

**MINUTES OF THE MEETING**  
**SMYRNA TOWN COUNCIL**  
**April 2, 2012**

**APPEAL DAY**

The appeal day proceedings were opened at 5:32 p.m. by Vice-Mayor Robert Riddagh. Representing the town were Council members Regina I. Brown, and Joanne Masten, and Assessor William Whitaker.

Also present were IT Manager James Markow, and Recording Secretary Valerie L. Heritage.

Visitors present were Tanya Dryden, Brian David, Jim Kalicharan, and Willie Green.

Tanya Dryden, 6 Borealis Court, came forward to speak. Ms. Dryden said her appeal is a continuation from the last appeal day; and explained why she feels her assessment is high. Ms. Dryden gave a comparison, 1 Borealis Court, which is assessed \$21,200 less than her property and explained the similarities and differences between the two properties.

Mr. Whitaker thought the assessment is correct.

Ms. Dryden asked what her taxes would be with the new assessment. Mr. Markow stated the taxes are now \$189.45, and it would go to \$885.62.

Councilman Riddagh, Councilwomen Masten and Brown and Mr. Whitaker all stated they felt the assessment was fair. Ms. Dryden asked why they felt it was fair. Mr. Whitaker said because it was done by a professional assessor.

Willie Green, 11 Tumbleroc Court, came forward to speak. Mr. Green explained that in July his home was assessed at \$231,000 and then the Town of Smyrna assessed it at \$291,800. He was asked if there were any additions. He stated there were none. Mr. Green gave several comparisons of properties nearby. After discussion it was decided that there was no reason to change the assessment.

Brian David, 579 Lake Drive West, came forward to speak. Mr. David stated that properties near him were assessed at an average of \$370,000, but his is assessed at \$650,000; he inherited the house. Mr. Whitaker asked Mr. David what he would like. Mr. David said \$390,000. Councilwoman Brown suggested \$424,500. It was agreed unanimously to recommend an assessment of \$424,500 to Council.

Jim Kalicharan, 5543 duPont Parkway, came forward to speak. Mr. Kalicharan explained his assessment is \$221,000 for 670 square feet; he would agree with an assessment of \$90,000.

Councilwoman Masten suggested \$105,000 to \$110,000. Councilwoman Brown suggested \$121,000. Mr. Whitaker asked Mr. Kalicharan paid for the property. Mr. Kalicharan stated he paid \$185,000 in 2008.

After discussion it was decided to recommend an assessment of \$185,000 until

water, sewer, and electric were made available to the property.

### **REGULAR MEETING**

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

Also present were Town Manager David S. Hugg III, Chief Wilbert R. Bordley, Attorney John Terence Jaywork, 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**

Mr. Hugg asked that item 9(d) be tabled until after the next Finance Committee meeting, and also asked that item 10(e) be tabled until the 16<sup>th</sup> and he would also like to correct or change item 10(d) – in further discussions with Mr. Jaywork, the use of the redevelopment authority as a mechanism for going after rural business enterprise funding is probably - it is unclear as to whether that is the right mechanism therefore he would like to substitute the Town of Smyrna as the applicant when we get to that agenda item.

Councilman Riddagh made the motion to accept the agenda as amended. Motion was seconded by Councilman Flairty and carried unanimously.

### **MINUTES OF PREVIOUS MEETING**

Councilman DeFeo made the motion to accept the regular meeting minutes of January 17 and March 19, 2012, and the executive session minutes of March 19, 2012. Motion was seconded by Councilman Flairty and carried unanimously.

### **REPORTS**

- A. Presiding officer** – Mayor Stombaugh said she had nothing at this time.
- B. Town attorney** – Mr. Jaywork said he had nothing.
- C. Police chief** – Chief Bordley reported on the status of the lifeguards.
- D. Town manager** – Mr. Hugg said Council has his report and spoke about a few of the items in his report.
- E. Committees** – Councilman DeFeo said the Utility Committee will meet Wednesday, April 4<sup>th</sup>.

Councilman Flairty said the Long Range Planning Committee met earlier this evening.

Councilman Riddagh said the Police Building Review Committee will meet this Wednesday; the Personnel Committee will meet April 10<sup>th</sup>; and the Public Safety Committee will meet April 12<sup>th</sup>.

Mayor Stombaugh said the Police Building Fundraising Committee will meet tomorrow night; the Business Development Committee will meet this Thursday; and the Finance Committee will meet April 11<sup>th</sup>.

### **RECOGNITION OF VISITORS**

Visitors present were James E. Veit Sr., Earl & Lillie Strong, Daryl Jester, Patrick McCullar, James Harkins, Conrad Hebert, Al Kraft, Melaine Minear, Dean Laumbach, Joe Wilson, and Cindy A. Cogar.

Cindy Cogar, 123 West Hamilton Lane, came forward to speak. Ms. Cogar said she was not necessarily against a new police station, however she is against raising taxes at this time; she was also concerned that when the presentation was given there was very little discussion about grant money; and she was confused as to why it was being put as a referendum because ultimately the Council makes the decision. Chief Bordley responded that they have applied for a \$75,000 grant for a generator, and for another grant for \$50,000 – they are looking at every avenue for grants to help offset the costs; there will be more information available at the April 21<sup>st</sup> presentation at the JBM Intermediate School. Councilman DeFeo explained the reasoning for the referendum. Ms. Cogar thanked Council for their service to the town.

Al Kraft, 772 Dorchester Court, came forward to speak. Mr. Kraft spoke about his support for the Police Department.

