

**MINUTES OF THE MEETING**  
**SMYRNA TOWN COUNCIL**  
**October 7, 2013**

**REGULAR MEETING**

The meeting was called to order by Mayor Joanne Masten at 7:30 p.m. Council members present were Andrea C. Rodriguez, Valerie M. White, Regina I. Brown, Robert C. Johnson, Jeff Flairty, and John L. Embert III.

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

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

**ADDITIONS/DELETIONS TO PUBLISHED AGENDA**

Councilman Johnson asked to remove item 7(a).

Councilman Flairty asked to move item 9(e) to make it item 11(a) since it is related to the executive session.

Mayor Masten said the discussion for item 9(f) will be done under 'committees', and then the vote will be taken when it comes up on the agenda.

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

**MINUTES OF PREVIOUS MEETING**

Councilman Flairty made the motion to accept the minutes of September 3, 2013 and September 16, 2013 as presented. Motion was seconded by Councilwoman Brown and carried unanimously.

**REPORTS**

**A. Presiding officer** - Mayor Masten reminded Council that staff needs the information from each council member for the veteran/military proclamations by the 18<sup>th</sup>; she received a thank you letter from the Smyrna Clayton Ministerium, which she read into the record; she spoke of emergency planning. Mayor Masten asked Pat Musto to come forward, and presented her with a proclamation honoring her and celebrating her 40<sup>th</sup> anniversary of her business, Talk of the Town Hair Stylists.

**B. Town attorney** - Mr. Edwards said he did not have anything at this time.

**C. Police chief** – Chief Bordley briefly touched on a few items from his report to Council – the resignation of an officer, and the Civil War re-enactment that will happen this weekend.

**D. Town manager** – Mr. Hugg briefly touched on a few item from his report to Council – the FY 2014 operating and capital budgets, utility easements for the utilities north of Duck Creek, and franchise agreements.

**E. Committees** – Larry Thornton, Chair of the Public Safety Committee, came forward to speak. Mr. Thornton reported that at the September 12<sup>th</sup> meeting the committee voted to recommend to Council to recommend to DelDOT that the speed limit on Carter Road be reduced to 25 mph.

Councilman Flairty said the Utility Committee met October 2<sup>nd</sup>, and the next meeting will be November 6<sup>th</sup>; the Economic Development Committee met October 3<sup>rd</sup>; and the next meeting will be November 7<sup>th</sup>.

Councilman Johnson said the Finance Committee will meet October 16<sup>th</sup>.

### **RECOGNITION OF VISITORS**

Visitors present were Jennifer Love, Pauline Taylor, Daryl Jester, Pat Musto, Amy Musto, Larry Thornton, Osman Sammander, Ayesha Sammander, Kevin Musto, Conrad Hebert, Cindy A. Cogar, LaDonna Norvell, Sharon Huntoon, and Lincoln Huntoon.

Sharon Huntoon came forward to speak. Mrs. Huntoon spoke of recently purchasing a home in Smyrna, brake lines being cut, feeling threatened, parking issues, and racial discrimination and retaliation on behalf of the Smyrna Police Department.

Mayor Masten stated they will arrange a meeting with Chief Bordley, Vice Mayor Brown, and herself. She will contact Mrs. Huntoon to arrange the time.

Cindy Cogar came forward to speak. Ms. Cogar spoke on this same topic; she implored Chief Bordley, Mayor Masten, and Councilwoman Brown to have this meeting and she would like to see a solution to this problem and she wants the perpetrators experience some consequences.

Osman Sammander came forward to speak. Mr. Sammander stated the City of Dover passed an ordinance regarding drug use and landlords and tenants – Smyrna may want to consider doing the same. Mr. Sammander spoke of having rentals in Smyrna. He said he is not notified of the final water bill until after he has returned the security deposit – he would like to be notified earlier so it can be taken out of the security deposit. Councilman Flairty said the Utility Committee will discuss this at their next meeting.

