

Town of Smyrna
Town Council
June 5, 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

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, Mayor Johnson.

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

ADDITIONS/DELETIONS TO PUBLISHED AGENDA

MINUTES

Consent Agenda:

- a. Council Minutes of 06/05/2023
- b. Executive Session Minutes of 0605/2023
- c. Police Department Monthly Report

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

REPORTS

NON-AGENDA ITEMS

- a. Mayor & Council Members

The Mayor will be attending t-ball on Thursday. The Mayor spoke about Councilwoman Upshur's concerns about travel. He found a policy that states the Mayor or Town Manager would approve the Vice Mayor, the Town Manager would approve the Mayor and Mayor/Vice Mayor would approve Council. He thinks this is something they need to consider as a policy, establish budget for each council member, for conferences and other expenses. Councilwoman Forbes thinks all things should be run past council until a policy is submitted. The Mayor thinks this would help with their budget and control of the money. He thinks it will minimize micro-management.

The Mayor spoke to council about the June 20th council work session and the things that will need to be discussed.

The Mayor introduced a senior from Smyrna High School named Carl Ruffino. He spoke for several minutes about his future at Washington University with an academic scholarship. Councilman Brown thanked the Utility Committee. Again, he spoke of transparency to the residents.

Councilwoman Gott stated Sheldon Hudson and Mary Johnson will be planning the Master Parks Plan final meeting. She spoke about November 4th public event. September 9th is Family Fun Day. The white storage trailer is at the middle school having students painting wings on the trailer so residents can take a selfie and # it to Smyrna, DE. It still needs to find its permanent home. Councilman Rasmussen thanked all who came to First Friday. Smyrna at Night will be on June 17th, noon to 9pm. Main Street Coordinating Board meeting will be downstairs on June 7th.

b. Police Chief

a. Chief James spoke about his monthly report. He's been busy with Citizens Police Academy, Bicycle Safety Rodeo, Fishing Tournament, 120 kindergarteners touring the Police Department. Upcoming events include Dodge Ball Tournament, 5 week program Golf Clinic. Junior Police Academy starts June 10th. First Friday turn out was great. He thanked all the sponsors. Addressed parking issues. Up and running with mental health program and new hire.

c. Town Manager

a. Sheldon Hudson spoke about a new project starting, KRM starting construction of a warehouse and thanked Jeremy with all his help.

PUBLIC PRESENTATION AND COMMENTS

NONE

OLD BUSINESS, INCLUDING DISCUSSION & POSSIBLE ACTION

- a. Committee, Commissions and Authorities – Councilwoman Forbes stated she still need the terms for the Shade Tree Commission.
- b. Impact Fees – Vice Mayor Rasmussen spoke about possible changes to the impact fees for ambulance and fire department. Recommendation from staff is to have a study done. Asked fire department and ambulance 64 to pay a portion of the cost of the study. Cost of \$13,300.00 – with 6 to 8 week completion. Which will show growth and possible impact on the fire department and Ambulance 64.

Councilwoman Gott made a motion to approve the road modification. Motion was seconded by Councilwoman Upshur and carried unanimously.

NEW BUSINESS, INCLUDING DISCUSSION & POSSIBLE ACTION

- a. Sam Potts marker – Councilwoman Gott stated there was no space in Memorial Park. The Mayor suggested to locate a spot for the marker and Councilwoman Forbes doesn't think it should be moved. Councilwoman Gott stated that the Eastern Star put the marker there with the intention of it staying a Town Hall. Suggested asking family to get their opinions.

Councilwoman Gott stated they were ok with rededicating the marker with a new tree ceremony.

- b. Digitizing all files – Councilwoman Forbes spoke about constantly moving files and things could get lost or damaged. The documents are the history of the Town. If lost, there would be no available records. Doug Burns suggested digitizing these files at a cost of \$100,000. Doug will meet with them again after Iron Source reviews the application. Councilwoman Forbes is going to contact Public Archives to inquire about retention or forever retention. Sheldon Hudson suggested to put a guideline on a cutoff date which should be digitized.

Mayor Johnson made a motion to use the \$100,000 that is still in the RDA towards the retention project. Motion was seconded by Councilman Brown and carried unanimously. 7-0 Passed

Mayor Johnson made a motion to form a retention policy. Motion was seconded by Councilwoman Forbes and carried unanimously. 7-0 Passed.

- c. Appointment of Carol Binns to the Main Street Coordinating Board –

Councilman Rasmussen made a motion to appoint Carol Binns to the Main Street Coordinating Board. Motion was seconded by Councilwoman Forbes and carried unanimously. 7-0 Passed

- d. Locust Street sewer-related concerns – Short term - PW will install charcoal filters under all manhole covers to try and filter out any odor until the system can be updated to change the route of the sewer system from the prison to the county pump station. Force Main will bypass Smyrna's system. Speaking to County about financial support and cost sharing.
- e. Update on Lake Como Woods paving – Contractor fixing curbing and then paving and finished by end of summer. The Mayor wants to give them a deadline. Councilman Brown has conveyed resident concerns about the contractor not maintaining the open areas. PW will have a crew go out to cut grass. But the developer should be responsible for maintenance. The Mayor stated we need to monitor the developers more. We need progress reports.
- f. Update on Ashland paving – Concrete repair and paving next month. No timeline is available.
- g. Analysis on customer deposits to determine the amount of legitimate deposits and how much may need to be escheated to the State – Mayor Johnson wants to do a strong analysis on deposit accounts to verify with property owners the legitimacy.
- h. Cambria Village – Mayor Johnson spoke about an odor coming from a residence in Cambria Village. He intervened to help her navigate between the resident, channel 6 news and the developer. The Mayor confirmed there is an odor in the residence.
- i. Ordinance # 012-23 Waste Water –
Councilman Rasmussen made a motion to approve an ordinance amending the town code of the town of Smyrna and the “standard specifications and details for water mains, sanitary sewers, storm drains, streets, roads, and electric” to reduce the wastewater calculations for equivalent dwelling units (EDU) to 250 gallons per day . Motion was seconded by Councilwoman Gott and carried unanimously. 7-0 Passed

