

MINUTES OF THE PUBLIC HEARING

SMYRNA TOWN COUNCIL

April 17, 2023

PUBLIC HEARING

The public hearing was opened at 6:45 p.m. by Mayor Robert C. Johnson  
Councilwoman Forbes, John Behrens and Charlotte Middleton attended via Zoom  
Councilwoman Gott arrived at 6:51 PM

The first part of the public hearing is to consider an application from HD Miller, LLC to rezone a 0.11-acre parcel at 120 North Lincoln Street (1-17-01013-02-6900-00001) from R-2 Residential to DR – Downtown Residential in the Town of Smyrna to comply with the 2020 Smyrna Comprehensive Plan.

Senior Planner Jeremy Rothwell presented. No one spoke.

The second part of the public hearing is to consider an application from Property Connect, LLC to rezone a 0.38-acre parcel at 321-323 W. Commerce Street (1-17-01017-03-4100-00001) from R-3 Residential to DR – Downtown Residential in the Town of Smyrna to comply with the 2020 Smyrna Comprehensive Plan.

Senior Planner Jeremy Rothwell presented. No one spoke.

The third part of the public hearing is to consider a Conditional Use application from Property Connect, LLC to construct an attached townhouse dwelling onto the side of an existing dwelling unit located on a 0.38-acre parcel at 321-323 W. Commerce Street (TM 1-17-01906-01-0500-00001).

Senior Planner Jeremy Rothwell presented. No one spoke.

The fourth part of the public hearing is to consider an application from Osman and Ayesha Sammander to rezone a 0.13-acre parcel at 222 N. Main Street (1-17-01013-02-3701-00001) from R-3 Residential to DR – Downtown Residential in the Town of Smyrna to comply with the 2020 Smyrna Comprehensive Plan.

Senior Planner Jeremy Rothwell presented. No one spoke.

The fifth part of the public hearing is to consider a Concept Category A application from the State of Delaware to construct a 119,271 sq. ft. new Delaware Hospital for the Chronically Ill immediately adjacent to the existing hospital located on a 58.04-acre parcel at 150 Sunnyside Road (TM 1-17-01906-01-0500-00001).

Senior Planner Jeremy Rothwell presented. No one spoke.

Mayor Johnson asked that there be no questions and have further public discussion at a later date.

Mayor Johnson closed the public hearing at 6:59 p.m.

MINUTES COUNCIL MEETING  
Council Chamber, Smyrna Town Hall  
27 S. Market Street Plaza, Smyrna, Delaware

REGULAR MEETING

The meeting was called to order by Mayor Robert C. Johnson at 7:00 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 the Chief of Police, Attorney D. Barrett Edwards, Planning and Inspections Director George DeBenedictis, Senior Planner Jeremy Rothwell, Electric Superintendent Josh Little, Finance Director Travis Stewart, and Mary Bowers-Johnson and Danielle Pope as substitute for Recording Secretary. Guest were Lg24503, John Behrens and Charlotte Middleton.

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

ADDITIONS/DELETIONS TO PUBLISHED AGENDA

Councilwoman Mann made the motion to approve the agenda as presented. Motion was seconded by Councilwoman Gott and carried unanimously.

CONSENT AGENDA

- a. Council minutes of 04/03/2023
- b. Executive session minutes of 04/03/2023
- c. Treasury report
- d. Police Department monthly report

Ms. Pope read the Consent Agenda items into the record.  
Councilwoman Mann made the motion to approve the consent agenda. Motion was seconded by Councilwoman Gott and carried unanimously.

## NON-AGENDA ITEMS

### A. Mayor and Council Members –

Mayor Johnson said he had nothing to say tonight since there are a lot of things to get through and turned his time to Councilman Brown.

Councilman Brown spoke about Utility Meeting on April 11<sup>th</sup>. Topics discussed were water meter charges, having Utility Committee Minutes on Boardpaq if possible, proposal for review secondary water meters to be a seasonal charge. April 1<sup>st</sup> to October 31<sup>st</sup>. No policy in place for 2<sup>nd</sup> water meter. Next meeting will be on May 9<sup>th</sup> in Committee Conference Room.

Councilman Pressley had a Public Safety Meeting with Chief James. He stated Chief James has taken care of the parking situation behind Rita's.

Councilman Rasmussen Main Street Committee and Arts Sub-committee will be meeting 04/18/2023 at 2:00 PM at the Painted Stave. Events Sub-committee will be meeting 04/19/2023 at 8:30 AM at Cobalt Manor.

Councilwoman Gott said Park and Rec meeting will be downstairs tomorrow at 5:00 PM. Little League Opening Day is 04/22/2023 at 10:00 AM and The Mayor Wright Statue ceremony will be at 11:00 AM.

