

**MINUTES OF THE REGULAR MEETING**  
**SMYRNA TOWN COUNCIL**  
**February 5, 2018**

**PUBLIC HEARING**

The public hearing was opened at 6:45 p.m. by Mayor John L. Embert III. Council members present were Alvin C. Pope, Peter M. Retzlaff, Valerie M. White, Robert C. Johnson, Anthony H. DeFeo, and William D. Pressley Sr.

Also present were Town Manager Gary F. Stulir, Chief Norman E. Wood, and Recording Secretary Valerie L. Heritage.

Mayor Embert said the purpose of the public hearing is to consider an ordinance to amend Appendix B ("Subdivision and Land Development Ordinance") of the Town Code of the Town of Smyrna to make housekeeping amendments to Section 5.17 ("Tree Planting Standards and Requirements") and to clarify that tree plans must comply with the standards found in Article III ("Trees") of Chapter 74 ("Vegetation").

Mayor Embert asked if there was anyone present to speak for this item. No one came forward. Mayor Embert asked if there was anyone to speak against this item. No one came forward.

Councilman DeFeo asked if this ordinance was to help fill in the holes that exist with the builder that have done construction not complied. Mayor Embert said yes.

Councilwoman White said this ordinance will help them choose trees that are pest and disease resistant, just a little more clarification; how a waiver would be issued if a waiver was done; and how they select their trees: they are selected from a list of Delaware trees and working with either the Shade Tree Commission or with Delaware Forest Services.

Mayor Embert closed the public hearing at 6:48 p.m.

**REGULAR MEETING**

The meeting was called to order by Mayor John L. Embert III at 7:00 p.m. Council members present were Alvin C. Pope, Peter M. Retzlaff, Valerie M. White, Robert C. Johnson, Anthony H. DeFeo, and William D. Pressley Sr.

Also present were Town Manager Gary F. Stulir, Chief Norman E. Wood, Attorney D. Barrett Edwards, and Recording Secretary Valerie L. Heritage.

Mayor Embert asked everyone to rise for the Pledge of Allegiance.

**ADDITIONS/DELETIONS TO PUBLISHED AGENDA**

Councilman Pope made the motion to approve the agenda as presented. Motion was seconded by Councilwoman White and carried unanimously.

**MINUTES OF PREVIOUS MEETING**

Councilman DeFeo made the motion to approve the regular minutes of January 16, 2018 as presented. Motion was seconded by Councilwoman White and carried unanimously.

**REPORTS**

- A. Presiding Officer** – Mayor Embert said February 24<sup>th</sup> is I Love Smyrna Day.
- B. Town Attorney** – Mr. Edwards said he had nothing at this time.
- C. Police Chief** –Chief Wood said he had nothing at this time.
- D. Town Manager** – Mr. Stulir said the budget included an increase in the water and sewer rates, and this is going to be the bill that will be sent out this month since it is January usage in this particular bill; and also the PPCAC adjustment is going to be taking effect this billing cycle as well, and it is actually going to be a negative number. The statements are going to be a little bit different, a little unusual situation, but that is because some changes in the PPCAC but also getting favorable long term contracts so our wholesale costs are going down so we are lowering the PPCAC and passing the savings on to our customers. The bills are going to be a little later going out this month and we will extend the due dates as well accordingly to assure the citizens have the same amount of time to pay their bill.
- E. Committees** – Councilman Pressley said the Public Safety Committee met January 31<sup>st</sup>.

Councilman Johnson said the Utility Committee will meet February 13<sup>th</sup>.

Mayor Embert said the 250<sup>th</sup> Committee will meet February 6<sup>th</sup>.

Councilwoman White said the Shade Tree Commission met January 31<sup>st</sup>, and the next meeting will be February 21<sup>st</sup>.

Councilman Retzlaff said the Finance Committee did not meet in January and will not meet in February. There may be a meeting in March.

Councilman Pope said the Personnel Committee will meet February 15<sup>th</sup>; the IT Committee will meet February 26<sup>th</sup>.

Mr. Stulir said the Economic Development Committee met February 1<sup>st</sup>; the Smyrna Slum Clearance and Redevelopment Authority will meet February 14<sup>th</sup>.

**RECOGNITION OF VISITORS**

Visitors present were Bill Evans, George DeBenedictis, Jennifer Meekins, Brianna Barkus, Buck Smith, Sherry Steller, Margaret Bowers, James Markow, George Class-Peters, and Robert Mace.