- j. Application from Maria Sammänder to rezone a 0.15-acre parcel at 326 W. Commerce Street (TM 1-17-01017-03-3100-00001) from R-3 Residential to DR – Downtown Residential in the Town of Smyrna to comply with the 2020 Smyrna Comprehensive Plan.
Councilman Rasmussen made a motion to approve the application from Maria Sammänder to rezone a 0.15-acre parcel at 326 W. Commerce Street (TM 1-17-01017-03-3100-00001) from R-3 Residential to DR – Downtown Residential in the Town of Smyrna to comply with the 2020 Smyrna Comprehensive Plan. Motion was seconded by Councilwoman Gott and carried unanimously. 7-0 Passed
- k. Ordinance #010-23 –
An ordinance amending appendix a (zoning) of the town code of the town of Smyrna to eliminate the distance requirement for most personal services in the central commercial (cc) zoning district
Councilwoman Gott made a motion to approve an ordinance amending appendix a (zoning) of the town code of the town of Smyrna to eliminate the distance requirement for most personal services in the central commercial (cc) zoning district. Motion was seconded by Councilman Rasmussen and carried unanimously. 7-0 Passed
- l. A Preliminary Category A Site Plan application from the Smyrna School District to construct a 66,000 sq. ft. two-story intermediate school and associated parking areas, playing fields, and stormwater facilities on 13.65 acres fronting the west side of Rabbit Chase Lane currently composed of all or portions of 47 vacant previously recorded residential lots (TM 1-17-02801-05-0100-0000 thru 1-17-02801-05-1500-00001, 1-17-02801-05-5200-00001 thru 1-17-02801-05-5700-00001, and 1-17-02801-05-6800-00001 thru 1-17-02801-05-9400-00001) to be consolidated with this application on lands zoned R-2A
Roger Holt spoke rectifying matters from the past, to answer questions and address landscaping and fire lanes. Jeremy Rothwell spoke about a letter of recommendation for DelDot. Spoke about new pump station for the school. Councilman Rasmussen spoke about completion of sub-division roads. Ramunno Builders are responsible for those roads.

Councilman Rasmussen made a motion to approve the Preliminary Category A Site Plan application from the Smyrna School District to construct a 66,000 sq. ft. two-story intermediate school and associated parking areas, playing fields, and stormwater facilities on 13.65 acres fronting the west side of Rabbit Chase Lane currently composed of all or portions of 47 vacant previously recorded residential lots (TM 1-17-02801-05-0100-0000 thru 1-17-02801-05-1500-00001, 1-17-02801-05-5200-00001 thru 1-17-02801-05-5700-00001, and 1-17-02801-05-6800-00001 thru 1-17-02801-05-9400-00001) to be consolidated with this application on lands zoned R-2A. Motion was seconded by Councilman Brown and carried unanimously. 7-0 Passed

PRESENTATION AND PUBLIC COMMENTS FOR NON-AGENDA ITEMS (3 MINUTES)

Resident Irene Strozski questioned Jeremy Rothwell about safety issues and who will be responsible for them. He stated that the developer would be held responsible. Once ownership was transferred, the Smyrna School District would be responsible.

Ms. Strozeski also thanked the town for going out and working in Ashland. She stated other people have been out there working, her concern is the developer is dragging their feet. She's also concerned about paving at Ashland. She does not want to go through another winter with the manhole covers that are raised.

Ms. Strozeski was also concerned about "massage parlors". Stating she was worried about establishments such as that which can attract drugs and prostitution.

Mr. Strozeski stated some concerns about residents cleaning up after their pets and was instructed to speak to their HOA's. Barrett Edwards stated the Town doesn't typically put up signs about animal waste but to check with the Chief of Police about sign placement. Enforcement would fall on the Town.

A resident spoke about the fire in Ashland and was concerned about the number of fire hydrants being too far apart. Jason McNatt stated hydrants should be color coded yellow for high water pressure and red for low water pressure. Another resident questioned the number of hydrants in the sub-division. Jason McNatt stated that PW make sure all developers are building to code. He stated that if there was a problem, the Fire Chief would have contacted them.

Another resident was concerned that the fire department did not act quickly enough in getting water to the residence.

OTHER COUNCIL BUSINESS

The Mayor spoke about Sam Potts and the tree dedication. Jason McNatt stated the replacement trees will be Dogwoods and one would be as a re-dedication of the Sam Potts Memorial. These trees have not yet been purchased but have been tagged for purchase.

Councilwoman Forbes stated she has always reviewed the expenditure reports. She has questions and was told to send them to the Town Manager and she would like them to be answered in a timely manner.

EXECUTIVE SESSION

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)

and

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)(4)

Councilwoman Forbes made a motion to go into executive session to personnel matters in which the names, competency, and abilities of individual employees will be discussed. 29 Del. C. § 10004(b)(9) as well as an 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. The motion was seconded by Councilwoman Gott and carried unanimously. 7-0 Passed

Executive session ended at 9:23 PM

Councilwoman Forbes made a motion to come out of executive session. The motion was seconded by Councilwoman Gott and carried unanimously.

ADJOURNMENT

9:24 PM A motion was made by Councilwoman Gott to adjourn. Motion was seconded by Councilwoman Forbes and carried unanimously.

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