

MINUTES OF THE REGULAR MEETING
SMYRNA TOWN COUNCIL
MARCH 20, 2023

PUBLIC HEARING

The public hearing was opened at 6:47 p.m. by Mayor Robert C. Johnson

The first part of the public hearing is to consider an application from the School District to rezone a 16.3-acre parcel at 123 Rabbit Chase Lane (1-17-02801-12-9900-00001) from R-2A Residential to I&R – Institutional and Recreational in the Town of Smyrna to comply with the 2020 Smyrna Comprehensive Plan.

Senior Planner Jeremy Rothwell presented. The School District would like to have an electronic sign, just like they have at the middle and high schools.

Mayor Johnson asked if anyone had any questions. No one spoke.

The second part of the public hearing is to consider an application from Everest Properties, LLC to rezone a 0.39-acre parcel at 178 S. Main Street (1-17-01018-01-2100-00001) from R-3 Residential to DR – Downtown Residential in the Town of Smyrna to comply with the 2020 Smyrna Comprehensive Plan.

The third part of the public hearing, which was presented with the second, is to consider an application from Everest Properties, LLC to rezone a 0.38-acre parcel at 184 S. Main Street (1-17-01018-01-2200-00001) 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. Everest Property would like to either split the parcels for two dwellings or a 4-unit apartment building.

Mayor Johnson asked if there were any questions. No one spoke.

The fourth part of the public hearing is to consider an Ordinance amending Appendix A (Zoning) of the Town Code of the Town of Smyrna to revise bulk standards for certain zoning districts, establish bulk standards and use tables, and make other miscellaneous updates.

Senior Planner Jeremy Rothwell presented.

Mayor Johnson asked if there were any questions. No one spoke.

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

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, Finance Director Travis Stewart, and Mary Bowers-Johnson and Danielle Pope as substitute for Recording Secretary.

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

ADDITIONS/DELETIONS TO PUBLISHED AGENDA

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

CONSENT AGENDA

- a. **Council minutes of 03/06/2023**
- b. **Executive session minutes of 03/06/2023**
- c. **Treasury report**
- d. **Police Department monthly report**

Ms. Pope read the Consent Agenda items into the record.

Councilman Rasmussen 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 spoke on the Finance Committee meeting and their recommendations. Spoke on the budget process, on-going software conversion, and the upcoming audit process.

Councilman Rasmussen said the Main Street Coordinating Board will meet on April 5th at 8:30 a.m.

Councilwoman Gott talked about I Love Smyrna School District Day. The Red Sand Project will be combined with Arbor Day; it will be on April 23rd at 4 p.m. She discussed what the Red Sand Project is. Smyrna at Night is June 17th. She has not heard from anyone regarding the ball fields.

Councilwoman Forbes said that Shade Tree met on March 15th and discussed the Arbor Day event. They are honoring Cathy and Donnie Shaner. They discussed the park markers where trees used to be and planting flowering bushes. The next meeting is April 11th.

Councilman Pressley said that Charter met on the 14th. They discussed the deposit refund and it was decided that it would no longer be refunded per our policy. This will need to be changed on the website.

Town Manager Hudson asked if there was specific language. Councilman Pressley said he would send him something.

Mayor Johnson read what is currently online so that the change is clear.

The next meeting will be in April and then moving forward, will only meet quarterly like Public Safety does, unless something comes up.

Councilwoman Mann said that the ordinances can be viewed online through the website.

Councilman Brown said that the Utility Committee met on the 14th. They discussed some of the Public Works projects, developments, trash billing. The next meeting will be April 11th at 6 p.m. He commended Josh Little (Electric Supervisor), on the upcoming circuit project.

B. Police Chief –

Chief James said that the Public Safety Committee meeting is April 6th. He talked about Smyrna at Night

The Mayor said the Chief and his officers were doing a great job

C. Town Manager –

Mr. Hudson said that there was a public workshop for the Smyrna-Clayton Blvd intersection on March 30 at 6 p.m., Citizen Hose. Gave his additional time to concerned residents about sidewalks in Lake Como Woods.

PUBLIC PRESENTATION AND COMMENTS

Visitors present were Charlotte Middleton, Daniel L. Young Sr., Fred Schaber, Candace Simonini, Louis Simonini, Ken Lebo, Rick Horsey, and Corrine Upshur. Online visitors were LG24503, Josh Little, wireless caller, James, and Michael.

Resident Louis Simonini discussed when he first moved into Lake Como Woods in April 2007, they were the first, and only residents until 2009. His concern is that up until this year, he and his neighbor hadn't had a sidewalk. Throughout the development, the sidewalk is 4 feet wide, but now a sidewalk is being prepped to go in front of his home and his neighbor's at 5 feet wide.

There was further discussion about ADA, Homeowner Associations, notifications, work being done, and more. Council asked Planning and Inspections Director if there would be an issue if the sidewalk would be 4 feet instead. Senior Planner Jeremy Rothwell also offered his thoughts.

After further discussion a motion was brought on the floor to decide to be consistent with the 4 foot sidewalk or allow the 5 foot sidewalk to be installed.

Resident Rick Horsey also asked questions about being in ADA compliance.

Attorney Edwards was called on for comments. He said he can research the ADA compliance.

Town Manager Hudson reminded Council that time is of the essence as the developer was out this week constructing the sidewalk.

Councilman Pressley made a motion to keep the sidewalk at 48" (4 foot). Councilwoman Mann seconded it.

Town Manager Hudson asked if this can be voted on since it isn't on the agenda. Attorney Edwards said that this can be voted on since this topic arose at the time of the meeting. He was not sure of the implications if the Town decided to remain with the 4 feet verses the 5 feet. Audits are done periodically.

