He said there will be approximately the same amount of acreage for the industrial park, plus or minus 20 acres. Mr. Riemann stated that everyone has different opinions about the live where you work concept. He said they are thinking they are giving it the potential to work. Mr. Riemann stated they have received support from the State of Delaware, the Planning & Zoning Commission, DelDOT, Delaware Economic Development Office, and staff. Mr. Riemann stated that if Council has any reservation about the rezoning they could table it and KRM could come back and show Council the types of businesses KRM has

developed in the past, and show the mix between the business park and the residential. Mr. Hugg suggested, if Council is agreeable, to table this and reschedule it for the next Council meeting. Councilman Pressley stated he had no problem with tabling it because he would like to see more. Councilman Mullen agreed. Councilman Pressley made the motion to table items 2 and 3 until the next Council meeting. Motion was seconded by Councilman Mullen and carried unanimously.

B. Discussion ref. Parks & Recreation Events. 1) **Canoe Instruction - September 2, and 2) Canoe Race/"Anything that Floats" Regatta - September 2.** Councilman Mullen stated he asked to have this put on the agenda. He said he has been thinking about this for a couple of years now. Councilman Mullen said he would like to hold a canoe instruction at the Lake Como Park. He said he would like to then hold a race. Mayor Schaeffer asked if Councilman Mullen needed any help with this. Councilman Mullen stated there is a committee that has been set up that has done most of the leg work. He said they have already made the arrangements for the boats. Councilman Mullen stated it will be a town event, and they will be going to local businesses for support. He said everything will be provided. Councilman Mullen made the motion to hold a canoe instruction and canoe race on September 2, 2006 at the town park located at Lake Como, and it will be sponsored by the Town of Smyrna Parks & Recreation. Motion was seconded by Councilman Cahill and carried unanimously.

C. Recommendation of Personnel Committee ref. Director of Public Works (pending outcome of 07/14/06 3:00 p.m. meeting). Mr. Hugg stated he had taken a request to the Personnel Committee that Council waive the specific education requirement in order to allow him to make an offer to the current acting Director of Public Works to take the position of Director of Public Works on a permanent basis. Mr. Hugg said Council needs to approve the recommendation of the Personnel Committee for the waiver. Councilman Cahill made the motion to approve the recommendation of the Personnel Committee referring to the Director of Public Works regarding the education requirement and amend the job requirements thusly. Motion was seconded by Councilman Chervenak and carried unanimously.

OTHER COUNCIL BUSINESS

Councilman Chervenak stated he wanted to discuss the Municipal Elections Bill which was just passed by the State. He said according to Mr. Jaywork, this bill will not apply to the next town election unless Council adopts it. Councilman Chervenak stated he would like to have this added to the agenda for the next Council meeting to adopt the State regulations as our own. Mr. Hugg stated Mr. Jaywork's office is putting together a punch list of what needs to be changed where our Charter may not be consistent with the State. He said he would agree with adding this to the agenda for the next meeting with the understanding that the punch list may not be available for that meeting. Mr. Hugg stated he would add it to the next agenda.

Councilman Chervenak stated the Ethics Drafting Committee had given members of Council a report. He asked what the status was. Mr. Hugg stated there will be a workshop held on August 7, 2006 at 6:30 p.m. for purposes of presentation by the Ethics Drafting Committee.

Councilman Chervenak asked what the status was on the plaques for Mr. Hill and Mr. Burritt. Mr. Hugg stated he would get that done.

ADJOURNMENT

Councilman Cahill made the motion to adjourn, seconded by Councilman Pressley. Meeting was adjourned at 9:10 p.m. by unanimous vote.

Council Secretary

vlh