

MINUTES OF THE MEETING
SMYRNA TOWN COUNCIL

February 4, 2013

PUBLIC HEARING

The public hearing was opened at 7:15 p.m. by Mayor Patricia A. Stombaugh. Council members present were Joanne Masten, Valerie M. White, Regina I. Brown, Robert C. Johnson, Jeff Flairty, and Anthony H. DeFeo.

Also present were Town Manager David S. Hugg III, Chief Wilbert R. Bordley, Attorney Barrett Edwards, and Recording Secretary Valerie L. Heritage.

Mayor Stombaugh said the public hearing to consider an amendment to Appendix A, Zoning, Section 5, District Regulations to permit a Planned Village Community as a Conditional Use in Residential Districts R1, R1-A, R-2, R2-A, and R-3.

Mr. Hugg briefly summarized the proposed amendment; he stated it has been reviewed and recommended by the Planning & Zoning Commission.

Janet Vinc, Manager of Planning & Zoning came forward to speak. Ms. Vinc answered questions from Council. She explained this proposed ordinance would apply to single family homes only and would not apply to townhomes and duplexes; it would allow for a walkable community, something that you would want to walk through not drive through.

After much discussion Mayor Stombaugh asked if there was anyone present to speak against. No one came forward.

Mayor Stombaugh closed the public hearing at 7:30 p.m.

REGULAR MEETING

The meeting was called to order by Mayor Patricia A. Stombaugh at 7:30 p.m. Council members present were Joanne Masten, Valerie M. White, Regina I. Brown, Robert C. Johnson, Jeff Flairty, and Anthony H. DeFeo.

Also present were Town Manager David S. Hugg III, Chief Wilbert R. Bordley, Attorney Barrett Edwards, and Recording Secretary Valerie L. Heritage.

Mayor Stombaugh asked everyone to rise for the Pledge of Allegiance. Mayor Stombaugh asked for everyone to remain standing for a moment of silence.

ADDITIONS/DELETIONS TO PUBLISHED AGENDA

Councilman DeFeo made the motion to accept the agenda as presented. Motion was seconded by Councilman Johnson and carried unanimously.

MINUTES OF PREVIOUS MEETING

Councilman Flairty made the motion to accept the Council minutes of 1/22/13, and Executive session minutes of 12/17/12, 1/7/13 and 1/22/13 as presented. Motion was seconded by Councilwoman Masten and carried unanimously.

REPORTS

- A. Presiding officer** – Mayor Stombaugh asked if there was any opposition to using town funds to pay for her ticket to the Mayor’s Charity Ball in Delaware City. There was none.
- B. Town attorney** – Mr. Edwards said he had nothing at this time.
- C. Police chief** – Chief Bordley apologized for not having the stats from last month to give to Council. He said they will have their first departmental meeting tomorrow.
- D. Town manager** – Mr. Hugg said touched on a few items from his report to Council.
- E. Committees** – Councilman DeFeo said the Public Safety Committee will meet February 14th.

Councilman Flairty said the Long Range Planning Committee will meet February 19th.

Councilman Johnson said the Utility Committee will meet February 6th.

Mayor Stombaugh said the Business Development Committee will meet February 7th; the Finance Committee will meet February 13th.

Councilwoman Brown said the Smyrna Public Library Advisory Board will meet February 12th.

Councilwoman Masten said the Shade Tree Commission will meet February 20th; the Personnel Committee will meet February 12th.

RECOGNITION OF VISITORS

Visitors present were Ed Ide, Daryl Jester, Peter M. Retzlaff, Tom Sloan, Janet Vinc,

Joe Sheridan, Mike Tholstrup, and Jennifer Dailey.

Tom Sloan, 560 Cindy Lane, came forward to speak. Mr. Sloan requested the town contact Verizon about installing FiOS in town. Council asked Mr. Sloan to attend then next Utility Committee meeting.

NEW BUSINESS

A. Consideration and vote regarding replacement windows with interior/versus exterior grids for 41 S. Main St., pending outcome of special Historic District Review Board meeting on 2/1/13 – This item was removed from the agenda.

B. Consideration and vote on results of public hearing regarding an amendment to Appendix A, Zoning, Section 5, District Regulations to permit a Planned Village Community as a Conditional Use in Residential Districts R1, R1-A, R-2, R2-A, and R-3 – Councilman Flairty made the motion to approve the amendment to Appendix A, Zoning, Section 5, District Regulations to permit a Planned Village Community as a Conditional Use in Residential Districts R1, R1-A, R-2, R2-A, and R-3, Ord. No. 001-13. Motion was seconded by Councilman Johnson and carried unanimously.

