

**MINUTES OF THE REGULAR MEETING**  
**SMYRNA TOWN COUNCIL**  
**March 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, and Anthony H. DeFeo. Councilman William D. Pressley Sr. was excused.

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

Mayor Embert said the purpose of the public hearing is to receive public comments for legislative fact-finding on the abandonment of a paper street now or formerly known as Federal Street, which paper street connects Dwight Ave. and Foxwell St., the abandonment of a portion of Fisher St., and the extension of Dwight Ave.

Mayor Embert asked if there was anyone present to speak for this item. Kay Wheatley came forward to speak. Ms. Wheatley said she was representing the Duck Creek Regional Library and this is part of the plan that they had been advised by the architect that needed to happen in order for the site to be best utilized.

Mayor Embert asked if there were any questions. Councilman Johnson asked specifically what the architect said. She said Foxwell remains the same; part of Dwight will dead-end but all the residents along Dwight will have access; Federal Street would just go away; and then Fisher – she knows the residents and the businesses along there want to make sure that access is maintained and it would be, it would just dead-end into the parking lot for the library. Ms. Wheatley said she knows that Lisa Stonesifer, who is the President of the organization, also spoke with the fire chief and he said that while he had concerns for that whole part of town he would not make any comments that would affect in a negative way this happening. They said they would not be able to make the turn off of South Street down to Fisher anyway because the vehicles would be too big so he would express any concerns he had, but that he really didn't see any problems with the library cause Fisher would go in to the parking lot, not near the building. Councilman Johnson asked how many residents and businesses would be affected. Ms. Wheatley said with Dwight Avenue, the hotel or apartment building – she is not sure exactly how many residents are there, but otherwise she would say about half a dozen or less.

Councilman Pope asked if there are any second floor apartments who have access from the rear of these buildings, along Main Street or along Commerce Street. Ms. Wheatley said not that she is aware of; she knows of some right along Dwight Ave. that enters from the back but they would still have access.

Mayor Embert asked if there were any additional questions from Council for Ms. Wheatley. There were none. Mayor Embert asked if there was anyone else present to speak in favor of this item. No one came forward.

Mayor Embert asked if there was anyone to speak in opposition of this item.

Quentin Schlieder came forward to speak. Mr. Schlieder said while in general he supports a public library downtown he does have concerns about the proposed structure and its impact to the downtown neighborhood. He is concerned about the piecemeal approach to the planning process. He said it seems imprudent to change the status of Fisher/Federal Street, which is why he is here, without the opportunity to review an actual plan – he asked if any members of Council had seen the actual plan. Mr. Schlieder said it seems premature to vacate the end of Fisher or Federal Street since the Friends of the Duck Creek Regional Library have raise only about ten percent of the capital funds they require to build the library. A reasonable threshold would be to consider a proposed closure of the end of the street when a significant amount of funds have been raised such as 75 percent. He understands that the portion behind the old post office might be vacated without undue hardship to the public in order to facilitate the planning for the structure that is being proposed. Mr. Schlieder said a dead-end would adversely impact the marketability and value of his property which has access to two publicly dedicated and maintained streets. He asked Council to table the proposal to close Fisher/Federal Street until after substantial portion of the required funding is raised for the building and the neighbors have an opportunity to review a credible site plan. He said they are also concerned about parking rights downtown for residents and businesses, this past weekend that parking lot was full and it is more than the six she represented.

Robin and David Bruner came forward to speak. Mrs. Bruner said they are not for or against this, but they have a garage where the access to it is off of Fisher Street.

Karen Gill, Royal Treatments came forward to speak. Ms. Gill said she thinks this is a little premature. She said her delivery truck uses the rear of the building as access and she feels these proposed changes would adversely affect her deliveries. She feels this will prohibit/hinder emergency medical services and trash services. Ms. Gill said the Dover library has a problem with homeless people.

Fire Chief Francis Hartnett came forward to speak. Chief Hartnett said the Smyrna Fire Dept. did not take a stand for or against the new Library building. He said their concern is in closing the alley off on the north/west side of the building. If there were a fire and the fire department needed to make access in the rear of the buildings with an aerial ladder, it would be impossible, and also the fire engine in the rear would more than likely become destroyed because the fire would become more advanced. He said another concern is for the safety of the fire fighters in the rear of the building and not being and to retreat. He said the last thing is the limited amount of water supply in the area and not being able to use hydrants from East Street to the rear of the existing properties.

