

MINUTES OF THE MEETING
SMYRNA TOWN COUNCIL
March 4, 2013

PUBLIC HEARING

The public hearing was opened at 7:01 p.m. by Mayor Patricia A. Stombaugh. Council members present were Joanne Masten, Valerie M. White, Regina I. Brown, Robert C. Johnson, and Anthony H. DeFeo. Councilman Jeff Flairty was excused.

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

Legislative Fact Finding Hearing ref. annexation and zoning designation, 110 North Carter Road, Richard & Iolanda Zikowitz.

Mr. Hugg explained this is the next step to annex a property into town; the Planning & Zoning Commission recommended approval at their meeting on January 16, 2013.

Mayor Stombaugh asked if there was any further discussion. There was none.

Mayor Stombaugh closed the public hearing at 7:05 p.m.

PUBLIC HEARING

The public hearing was opened at 7:16 p.m. by Mayor Patricia A. Stombaugh. Council members present were Joanne Masten, Valerie M. White, Regina I. Brown, Robert C. Johnson, and Anthony H. DeFeo. Councilman Jeff Flairty was excused.

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

Legislative Fact Finding Hearing ref. annexation and zoning designation, 390 Sunnyside Road, James P. & H. Joanne Masten.

Mr. Hugg explained this is the next step to annex a property into town; the Planning & Zoning Commission recommended approval at their meeting on February 20, 2013; and the applicant is present.

Mayor Stombaugh asked if there were any questions for the applicant. There were none. Mayor Stombaugh asked if there was anyone present to speak against. No one came forward.

Mayor Stombaugh closed the public hearing at 7:18 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, and Anthony H. DeFeo. Councilman Jeff Flairty was excused.

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

Councilwoman Brown asked to blend items 10(c) and 10(d) together. Mr. Hugg asked to move item 11(e) up to 'Old business' and make it item 10(a).

Councilwoman White made the motion to accept the agenda as amended. Motion was seconded by Councilwoman Masten and carried unanimously.

MINUTES OF PREVIOUS MEETING

Councilman DeFeo made the motion to accept the regular and executive session Council minutes of February 19, 2013 as presented. Motion was seconded by Councilman Johnson and carried unanimously.

REPORTS

A. Presiding officer – Mayor Stombaugh thanked Council for opportunity to attend the Mayor's Charity Ball in Delaware City.

B. Town attorney – Mr. Edwards said everything has been filed on the Bombay Woods matter and it was accepted by the court.

C. Police chief – Chief Bordley said he provided Council with the statistics and asked Council to call him if there are any questions; he reserved his time the presentations later.

D. Town manager – Mr. Hugg said touched on a few items from his report to Council. He said the dedication for the new American Legion Ambulance building is at noon on Thursday.

E. Committees – Councilman DeFeo said the Public Safety Committee will meet March 14th.

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

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

Councilwoman Brown said our employees passed a safety survey which qualified us for a premium discount on worker's compensation insurance – she thinks that is a great accomplishment for our employees and urged them to keep up the good work.

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

RECOGNITION OF VISITORS

Visitors present were James E. Veit Sr., Norman Wood, Fred Moyer, Brian Moore, Zachery Moore, Tanner Moore, James Harkins, Howard Johnson, Larry Thornton, Ken Boulden, Conrad Hebert, Cindy A. Cogar, Grant Prichard, Dean Laumbach, Joe Sheridan, Judy Cherry, and Jennifer Dailey.

Ken Boulden, owner of Penn Vernon, came forward to speak. Mr. Boulden thanked Council for the removal of the old TV repair shop that was adjacent to his property; he now asked Council to do whatever they can to expedite the process to move that parcel to Sheriff Sale – he does have an interest in the property. He saw there was an agenda item regarding the demolition of 431-437 Smyrna/Clayton Boulevard – he said anything that Council can do to expedite that would be appreciated.

Joe Sheridan, 8 North Market Street, came forward to speak. Mr. Sheridan said he was here regarding the Beer, Wine and Food Festival that we had last year; they would like to do it again this year. He would like Council to consider using the Town insurance and the Town non-profit status to run this event because it is a Town event. Councilwoman White asked if this could be put on the next Council agenda. Mr. Hugg suggested this go to the Finance Committee or the Public Safety Committee for discussion if the Town is entertaining the idea of sponsoring these types of events.

Shirley Sheridan, 8 North Market Street, came forward to speak. Ms. Sheridan said last year's event was of no expense to the sponsors. Councilman DeFeo asked if there was a need to have any up-front monies for the event. Ms. Sheridan said they have an investor that is going to take care of any up-front monies.

A. Recognition of recently promoted individuals and award winners for the Smyrna Police Department – Chief Bordley said as being Smyrna Police Chief he is very proud of that position; he has worked hard to get there and part of that is Smyrna is a great town to live in, to work in and the second part of that is that he has a great staff supporting him, and a lot of times that goes unrecognized. Chief Bordley said it was brought to his attention that some of these promotions should be brought to the Council floor so Council can see first-hand who these individuals are and hear a little bit about what they do.

