

**MINUTES OF THE REGULAR MEETING**  
**SMYRNA TOWN COUNCIL**  
**December 4, 2017**

**REGULAR MEETING**

The meeting was called to order by Mayor John L. Embert III at 7:00 p.m. Council members present were Peter M. Retzlaff, Valerie M. White, Robert C. Johnson, Anthony H. DeFeo, and William D. Pressley Sr. Councilman Alvin C. Pope 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 and asked Boy Scout Troop #239 to lead us in the Pledge.

**ADDITIONS/DELETIONS TO PUBLISHED AGENDA**

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

**MINUTES OF PREVIOUS MEETING**

Councilman DeFeo made the motion to approve the regular and the executive session minutes of November 20, 2017 as presented. Motion was seconded by Councilman Johnson and carried unanimously.

**REPORTS**

**A. Presiding Officer** – Mayor Embert said this Thursday at noon there will be a ceremony at the lake to remember Pearl Harbor, anyone that is available to attend it would be greatly appreciated.

**B. Town Attorney** – Mr. Edwards said he had nothing at this time.

**C. Police Chief** – Chief Wood said we are doing a toy drive for our Christmas visit. We are taking donations for boys and girls newborn to age 13 for our visit with Santa that is going to be December 12<sup>th</sup> at the Police Department; also our Shop with Cop event that is going to be on the 14<sup>th</sup>.

**D. Town Manager** – Mr. Stulir said Council should have received a copy of his report; additionally he would like to thank Quentin for trimming the two holly's in front of Town Hall, he has taken care of them, maybe we should rename them after him or something like that but he certainly wants to extend his thanks to him, and then the electric crew was able to put the lights back on the trees; we're looking at having a micro Lady Bug Festival, same time frame of April 21<sup>st</sup> to May 5<sup>th</sup> – more to come on that; tomorrow the Mayor will be welcoming people to the Main Street Managers Quarterly Idea Exchange, Smyrna will be

hosting it at the Painted Stave, Karen Gill is going to lead people on a tour. Mayor Embert stated he was unable to attend due to a work commitment, and asked for volunteers from Council to fill in. Councilwoman White said she would be there. Mr. Stulir said we are having a holiday home lighting contest and there is more information posted on the town website about that.

**E. Committees** – Councilman Pressley said the Public Safety Committee will meet December 13<sup>th</sup>.

Councilman Johnson said the Utility Committee will meet December 12<sup>th</sup>.

Councilwoman White said the Shade Tree Commission will not meet in December.

Councilman Retzlaff said the Finance Committee will not meet in December; and the Personnel Committee will not meet in December.

Mayor Embert said the next 250<sup>th</sup> Committee meeting will be in January.

Mr. Stulir said the Smyrna Slum Clearance and Redevelopment Authority will meet December 13<sup>th</sup>; the Economic Development Committee will meet December 7<sup>th</sup>.

### **RECOGNITION OF VISITORS**

Visitors present were Michael Atallian, Jason Miller, George DeBenedictis, Buck Smith, Brandon Scuse, Nathan Merrill, Ryan Virdin, Braden Shoupe, Jack Billings, Kenny Virdin, Chris Morton, Candi Shoupe, Walter Billings, and Lynda Virdin.

### **OLD BUSINESS**

**A. Discussion and possible action on second reading: Ord. No. 010-17, an ordinance to amend Chapter 18 (“Building and Building Regulations”), Article XX (“Annual Registration of Vacant Buildings and Registration Fees”) to revise and clarify the procedures for assessing vacant building registration fees and to make other housekeeping amendments** – Councilman Johnson made the motion to make this the second reading of Ord. No. 010-17, an ordinance to amend Chapter 18 (“Building and Building Regulations”), Article XX (“Annual Registration of Vacant Buildings and Registration Fees”) to revise and clarify the procedures for assessing vacant building registration fees and to make other housekeeping amendments. Motion was seconded by Councilwoman White and carried unanimously.

