

MINUTES OF THE MEETING
SMYRNA TOWN COUNCIL
April 1, 2013

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 not present.

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

Mr. Hugg said Council has the recommended final version of the Smyrna U.S. 13 Corridor Plan and Design Book for consideration and adoption tonight so that it can be forwarded on to State Planning. He asked Janet Vinc, Manager of Planning & Zoning, to come forward and speak. Ms. Vinc reviewed the chain of events leading up to tonight's public hearing, including the charette that was held in August 2012.

Jim Galvin, Dover/Kent County MPO, came forward to speak. Mr. Galvin explained that he has been involved in charettes a couple times now and he thinks this process was insightful and he thought there was a great turnout for the charette that was held in August 2012. He said a lot of work was put into this project and he thinks this will be a great addition to the Comprehensive Plan.

Ms. Vinc explained that once the Future Land Use Maps that are within this plan are adopted as part of the Comprehensive Plan then staff can move forward with adopting the updated Zoning Ordinance.

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

Mayor Stombaugh closed the public hearing at 7:22 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

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

MINUTES OF PREVIOUS MEETING

Councilwoman White made the motion to accept the Council minutes of March 18, 2013 as presented. Motion was seconded by Councilwoman Masten and carried unanimously.

REPORTS

- A. Presiding officer** – Mayor Stombaugh said she had nothing this evening.
- B. Town attorney** – Mr. Edwards said he had nothing this evening.
- C. Police chief** – Chief Bordley briefly reviewed the statistics from March, and his report to Council.
- D. Town manager** – Mr. Hugg briefly touched on his report to Council.
- E. Committees** – Councilman DeFeo said the Public Safety Committee will meet April 11th.

Councilman Flairty said the Long Range Planning Committee will meet April 15th.

Councilman Johnson said the Utility Committee will meet April 3rd.

Mayor Stombaugh said the Business Development Committee will meet April 4th; the Finance Committee will meet April 10th.

Councilwoman Brown said the Smyrna Public Library Advisory Board will meet April 9th.

Councilwoman Masten said the Shade Tree Commission will meet April 17th; the Personnel Policy Review Subcommittee will meet April 8th and April 22nd; the Contract Negotiation Committee has hopefully finished up with all of the negotiations.

RECOGNITION OF VISITORS

Visitors present were Daryl Jester, Janet Vinc, John L. Embert III, Brandon Dunning, David Roberts, Shelley Cecchett, Mike Tholstrup, Brooks R. Keen, James Harkins, Conrad Hebert, Bill Andrew, Bill Willis, Richard Horvath, Jim Galvin, Holly Natrin, Melaine Minear, Mark R. Harris, Joseph Wilson, Cindy A. Cogar, and Andrea Rodriguez.

A. Presentation by Greater Dover Committee – Mr. Hugg briefly gave some background regarding the Greater Dover Committee.

Bill Andrew, Chairperson for the Greater Dover Committee – soon to be the Greater Kent Committee Economic Development Roundtable, came forward to speak. Mr. Andrew introduced Shelley Cecchett, Executive Director of the Greater Dover Committee, and Bill Willis who is a distinguished member of the committee along with a couple of people present this evening. Mr. Andrew explained what the Greater Dover Committee is and what they do and then showed a brief video presentation.

Bill Willis wanted to publicly thank the Town, Council, and staff for working with them in the development of the Ford project on Route 13.

Melaine Minear came forward to speak. Ms. Minear asked Chief Bordley for an update on the status of the digital radar unit. Ms. Minear then spoke of FOIA violations with the Town of Smyrna minutes on the website; she stated that she hoped the election times would be established this evening; and she hoped the Town would host an open debate amongst the candidates or an open public forum.

Cindy Cogar came forward to speak. Ms. Cogar asked for an answer, or if someone could address, the previous speakers questions about the minutes. She also asked about the funding for the projects that were talked about in the presentation earlier tonight.

Councilman DeFeo stated the committee chairs are responsible for the minutes of their committees.

OLD BUSINESS

A. Appointment to Board of Assessment and swearing-in of Board of Assessment members – no one was present.

B. Results of Robo Call system – Mr. Hugg explained how the Robo Call system works. He said he does not have a report this evening and he would supply Council with that information at the next meeting.