Jennifer Meekins and Brianna Barkus came forward to speak. Ms. Meekins said she was with the Young Actors Guild and they spoke about possibly being able to utilize the current Library space once the Regional Library is completed. Ms. Barkus offered tickets to their upcoming performance to Council.

#### **OLD BUSINESS**

**A. Discussion and possible action on third reading: Ord. No. 001-18, an ordinance to amend Chapter 74 (“Vegetation”), Article III (“Trees”) of the Town Code of the Town of Smyrna to clarify that new developments must comply with the tree requirements found in Article III** – Councilwoman White make this the third and final reading of Ord. No. 001-18, an ordinance to amend Chapter 74 (“Vegetation”), Article III (“Trees”) of the Town Code of the Town of Smyrna to clarify that new developments must comply with the tree requirements found in Article III. Motion was seconded by Councilman Johnson and carried unanimously.

#### **NEW BUSINESS**

**A. Discussion and possible action on results of public hearing: first reading Ord. No. 014-17, an ordinance to amend Appendix B (“Subdivision and Land Development Ordinance”) of the Town Code of the Town of Smyrna to make housekeeping amendments to Section 5.17 (“Tree Planting Standards and Requirements”) and to clarify that tree plans must comply with the standards found in Article III (“Trees”) of Chapter 74 (“Vegetation”)** – Councilman Pope made the motion to approve the first and only reading of Ord. No. 014-17, an ordinance to amend Appendix B (“Subdivision and Land Development Ordinance”) of the Town Code of the Town of Smyrna to make housekeeping amendments to Section 5.17 (“Tree Planting Standards and Requirements”) and to clarify that tree plans must comply with the standards found in Article III (“Trees”) of Chapter 74 (“Vegetation”). Motion was seconded by Councilwoman White and carried unanimously.

**B. Discussion and possible action on award of Tree Pruning and Removal Services Bid** – Councilman DeFeo made the motion to award the Tree Pruning and Removal Services Contract to Delmarva Tree. Motion was seconded by Councilman Johnson and carried unanimously.

**C. Town of Smyrna Resolution scheduling a public hearing to consider the abandonment of a paper street now or formerly known as Federal Street, as the same is situated between and connecting Dwight Ave. and Foxwell St., the abandonment of a portion of Fisher Street, the extension of Dwight Ave., and authorizing the merger of the abandoned streets with Town property situated immediately adjacent to the abandoned streets** – Councilman DeFeo made the motion to adopt the resolution scheduling a public hearing to consider the abandonment of a paper

street now or formerly known as Federal Street, as the same is situated between and connecting Dwight Ave. and Foxwell St., the abandonment of a portion of Fisher Street, the extension of Dwight Ave., and authorizing the merger of the abandoned streets with Town property situated immediately adjacent to the abandoned streets. Motion was seconded by Councilwoman White and carried unanimously.

**OTHER COUNCIL BUSINESS**

Councilman Retzlaff asked George DeBenedictis to come forward and speak regarding signage at the Smyrna Business Park. Mr. DeBenedictis came forward and explained the issues at hand.

Councilman Johnson asked about redistricting the election districts.

Councilman DeFeo asked about the Town app.

**EXECUTIVE SESSION**

**A. Executive session to discuss potential acquisition of real property**

**B. Executive session to discuss personnel matters in which the names, competencies, and abilities of individual employees will be discussed** – Councilwoman White made the motion to go into executive session to discuss potential acquisition of real property, and to discuss personnel matters in which the names, competencies, and abilities of individual employees will be discussed. Motion was seconded by Councilman Johnson and carried unanimously. Council went into executive session at 7:36 p.m.

Councilman Pope made the motion to come out of executive session. Motion was seconded by Councilwoman White and carried unanimously. Council came out of executive session at 8:53 p.m.

**C. Discussion and possible vote on matters discussed in executive session regarding potential acquisition of real property** – Councilman Pope made the motion to move forward as discussed in executive session. Motion was seconded by Councilwoman White and carried unanimously.

**D. Discussion and possible vote on matters discussed in executive session regarding personnel matters** – Councilman Pope made the motion to move forward as recommended by Mayor Embert in executive session. Motion was seconded by Councilman Retzlaff and carried unanimously.

**ADJOURNMENT**

Mayor Embert adjourned the meeting at 8:55 p.m.