

Town of Smyrna
Town Council
July 17, 2023 at 6:45 PM
Council Chamber, Smyrna Town Hall
27 S. Market Street Plaza, Smyrna, Delaware

MINUTES

6:45 PM - Public Hearing – Vice Mayor Rasmussen called the Public Hearing to order at 6:47 PM

A Conditional Use application from Nasir Baqi to construct a 2-story 3,240 sq. ft. two-family dwelling on a 0.15-acre vacant parcel at 115 S. Dupont Blvd (TM 1-17-01018-02-1400-00001) within the CCM – Corridor Commercial District

Jeremy Rothwell presented the Conditional Use Application. Vice Mayor Rasmussen asked if there was anyone present to speak for or against this application. No one commented.

Public Hearing was adjourned at 6:52 PM

7:00 PM - CALL TO ORDER – REGULAR MEETING

Vice Mayor Rasmussen at 7:00 PM

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Councilman Rasmussen, Councilman Pressley, Councilman Brown, Councilwoman Forbes, Councilwoman Gott and Councilwoman Upshur, Mayor Johnson - virtual.

Also present were Town Manager Sheldon Hudson, Chief Torrie James, Jason McNatt and Josh Little (virtual)

ADDITIONS/DELETIONS TO PUBLISHED AGENDA

None

MINUTES

Consent Agenda:

- a. Council Minutes of 06/20/2023
- b. Executive Session Minutes of 06/20/2023
- c. Police Department Monthly Report

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

NON-AGENDA ITEMS

a. Mayor & Council Members

Vice Mayor Rasmussen stated the next Main Street Coordinating Board Meeting will be on 08/02/2023 at 8:30 am in the Committee Conference Room

Councilwoman Gott stated there will a concert on 08/04/2023, next Park & Rec Meeting will be on 08/23/2023, and Family Fun Day will be on 09/09/2023

Councilwoman Upshur thanked Chief Thompson of the Citizens' Hose Company for the presentation about fire prevention to the residents of Hickory Hollow. She said it was a good turn out and was very informative

Councilman Brown asked about the invoice for Dossier Court, Louis Simminette (broken sprinkler system head) which was not paid. Sheldon Hudson stated he would look into it. Travis stated the bill went to the contractor and not the Town.

b. Police Chief

Chief James spoke about the Community Policing Program which has 30 youths in attendance. He also spoke about the Junior Police Academy graduating on Friday, 7/21/2023

c. Town Manager

Sheldon Hudson informed Council about the \$15,000 decrease in premiums from Pratt Insurance and Ken Lebo

PUBLIC PRESENTATION AND COMMENTS FOR AGENDA ITEMS ONLY (3 MINUTES)

Chief Thompson from Citizens' Hose Company spoke to Councilwoman Upshur about the fire prevention meeting in Hickory Hollow. He was unaware that there were so many unanswered questions about the fire in the neighborhood that destroyed one residence and damaged several others. He also educated the community on the workings of a Volunteer Fire Department.

OLD BUSINESS, INCLUDING DISCUSSION & POSSIBLE ACTION

a. Results of the study to determine the possible need for stop signs at the intersection of Dorchester Court and Fayetteville Street in the Village of Lake Shore

b. Results of the study to determine the possible need for stop signs on Bluegrass Boulevard and Pebble Creek Street

James Taylor from Verdantas initiated the study which indicated they used the 2021 Guideline for Residential Streets. The Town does not have a guideline about traffic signs but several criteria has to be met to install new traffic signs. Based on the guidelines, he stated none of the situations met the guidelines therefore, they do not recommend the installation of any stop signs. However, Council can make a decision to move forward with placing the signs.

Mayor Johnson stated his concerns about speeding in those areas. James Taylor stated that stop signs should not be used as a form of speed control.

Councilman Pressley stated this is something that council might need to have, they need to talk to staff and Chief James.

Vice Mayor advised to include this item in the next Council Work Session

NEW BUSINESS, INCLUDING DISCUSSION & POSSIBLE ACTION

- a. Possible transfer of vacant property fees to Smyrna Slum and Redevelopment Authority for 2023 at the request of the Authority

A question brought up was how much money is involved.
Jeremy Rothwell stated from \$20,000 to \$25,000/yr

Councilwoman Gott made the motion to approve to transfer vacant property fees as presented. Motion was seconded by Councilman Pressley and carried unanimously.

- b. Request from Smyrna Slum and Redevelopment Authority to keep recording the Restrictive Deed covenant and to deduct the recording fee from grant monies

Jeremy Rothwell explained how this work work

Councilman Pressley made the motion to approve to waive the grant money as presented. Motion was seconded by Councilwoman Gott and carried unanimously.