Melaine Minear, 41 South Main Street, came forward to speak. Ms. Minear thanked Council for the opportunity to speak; she handed five FOIA requests to staff and then passed out packets to the members of Council. Ms. Minear spoke of FOIA violations and wanting a copy of the Utility meeting minutes; she spoke about the Council meeting of October 3, 2011 and of a request made by Mayor Stombaugh and then read from the Town of Smyrna Code of Conduct. Mayor Stombaugh stated a precedent had been set before and explained what happened. Ms. Minear asked if there were specific guidelines regarding utility deposits. Councilman DeFeo explained that once a resident had a two year good credit history the utility deposit would be returned.

Mayor Stombaugh passed the gavel to Vice-Mayor Riddagh. Mayor Stombaugh went to the microphone to speak. Mayor Stombaugh explained that she was speaking on behalf of a constituent who is in her 30's. Councilman DeFeo stated that has already been taken care of. Mayor Stombaugh said thank you. Councilman DeFeo thanked the folks at Town Hall for their assistance with this.

### **OLD BUSINESS**

**A. Appointments to commissions/committees/boards** – Councilman Flairty made the motion to re-appoint Margaret Szewczyk to the Ethics Commission. Motion was seconded by Councilwoman Brown and carried unanimously.

**B. Consideration for internet video streaming of all committee meetings** – Councilman DeFeo made the motion to stream our committee meetings with the caveat that we will shut down when there is personal issues that are coming up for discussion that would otherwise embarrass or make somebody feel ill at ease during that discussion. Motion was seconded by Councilman Flairty. Motion failed with Councilwoman White, and Councilmen Flairty and DeFeo voting for, and Mayor Stombaugh, Councilwomen Brown and Masten, and Councilman Riddagh voting against.

**C. Accept street dedications, Huntfield subdivision** – Councilman Flairty made the motion to approve the resolution to accept the street dedications in the Huntfield subdivision. Motion was seconded by Councilman Riddagh and carried unanimously.

**D. Second reading: Ord. No. 003-12, an ordinance to create a mobile home placement permit exemption for persons 65 years of age or older** – this item was tabled.

**E. Charter amendment regarding special elections and long-term borrowing** – Councilwoman Brown made the motion to accept the words that Mr. Edwards had sent to Council – “as such special election any person or artificial entity, for example partnership, corporation, limited liability company owning record title to real property in the town shall be entitled to cast one (1) vote for each separate parcel or real property identified as such on the tax maps of the governing jurisdiction owned, but not more than one (1) vote shall be cast for any one (1) property; however, the owner of more than one parcel in an unfinished subdivision or unfinished phase of a subdivision where the public improvements have not been dedicated to the town shall not have more than one (1) vote for all the parcels located within the subdivision or subdivision phase.” Motion was seconded by Councilman Flairty and carried unanimously.

**F. Charter amendment to Section 5.3.3, elected officials running for the office of mayor** – Mayor Stombaugh passed the gavel to Vice-Mayor Riddagh. Mayor Stombaugh made the motion to reconsider and go with what the Charter Review Committee recommended regarding Section 5.3.3 of the Charter. Motion was seconded by Councilwoman Brown. Motion failed with Mayor Stombaugh and Councilwoman Brown voting for, and Councilwomen White and Masten, and Councilmen Riddagh, Flairty, and DeFeo voting against.

**G. Annexation, 949 South duPont Boulevard (including the adjacent lot to the south), Estate of Daniel W. Fox**

**i. Set zoning designation (Highway Commercial)**

**ii. Adopt resolution approving annexation with zoning designation in place** – Councilman DeFeo made the motion to set the zoning designation of Highway Commercial and adopt the resolution approving the annexation with the zoning designation in place for 949 South duPont Boulevard, including the adjacent lot to

the south, Estate of Daniel W. Fox. Motion was seconded by Councilwoman Masten and carried unanimously.

**NEW BUSINESS**

**A. Resolution ref. DEMEC supplemental agreement** – Councilman Flairty made the motion to approve the resolution accepting the supplemental agreement with DEMEC. Motion was seconded by Councilwoman Masten and carried unanimously.

**B. Grant approval to Town Manager to apply to USDA for Phase II of North Duck Creek Water System** – Councilwoman Brown made the motion to grant approval to the Town Manager to apply to USDA for Phase II of North Duck Creek Water System. Motion was seconded by Councilman DeFeo and carried unanimously.

**C. Set date for ‘Meet the Candidates Night’** – Councilman DeFeo made the motion to set the date and time for a ‘Meet the Candidates Night’ for April 17, 2012 from 7:00 to 8:30 p.m. Motion was seconded by Councilman Flairty and carried unanimously.

**D. Grant approval to Town Manager to use the Town of Smyrna to apply for USDA funding to offset costs in bringing Legacy Distilling to the Town of Smyrna** – Councilman Flairty made the motion to grant the Town Manager the approval to apply for USDA funding to offset the cost of bringing Legacy Distilling to the Town of Smyrna. Motion was seconded by Councilwoman Masten and carried unanimously.

**E. Approval of award of bid for 2012 town-owned grass mowing contract and 2012 code enforcement grass mowing contract** – this item was tabled.

**OTHER COUNCIL BUSINESS**

Councilwoman Brown said she would like to discuss what the town will do with the proceeds from the sale of property; she suggested putting them into the redevelopment authority.

**ADJOURNMENT**

Mayor Stombaugh adjourned the meeting at 9:56 p.m.

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Council Secretary