### **NEW BUSINESS**

**A. Consideration and vote on Town of Smyrna resolution authorizing the acquisition of a parcel of land known as 13 W. Commerce St.; authorizing the Mayor, Council Secretary, and Town Manager to execute those documents necessary to effectuate the acquisition; and authorizing other necessary actions** – Councilwoman

White made the motion approve the Town of Smyrna resolution authorizing the acquisition of a parcel of land known as 13 W. Commerce St.; authorizing the Mayor, Council Secretary, and Town Manager to execute those documents necessary to effectuate the acquisition; and authorizing other necessary actions. Motion was seconded by Councilman Johnson and carried unanimously.

**B. Consideration and vote on annexation request – Resolution to set Legislative Fact Finding Hearing and to consider zoning designation, 1093 S. DuPont Boulevard, Talley, Inc. (February 5, 2018 at 6:45 p.m.)** – Councilwoman made the motion to set the Legislative Fact Finding Hearing and to consider zoning designation for 1093 S. DuPont Boulevard, Talley, Inc. for February 5, 2018 at 6:45 p.m. Motion was seconded by Councilman Johnson and carried unanimously.

**C. Consideration and vote on annexation request – Resolution to set Legislative Fact Finding Hearing and to consider zoning designation 1161 S. DuPont Boulevard, (DC-00-019.00-01-40.00-000), Liborio III, LP (February 5, 2018 at 6:45 p.m.) ; and**

**D. Consideration and vote on annexation request – Resolution to set Legislative Fact Finding Hearing and to consider zoning designation 1165 S. DuPont Boulevard (DC-00-019.00-01-39.00-000), Liborio III, LP (February 5, 2018 at 6:45 p.m.) –**

Councilwoman White made the motion to set the Legislative Fact Finding Hearing and to consider zoning designation for 1161 S. DuPont Boulevard and 1165 S. DuPont Boulevard, Liborio III, LP for February 5, 2018 at 6:45 p.m. Motion was seconded by Councilman Johnson and carried unanimously.

**E. Consideration and vote on an ordinance to amend Chapter 2 (“Administration”), Article VI (“Disclosure of Information”) of the Town Code of the Town of Smyrna to eliminate provisions covered by 29 Del. C. Ch. 100, to revise the fees the Town can charge for responding to requests for information, and to make other housekeeping changes** – Councilman DeFeo made the motion to make this the first reading of an ordinance to amend Chapter 2 (“Administration”), Article VI (“Disclosure of Information”) of the Town Code of the Town of Smyrna to eliminate provisions covered by 29 Del. C. Ch. 100, to revise the fees the Town can charge for responding to requests for information, and to make other housekeeping changes. Motion was seconded by Councilman Johnson and carried unanimously.

#### **OTHER COUNCIL BUSINESS**

Councilman Pressley asked Mr. DeBenedictis for an update on 112 and 113 Delaware Street. Mr. DeBenedictis said 112 is in the process of getting a building permit to renovate the interior and the exterior, we have asked for an engineer to do a report on the structure itself due to the time it has been open to the elements with the interior being completely gutted; 113 across the street removed a derelict porch on the side, they are in the process of getting permit to rebuild just a simple set of steps with a landing on the side of that to be code compliant that way they can maintain their egress from the home.

Councilman Pressley asked if we can send someone to close up the holes to keep the animals from getting in to the house. Mr. Edwards said he was not prepared to talk about this tonight, but if we are boarding it up we probably have more flexibility than if we were to make repairs.

Mayor Embert said the Smyrna High School Varsity did a three peat this past weekend – they are three time consecutive State Champs, and also the Unified Flag Football team made it to the State Title game and competed, and also William Knight the running back broke the all-time state rushing record, so that is now held by a Smyrna High student.

Councilman Johnson said all those who knew Ms. Mary Scott, she used to be a teacher and administrator at Smyrna High, she passed away on December 1<sup>st</sup>.

**ADJOURNMENT**

Mayor Embert adjourned the meeting at 7:24 p.m.

vlh