C. A resolution adopting the 2012 Town of Smyrna Comprehensive Plan Update, pending certification from Governor Markell – Councilwoman White made the motion to approve the resolution adopting the 2012 Town of Smyrna Comprehensive Plan Update. Motion was seconded by Councilwoman Masten. Motion carried with Councilwomen Masten, White, and Brown, and Councilmen Johnson, Flairty, and DeFeo voting for, and Mayor Stombaugh abstaining.

D. Approval of 2013 mosquito control spray policy and waiver – Councilman DeFeo made the motion to approve the 2013 mosquito control spray policy and waiver. Motion was seconded by Councilwoman White and carried unanimously.

E. Consideration and vote on lighting for Carter Road from Sunnyside Road to Route 13 – Councilman Johnson made the motion to send this item to the Finance Committee for review and to find funding for this project. Motion was seconded by Councilman Flairty and carried unanimously.

F. Request from Sheridan's Irish Pub to close a portion of North Market Street beginning the afternoon of Friday, March 8, 2013 through Monday morning, March 11, 2013 for the Annual St. Patrick's Weekend Celebrations and to close off 4 parking spaces parallel to Sheridan's Irish Pub on Friday, March 15, 2013 through Monday, March 18, 2013 – Councilwoman White made the motion to approve Joe Sheridan's request to close a portion of North Market Street beginning the afternoon of Friday, March 8, 2013 through Monday morning, March 11, 2013 for the Annual St. Patrick's Weekend Celebrations and to close off 4 parking spaces parallel to Sheridan's Irish Pub on Friday, March 15, 2013 through Monday, March 18, 2013. Motion was seconded by Councilwoman

Masten and carried unanimously.

G. Update on applications for Assistant to the Town Manager position and discussion of, and possible action on, procedures to review applications, including possibly appointing a committee - Councilman DeFeo made the motion to approve Mayor Stombaugh's request to appoint a subcommittee consisting of Councilman Johnson, Councilman Flairty and Mayor Stombaugh to review the applications for the Assistant to the Town Manager. Motion was seconded by Councilwoman Brown and carried unanimously.

OTHER COUNCIL BUSINESS

Councilman DeFeo asked about the letter from the Smyrna-Clayton Little League that was in Council's packet. Mr. Hugg explained what it was about. Councilman DeFeo made the motion to sponsor a little league team. Motion was seconded by Councilman Johnson. After discussion the motion was withdrawn and it was asked to place this on the next Council agenda and to send it to the Finance Committee.

Chief Bordley asked for Smyrna-Clayton Rotary Car Show to be placed on the next Council agenda as well.

EXECUTIVE SESSION

A. Executive session to discuss trade secrets and commercial or financial information of a privileged or confidential nature;

B. Executive session for the purposes of (a) discussing personnel matters involving non-union employee(s) in which the names, competency and abilities of individual employee(s) will be discussed; and (b) holding a strategy session for collective bargaining where an open meeting would have an adverse effect on the bargaining position of the town - Councilwoman Brown made the motion to go into executive session to discuss trade secrets and commercial or financial information of a privileged or confidential nature, and for the purposes of (a) discussing personnel matters involving non-union employee(s) in which the names, competency and abilities of individual employee(s) will be discussed; and (b) holding a strategy session for collective bargaining where an open meeting would have an adverse effect on the bargaining position of the town. Motion was seconded by Councilman Johnson and carried unanimously. Council went into executive session at 8:22 p.m.

Councilwoman White made the motion to come out of executive session. Motion was seconded by Councilwoman Masten and carried unanimously. Council came out of executive session at 8:56 p.m.

C. Possible action on trade secrets and commercial or financial information of a privileged or confidential nature discussed in executive session - no action was taken.

D. Possible discussion and action on: (a) personnel matters involving non-union employee(s) in which the names, competency and abilities of individual employee(s) discussed in executive session; and (b) collective bargaining where an open meeting would have an adverse effect on the bargaining position of the town discussed in executive session - no action was taken.

ADJOURNMENT

Mayor Stombaugh adjourned the meeting at 8:56 p.m.

Council Secretary

vlh