NEW BUSINESS

A. Discussion and vote on results of public hearing regarding approval to send the Smyrna U.S. 13 Corridor Plan and Design Book to the Preliminary Land Use Service (P.L.U.S.) Review for the eventual adoption of the Smyrna U.S. 13 Corridor Plan and Design Book as an amendment to the Town of Smyrna Comprehensive Plan – Councilman Flairty made the motion to proceed with the adoption of the Smyrna U.S. 13 Corridor Plan and Design Book. Motion was seconded by Councilman Johnson and carried unanimously.

B. Recommendations of the Finance Committee

- i. Establishment of the Audit Committee as a Standing Committee**
- ii. Appointment of Dawn Haw-Young to the committee and to serve as Chair**

Councilwoman Brown made the motion to establish the Audit Committee as a Standing Committee and appoint Dawn Haw-Young to the committee and to serve as the Chair. Motion was seconded by Councilwoman Masten and carried unanimously.

C. Vote on Town Manager contract - Councilwoman White made the motion to approve the Town Manger's contract. Motion was seconded by Councilman DeFeo. Motion carried with Councilwomen Masten, White, and Brown, and Councilmen Johnson, Flairty, and DeFeo voting for, and Mayor Stombaugh voting against.

D. Recommendation from Utility Committee - discussion and possible action to revise the customer service charge and reduce the summer kWh charge for Commercial Non-Demand and Commercial Demand electric customers - Councilman Flairty made the motion to approve the customer service charge revisions as indicated on the document presented along with reducing the summer kWh charge for Commercial Non-Demand and Commercial Demand electric customers. Motion was seconded by Councilwoman White and carried unanimously.

E. Discussion and vote to set date and time of 'Meet the Candidates Night' - Councilwoman White made the motion to set the date and time of 'Meet the Candidates Night' for April 22, 2013 from 7:00 p.m. to 8:30 p.m. Motion was seconded by Councilwoman Masten and carried unanimously.

F. Discussion and vote to set date of 2013 Mayor and Council Organizational meeting - Councilwoman White made the motion to hold the first Council meeting in May and Organizational meeting on May 8th instead of the 6th. Motion was seconded by Councilwoman Masten and carried unanimously.

G. Proclamation for Arbor Day - Councilwoman White made the motion to recognize May 3, 2013 as Arbor Day in the Town of Smyrna. Motion was seconded by Councilman DeFeo and carried unanimously.

H. Set the time and place of the election - Councilman DeFeo made the motion to hold the 2013 election on April 30, 2013 at the Citizens' Hose Company from 7:00 a.m. to 8:00 p.m. Motion was seconded by Councilwoman White.

Councilwoman Brown made the motion to amend the original motion by changing the place of the election to the Town Hall and to have staff handle the election proceedings. The amendment failed due to a lack of a second.

The original motion to hold the 2013 election on April 30, 2013 at the Citizens' Hose Company from 7:00 a.m. to 8:00 p.m. carried unanimously.

OTHER COUNCIL BUSINESS

Mayor Stombaugh asked Mr. Edwards about the note at the bottom of agendas about executive sessions. Mr. Edwards stated that the standard disclaimer at the bottom of the agendas is almost verbatim from the statute that states things can be discussed in a different order and if an executive session arises at the meeting then that committee could go into executive session. He said we put that as notice on the agendas – it would have to be something really urgent or really important to actually go into executive session on the spot, so 99 percent of the time we are not going to go into executive session unless it is noticed 7 days in advance or within the time period, but under the statute we do have the right of doing that in extenuating circumstances.

EXECUTIVE SESSION

A. Executive session to have a strategy session regarding matters related to collective bargaining and pending or potential litigation involving AFSCME in which an open meeting would have an adverse effect on the bargaining position of the Town

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 White made the motion to go into Executive session to have a strategy session regarding matters related to collective bargaining and pending or potential litigation involving AFSCME in which an open meeting would have an adverse effect on the bargaining position of the Town 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 Councilwoman Masten and carried unanimously. Council went into executive session at 8:44 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 9:36 p.m.

C. Discussion and possible vote on matters discussed in executive session related to collective bargaining and pending or potential litigation involving AFSCME – Councilman Flairty made the motion that Town Council consult with a specialty labor attorney and move forward as discussed in executive session. Motion was seconded by Councilman DeFeo and carried unanimously.

D. 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 - Councilman Flairty made the motion to approve the FOP contract effective January 1, 2013. Motion was seconded by Councilman Johnson and carried unanimously.

ADJOURNMENT

Mayor Stombaugh adjourned the meeting at 9:37 p.m.

Council Secretary

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