- c. Terms of Office for the Shade Tree Authority

Move to next meeting to include members and terms. There will be a charter amendment. The Shade Tree Authority will become the Shade Tree Commission.

- d. Final Presentation of the Smyrna-Clayton Blvd Intersection Master Plan by Century Engineering

Century Engineering made a Power Point Presentation showing the two options for the Smy/Clay Blvd and Rt. 300. Smyrna NPO requested a study be done by Century Engineering.

Councilman Brown questioned option 1, to make Dickinson Street a one-way into Clayton. He is concerned about the growth of the Town and we have to make changes reasonably.

Councilwoman Gott stated they have never had a fatal in that intersection in the last 5 years. Fire Chief Thompson stated that the fire department does not support option 2. He spoke with Chief James and he does agree with option 2. The Chief stated that the size of the fire trucks and trying to make a 90 degree turn in traffic do not work. He stated they still have issues from Walmart to Glenwood Avenue which still causes delays in response time for EMS and fire. Clayton FD has weighted in that they are not in favor of option 2. Citizens' Hose Company made it clear both Smyrna and Clayton FD are in favor of option 1.

Century Engineering did an online survey and received 153 responses.

Chief Thompson said when pressed for an answer, if option 2 in put in place, would the Chief work with that decision. His response was "I would have to".

Chief Engineer Dean Johnson stated that "153 people who have never driven a truck before".

- e. A Conditional Use application from Nasir Baqi to construct a 2-story 3,240 sq. ft. two-family dwelling on a 0.15-acre vacant parcel at 115 S. Dupont Blvd (TM 1-17-01018-02-1400-00001) within the CCM – Corridor Commercial District

Jeremy Rothwell shared the staff report.

Councilwoman Gott made the motion to approve the conditional use application as presented. Motion was seconded by Councilman Brown and carried unanimously.

f. Kent County Sewer rate increase

Vice Mayor Rasmussen reviewed the resolution from Kent County which states that the rate increase is eminent.

Councilwoman stated that all residents must be notified that this is coming and it will start on the July bill.

Vice Mayor said that it is a pass through rate from the County to the Town to the residents.

Sheldon Hudson asked Travis Stewart how soon could this new rate go into effect. He stated for the next billing period.

Sheldon stated it would be disclosed through newspaper, bill, website and post card.

Councilwoman Forbes made the motion to approve as a pass through to residents as presented. Motion was seconded by Councilman Brown and carried unanimously.

g. Bid award for Capital Project (East Commerce St/Locust Street) Phase III to Reybold Construction

Councilman Brown made the motion to approve bid award to Reybold Construction as presented. Motion was seconded by Councilman Brown and carried unanimously.

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

Larry Strozeski stated he did not like the epoxy color of the repairs to concrete.

Barbara Davis from Ashland wanted to know if the Town could ban a contractor from getting a permit in Smyrna and all of Delaware and how is she supposed to get the bags of concrete off her lawn? She stated the contractor is not responding. She was instructed to contact the Town Manager. There is no action the Town can take to ban a contractor.

Barb Harris from Ashland stated there is a sign blocking the view of traffic coming out of Ashland. The Town Manager advised her to contact DelDot since it is their property. Mr. Wheathersby spoke about additional lighting in Hickory Hollow and asked the Town to reconsider their decision to not add additional lighting.

Cheryl Warrington has a problem with the contractor of her development and Sheldon Hudson stated that it would be a civil matter and there is really not a lot of leverage for the Town.

Irene Strozeski stated the contractor gets its permits from the Town and should not be aloud to give them a permit. Councilman Brown stated these problems need to me in the form of a letter. Jeremy Rothwell said they can not legally ban a contractor from getting a building permit. Vice Mayor Rasmussen stated this needs to go through legal avenues.

OTHER COUNCIL BUSINESS

None

EXECUTIVE SESSION

Executive session to discuss the leasing of real property. 29 Del. C. Sec. 10004(b)(2) 14. Possible action on the matter discussed in executive session regarding the leasing of real property

Executive session to hold a strategy session with respect to collective bargaining with a labor union. 29 Del.C Sec. 10004(b)(4)

Discussion and possible action on matter discussed in executive session regarding collective bargaining.

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)

Possible action on personnel matters discussed in executive session

Councilwoman Forbes made the motion to go into executive session as Presented above. Motion was seconded by Councilwoman Gott and carried unanimously. 8:37 PM

Councilwoman Forbes made the motion to come out of executive session. Motion was seconded by Councilwoman Gott and carried unanimously. 9:23 PM

ADJOURNMENT

Vice Mayor Rasmussen made the motion to adjourn . Motion was seconded by Councilwoman Forbes and carried unanimously. 9:24 PM

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