04/23/2023 is the American Cancer Society's Relay for Life Pageant in Smyrna. At 4:00 PM, The Arbor Day celebration will take place honoring Donnie Shaner. Red Sand Project will follow the Arbor Day Event. 05/05/2023 Carry the Load Project starting at the American Legion on RT 300, walk through Town to Dover then Hartly.

Councilwoman Forbes had nothing to say. She stated Tabi covered it for her.

Councilwoman Mann gave a last meeting "Thank You and talked about her reason for running for council. She decided to retire from council since her goal was the new library.

Mayor Johnson thanked Councilwoman Mann for everything she has done.

### B. Police Chief-

Chief James updated everyone on the parking situation behind Rita's. Day 2 of Citizen's Police Academy, all is going well. Public Safety Committee will be meeting 07/06/2023. Spoke about the upcoming Smyrna at Night and the new artisans attending. Chief will be leaving on vacation 04/22/2023 for one week.

### C. Town Manager-

Sheldon Hudson spoke about the Election

Mayor Johnson questioned Sheldon Hudson about how the financial plan was going. His reply is it going well.

Councilman Brown asked Sheldon Hudson about water meter charges. He wants a list of how many customers have secondary water meters. Wants to work with Sheldon Hudson and staff on policy and procedures as related to water meters.

Councilwoman Forbes asked Councilman Brown what the total revenue is on the yard water meter increase. Sheldon Hudson commented that it's fairly new but he could get the information for Councilwoman Forbes.

#### OLD BUSINESS

- A. Resolution #003-23 – 2023 Assessment List. Barrett Edwards would like to meet 05/16/2023 with three volunteer council members: Councilman Rasmussen, Councilwoman Forbes and Councilwoman Gott to form an Assessment Committee.

Councilman Rasmussen made the motion to approve the consent agenda. Motion was seconded by Councilwoman Gott and carried unanimously.

- B. FY2023 Operating and Capital Budget

Councilman Pressley made the motion to approve the consent agenda. Motion was seconded by Councilwoman Mann and carried unanimously.

Rick Horsey spoke about the funding to the RDA, as requested by Mayor Johnson, to purchase vacant properties that would benefit the Town. Councilman Brown did not agree with Mr. Horsey about the amount of the budget being requested. Councilwoman Mann motioned to approve RDA budget was approved at \$150,000 with Rick Horsey as Chairman as a one time budget.

#### ROLL CALL VOTE:

Councilman Rasmussen said he voted in favor of a one time start up budget of \$100,000 with Rick Horsey as Chairman.

Councilwoman Gott said she voted against a one time start up budget of \$100,000 with Rick Horsey as Chairman.

Councilwoman Forbes said he voted against a one time start up budget of \$100,000 with Rick Horsey as Chairman.

Mayor Johnson said he voted in favor of a one time start up budget of \$100,000 with Rick Horsey as Chairman.

Councilwoman Mann said she voted in favor of a one time start up budget of \$100,000 with Rick Horsey as Chairman.

Councilman Pressley said he voted in favor of a one time start up budget of \$100,000 with Rick Horsey as Chairman.

Councilman Brown said he voted a one time start up budget of \$100,000 with Rick Horsey as Chairman.

4 - 3 Passed Vote

Mayor Johnson advised that the RDA budget needs to be decreased \$100,000.

ROLL CALL VOTE:

Councilman Rasmussen said he voted in favor of a decrease in the RDA budget by \$100,000

Councilwoman Gott said she voted in favor of a decrease in the RDA budget by \$100,000

Councilwoman Forbes said she voted against a decrease in the RDA by \$100,000

Mayor Johnson said he voted in favor of a decrease in the RDA budget of \$100,000

Councilwoman Mann said she voted in favor of a decrease in the RDA budget by \$100,000

Councilman Pressley said he voted in favor of a decrease in the RDA budget by \$100,000

Councilman Brown said he abstained

5 – 1 Passed Vote

NEW BUSINESS

- A. Presentation from Duck Creek Regional Library and Request for resolution of support for the creation of regional library tax district.

Mayor Johnson asked to move this item to #8.  
Town Manager to draft a letter of support for the library.

- B. Re-appointment of Dave Thomas to the Redevelopment Authority (RDA)

Councilman Rasmussen made the motion to approve the consent agenda. Motion was seconded by Councilwoman Mann and carried unanimously.

- C. National Foundation for Women Legislators Annual Conference

Removed from agenda and rescheduled for 05/03/2023 meeting

D. Yard meter charges

Councilman Pressley had this added to the agenda but will need to have staff discussion.

