

**MINUTES OF THE REGULAR MEETING**  
**SMYRNA TOWN COUNCIL**  
**July 18, 2022**

**PUBLIC HEARING**

The public hearing was opened by Mayor Robert C. Johnson at 6:45 p.m.

The first part of the public hearing is to consider an ordinance amending Appendix A (Zoning) of the Town Code of the Town of Smyrna to establish a Technical Advisory Committee for site plan review, to clarify the Planning Commission's duties, and to update procedures for review and approval of site plans and issuance of Certificates of Zoning Compliance.

Mayor Johnson asked if there was anyone to speak in favor of this request. Jeremy Rothwell gave a brief synopsis of the request.

Mayor Johnson asked if there was anyone else to speak in favor of this request. No one spoke.

Mayor Johnson asked if there was anyone to speak in opposition of the request. No one spoke.

The next part of the public hearing is to consider an ordinance amending the Smyrna Subdivision and Land Development Ordinance by creating new defined terms, updating bonding and open space requirements, revising subdivision plan approval procedures, and making other clarifying changes.

Mayor Johnson asked if there was anyone to speak in favor of this request. Jeremy Rothwell gave a brief synopsis of the request.

Mayor Johnson asked if there was anyone else to speak in favor of this request. No one spoke.

Mayor Johnson asked if there was anyone to speak in opposition of the request. No one spoke.

The last part of the public hearing is to consider authorizing the incurrence of indebtedness in a maximum aggregate principal amount not to exceed \$10,000,000 through the issuance of General Obligation 2022 Bonds to finance public works projects of the town and to pay the costs of issuance of the 2022 Bonds; pledging the full faith, credit and taxing power of the town for the payment of the principal of and interest on the 2022 Bonds; setting forth the form of the 2022 Bonds; setting forth the maximum principal amount of the 2022 Bonds; providing for the sale of the 2022 Bonds; authorizing the appointment of a paying agent; authorizing the establishment of a sinking fund for payment on the 2022 Bonds; delegating

authority to certain officers to approve the final terms of the 2022 Bonds and to execute and deliver the 2022 Bonds and the related financing documents; and authorizing other necessary or related actions consistent with the intent and purpose of this resolution.

Mayor Johnson asked if there was anyone to speak in favor. Mr. Haines gave a brief synopsis.

Mr. Edwards asked if there was anyone else to speak in favor. No one spoke.

Mr. Edwards asked if there was anyone to speak against. No one spoke

Mayor Johnson closed the public hearing at 7:02 p.m.

**REGULAR MEETING**

The meeting was called to order by Mayor Robert C. Johnson at 7:02 p.m. Council members present were Michael A. Rasmussen, Tabitha J. Gott, Valerie M. Forbes, William D. Pressley Sr., Margaret B. Mann, and Gerald L. Brown.

Also present were Town Manager Andrew S. Haines, Chief Torrie James, Attorney D. Barrett Edwards, and Executive Assistant Danielle Pope.

Chief James led the Pledge of Allegiance. Mayor Johnson asked for a moment of silence.

**ADDITIONS/DELETIONS TO PUBLISHED AGENDA**

Mr. Haines said we need to strike agenda item 6(a).

Councilwoman Mann made the motion to approve the agenda as amended. Motion was seconded by Councilman Brown and carried unanimously.

**CONSENT AGENDA**

- A. Council minutes of 07/05/22**
- B. Executive session minutes of 07/05/22**
- C. Main Street Coordinating Board minutes of 06/08/22**

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

**NON-AGENDA ITEMS**

**A. Mayor and Councilmembers** – Mayor Johnson spoke about a short meeting he and Mr. Haines had with the Smyrna School District regarding some concerns they had; the system conversion; and preparing a 3–5-year plan.

Councilman Rasmussen spoke on signs downtown.

Councilwoman Gott spoke on the Veteran’s Ceremony event, the NFWL event, and RecDesk.

Councilman Pressley said the Charter & Ordinance Review Committee will meet August 10<sup>th</sup>.

Councilman Brown said the Utility Committee met July 12<sup>th</sup>, and the next meeting will be August 9<sup>th</sup>.

Chief James said the Public Safety Committee will meet August 11<sup>th</sup>.

**B. Police Chief** – Chief James spoke about the new CAD project, the radio project, and the Junior Police Academy will be graduating this Thursday.

**C. Town Manager** – Mr. Haines spoke about Verizon being done on South Main Street, we are getting close to completion on the parking lot project, the Lake Como dam project, and the NRG closure of the Indian River Power Plant.

**PUBLIC PRESENTATIONS AND COMMENTS**

Visitors present were Frederick Schaber IV, George DeBenedictis, Dan Knight, Josh Little, Frederick Schaber, Jeremy Rothwell, and Jason McNatt.

**OLD BUSINESS**

**A. Consideration to direct Planning and Zoning Commission to initiate process to amend Zoning Code to allow accessory structures to be used as residential dwellings** – The consensus of Council was to have the Planning and Zoning Commission to move forward to initiate the process to amend the Zoning Code to allow accessory structures to be used as residential dwellings.

**NEW BUSINESS**

**A. Ord. No. 007-22, an ordinance amending Appendix A (Zoning) of the Town Code of the Town of Smyrna to establish a Technical Advisory Committee for site plan review, to clarify the Planning Commission’s duties, and to update procedures for review and approval of site plans and issuance of Certificates of Zoning Compliance** – Councilman Rasmussen made the motion to approve Ord. No. 007-22, an ordinance amending Appendix A (Zoning) of the Town Code of

the Town of Smyrna to establish a Technical Advisory Committee for site plan review, to clarify the Planning Commission's duties, and to update procedures for review and approval of site plans and issuance of Certificates of Zoning Compliance. Motion was seconded by Councilman Brown and carried unanimously.

