

MINUTES OF THE MEETING
SMYRNA TOWN COUNCIL
August 6, 2012

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, and Anthony H. DeFeo.

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

Mayor Stombaugh said the public hearing is to amend Appendix A (Zoning) of the Town Code of the Town of Smyrna by amending Section 5 (District Regulations), by deleting Subsection 11 "Manufacturing District (M)" and adding a new Subsection 11 "Limited Manufacturing District (LM)".

Mr. Hugg briefly explained the reasoning for the addition of the new zoning district.

Mr. Edwards stated that we should wait for the rezonings to happen before we do away with the Manufacturing (M) zoning district.

Mayor Stombaugh asked if there was anyone present to speak for the proposed amendment. No one came forward. Mayor Stombaugh asked if there was anyone present to speak against the proposed amendment. No one came forward.

Mayor Stombaugh closed the public hearing at 7:23 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 D. 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 Masten asked to postpone item 9(a) until after the Personnel Committee meeting on August 14th.

Councilman Flairty 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 minutes of July 16, 2012 as presented. Motion was seconded by Councilman Johnson and carried unanimously.

REPORTS

- A. Presiding officer** – Mayor Stombaugh asked about the installation of the life ring that the fire company had presented to the town. Mr. Hugg stated it had been installed at Lake Como.
- B. Town attorney** – Mr. Edwards stated he had nothing at this time.
- C. Police chief** – Chief Bordley reviewed items from his report to Council.
- D. Town manager** – Mr. Hugg reviewed items from his report to Council.
- E. Committees** – Councilman DeFeo said the Public Safety Committee will meet August 9th.

Councilman Flairty said the Long Range Planning Committee was scheduled for the 20th, but because the Route 13 Corridor Study Design Team Charrette is going to be conducted from the 20 through the 24th, they have decided to forgo the regular meeting in lieu of the charrette.

Councilman Johnson said the Utility Committee met August 1st.

Mayor Stombaugh said the Business Development Committee met August 2nd; the Finance Committee will meet August 15th.

Councilwoman Brown said the Business Development Committee has a subcommittee where they would like to develop an economic development symposium – perhaps having it four times a year, depending on the topics brought up. The subcommittee is made up of Joe Richichi, Rick Ferrell and Regina Brown.

Councilwoman Masten said the Personnel Committee will meet August 14th; and the Tree Commission will meet August 15th.

RECOGNITION OF VISITORS

Visitors present were Ed Ide III, James E. Veit, Melissa Burke, R. Newnam, Sally Lee, James Harkins, Ann Laumbach, Dean Laumbach, B. R. Keen, Daryl Jester, Jennifer Sutter,

Michelle & Buddy Wadkins, Robin Blendt, Brandi Akpabio, Jenn Dailey, and Cindy A. Cogar.

A. Update on Smyrna Citizens' Committee – Mayor Stombaugh said the president and vice-president of the Smyrna Citizens' Committee were present and they would like to give an update.

Jennifer Sutter and Brandi Akpabio came forward to speak. Ms. Sutter briefly gave an update on the Smyrna Citizens' Committee and reviewed some of the events that they will be holding and Ms. Akpabio handed out flyers.

Robert Newnam, 121 South Delaware Street came forward to speak. Mr. Newnam said first, as the chairman of the Board of Adjustment, he would just ask that they at least have some idea of what Council is looking at. He said second, he sent an email to Council regarding properties on Frazier Street and the community around Delaware Street – he is asking for something to be done.

Brooks Keen, 393 Lake Drive came forward to speak. Mr. Keen spoke of a gas leak that was called in by Christiana Care, which turned out to be the smell coming from trash at a house on Frazier Street. He then commented on the wonderful job that the Electric Department has done during recent storms. Mr. Keen then spoke of a property on Lake Como Circle that he knows has had numerous complaints called in due to a bag of construction material that has been there for almost a year – he passed out a picture of the property.

Cindy Cogar, 123 West Hamilton Lane came forward to speak. Ms. Cogar said she wants a safe neighborhood but she cannot afford the proposed police station. She also spoke about the paving that is being done on Route 13; she realizes it is not complete but on the northbound side the manhole covers are very low.

