



Town of Smyrna Town Council

May 15, 2023 at 7:00 PM
Council Chamber, Smyrna Town Hall
27 S. Market Street Plaza, Smyrna, Delaware

MINUTES

Call to Order

Mayor Robert C. Johnson at 7:00 PM

Invocation

Pledge of Allegiance

Led by Chief Torrie James and Mayor Johnson called for a moment of silence

Roll Call

Councilman Rasmussen, Councilman Pressley, Councilman Brown, Councilwoman Forbes, Councilwoman Gott and Councilwoman Upshur.

Also present were Town Manager Sheldon Hudson, Chief Torrie James, Attorney D. Barrett Edwards.

Additions/Deletions to Published Agenda

Councilman Rasmussen asked to remove items c. and i. under 9. New Business

Minutes

Consent Agenda:

- a. Council Minutes of 05/03/2023
- b. Executive Session Minutes of 05/03/2023
- c. Police Department Monthly Report

Councilman Rasmussen made the motion to approve the consent agenda as presented. Motion was seconded by Councilman Brown and carried unanimously.

Reports

NON-AGENDA ITEMS

Councilwoman Gott spoke briefly about First Friday in June is concert downtown and also turned the discussion over to Chief James.

Councilwoman Forbes Shade Tree is scheduled to meet on May 17 but Mayor Johnson canceled that meeting.

Councilman Rasmussen had nothing to present.

Councilman Pressley had nothing to present.

Councilwoman Upshur had nothing to present.

Councilman Brown spoke about Utility Committee meeting was on May 9th. Items discussed: Lake Como Woods, Water Tower, Josh Little presented a concern from an HOA in reference to the lack of street lights. Committee did not make a recommendation because committee members wanted to do a little more research. However, based on the Mayors wishes to reorganize committees, this concern will still need to be addressed. If the Mayor agrees, the next Utility Meeting will be on 6/9/2023.

Chief James spoke about the First Friday in June.

Sheldon Husdon spoke about committee structure. Staff is working on clarifying procedures relative to staff liaison and an alternate. Whoever from staff opens the building and make sure Zoom is started.

Recognition of Visitors (for all items)

Public Presentation and Comments

NONE

Old Business, Including Discussion & Possible Action

NONE.

New Business, Including Discussion & Possible Action

a. Mayor Johnson spoke about a Strategic Planning Session pertaining to Committees and Commissions. Most committees have been tabled. They need to be re-vamped, which are useful, which are not. Shade Tree will stay the same, sunset Finance Committee and Utility Committee so they can be included in the 2nd council meeting of the month at 6:00 PM, open to the public and presented as a workshop. This helps Council to be more accountable for things going on in Town and cut out the middleman. Staff will be there, Finance Director will be there along with Town Manager and Chief of Police.

Councilman Brown spoke about committees. He would like to know how committee members will be told that the committees have been sunsetted. Mayor Johnson stated he will send a letter out to all committee members thanking them for their service to the Town. He also discussed options pertaining to Town Staff, and give a directive to the Town Manager, within 2 weeks will need a response back in writing or verbally. Mayor Johnson spoke about funding of pensions. Mayor and Council is responsible for the pensions, how it will be funded. The Mayor would like to establish a Pension Review Committee meeting on a quarterly basis.

Called for volunteers: Councilman Pressley, Councilman Rasmussen, Councilwoman Gott and Councilwoman Upshur as an alternate will make up the Pension Review Committee. Always have a quorum.

The Mayor feels that all Municipalities are grossly underfunded. By establishing a Committee, the Council can become more responsible and held accountable.

The Mayor addressed Park and Rec Committee becoming a Commission. It will get the public involved, Councilwoman Gott agreed. There will be no council person on this committee.

Councilwoman Gott will be the liaison.

Councilwoman Forbes asked the difference between a committee and a commission. Barret Edwards defined as: Commissions are created like a statute. He was not prepared for this item but would like to know the purpose so he can have time to research this topic. The Mayor stated once again that he is trying to stay transparent. Also, the Mayor spoke about locking and unlocking the Town Hall door. He would like Department Heads, Sheldon Hudson, Travis and Chief James to be responsible for unlocking the doors for meetings, check Zoom connection for each meeting. Making sure to clean up their act.

Councilman Brown spoke about the elimination of committees. He feels they need to look at the impact on the residence. He is against making the Park and Rec a commission. No Council person will be on the commission. The council and staff is one team and needs to communicate. Things are falling through the cracks.. The Mayor advised that everyone is free to speak on Council and to have their own opinion and thoughts. Charter Review changed to a HOC Committee (called when needed). Main Street Coordinating Board and RDA: RDA is part of the Town. Councilwoman Gott questioned that. The mayor explained their point positions. Councilwoman Gott advised the Mayor that she did research and found that different municipalities. She would like to have it as a community organization. Mayor stated to speak to local business and residents to become a part of RDA. It is not self-funded and would need to apply for Grants to fund itself. Councilwoman doesn't want to show preferential treatment to some committees and not others. The Mayor spoke about that the staff is back to were it was a year ago based on the elimination of certain staff members. Finance will look at salaries, project costs, capital budget. The Mayor believes that this will put us in a better place. Barrett suggested a vote: Passed 6-1, with one abstained. Barrett Edwards recommendation on the 2nd meeting of the month at 6:00 PM. Mayor Johnson stated that he was including that item on the previous vote. As far as staff is concerned, the Mayor advised Council to address the Town Manager for their needs and wants. Staff is under a lot of pressure. Council is only responsible for the positions of Town Manager, Finance Director and Chief of Police. It is up to the Town Manager if he wants staff to respond to Mayor and Council.