**B. Ord. No. 008-22, an ordinance amending the Smyrna Subdivision and Land Development Ordinance by creating new defined terms, updating bonding and open space requirements, revising subdivision plan approval procedures, and making other clarifying changes** – Councilman Rasmussen made the motion to approve Ord. No. 008-22, an ordinance amending the Smyrna Subdivision and Land Development Ordinance by creating new defined terms, updating bonding and open space requirements, revising subdivision plan approval procedures, and making other clarifying changes. Motion was seconded by Councilwoman Mann and carried unanimously.

**C. Request for a six (6) foot encroachment in the twenty (20) foot drainage easement to build an in-ground swimming pool located at 181 Climbing Vine Avenue** – Councilman Rasmussen made the motion to table this item until the August 1, 2022 Council meeting. Motion was seconded by Councilman Brown and carried unanimously.

**D. Resolution authorizing the incurrence of indebtedness in a maximum aggregate principal amount not to exceed \$10,000,000 through the issuance of General Obligation 2022 Bonds to finance public works projects of the town and to pay the costs of issuance of the 2022 Bonds; pledging the full faith, credit and taxing power of the town for the payment of the principal of and interest on the 2022 Bonds; setting forth the form of the 2022 Bonds; setting forth the maximum principal amount of the 2022 Bonds; providing for the sale of the 2022 Bonds; authorizing the appointment of a paying agent; authorizing the establishment of a sinking fund for payment on the 2022 Bonds; delegating authority to certain officers to approve the final terms of the 2022 Bonds and to execute and deliver the 2022 Bonds and the related financing documents; and authorizing other necessary or related actions consistent with the intent and purpose of this resolution** – Councilman Rasmussen made the motion to approve the resolution authorizing the incurrence of indebtedness in a maximum aggregate principal amount not to exceed \$10,000,000 through the issuance of General Obligation 2022 Bonds to finance public works projects of the town and to pay the costs of issuance of the 2022 Bonds; pledging the full faith, credit and taxing power of the town for the payment of the principal of and interest on the 2022 Bonds; setting forth the form of the 2022 Bonds; setting forth the maximum principal amount of the 2022 Bonds; providing for the sale of the 2022 Bonds; authorizing the appointment of a paying agent; authorizing the establishment of a sinking fund for payment on the 2022 Bonds; delegating authority to certain officers to approve the final terms of the 2022 Bonds and to execute and deliver the 2022 Bonds and the related financing documents; and authorizing other necessary or related actions consistent with the intent and purpose of this resolution. Motion was seconded by Councilman Brown. Motion carried with Mayor Johnson, Councilwomen Gott and Mann, and Councilmen Rasmussen, Pressley, and Brown voting for, and Councilwoman Forbes voting against.

**E. Award of East Commerce Street bid to Insituforms in the amount of \$673,167.00 –** Councilwoman Mann made the motion to award the East Commerce Street bid to Insituforms in the amount of \$673,167.00. Motion was seconded by Councilman Rasmussen and carried unanimously.

**F. Temporary relocation for Planning & Inspections team due to the FDCRL proposed construction –** Councilwoman Gott made the motion to table this item until the August 1, 2022 Council meeting. Motion was seconded by Councilwoman Mann and carried unanimously.

**G. Granting of twenty-foot temporary construction easement to the State of Delaware to perform work at the Delaware Hospital for the Chronically Ill –** Councilman Rasmussen made the motion to grant a twenty-foot temporary construction easement to the State of Delaware to perform work at the Delaware Hospital for the Chronically Ill. Motion was seconded by Councilwoman Gott and carried unanimously.

**H. Confirm 2023 Smyrna at Night date –** Councilwoman Mann made the motion to set the date for the 2023 Smyrna at Night event for June 17, 2023. Motion was seconded by Councilwoman Gott and carried unanimously.

#### **OTHER COUNCIL BUSINESS**

There was none.

#### **PUBLIC COMMENTS – NON-AGENDA ITEMS**

There were none.

#### **EXECUTIVE SESSION**

**A. Executive session to discuss the potential acquisition of real property**

**B. Executive session to discuss personnel matters in which the names, competency, and abilities of individual employees will be discussed –** Councilwoman Mann made the motion to go into executive session to discuss the potential acquisition of real property, and to discuss personnel matters in which the names, competency, and abilities of individual employees will be discussed. Motion was seconded by Councilman Rasmussen. Council went into executive session at 9:08 p.m. by unanimous vote.

Councilman Rasmussen made the motion to come out of executive session. Motion was seconded by Councilwoman Gott. Council came out of executive session at 9:15 p.m. by unanimous vote.

**C. Possible action on matters discussed in executive session regarding the potential acquisition of real property –** Councilman Rasmussen made the motion to move forward as discussed in executive session. Motion was seconded by Councilwoman Mann and carried

unanimously.

**D. Possible action on personnel matters discussed in executive session – No action was taken.**

**ADJOURNMENT**

Councilwoman Gott made the motion to adjourn. Motion was seconded by Councilman Brown. The meeting was adjourned at 9:16 p.m. by unanimous vote.

vlh