**A. Presentation by ALW Sourcing LLC re: collections** – This item was removed.

**B. Presentation by LaDonna Norvell, Delmarva Foundation for Medical Care, re: Affordable Care Act** – LaDonna Norvell came forward to speak. Ms. Norvell spoke about the Affordable Care Act – she can explain the options and assist in making the application for the healthcare. She is trying to get the word out to everyone.

**OLD BUSINESS**

**A. Discussion and possible vote on Ord. No. 006-13, an ordinance to amend Chapter 2 ("Administration"), Article III ("Finance"), of the Town Code by redesignating the Rainy Day Fund as the Budget Reserve Account** – Councilwoman White made the motion to make this the first reading of Ord. No. 006-13, an ordinance to amend Chapter 2 ("Administration"), Article III ("Finance"), of the Town Code by redesignating the Rainy Day Fund as the Budget Reserve Account. Motion was seconded by Councilwoman Brown and carried unanimously.

**NEW BUSINESS**

**A. Resolution setting date and time for trick-or-treat** – Councilwoman White made the motion to approve the resolution setting the date and time for trick-or-treat for October 31, 2013, between 6 and 8 p.m. Motion was seconded by Councilman Embert and carried unanimously.

**B. Discussion and vote to determine whether or not a mobile home placement permit reduction shall be made available for 2014 to eligible applicants, and if so, the amount of the reduction** – Councilwoman White made the motion to make a 50 percent reduction of the mobile home placement permit available for 2014 to eligible applicants. Motion was seconded by Councilwoman Brown and carried unanimously.

**C. Request DelDOT to move the North US 13 Improvements up in the DelDOT CTP** – Councilwoman White made the motion to have the Town Manager send a letter to DelDOT asking for the design portion of the work for the U.S. 13, Duck Creek to SR1 project, be moved up from FY2018 to FY2015 in their Capital Transportation Program. Motion was seconded by Councilwoman Brown and carried unanimously.

**D. Consideration and vote on request from Andrew Slavin re: sidewalk waiver for 324 Mulberry Street** – Councilwoman White made the motion to approve the sidewalk waiver request from Andrew Slavin for 324 Mulberry Street. Motion was seconded by Councilman Embert and carried unanimously.

**E. Recommendation from Public Safety Committee: request to DelDOT to reduce speed limit on Carter Road** – Councilwoman White made the motion to accept the recommendation from the Public Safety Committee to reduce the speed limit on Carter Road be reduced to 25 mph and send a letter to DelDOT with that request. Motion was seconded by Councilwoman Brown.

After discussion Councilwoman White amended her motion to have the town manager draft a letter requesting a survey be done of that area to see about lowering the speed limit. Motion was seconded by Councilman Johnson and carried unanimously.

**OTHER COUNCIL BUSINESS**

Councilwoman White said the Smyrna Homecoming Parade will be held October 18<sup>th</sup> on Main Street at 5 p.m.

Mayor Masten read a thank you note from Quentin Schlieder.

**EXECUTIVE SESSION**

**A. Executive session for the purpose of discussing a personnel matter in which the names, competency, and abilities of individual employees will be discussed –** Councilwoman White made the motion to go into Executive session for the purpose of discussing a personnel matter in which the names, competency, and abilities of individual employees will be discussed. Motion was seconded by Councilman Flairty and carried unanimously. Council went into executive session at 8:46 p.m.

Councilwoman White made the motion to come out of executive session. Motion was seconded by Councilman Embert and carried unanimously. Council came out of executive session at 9:03 p.m.

**1. Consideration and possible vote to approve taking the necessary steps to fill a vacancy in Police Department caused by a recent resignation –** Councilman Flairty made the motion to table this item for the next meeting. Motion was seconded by Councilwoman White. Motion passed with Mayor Masten, Councilwoman Rodriguez, and Councilmen Flairty and Embert voting for, Councilwomen White and Brown voting against, and Councilman Johnson abstained.

**B. Possible action on matter discussed in executive session related to a personnel matter involving the names, competency, and abilities of individual employees –** No action was taken

**ADJOURNMENT**

Mayor Masten adjourned the meeting at 9:05 p.m.