Councilman Brown advised that Council should be required to follow charter and ordinance and not make a promise they can not fulfill. Council and Staff is a team. However, he obtained because they didn't address the directives to Sheldon Hudson because he reports to Council. Will they present 1 item or 2 action items. He feels that Council can not vote on something with no clarification.

Barrett Edwards will get back to Council

b. Waste Container enclosure, 1st reading. Amends regular code and P & Z codes. Councilman Pressley made the motion to approve waste container enclosures. Motion was seconded by Councilwoman Forbes and carried unanimously. Vote: Passed 7-0.

Councilman Pressley made Councilman Rasmussen aware that this is only for residence.

d. Repayment agreement for electric service. 3rd reading. Councilman Rasmussen made a motion to accept the repayment agreement. Councilman Brown seconded and carried unanimously.

e. Duck Creek Library road modification - engineer spoke about redirecting the round behind the building to follow the fire code.

Councilman Rasmussen made a motion to approve the road modification. Motion was seconded by Councilman Brown and carried unanimously.

f., g., h., Approved the appointment and re-appointments. Councilman Pressley made a motion to approve the appointments. Motion was seconded by Councilman Rasmussen and carried unanimously.

i. Tax assessment of \$250 for grass cutting was waved. Councilman Rasmussen made the motion to wave fee for Juantia Court. Motion was seconded by Councilwoman Forbes and carried unanimously.

j. Town of Smyrna Tax Assesment approval. A motion was made to accept the tax assessment list

by Councilman Rasmussen. The Motion was seconded by Councilwoman Upshur and carried unanimously.

k. State Audit would like to make a motion to conduct a state audit to prove that we have the funds we believe we have. The community sees and hears now via Zoom the Town's Financial Statement. To be truly transparent, she would like Council to approve.

Motion was made by Councilwoman Gott. Motion was seconded by Councilman Brown and carried unanimously. However, after further discussion, the Mayor asked for a vote: Failed 4-3

Other Council Business

Presentation and public comments for non-agenda items (3 minutes)

HOA President for Hickory Hollow in reference to the lack of lighting. He asked if the Town could install additional lighting. He feels it's unsafe to walk at night. He referenced a car theft the week before. The Mayor asked about the cost which is \$43,000. Councilwoman Forbes asked Josh Little if he believed the sub-division was adequately equipped with lighting. He was not sure as he has not researched it yet. Councilman Pressley said before any money is paid, have Barrett Edwards check to see if the developer did not complete the project. Councilwoman Forbes described the snowball effect which means if they do for one development, they would have to do for all.

Councilman Brown stated this was being handled by the Utility Committee but since the Mayor sunsetted the Committee, he would need to turn that over to council about the budget cycle.

Jeremy Rothwell stated that they do collect a maintenance fee for sub-divisions, this could be a source of funding for the project. Mayor and Council would like to add this to the 2nd meeting of June.

Councilman Brown spoke about antiquated policies and they need to be updated. It maybe a case where the builder put in the standard lighting for the date of the development. Josh Little spoke about the process to install additional lighting.

Sharon Wright addressed the issue of the odor of sewer gas on Locust Street. She stated she was visiting on Locust Street and the smell was horrible. She told council to fix it so the residents are not smelling s*h*i*t everyday. Sheldon Hudson stated he will take care of it.

Councilman Rasmussen spoke about impact fee's for fire and ambulance. He said Barrett Edwards stated it would be irresponsible to make changes without doing further research so a Research Study was done. No motion at this time.

Mayor Johnson advised that the National League of Cities is coming up and that some council members should attend.

Executive session to discuss the content of documents excluded from the definition of public record in 29 Del. C § 10002(L)(17)(a)(7) where such discussion may disclose the contents of such documents. 29 Del. C. § 10004(b)(6)*

Motion was made by Councilwoman Forbes to go into executive session at 8:46 PM. Motion was seconded by Councilwoman Gott and carried unanimously.

Motion was made by Councilman Rasmussen to come out of executive session. Motion was seconded by Councilwoman Gott and carried unanimously.

Motion was made by Councilman Rasmussen to accept the discussion of executive session. Motion was seconded by Councilwoman Gott and carried unanimously.

Adjournment

A motion was made by Councilwoman Gott to adjourn. Motion was seconded by Councilwoman Forbes and carried unanimously.