Roll call was done. 6-1 motion passed to allow the new sidewalks to remain at 4 feet instead of 5 feet. Councilwoman Forbes said no due to not enough information was available at the moment.

OLD BUSINESS

There is none.

NEW BUSINESS

- A. Certify list of candidates for the April 25th election** – Councilwoman Forbes motioned to accept the list. Motion was seconded by Councilman Brown and carried unanimously.
- B. Set date and time for 'Meet the Candidates Night'** – Councilwoman Forbes asked if there was a recommendation. Mayor Johnson asked what was done last year. Danielle Pope said she believed it was the first Tuesday in April. Councilwoman Forbes made the motion to have Meet the Candidates Night on Tuesday April 4th, 6 p.m. – 8 p.m. at Town Hall. Motion was seconded by Councilman Brown and carried unanimously.
- C. Renaming of a public street** – Mayor Johnson spoke about this. Would like a consideration of renaming Turner's Row after Senator Ennis. Councilwoman Forbes said she would like to know the history behind it being named Turner's Row. This will be added to the next meeting for further discussion.
- D. Establishment of Juneteenth as a Town Holiday** – Town Manager Hudson asked if this could be added to the holiday list or revisited annually. This is a Federal and State holiday. Councilman Rasmussen reminded all that the Mayor and Council meeting for June 19th would need to be reschedule. He then motioned to have Juneteenth as a permanent

Town Holiday. Motion was seconded by Councilman Brown and carried unanimously.

- E. Resolution Adopting the 2023 Town of Smyrna Fee Schedule** – Planning and Inspections Director George DeBenedictis and Senior Planner presented on this. There was discussion on the economic impact of the fee changes. Councilwoman Forbes made a motion to adopt the resolution. Motion was seconded by Councilwoman Gott and carried unanimously.
- F. Application from the Smyrna School District to rezone a 16.3-acre parcel at 123 Rabbit Chase Lane (1-17-02801-12-9900-00001) from R-2A Residential to I&R – Institutional and Recreational in the Town of Smyrna to comply with the 2020 Smyrna Comprehensive Plan.** – Councilman Rasmussen motioned to approve the rezone. Motion seconded by Councilman Brown and carried unanimously.

Councilwoman Mann said she voted in favor because it is in compliance of the Comprehensive Plan.

Councilwoman Gott said she voted in favor because it is in compliance of the Comprehensive Plan.

Councilwoman Forbes said she voted in favor because it was recommended by staff.

Mayor Johson said he voted in favor because it is in compliance of the Comprehensive Plan.

Councilman Pressley said he voted in favor because it is in compliance of the Comprehensive Plan.

Councilman Rasmussen said he voted in favor because it is in compliance of the Comprehensive Plan.

Councilman Brown said he voted in favor because it is in compliance of the Comprehensive Plan and staff recommendation.

- G. Application from Everest Properties, LLC to rezone a 0.39-acre parcel at 178 S. Main Street (1-17-01018-01-2100-00001) from R-3 Residential to DR – Downtown Residential in the Town of Smyrna to comply with the 2020 Smyrna Comprehensive Plan.**
- H. Application from Everest Properties, LLC to rezone a 0.38-acre parcel at 184 S. Main Street (1-17-01018-01-2200-00001) from R-3 Residential to DR – Downtown Residential in the Town of Smyrna to comply with the 2020 Smyrna Comprehensive Plan.***

G & H were read together. Councilman Rasmussen made the motion to approve the applications. Motion was seconded by Councilwoman Mann.

Councilman Brown said he voted in favor because it is in compliance of the Comprehensive Plan and staff recommendation.

Councilman Rasmussen said he voted in favor because it is in compliance of the Comprehensive Plan

Councilwoman Gott said she voted in favor because it is in compliance of the Comprehensive Plan and staff recommendation.

Councilwoman Forbes said she voted in favor because of staff recommendation.

Mayor Johnson said he voted in favor because it is in compliance of the Comprehensive Plan and staff recommendation.

Councilman Pressley said he voted in favor because it is in compliance of the Comprehensive Plan and staff recommendation.

Councilwoman Mann said she voted in favor because it is in compliance of the Comprehensive Plan and staff recommendation.

- I. **An Ordinance amending Appendix A (Zoning) of the Town Code of the Town of Smyrna to revise bulk standards for certain zoning districts, establish bulk standards and use tables, and make other miscellaneous updates.** – Councilman Rasmussen motioned to approve the Ordinance. Motion was seconded by Councilwoman Forbes and carried unanimously.

PUBLIC PRESENTATION AND COMMENTS (NON AGENDA ITEMS)

There is none.

OTHER COUNCIL BUSINESS

There is none.

EXECUTIVE SESSION

- A. **Executive session to discuss the content of documents excluded from the definition of public record in 29 Del. C. Sec. 10004(b)(2)**
- B. **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)**
- C. **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)*** - Councilwoman Forbes motioned to go into executive session. Motion was seconded by Councilwoman Mann and carried unanimously. Council went into executive session at 8:05 p.m.

Councilwoman Forbes motioned to come out of executive session. Motion was seconded by Councilman Brown and carried unanimously. Council came out of executive session as 9:44 p.m.

- D. Possible action on matters discussed in executive session**
- E. Possible action on personnel matters discussed in executive session**
- F. 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**

Councilwoman Forbes motioned to approve what was discussed during executive session. Motioned was seconded by Councilwoman Gott and carried unanimously. There was no further discussion.

ADJOURNMENT

Mayor Johnson adjourned the meeting at 9:45 p.m.