John Behrens came forward to speak. Mr. Behrens said that it looked you have his property land locked in.

### **REGULAR MEETING**

The meeting was called to order by Mayor John L. Embert III at 7:17 p.m. Council members present were Alvin C. Pope, Peter M. Retzlaff, Valerie M. White, Robert C. Johnson, and Anthony H. DeFeo. Councilman William D. Pressley Sr. was excused.

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 Councilman DeFeo and carried unanimously.

**MINUTES OF PREVIOUS MEETING**

Councilwoman White made the motion to approve the regular and executive session minutes of February 20, 2018 as presented. Motion was seconded by Councilman DeFeo and carried unanimously.

**REPORTS**

- A. Presiding Officer** – Mayor Embert said the 250<sup>th</sup> Committee will meet 3/6/18.
- 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 Council has his report and he would be happy to answer any questions.
- E. Committees** – Councilman Pressley said the Public Safety Committee will meet March 8<sup>th</sup>.

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

Councilwoman White said the Shade Tree Commission will meet March 21<sup>st</sup>.

Councilman Retzlaff said the Finance Committee will meet March 13<sup>th</sup>.

Councilman Pope said the IT Committee will meet March 26<sup>th</sup>; and the Personnel Committee will not meet in March.

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

**RECOGNITION OF VISITORS**

Visitors present were P. Francis Hartnett, Quentin Schlieder, Bill Evans, David Bruner, Robin Bruner, George DeBenedictis, Kay Wheatley, Terri Watts, Fran Biddle,

George Class-Peters Jr., John Behrens, Charlotte Middleton, Debbie Hess, and Connie Hart.

Terri Watts and Fran Biddle came forward to speak. Ms. Watts spoke about the property taxes for their property at 5408 DuPont Parkway. Mayor Embert said the person she needed to speak with was Mr. Markow, who was also present at the meeting. Mr. Markow, Ms. Watts, and Ms. Biddle left the meeting.

**OLD BUSINESS**

- A. Appointment and swearing-in of Board of Assessors** – No one was present.

**NEW BUSINESS**

**A. Town of Smyrna resolution approving 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** – Councilwoman White made the motion to table this item indefinitely. Motion was seconded by Councilman Retzlaff and carried unanimously.

**B. 2018 addition to tax bills resolution, and to include penalties from March, April, and May, 2018** – Councilman DeFeo made the motion to approve the 2018 addition to tax bills resolution, and to include penalties from March, April, and May, 2018. Motion was seconded by Councilwoman White and carried unanimously.

**C. Approve posting of assessment list** – Councilman DeFeo made the motion to approve the posting of the assessment list. Motion was seconded by Councilman Johnson and carried unanimously.

**D. Recommendation from Shade Tree Commission regarding Arbor Day tree planting and dedication** – Councilwoman White made the motion to hold the 2018 Arbor Day Celebration on April 18, 2018. Motion was seconded by Councilman Retzlaff and carried unanimously.

**E. Town of Smyrna resolution authorizing a lease-purchase agreement with TCF Equipment Finance in an amount not to exceed \$185,241.40 for public works equipment and authorizing other necessary action** – Councilwoman White made the motion to approve the resolution authorizing a lease-purchase agreement with TCF Equipment Finance in an amount not to exceed \$185,241.40 for public works equipment and authorizing other necessary action. Motion was seconded by Councilman Retzlaff and carried unanimously.

**OTHER COUNCIL BUSINESS**

There was none.

**EXECUTIVE SESSION**

**A. Executive session to discuss lease of real property;**

**B. Executive session to discuss pending or potential litigation** – Councilwoman White made the motion to go into executive session to discuss lease of real property and to discuss pending or potential litigation. Motion was seconded by Councilman Pope and carried unanimously. Council went into executive session at 7:47 p.m.

Councilwoman White made the motion to come out of executive session. Motion was seconded by Councilman Pope and carried unanimously. Council came out of executive session at 8:26 p.m.

**C. Discussion and possible vote on matters discussed in executive session regarding lease of real property** – No action was taken.

**D. Discussion and possible action on matters discussed in executive session involving pending or potential litigation** – Councilman Pope made the motion to move forward as recommended by the Town Manager in executive session. Motion was seconded by Councilman Retzlaff and carried unanimously.

**ADJOURNMENT**

Mayor Embert adjourned the meeting at 8:26 p.m.

vlh