E. Trash charges for rental houses

Councilman Pressley spoke about changing the policy

F. Application from HD Miller, LLC to rezone a 0.11-acre parcel at 120 North Lincoln Street (1-17-01013-02-6900-00001) from R-2 Residential to DR – Downtown Residential in the Town of Smyrna to comply with the 2020 Smyrna Comprehensive Plan.

Councilman Rasmussen made the motion to approve the consent agenda. Motion was seconded by Councilwoman Gott and carried unanimously.

ROLL CALL VOTE:

Councilman Rasmussen said he voted in favor of rezoning

Councilwoman Gott said she voted in favor of rezoning

Councilwoman Forbes said she voted in favor of rezoning

Mayor Johnson said he voted in favor of rezoning

Councilwoman Mann said she voted in favor of rezoning

Councilman Pressley said he voted in favor of rezoning

Councilman Brown said he voted in favor of rezoning

7 – 0 Passed Vote

G. Application from Property Connect, LLC to rezone a 0.38-acre parcel at 321-323 W. Commerce Street (1-17-01017-03-4100-00001) from R-3 Residential to DR – Downtown Residential in the Town of Smyrna to comply with the 2020 Smyrna Comprehensive Plan.

Councilman Rasmussen made the motion to approve the consent agenda. Motion was seconded by Councilwoman Mann and carried unanimously.

Councilman Rasmussen said he voted in favor of rezoning

Councilwoman Gott said she voted in favor of rezoning

Councilwoman Forbes said she voted in favor of rezoning

Mayor Johnson said he voted in favor of rezoning

Councilwoman Mann said she voted in favor of rezoning

Councilman Pressley said he voted in favor of rezoning

Councilman Brown said he voted in favor of rezoning

7 – 0 Passed Vote

- H. A Conditional Use application from Property Connect, LLC to construct an attached townhouse dwelling onto the side of an existing dwelling unit located on a 0.38-acre parcel at 321-323 W. Commerce Street (TM 1-17-01906-01-0500-00001).

Councilman Rasmussen made the motion to approve the consent agenda. Motion was seconded by Councilwoman Gott and carried unanimously.

No vote required, all approved.

- I. Application from Osman and Ayesha Sammander to rezone a 0.13-acre parcel at 222 N. Main Street (1-17-01013-02-3701-00001) from R-3 Residential to DR – Downtown Residential in the Town of Smyrna to comply with the 2020 Smyrna Comprehensive Plan.

Councilman Rasmussen made the motion to approve the consent agenda. Motion was seconded by Councilwoman Mann and carried unanimously.

Councilman Rasmussen said he voted in favor of rezoning

Councilwoman Gott said she voted in favor of rezoning

Councilwoman Forbes said she voted in favor of rezoning

Mayor Johnson said he abstained since this was his old home

Councilwoman Mann said she voted in favor of rezoning

Councilman Pressley said he voted in favor of rezoning

Councilman Brown said he voted in favor of rezoning

- J. A Concept Category A application from the State of Delaware to construct a 119,271 sq. ft. new Delaware Hospital for the Chronically Ill immediately adjacent to the existing hospital located on a 58.04-acre parcel at 150 Sunnyside Road (TM 1-17- 01906-01-0500-00001).

Jeremy Rothwell and engineer spoke.

PUBLIC PRESENTATION AND COMMENTS (NON AGENDA ITEMS)

Resident spoke about his concerns of traffic being diverted to Rt 13 if there is an accident on Carter Road or access to DHCI. Debate between tenant and landlord about paying overdue trash bill. They spoke about property liens.

OTHER COUNCIL BUSINESS

None.

EXECUTIVE SESSION

Councilman Rasmussen made the motion to go into executive session. Motion was seconded by Councilwoman Forbes and carried unanimously @ 9:08 PM

13. Executive session to discuss the content of documents excluded from the definition of public record in 29 Del. C. Sec. 10004(b)(2)

14. Possible action on matters discussed in executive session

15. Executive session to hold a strategy session involving legal advice or an opinion from an attorney-at-law, with respect to pending or potential litigation. 29 Del. C. § 10004(b)(9)

16. Possible action on item discussed in executive session regarding legal advice or an opinion from an attorney-at-law, with respect to pending or potential litigation

17. Executive session to discuss personnel matters in which the names, competency, and abilities of individual employees will be discussed. 29 Del. C. § 10004(b)(9)

18. Possible action on personnel matters discussed in executive session

Councilwoman Gott made the motion to come out of executive session. Motion was seconded by Councilwoman Gott and carried unanimously @ 9:50 PM

19. Adjournment

Councilman Rasmussen made the motion to approve the consent agenda. Motion was seconded by Councilwoman Gott and carried unanimously @ 9:50 PM

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