OLD BUSINESS

A. Presentation of, and possible vote on, draft oversight policies and procedures for committees, commissions, and boards – this item was postponed until the next meeting.

B. Consideration and vote on appointments to committees, commissions, and boards – this item was removed from the agenda at the request of Mayor Stombaugh.

C. Second reading: Ord. No. 008-12, an ordinance to amend Chapter 70 (“Utilities”), Section 70-177 (“Service classification, EIR, industrial/primary rate”) – Councilwoman White made the motion to make this the second reading of Ord. No. 008-12, an ordinance to amend Chapter 70 (“Utilities”), Section 70-177 (“Service classification, EIR, industrial/primary rate”). Motion was seconded by Councilwoman Masten and carried unanimously.

D. Second reading: Ord. No. 009-12, an ordinance to amend Chapter 18 (“Building and building regulations”), Article XX (“Annual registration of vacant buildings and registration fees”) to specify the use of fees and penalties collected pursuant to this article – Councilwoman White made the motion to make this the second reading of Ord. No. 009-12. Motion was seconded by Councilwoman Masten and carried unanimously.

NEW BUSINESS

A. Consideration and vote on Town Manger’s attendance at ICMA conference – Councilwoman White made the motion to approve the Town Manger’s attendance at the ICMA conference as stated in his contract. 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 voting against.

B. Consideration and vote on requiring children under the age of 12 to have supervision at Lake Como – Councilwoman White made the motion to require children under the age of 12 to be accompanied by an adult at Lake Como. Motion was seconded by Councilwoman Masten. Staff pointed out that we already have this in our ordinance. After discussion Councilwoman White tabled her motion.

C. Consideration and vote on proceeding forward with the proposed police station, including the evaluation of USDA finding options – Councilman Johnson made the motion to proceed forward with the proposed police station, including evaluation of USDA funding. Motion was seconded by Councilwoman Brown. Motion carried with Mayor Stombaugh, Councilwoman Brown, and Councilmen Johnson and DeFeo voting for, and Councilwomen Masten and White, and Councilman Flairty voting against.

D. Consideration and vote on Eastern Shore Natural Gas pipeline easements – Councilwoman White made the motion to approve the Eastern Shore Natural Gas pipeline easements. Motion was seconded by Councilwoman Brown and carried unanimously.

E. Consideration and vote on hiring to fill budgeted positions – Councilman Flairty made the motion to authorize the Town Manger to fill the budgeted positions for the administrative staff. Motion was seconded by Councilwoman Masten and carried unanimously.

EXECUTIVE SESSION

Councilman Flairty made the motion to go into executive session to discuss potential litigation(s). Motion was seconded by Councilwoman White and carried unanimously. Council went in to executive session at 9:16 p.m.

Councilwoman White made the motion to come out of executive session. Motion was seconded by Councilman Johnson and carried unanimously. Council came out of executive session at 9:33 p.m.

OTHER COUNCIL BUSINESS

Councilwoman Masten asked for an update on 404 Smyrna-Clayton Boulevard. Mr. Hugg shared the information that he knew. Councilwoman Masten asked for an update on 431-437 Smyrna-Clayton Boulevard. Mr. Hugg shared the information the he was aware of.

Councilwoman Masten brought up the letter from George Wright of the Delaware League of Local Governments for the Town Manager of the Year. Councilwoman Masten made the motion to submit Dave Hugg for the Town Manger of the Year to the Delaware League of Local Governments. Motion was seconded by Councilman DeFeo and carried unanimously.

Mr. Hugg announced that Mayor Stombaugh has recommended Valerie Heritage for Municipal Clerk of the Year consideration.

Mayor Stombaugh passed the gavel to Vice-Mayor Brown. Mayor Stombaugh made the motion to also nominate Chief Bordley as Chief of the Year. Motion was seconded by Councilman Johnson and carried unanimously.

ADJOURNMENT

Mayor Stombaugh adjourned the meeting at 9:40 p.m.

Council Secretary