Chief Bordley asked Sgt. Michelle Mitchell and Cpl. Fred Moyer to come forward. He explained that Sgt. Mitchell is in charge of our CAPS program which is a group of volunteers that give their time to the Town. Chief Bordley said he wanted to recognize Fred Moyer and Al Sammons – Al Sammons could not be here tonight; Chief Bordley presented Cpl. Fred Moyer with an award which he read into the record.

Chief Bordley recognized Sgt. Mitchel as the ‘Civilian of the Year’.

Chief Bordley recognized Earl Timmons who was recently promoted to Telecommunications Specialist II. Chief Bordley said Richard Ogden was also promoted to Telecommunications Specialist II, but was unable to attend tonight.

Chief Bordley recognized Sgt. Brian Moore who was recently promoted to Senior Sergeant.

Chief Bordley recognized Sr. PFC Kevin Fox, who could not be here tonight, as the ‘Officer of the Year’.

OLD BUSINESS

A. Consideration and vote on extension of current Smyrna Opera House lease to 6/30/13- Councilwoman White made the motion to authorize Mr. Hugg to extend the lease for the Smyrna Opera House until June 30, 2013 under the current terms and conditions. Motion was seconded by Councilwoman Brown and carried unanimously.

B. Discussion and vote on action regarding property at 431-437 Smyrna/Clayton Blvd/S&S Properties – Councilman Johnson made the motion to demolish the property. Motion was seconded by Councilwoman Masten.

Councilwoman Brown made a friendly amendment to accept the low bid of \$44,710, with the expectation that the total cost will not to exceed \$50,000. Motion was seconded by Councilwoman Masten and carried unanimously.

The original motion with the amendment carried unanimously.

C. Discussion and vote on establishing compensation committee as standing committee with additional responsibility for evaluating compensation for town employees

D. Discussion and vote on resolution clarifying which committees are standing committees and that committee members serve at the will of Mayor and Council – Councilwoman White made the motion to approve the resolution establishing standing committees in the Town of Smyrna and clarifying that committee members serve at the will of the Mayor and Council with the exception of omitting the Compensation Committee as a standing committee. Motion was seconded by Councilman DeFeo and carried unanimously.

E. Discussion and possible decision on Town acting as a conduit for and/or being involved with monies raised by private organizations – discussion only, no action was taken.

NEW BUSINESS

A. Annexation and zoning designation, 110 North Carter Road, Richard & Iolanda Zikowitz:

- i. Discussion and vote on results from Legislative Fact Finding Hearing**
- ii. Discussion and vote on resolution to annex property into the town**
- iii. Discussion and vote on ordinance setting zoning designation, R-2 (Medium Density Residential)**

Councilwoman Brown made the motion to accept the annexation and zoning designation for 110 North Carter Road for Richard and Iolanda Zikowitz, discussion and vote on results from Legislative Fact Finding Hearing, discussion and vote on resolution to annex property into the town, and discussion and vote on ordinance setting zoning designation, R-2 which is Medium Density Residential. Motion was seconded by Councilwoman White and carried unanimously.

B. Annexation and zoning designation, 390 Sunnyside Road, James P. & H. Joanne Masten:

- i. Discussion and vote on results from Legislative Fact Finding Hearing**
- ii. Discussion and vote on resolution to annex property into the town**
- iii. Discussion and vote on ordinance setting zoning designation, R-2 (Medium Density Residential)**

Councilwoman Brown made the motion to accept the annexation and zoning designation for 390 Sunnyside Road for James P. and H. Joanne Masten, discussion and vote on results from Legislative Fact Finding Hearing, discussion and vote on resolution to annex property into the town, and discussion and vote on ordinance setting zoning designation, R-2 which is Medium Density Residential. Motion was seconded by Councilwoman White. Motion carried with Mayor Stombaugh, Councilwomen White and Brown, and Councilmen Johnson and DeFeo voting for, and Councilwoman Masten recused herself.

C. Consideration and vote on award of bid re: North Duck Creek Utility Crossings – Councilwoman White made the motion to award the bid for the North Duck Creek Utility Crossings project to Aaron Enterprises, Inc. in the amount of \$1,073,577.00. Motion was seconded by Councilwoman Masten and carried unanimously.

D. Discussion and vote on visitor speaking requirements – staff will develop a visitor speaking request card/form to be used at Council meetings so the visitors speaking are not required to give personal information.

OTHER COUNCIL BUSINESS

There was none.

EXECUTIVE SESSION

A. 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 White made the motion to go into 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. Motion was seconded by Councilwoman Masten and carried unanimously. Council went into executive session at 9:17 p.m.

Councilwoman White made the motion to come out of executive session. Motion was seconded by Mayor Stombaugh and carried unanimously. Council came out of executive session at 10:05 p.m.

C. Possible 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 10:06 p.m.

Council Secretary